

18.08.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Farhan, Assistant for the respondents present.

Reply/comments on behalf of respondents not submitted. Representative of the respondents requested for time to submit reply/comments. Adjourned by way of last chance. To come up for reply/comments on 06.10.2022 before S.B.

(Mian Muhammad)  
Member (E)

06.10.2022

Counsel for the appellant present. Mr. Muhammad Adeel Butt. Addl. AG alongwith Ihsanullah, AD for the respondents present.

Representative of the respondents submitted written reply/comments. Placed on file and a copy thereof handed over to learned counsel for the appellant. Adjourned. To come up for rejoinder, if any, and arguments before the D.B on 28.11.2022.

(Mian Muhammad)  
Member (E)

28/11/22

deleted from the list to come up for the same on 8/2/23

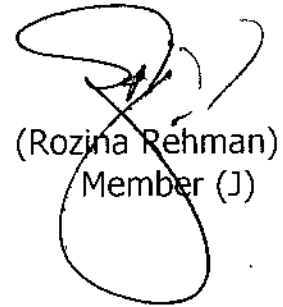
12.04.2022

Appellant present through counsel. Preliminary arguments heard. Record perused.

Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notice be issued to respondents for submission of written reply/comments. To come up for reply/comments on 30.06.2022 before S.B.

Rs-600/-  
Appellant Deposited  
Security & Process Fee

A. Farhan  
12/4/22




(Rozina Rehman)  
Member (J)

30.06.2022

Counsel for the appellant present. Mr. Kabir Ullah Khattak, Additional Advocate General alongwith Mr. Farhan, Assistant for respondents present.

Reply on behalf of respondents not submitted. Representative of the department seeks time for submission of written reply/comments. Request accepted. To come up for reply/comments on 18.08.2022 before S.B.



(Fareeha Paul)  
Member (E)

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

APPEAL NO. 560 /2021

Dr. Gul Nabi

V/S

Chief Secretary & others

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APPELLANT

THROUGH:



**TAIMUR ALI KHAN**  
**(ADVOCATE HIGH COURT)**

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

SERVICE APPEAL NO. 560 /2022

Dr. Gul Nabi, Associate Professor of Chemistry (BPS-19),  
Govt: Post Graduate College, Charsadda.

(APPELLANT)

**VERSUS**

1. The Chief Secretary Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
2. The Secretary Higher Education, Archives & Libraries Department, Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
3. The Secretary Finance Department, Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
4. The Director Higher Education Khyber Pakhtunkhwa, Peshawar.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE MEMO/ORDER DATED 03.12.2021 COMMUNICATE TO THE APPELLANT ON 28.03.2022, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT FOR CONVERSION OF LEAVE WITHOUT PAY INTO STUDY LEAVE FOR THE PERIOD W.E.F 05.09.2008 TO 11.07.2011 AND FOR RESTORATION OF ANNUAL INCREMENTS OF THE YEAR OF 2009, 2010 AND 2011 "FOR THE PERIOD WHEREBY THE APPELLANT WAS DOING HIS PHD DEGREE IN THE CHINA" HAS BEEN REJECTED WITHOUT GIVING ANY REASON

**PRAYER:**

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE MEMO/ORDER DATED 03.12.2021 MAY KINDLY BE SET ASIDE AND THE RESPONDENTS MAY BE DIRECTED TO COVERT LEAVE WITHOUT PAY PERIOD W.E.F 05.09.2008 TO 11.07.2011 INTO STUDY LEAVE AND ALSO RESTORE HIS ANNUAL INCREMENTS OF THE YEAR 2009, 2010 AND 2011 WITH ALL BACK AND CONSEQUENTIAL BENEFITS BY MODIFYING THE NOTIFICATION DATED 07.11.2008 AND NOTIFICATION DATED 26.04.2012 TO THAT EXTENT ONLY. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT, MAY ALSO, BE AWARDED IN FAVOUR OF APPELLANT.

**RESPECTFULLY SHEWTH:**

**FACTS:**

1. That the appellant has Master Degree in organic Chemistry and was appointed as Lecturer (BPS-17) in the respondent department on the 20.08.2002 and was promoted to the post of Associate Professor with the passage of time and since his appointment the appellant is performing his duty with great devotion and honesty whatsoever assigned to him and no complaint has been filed against him.
2. That the appellant was offered admission in PhD program by the Jilin University China through Chinese Scholarship Council in the year 2008 and after getting admission in Jilin University, the appellant filed an application for NOC for studying in Jilin University and study leave on 04.08.2008 w.e.f September 2008 to July 2011, on which NOC was granted to appellant on 02.09.2008 for getting admission in PhD Programme at Jilin University and comments was called by respondent No.2 from respondent No.4 through letter dated 27.09.2008 on the basis of Finance Department letter 22.09.2008 on study leave application of the appellant. The respondent department has accorded sanction to the grant of Two Years (730-days) Ex-Pakistan Leave without pay w.e.f 05.09.2008 to 04.09.2010 to the appellant vide notification 07.11.2008. It is pertinent to mention here that the appellant applied for study leave, but the respondent department sanction Ex-Pakistan leave without pay instead of study leave. (Copies of admission letter, application, NOC, letter dated 27.09.2008 and notification dated 07.11.2008 are attached as Annexure-A,B,C,D&E)

3. That the PhD programme of the appellant is about 03 years and the appellant also applied for 3 years study leave, but the authority sanctioned 02 years Ex-Pakistan leave without pay, therefore, the appellant applied on 30.06.2010 for extension for further one year from 05.09.2010 to 04.09.2011 for completion of his PhD program which was rejected on 13.01.2011. **(Copies of application and rejection letter dated 13.01.2011 are attached as Annexure-F&G)**
4. That after doing PhD in China, the appellant immediately came back to Pakistan and applied for readjustment on his post and to regularize the period from 05.09.2010 to 12.07.2011 into leave period in order to resume his service again on which correspondence was made between the respondents and lastly the competent authority accorded sanction to the grant of Extra Ordinary Leave (without pay) in respect of the appellant vide notification dated 26.04.2012. **(Copies of application and notification dated 26.04.2012 are attached as Annexure-H&I)**
5. That after joining his post the appellant filed many applications and approached to his high ups to convert his leave without pay into study leave and continuously remain in contacts with the his high ups for redressal of his grievance, but no action has taken on the request of the appellant and lastly the appellant filed departmental appeal for his grievance on 24.11.2021, which was rejected on 03.12.2021 and the rejection memo/order was communicated to the appellant on 28.03.2021. **(Copies of application, departmental appeal and rejection order dated 03.12.2021 are attached as Annexure-J,K&L)**
6. That the appellant has no other remedy except to file the instant appeal for redressal of his grievance in this Honourable Tribunal on the following grounds amongst others.

#### **GROUND:**

- A) That rejection order dated 03.12.2021 and not converting leave without pay period w.e.f 05.09.2008 to 11.07.2011 of the appellant into study leave and not restoring his annual increments of the year 2009, 2010 and 2011 are against the law, rules, superior courts judgments, norms of justice and material on record, therefore not tenable and the rejection dated 03.12.2021 is liable to be set aside and the notification dated 07.11.2008 and 26.04.2012 are liable to be modified to the extent that

the leave with out period w.e.f 04.09.2008 to 11.07.2011 of the appellant is to be converted into study leave and also restore his annual increment of the year 2009, 2010 and 2011.

- B) That the appellant has completed his five years service necessary for study leave and was entitle for half pay as per leave rules of the provincial government, but despite that the period w.e.f 05.09.2008 to 11.07.2011 was treated as leave without pay during his study in China, which is clear violation of the rules and as such the appellant is entitle to half pay by converting the period w.e.f 04.09.2008 to 11.07.2011 into study leave. **(Copy of rules is attached as Annexure-M)**
- C) That the annual increment for the year 2009, 2010 and 2011 was not granted to the appellant during study period in China which is violation of rules and as such the appellant is to be entitled for restoration of his annual increments for the year 2009, 2010 and 2011.
- D) That the appellant has properly applied for NOC and study leave and the competent authority also approved his NOC and the appellant was also entitle for study leave according the study leave rule, but the authority granted leave without pay instead of study leave, which is against law and rules.
- E) That in similar nature case reported as **2021 PLC (CS) 502**, the Apex Court hold that the civil servant shall be entitled to half pay (salary) for the duration of study leave and similarly in other similar nature case reported as **2021 PLC (CS) 1168** the Apex Court also held entitle the official for pay during study leave. **(Copy of judgments are attached as Annexure-N)**
- F) That the appellant has not been treated in accordance with law and rule and has been deprived from his legal right of half pay for the period w.e.f 04.09.2008 to 11.07.2011 and annual increment for the year 2009, 2010 and 2011 by the arbitrary manner of the respondents.
- G) That the appellant seeks permission of this Honourable Tribunal to advance others grounds and proofs at the time of hearing.

It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

  
APPELLANT

Dr. Gul Nabi

THROUGH:

  
TAIMUR ALI KHAN  
(ADVOCATE HIGH COURT)



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

SERVICE APPEAL NO. \_\_\_\_\_/2021

Dr. Gul Nabi

V/S

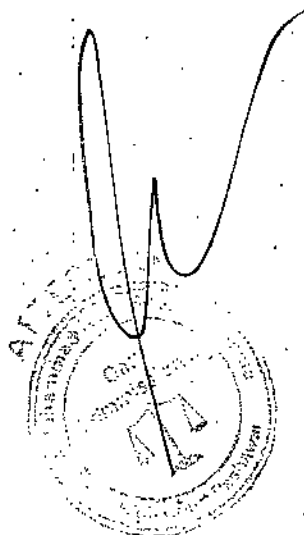
Chief Secretary & others

**AFFIDAVIT**

I, Dr. Gul Nabi, Associate Professor of Chemistry (BPS-19), Govt: Post Graduate College, Charsadda, (Appellant) do hereby affirm and declare that the contents of this service appeal are true and correct and nothing has been concealed from this Honourable Tribunal.

  
**DEPONENT**

Dr. Gul Nabi Ali  
(APPELLANT)



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

**SERVICE APPEAL NO. \_\_\_\_\_/2022**

Dr. Gul Nabi

V/S

Chief Secretary & others

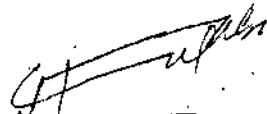
.....  
**APPLICATION FOR CONDONATION OF DELAY IN THE**  
**INSTANT APPEAL**

**RESPECTFULLY SHEWETH:**

1. That the instant appeal is pending before this Honourable Tribunal in which no date is fixed so far.
2. That the appellant applied for study leave for doing PhD at Jilin University China for the period w.e.f 05.09.2008 to 11.07.2011, however the respondent department granted leave with out pay for the period w.e.f 05.09.2008 to 11.07.2011 and also not granted increments for the year 2009, 2010 and 2011 and after joining his post the appellant filed many applications and approached to his high ups to convert his leave without pay into study leave and continuously remain in contacts with the his high ups, but no action has taken on the request of the appellant and lastly the appellant filed departmental appeal for his grievance on 24.11.2021 which was rejected on 03.12.2021 and the rejection memo/order was communicated to the appellant on 28.03.2022 which shows that the appellant was in continuous contact with the respondents for redressal of his grievance and never remain sleep on his right. Moreover the monetary benefits of the appellant is involve in the instant appeal and such like issues are recurring cause of action and no limitation run against such like issues and plethora are judgments of superior courts are present on this point.
3. That the august Supreme Court of Pakistan has held that decision on merit should be encouraged rather than knocking-out the litigants on technicalities including limitation. Therefore, appeal needs to be decided on merit (PLD-2003(SC)-724).

4. That the the instant appeal may kindly be decide on merit as the appellatant has good case to be decided on merit.

It is therefore most humbly prayed that on the basis of above submission, the instant appeal may be decided on merit by condoning the delay to meet the ends of justice.

  
**APPELLANT**  
Dr. Gul Nabi

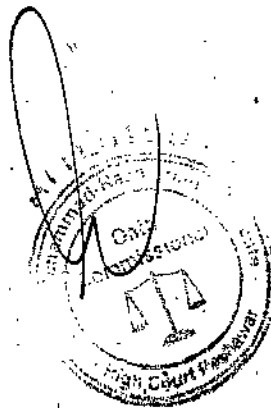
THROUGH:

  
**(TAIMUR ALI KHAN)**  
**ADVOCATE PESHAWAR**

**AFFIDAVIT**

It is affirmed and declared that the contents of application are true and correct to the best of my knowledge and belief and nothing has been concealed from this august Tribunal.

  
**DEPONENT**



A (9)

## ADMISSION NOTICE

Dear Mr. NABI, GUL,  
(Register No. 2008586001)

We are pleased to inform you that, having examined your application materials, we have decided to enroll you to study at the College of Chemistry of our university as a Doctoral Degree student in the program of Organic Chemistry taught in English from Sept 2008 to July 2011

According to the advice of the China Scholarship Council, your fees for studying in China will be covered by:

Full scholarship  (including tuition, lodging, medical care, learning material and living allowance).

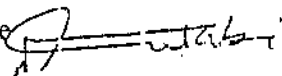
Partial scholarship: tuition ; lodging ; medical care ; learning material ;

Self-support:

If you observe the laws and decrees of China as well as the rules and regulations of the university, and also accept the Additional Conditions as follows, you may apply for the student visa (X visa) to the Chinese embassy or consulate in your country with this Admission Notice, Visa Application for Foreigners Wishing to Study in China (JW201), the original copies of your Physical Examination Record for International Traveler and your blood test reports. Please note that you must register, with these materials, at the institution of Jilin University within the period between Sept 1 to Sept 5, 2008. If you fail to register within the time limit without the permission of the university, you will be regarded as giving up this admission.

Additional Conditions:

1. Don't offer the family room.
2. The students cannot, in principle, change their majors or institutions.

Applicant's signature 

Jilin University

Date: 18-8-08

Date: May 23, 2008

Note: 1. Be sure to enter China with X visa, otherwise you will be responsible for all the possible consequences.

2. Please prepare eight copies of the photo the same size and same appearance as in the passport.

3. Please go through all the procedures of registration to our university and apply within thirty days of arrival for the residency permit to the local police authority.

Registration Location: Youyi Hui Guan, 2699 qianjin street, Changchun 130012, P. R. China

Tel: 0086-431-85166885 Fax: 0086-431-85166570 E-mail: jluwangli@126.com

To  
The Director,  
Higher Education Department,  
Government of N.W.F.P

B  
10

Subject: - APPLICATION FOR NOC AND STUDY LEAVE FOR PH.D. IN CHEMISTRY

Dear Sir,

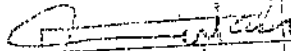
I have been offered admission in Ph.D. Program by Jilin University China for the academic year 2008. This is a three-year doctoral program from September 2008 to July 2011. For this purpose I need No.Objection Certificate and three years study leave from September 2008 to July 2011. I am highly interested in this program and wishes to complete my Ph.D from the said university in the given period.

Therefore, I request you to please kindly issue me NOC for studying in Jilin University and grant me three years study leave from September 2008 to July 2011 so that I may be able to avail this opportunity.

I will be thankful to you for issuing NOC and granting Study Leave for Ph.D Program.

Date: August 04,2008

Yours obediently,



(GUL NABI)

Lecturer in Chemistry,

Government College Badaber,

Peshawar



**GOVERNMENT OF NWFP  
HIGHER EDUCATION, ARCHIVES &  
LIBRARIES DEPARTMENT**

No. SO (C) / XI-8 / 2008.  
Dated Peshawar the 02/09/2008.

To

The President,  
Jilin University,  
China.

Subject: - **NO OBJECTION CERTIFICATE.**

Dear Sir,

I am directed to refer to the subject cited above and to say that this department has no objection on applying of Mr. Gul Nabi, lecturer in Chemistry, Govt. Degree College Badaber (Peshawar) for admission in Ph.D Programme at Jilin University China.

Yours faithfully,

(WAJID ALI)

SECTION OFFICER (COLLEGES)

Endst: No. & Date Even.

A copy of the above is forwarded for information to the Director, Higher Education w. / r to his letter No. 15687/CA-II/Estab. Branch/A-12/Gul Nabi/Chemistry dated 12.08.2008.

SECTION OFFICER (COLLEGES)



Page No. 12  
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**GOVERNMENT OF NWFP  
HIGHER EDUCATION, ARCHIVES &  
LIBRARIES DEPARTMENT**

No. SO (C) / XI-8 / 2008 / Gul Nabi.  
Dated Peshawar the 27.09.2008.

To

The Director,  
Higher Education,  
NWFP Peshawar.

Subject:

**STUDY LEAVE IN RESPECT OF MR. GUL NABI, LECTURER IN  
CHEMISTRY, GOVT. DEGREE COLLEGE BADABER PESHAWAR.**

Dear Sir,

I am directed to refer to the subject cited above and to enclose herewith a copy of Finance Department's letter No. SO (FR)FD/5-13/2008 dated 22.09.2008 for your comments and necessary action please.

ENCL. AS ABOVE.

Yours faithfully,

  
(WAJID ALI)

SECTION OFFICER (COLLEGES)

A.O.  
D. T. Clerk  
8/10/08  
7/14/08

د. سید عزیز 1696  
8/16/08



E 13

**GOVERNMENT OF N-W.F.P  
HIGHER EDUCATION, ARCHIVES &  
LIBRARIES DEPARTMENT**

Dated Peshawar the 07.11.2008

**NOTIFICATION.**

**No. SO(COLLEGES)/IX-3/2008.** The Competent Authority is pleased to accord sanction to the grant of Two Years (**730-days**) Ex-Pakistan Leave without pay w.e.f. 5.09.2008 to 4.09.2010 in respect of **Mr. Gul Nabi**, lecturer in Chemistry, Govt. Degree College Badaber (Peshawar).

SECRETARY TO GOVT OF NWFP  
HIGHER EDUCATION DEPARTMENT

Endst: No. & date Even.

A copy of the above is forwarded to:

1. Accountant General, NWFP Peshawar.
2. Director Higher Education NWFP, Peshawar with reference to his letter No. 19908/CA-II/Estab. Branch dated 10.10.2008.
3. Principal Govt. Degree College Badaber (Peshawar).
4. Officer Concerned.

  
(WAJID ALI)

SECTION OFFICER (COLLEGES)



To

F 14

The Director,  
Higher Education,  
Government of Khyber Pakhtunkhwa,  
Peshawar

Dear Sir

Reference your letter NO. SO(C)/XI-8/2008 regarding NOC for Ph.D. in Chemistry from Jilin University P.R. China and letter No. SO(COLLEGES)/IX-3/2008 for Ex Pakistan Leave w.e.f. 05-09-2008 to 04-09-2010, it is stated that I am pursuing my Ph.D. in the said university since September 2008 but it is not possible to complete my Ph.D. in two years because as per the requirements of the university I have to complete my credit hours and publish some articles in international journals.

Therefore, I need an extension for further one more year i.e. from 05-09-2010 to 04-09-2011 so that I may be able to complete all of my work and finalize the ongoing projects.

I will remain thankful to you for this act of kindness!

Dated: June 30, 2010

Yours Obediently,

  
(GUL NABI)

Lecturer in Chemistry,  
Government College Badabher Peshawar.  
Ph.D. Scholar at College of Chemistry  
Jilin University Changchun  
Jiefang Road 2519, P.R. China

GOVT. OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES &  
LIBRARIES DEPARTMENT

6/15

No. SO-(C)/IX-3/2006-07.  
Dated Peshawar the 13.01.2011.

To

The Director,  
Higher Education,  
Peshawar

SUBJECT: - EXTENSION IN EX-PAKISTAN LEAVE.

Dear Sir,

I am directed to refer to your letter No. 25889/CA-I/Estt. Branch dated 21.09.2010 and to say that request of the lecturer concerned is regretted. Hence he may be informed accordingly.

ADJUTANT  
A.O. Qasim  
22/1/2011

(BASHIR AHMAD)  
SECTION OFFICER (COLLEGES)

13/1/11

13/1/11

13/1/11

To: The Director,  
Higher Education Department,  
Government of Khyber Pakhtunkhwa

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H 16

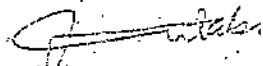
Subject: APPLICATION FOR READJUSTMENT IN EX-PAKISTAN LEAVE

With due respect, it is stated that I had been granted Ex-Pakistan leave for two years (730 days) from September 05, 2008 to September 04, 2010 for my Ph.D. in Chemistry from Jilin University China. I joined the said University on September 10, 2008 and started my Ph.D. study. However, I could not complete Ph.D. in the said period and applied for further one year extension in my leave which was regretted by the competent authority. As my Ph.D. was in progress, therefore, I could not manage to come to Pakistan. Now, I have completed my study and obtained Ph.D. degree in Chemistry from Jilin University China.

I want to rejoin the higher Education Department after obtaining Ph.D. Therefore, I request you to please regularize the period from September 05, 2010 to July 12, 2011 in my leave period, so that I could be able to resume my service once again.

I will be thankful to you!

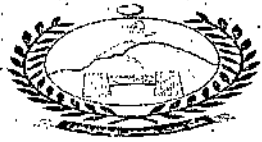
Yours sincerely,



(GUL NABI)

Lecturer in Chemistry,  
Govt. College Badsher,  
Higher Education Department,  
Govt. of Khyber Pakhtunkhwa

Dated: July 12, 2011



**GOVT. OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES &  
LIBRARIES DEPARTMENT**

I (17)

Dated Peshawar the 26.04.2012.

**NOTIFICATION**

**NO. SO(COLLEGES-II)HED/12-5/2012.** In consultation with Finance Department, the Competent Authority is pleased to accord sanction to the grant of Extra Ordinary Leave (without pay) in respect of Mr. Gul Nabi, lecturer in Chemistry (BS-17), Govt. Degree College, Badaber, Peshawar for 310-days w.e.f. 05.09.2010 to 11.07.2011, being individual hardship case under Rule-12 (4) of the Revised Leave Rules-1981 in order to regularize the service of the lecturer concerned.

The Competent Authority is further pleased to adjust the above named lecturer at Govt. Degree College, Yar Hussain, Swabi against the vacant post w.e.f. 12.07.2011 upon expiry of his Extra Ordinary Leave.

SECRETARY TO GOVT OF  
KHYBER PAKHTUNKHWA  
HIGHER EDUCATION DEPARTMENT

**ENDST: NO. & DATE EVEN.**

Copy of the above is forwarded to:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director Higher Education, Khyber Pakhtunkhwa, Peshawar.
3. Principal, GDC Yar Hussain, Swabi.
4. District Accounts Officer, Swabi.
5. Section Officer (FR), Govt. of Khyber Pakhtunkhwa, Finance Department, Peshawar w/r to his letter No. SO(FR)/FD/5-13/2010/ Vol-II dated 31.03.2012.
6. Lecturer Concerned.

**(HABIB-UR-RAHMAN)**  
SECTION OFFICER (COLLEGES-II)

Sardar  
File for Record  
5/5/12

GOVT. DEGREE COLLEGE  
YAR HUSSAIN (SWABI)

R-NO: 119

24/12/2012

J 18

The Director  
Higher Education Department  
Khyber Pakhtunkhwa

Subject: EX-POST FACTO SANCTION FOR STUDY LEAVE

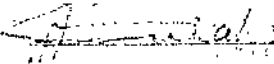
Sir

I have the honour to state that in 2008 I applied for NOC and study leave for my Ph.D in chemistry from China. I was granted NOC by this department but the study leave case could not be completed within the deadline given by the university so I was told to apply for EOL. After sanctioning of EOL I left Pakistan for China in September 2008 and came back in July 2011 after obtaining Ph.D in Chemistry. Now I am working as lecturer in chemistry in GDC Yarussein, however the department stopped my annual increments for the years 2008, 2009, 2010 and 2011 because the leave was without pay. This deduction means a loss of about Rs.3000 in my monthly salary which I cannot afford.

I would therefore request you kindly grant me ex-post facto sanctions for my study leave and reinstate all of my annual increments. I would be grateful to you for this act of kindness.

Thanks!

Dated: December 03, 2012

Yours obediently,  
  
Ghulam Nadeem  
Lecturer in Chemistry  
GDC Yarussein (Swabi)

Advt. No. 485

Dated 24/12 /2012.

Submitted for information and necessary action to the Director  
Higher Education Department for onward submission to the higher authority  
at

**PRINCIPAL**  
GDC Govt.  
Swabi, Yar Hussain (Swabi)

To

The Director, Higher Education

Government of Khyber Pakhtunkhwa

K (19)

**Subject: APPLICATION FOR CONVERSION OF LEAVE WITHOUT PAY INTO STUDY LEAVE, RESTORATION OF LOST 03 ANNUAL INCREMENTS AND PAY DUE TO LEAVE FOR PH.D.**

Dear Sir

I have the honour to state that I am working as Associate professor of Chemistry in Higher Education department. I have joined this Department as Lecturer in Chemistry on August 20, 2002. After joining this Department, I was trying for enrollment in PhD program from some reputable university. In this regard, I qualified twice for HEC funded Indigenous Scholarship and also for Overseas Scholarship but could not availed these opportunities because each time my application for study leave was regretted by the Higher Education Department due to service less than 05 years.

1. In 2008, I was offered admission in PhD program from Jilin University (PR China) vide Chinese Scholarship Council letter No.200858601, dated May 2008.
2. I was granted NOC for PhD in Chemistry from Jilin University vide Higher Education Letter No. SO(C)/XI-8/2008.
3. Meanwhile my case of study leave, that was in pipeline, get delayed and could not completed within the stipulated time.
4. The university was not ready to accept my arrival after the given deadline, 10<sup>th</sup> September, 2008. The situation was beyond my control so on consultation with higher authorities, I immediately requested for Ex-Pakistan leave and subsequently I was granted Ex-Pakistan leave (without pay) for 730 days vide letter No. SO(Colleges)IX-3/2008.
5. Thereafter, my study leave case was forwarded to Finance Department for final approval but unfortunately could not receive any correspondence in this regard from Higher Education Department.
6. As per the University criteria, minimum three years were required for getting PhD degree, so I forwarded an application along with my supervisor's letter for extension of one year in my leave. Subsequently, I was granted extra ordinary leave for extra 310 days vide letter No. SO (colleges)-IIHED/12-5/2012.
7. After getting my PhD degree I rejoined this department on 12<sup>th</sup> July, 2011.

In view of the above, it is therefore requested that my request for study leave for the period 4/9/2008 to 11/7/2011 and restoration of the corresponding 03 annual increments along with arrear may kindly be reconsidered and forwarded to the concerned higher authority for final approval.

I will be thankful to you for this act of kindness.

Dated: November 24, 2021

*Forwarded to DHE  
for favorable consideration*  
24/11/2021  
PRINCIPAL  
Postgraduate College  
Charsadda

(GUL NABI)

Associate Professor of Chemistry  
Government Postgraduate College Charsadda



**DIRECTORATE OF HIGHER EDUCATION**  
**KHYBER PAKHTUNKHWA**  
**Rano Garhi, Peshawar**

Tel # 091-2650025 / 9330496

E-mail:- [dhekpkesht@gmail.com](mailto:dhekpkesht@gmail.com) Facebook.com/dhekpkesht Twitter.com/dhekpkesht

No. 25519 / CA-1/ Estt Branch/A-11/ Gul Nabi/Chemistry

Dated Peshawar the 3 / 19 / 2021

To

The Principal  
Govt; Post Graduate College, Charsadda.

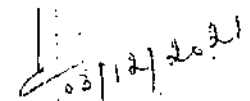
SUBJECT:

APPLICATION FOR CONVERSION OF LEAVE WITHOUT PAY  
INTO STUDY LEAVE, RESTORATION OF LOST 03 ANNUAL  
INCREMENTS AND PAY DUE TO LEAVE FOR  
P.H.D.

Respected Sir, السلام عليكم

I am directed to refer to your Endst; No. Nil dated 24.11.2021 on the application in respect of Dr. Gul Nabi, Associate Professor of Chemistry of your College on the subject cited above and to state that the request of the officer concerned has been examined and regretted being not covered under the rules.

He may be informed accordingly.

  
ASSISTANT DIRECTOR (ESTT:)



# DIRECTORATE OF HIGHER EDUCATION

## KHYBER PAKHTUNKHWA

### Rano Garhi, Peshawar

Tel # 091-2650025 / 9330496

E-mail:- [dhekpkeshe@gmail.com](mailto:dhekpkeshe@gmail.com) Facebook.com/dhekpkeshe Twitter.com/dhekpkeshe

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7386 / CA-1/ Estt: Branch/A-12/ Nabi Gul/ Chem:

Dated Peshawar the 28.3.2022

To

Mr. Gul Nabi  
Associate Professor of Chemistry  
Govt; Post Graduate College, Charsadda.

SUBJECT:

COMMUNICATION OF REPLY IN RESPONSE TO MY  
APPLICATION FOR RESTORATION OF MY LAST ANNUAL  
INCREMENTS DUE TO LEAVE WITHOUT PAY FOR PH.D  
UNDER RTI ACT, 2013.

Respected Sir,

السلام عليكم

I am directed to refer to your application dated 21.03.2022 on the subject cited above and to enclose herewith a copy of letter No. 28912 dated 03.12.2021 under RTI Act, 2013 as desired, please.

*Mahmud*  
ASSISTANT DIRECTOR (ESTT:)



M 22

No. FR (2) R 4/2003  
Government of Pakistan  
Finance Division  
(Regulations Wing)

Islamabad, the 5<sup>th</sup> June 2004

**NOTIFICATION**

S.R.O. (1)/2004. In exercise of the powers conferred by sub-section (1) of section 25 of the Civil Servants Act, 1973 (LXXI of 1973), the President is pleased to direct that the following further amendment shall be made in the Fundamental Rules, namely:

In the aforesaid Rules, in Appendix 9 in Volume II, for rule 9 the following shall be substituted, namely:

"9. The study leave should be granted with due regard to the exigencies of the public service. In no case should the grant of this leave, in combination with leave other than extraordinary leave or leave on medical certificate, involve absence of a Government servant for more than forty-eight months from regular duties, nor should it be granted with such frequency as to remove him from contact with his regular work or to cause cadre difficulties owing to his absence on leave. The study leave if taken on different occasions shall not exceed forty-eight months in entire service of a Government servant."

Sd/-  
(Muhammad Riaz)  
Section Officer

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**GOVERNMENT OF NWFP  
FINANCE DEPARTMENT**

Endst: No.SO (FR)/FD/5-1/2001 Dated 18-4-2009

A copy of the above SR which has been adopted is forwarded for information and necessary action to the:

- 1- All Administrative Secretaries to Government of NWFP Peshawar.
- 2- Senior Member Board of Revenue NWFP Peshawar.
- 3- Secretary Provincial Assembly NWFP Peshawar.
- 4- All Heads of Attached Departments in NWFP.
- 5- Secretary to Governor NWFP Peshawar.
- 6- Secretary to Chief Minister NWFP Peshawar.
- 7- All Commissioners/Deputy Commissioners /Political Agents/District and Session Judges in NWFP.
- 8- Registrar, Peshawar High Court, Peshawar.
- 9- Secretary, Public Service Commission, NWFP, Peshawar.
- 10- Registrar, Service Tribunal, NWFP Peshawar.
- 11- Secretary, Board of Revenue, NWFP, Peshawar.
- 12- All the Heads of Autonomous and Semi-Autonomous Bodies in NWFP.
- 13- Accountant General, NWFP, Peshawar.
- 14- All District/Agency Accounts Officers in NWFP.
- 15- Treasury Officer, Peshawar.
- 16- All Section/Budget Officers in Finance Department.
- 17- Director, Local Fund Audit, NWFP, Peshawar.
- 18- PS to Secretary, PAs to Additional Secretaries/Deputy Secretaries in Finance Department.

(SHAUKAT ULLAH)  
Section Officer (FR)

**Title: -**

A civil servant shall be allowed leave in accordance with the leave rules applicable to him, provided that leave will depend on the exigencies of service and be granted at the discretion of the competent authority. All service rendered by a civil servant qualifies him to earn leave but shall not be earned during leave.

**Revised leave rules, 1981: -**

**Earning: -**

Non-Vacation depart	4 days per calendar month
Vacation Department	
a. When a civil servant avails full vacation	one day per calendar month
b. When he is prevented from availing full vacation	4 days per calendar month
c. When availing himself of partly vacation	One day per calendar month
(No of days no availed/Full vacation) x 30	

**Calendar Month: -** Means a month in which duty period is 16 days or more. If proceeds in one month and returns in another month, one spell of 16 days or more will be taken into account.

**Kinds of leave -**

**(Debatable to Leave Account)**

**1. Leave on full pay at a time: -**

- 1. Without medical certificate 120 days.
- 2. With medical certificate 180 days.
- Plus
- 3. With M.C. in entire service. 365 day

**2. Leave on half pay: -**

- \* Option to convert leave, on full pay into half pay.
- \* No limit for conversion of leave on full pay into leave on half pay as long as available.
- \* Debit to leave account will be one day for two days half pay.

3. **Leave not due: -**

- \* Up-to maximum 365 days on full pay in entire service provided in first 5 years, it will not exceed 90 days.
- \* It shall be granted only when there are reasonable chances of resuming duty.
- \* To be offset against leave to be earned in future.
- \* Can be converted into half pay.
- \* Not admissible to temporary government servant.
- \* Showing by (-) minus entry in leave account.

4. **Recreation Leave: -**

- \* 15 days once a year.
- \* Debit to leave account-10 days.
- \* Not admissible in vacation department.

5. **Leave Ex-Pakistan: -**

- \* Leave on full pay who applies for such leave or who proceeds abroad during leave or takes leave while posted abroad.
- \* Leave pay shall be payable for the actual period of leave spent abroad subject to a maximum of 120 days at a time.
- \* Leave pay restricted a maximum of Rs.3000/-P.M.
- \* Leave salary in Pakistani rupees.

6. **In Service Death: -**

- \* In case a civil servant dies, a lump sum payment equal to leave pay up-to 180 days out of leave account will be made to his family.
- \* It is also admissible when declared permanently in-capacitated for further service.

7. **L.P.R. (Leave preparatory to Retirement)**

- \* Up-to maximum 365 days.
- \* Subject to availability either on full pay or partly on full pay and partly on half pay or entirely on half pay at his discretion.
- \* Shall not be combined with any other kind of leave.

8. **Encashment of L.P.R: -**

- \* Admissible up-to 180 days leave on full pay in lieu of L.P.R. if a civil servant retires on superannuation or voluntary retirement on completion of 30 years qualifying service.
- \* In case of provincial it is admissible on completion of 25 ~ years qualifying service.
- \* Drawn monthly or lump sum payment at the time of retirement.
- \* Senior post allowance will be included in leave salary.

\* If leave is taken on M.C. or for Hajj, during L.P.R. the amount will be reduced by an amount equal to the leave pay for half the period of leave taken.

9. **Overstayal after sanctioned leave:** -

- \* Not entitled to any remuneration for the period of such absence.
- \* Double the period of such absence will be debited to leave A/C.
- \* Such double debit will not preclude disciplinary action for willful absence under E& D rules.

10. **Leave due on abolition of post:** -

- \* Shall be granted without regard to the availability, of a post for the period of leave.
- \* The grant of leave in such cases, shall so long as he does not attain the age of superannuation, be deemed to have also extended the duration of post and tenure of its incumbent.

Kinds of leave not debatable to leave account

1. **Extraordinary Leave (leave without pay):** -

- \* Up-to maximum 5 years subject to 10 years continuous service.
- \* Up-to 2 years if less than 10 years service.
- \* 5 years reduced by leave on full pay, or half pay if granted in continuation with extra-ordinary leave.
- \* Admissible to permanent as well as temporary civil servant.

2. **Special Leave:** -

- \* Up-to 130 days on full pay to a female servant on production of death certificate of her husband.
- \* It is commenced from the date of death of husband.

3. **Maternity leave:** -

- \* Up-to 90 days to a female servant from the date of commencement or 45 days from the date of her confinement which ever is earlier.
- \* Not more than 3 times.
- \* In case more than 3 times, the leave will be debited to leave account.

4. **Disability leave:** -

- \* Up-to a maximum of 720 days when disabled by injury or disease contacted in consequence of duty or official position.
- \* Up-to 180 days on full pay and remaining on half pay.

5. **Study Leave:** -

- \* Up-to a maximum of 2 years on half pay in the entire service to a civil servant having five

years service to study scientific technical problems.

\* Extraordinary leave can be combined but in that case the condition of 2 years will not apply.

**6. Casual Leave: -**

\* Up-to maximum 25 days in a calendar year. (20 days for Federal)

\* Not treated as absence from duty. \* Pay is not intermitted.

\* Any balance of casual leave not availed of the lapses.

\* Cannot be combined with any other type of leave or joining time.

**7. Quarantine Leave: -**

\* Nature of Extra casual leave.

\* Admissible up-to a maximum of 21 days, but in exceptional circumstances, up-to 30 days.

\* It is granted on account of absence from duty necessitated by order not to attend office in consequence of infectious disease.

\* It is not treated as absence from duty and his pay is not intermitted.

**Other Features: -**

\* Leave may be applied for, expressed and sanctioned in term of days instead of year, and months.

\* No maximum limit of accumulation of earned leave.

\* Not necessary to specify the reason in application.

\* One type of leave may be combined with joining time or other leave but LPR cannot be combined with any other kind of leave.

\* If recalled to duty from leave compulsorily, a single return fare plus daily allowance is admissible.

\* If recalled to duty and the remaining leave is cancelled, the fare for one way journey is admissible.

\* If return from leave is optional, no concession is admissible.

**General Orders: -**

\* Leave on M.C. cannot be refused. The sanctioning authority can, however, secure second medical opinion of civil surgeon/Medical Board.

\* No permission to accept employment during leave unless permitted.

\* If employed during LPR, leave salary will be restricted to the amount of pension entitled on retirement.

\* The leave at credit lapses on the date of compulsory retirement or when he quits service.

\* Leave is earned during casual leave.

\* Leave account of gazetted Government servant is maintained by audit office and the leave

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account of a non-gazetted Government servant is maintained by Head of office.

- \* Certificate of fitness will be required to resume duty on return from medical leave.
- \* No Medical Officer may recommend leave if there is reasonable prospect of a Government servant being fit to resume the duty.
- \* Unless permitted, a civil servant may not return to duty before the expiry of the leave.
- \* Leave may not be granted during suspension.

Sanctioning Authority of Leave: -

1. The Secretary of Department concerned shall have the powers to grant sanction all kinds of leave, except study leave and disability leave, to civil servants in Grade-17 and above other than the civil servants in all Pakistan Unified Grades or Federal Unified Grades, working in Attached Departments or any other office or organization.
2. In other cases the authority competent to sanction leave other than disability leave and study leave is the Appointing Authority.

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Dated Peshawar 26<sup>th</sup> October, 1994

NOTIFICATION:

NO.FD.SO(SR.IV)5-54/80-VOL-III: In exercise of the powers conferred by Sub-Section (1) of Section 26 of the NWFP Civil Servants Act, 1973 (NWFP Act XVIII of 1973), the Governor of the NWFP is pleased to direct that the following further amendments shall be made in the NWFP Civil Servants Revised leave Rules, 1981, namely :-

In the aforesaid rules after sub rule (2) of rule -8 the following new sub-rule shall be added, namely:-

(3) A civil servant shall be entitled to the leave pay at the revised rate of pay if a general revision in pay of civil servants takes place or an annual increment occurs during the period of leave of the civil servant".

2021 P L C (C.S.) 502

[Supreme Court of Pakistan]

Present: Gulzar Ahmed, C.J. and Ijaz ul Ahsan, J

CHAIRMAN PAKISTAN ORDNANCE FACTORIES BOARD, WAH CANTT.

Versus

Dr. NAVEEDA RAUF and others

Civil Appeals Nos. 357 and 358 of 2020, decided on 9th December, 2020.

(Against the order dated 05.12.2018 passed by the Federal Service Tribunal Islamabad in Review Petition No. 126 of 2018 and order dated 28.08.2018 passed by the Federal Service Tribunal, Islamabad in Service Appeal No. 1778(R)CS of 2016)

**Fundamental Rules---**

---F.R. 84, Appendix No. 9 [the Study Leave Rules]---Study Leave---Pay and allowances, entitlement to---Medical officer (respondent) working in Pakistan Ordnance Factories Hospital went on Study leave---Competent authority treated period of study leave as Extraordinary Leave without pay and allowances---Whether the respondent was entitled to full pay whilst on Study leave---Held, that Rules governing Study Leave were contained in Appendix No. 9 to Fundamental Rule 84 (the Study Leave Rules)---Rule 20 of the Study Leave Rules clearly mentioned that Study Leave would be on half pay---Rule 19 also provided that the Government servant would draw half average pay during Study Leave---Appeals were allowed.

Haseeb Shakoor Paracha, Advocate Supreme Court, Syed Rafaqat Hussain Shah, Advocate-on-Record, Abid Masood, GM(L) POF and Asad Durrani, AM(HRM) POF for Appellant.

Hafiz S.A. Rehman for Respondent No. 1.

Rizwan Ahmed, AAO, CMA POF for Respondent No. 4.

Date of hearing: 3rd December, 2020.

**JUDGMENT**

**IJAZ UL AHSAN, J.**---Through this single judgment, we intend to decide Civil Appeals (hereinafter referred to as "CA") Nos. 357 and 358 of 2020.

2. Through the instant Appeals, the Appellant has challenged the judgment of the Federal Service Tribunal (hereinafter referred to as "The Tribunal") dated 05.12.18 in Review Petition No. 126/2018 (hereinafter referred to as "Review judgment") and Judgment dated 28.08.18 in Service Appeal No. 1778(R)CS/2016 (hereinafter referred to as "Appeal Judgment").

3. The necessary facts giving rise to this lis are that the Respondent was working in the Pakistan Ordnance Factories Hospital, Wah Cantt. (hereinafter referred to as "POF Hospital") as a General Duty Medical Officer (BPS-17). Since, POF Hospital was not recognized by the Pakistan Medical and Dental Council (hereinafter referred to as "PMDC") for postgraduate training in Radiology, the Respondent, in order to make herself eligible for promotion to a higher medical cadre, requested that she may be allowed to proceed on Study Leave for the purpose of getting her postgraduate training in Radiology from CMH, Rawalpindi. Accordingly, she submitted a leave application to the Appellant, which was accepted and she was allowed to proceed with Study Leave on certain terms and conditions. The Respondent returned on 01.09.14. The time period w.e.f. 04.03.13 to 31.08.14 was treated by the Appellant as Extraordinary Leave Without Pay and Allowances. The Respondent filed a Departmental Appeal on 22.06.16 seeking the same treatment as certain other officials of POF Hospital. Such appeal was rejected. The Respondent then filed Service Appeal No. 1778(R)CS/2016 which was allowed vide order dated 28.08.18 in the following terms.



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"(i) The period of training between 22.11.2010 to 31.08.2014 shall be treated as on duty with the period from 22.11.2011 to 20.11.2014 also to be counted as Study Leave on half average pay outside the leave account.

(ii) She would be charged normal house rent for the period from 22.11.2012 to 31.01.2014. Recovery made if any towards market rent to be adjusted/reimbursed.

(iii) Two annual increments disallowed on account of EOL to be released from the dates they become due, with all back benefits."

The Respondent being dissatisfied, filed Review Petition No. 126/2018. Vide order dated 05.12.2018 of the Appeal Judgment, the Federal Service Tribunal allowed the review on, inter alia, the following terms:-

"The period of training between 22.11.2010 to 31.08.2014 shall be treated as on duty with all ancillary benefits."

4. Leave to Appeal was granted by this Court order dated 17.03.2020 which is reproduced below for case of reference:

"Learned counsel for the Petitioner submits that the Petitioner has no cavil with the impugned judgment so far as it directs refund of house rent that was charged on normal rate and also pay post graduate allowance, but has an objection to the direction of payment of full pay to the respondents during their leave period, as such would be in violation of FR 84. He submits that judgment to that extent is in direct conflict with the provisions thereof.

2. Contention requires consideration. Leave is accordingly granted. Since a very short point is involved the office is directed to fix the matter for hearing six weeks after service of notice on the respondents. Till then no adverse action shall be taken."

5. The main argument of the learned counsel for the Appellant is that the Federal Service Tribunal could not have granted the Respondent full pay whilst on Study Leave because, as per Rule(s) 19 and 20 of the Leave Rules under FR-84 she was only entitled to half pay. He further submits that the case of the Respondent is distinguishable from that of Dr. Salik Mehmood Malik and Dr. Shazia Mumtaz because they were nominated by POF Hospital for the respective trainings, whereas, the Respondent had applied for her postgraduate training on her own and had also paid for it herself. Also, that, she had herself asked for leave without pay.

6. The main argument of the learned counsel for the Respondent is that the Respondent's case is identical to that of Dr. Salik Mehmood Malik and Dr. Shazia Mumtaz therefore, treated her differently constitutes discrimination. Further, that, deeming the period from 04.03.13 to 31.08.14 as EOL is illegal. He further relies upon the judgment reported as 2010 SCMR 1458, (Dr. Muhammad Amin v. President Zarai Taraqiati Bank Limited).

7. Since the matters of house rent and study allowance, having not been pressed by the learned counsel for the Appellant have already been dealt with in our earlier order dated 17.03.2020, the only matters before us for determination are:-

- (i) Whether the Respondent was entitled to full pay whilst on Study Leave; and
- (ii) Whether the Respondent's case is similar to those of Dr. Salik and Dr. Shazia.

Whether the Respondent was entitled to full pay whilst on Study Leave?

8. The Tribunal in the Review Judgment has reviewed paragraph 13(i) of the Appeal Judgment by deeming the time from 22.10.10 to 31.08.14 as on duty with all ancillary benefits. This effectively means that the Tribunal has held that the Respondent is entitled to full pay while on leave. We find this position to be ex facie erroneous. The rules governing Study Leave are contained in Appendix No. 9 to FR 84 (hereinafter referred to as "The Rules"). Rule 20 of The Rules clearly mentions that

Study Leave will be on half pay. Rule 19 also provides that the Government Servant will draw half average pay during Study Leave. For ease of reference, the said rules are reproduced. (31)

19. Study Leave will count as service for promotion and pension, but not for leave. It will not affect any leave which may already be due to a Government Servant; it will count as extra leave on half average pay and will be taken into account in reckoning the aggregate amount of leave on half average pay taken by the Government servant towards the maximum period admissible under the Fundamental Rules.

20. During Study Leave a Government servant will draw half pay. A Government servant may, subject to the approval of the proper authorities being obtained as required by Rule 12 or 13, undertake or commence a course of study during, leave on average pay, and, subject to Rules 15 and 16, draw study allowance in respect thereof; provided that study allowance is not drawn for an aggregate period exceeding two years during the entire service of a Government servant. This rule applied to military officers in civil employment taking leave under Fundamental Rules."

The law on the subject is clear and the Tribunal has altogether failed in notice and apply the correct rule in its Review Judgment.

Whether the Respondent's case is similar to those of Dr. Salik and Dr. Shazia?

9. The Tribunal has held in its Judgment dated 28.08.18 that the Appellant has discriminated against the Respondent as she was not treated at par with her above-mentioned colleagues. A bare perusal of the record reveals that Salik and Dr. Shazia were both nominated by the Appellant to attend different courses by POF Hospital. Whereas, the Respondent had applied for postgraduate training on her own so that she would be better qualified hence entitled to be promoted to a higher grade. She therefore applied for leave. The Respondent has herself opted for the later part of the said leave to be without pay. The cases of the afore-noted colleagues of the Respondent are therefore clearly distinguishable from the case of the Respondent. We are therefore not persuaded to hold that she was in any manner discriminated against.

10. Rule 9 of The Rules provides that Study Leave cannot exceed 48 months in combination with any other leave except extraordinary leave. The record reveals that the Respondent had herself opted for some of the time period to be treated as leave without pay. Given the situation where the Respondent has herself opted for leave without pay, she cannot at this stage turn around and claim similar treatment in line with cases which even otherwise are dissimilar and distinguishable and relate to individuals sent by the Appellant to attend Mid-Career Courses.

11. We are of the view that the learned Tribunal has incorrectly applied the law and there are patent errors in the impugned Review Judgment which warrants interference. The learned counsel for the Respondent has been unable to persuade us to endorse the view taken by the Tribunal. We accordingly set aside the judgments dated 28.08.18 and 05.12.18 passed by the Federal Service Tribunal.

12. For reasons recorded above, the appeals are allowed, and it is directed that the Respondent shall be entitled to half average salary for the duration of her Study Leave as per Rules 19 and 20 noted above.

MWA/C-22/SC

Appeals allowed.

2021 P.L.C (C.S.) 1168

[Supreme Court of Pakistan]

Present: Gulzar Ahmed, C.J., Ijaz ul Ahsan and Sayyed Mazahar Ali Akbar Naqvi, JJ

UNIVERSITY OF MALAKAND through Registrar and others

Versus

Dr. ALAM ZEB and others

Civil Appeals Nos. 902 and 903 of 2020, decided on 3rd February, 2021.

(Against the judgment dated 10.3.2020 of the Peshawar High Court, Mingora Bench, (Dar-ul-Qaza), Swat passed in Writ Petitions Nos.71-M/2019 and 108-M/2019)

**(a) University of Malakand Regulation (II of 2001)---**

---Regn. 27---Service Rules of University of Malakand, R. 89---Contract basis lecturers subsequently regularized in service---Study leave abroad---Entitlement to payment of salary during the period abroad---In the impugned judgment the High Court had rightly observed that in R. 89 of the Service Rules of University of Malakand, the word 'employee' was mentioned who was eligible to study leave with pay with the additional qualification that he must have three years of service in the University, and no distinction had been drawn in the said rule, as to whether the said employee was a regular employee of the University or his employment was on contract basis; that there was no reason to infer from the plain reading of R. 89 that the word employee occurring in the said rule meant a regular employee and the period of his employment should be on regular side and not on contract basis---Although the respondents/lecturers were appointed on contract basis on different dates in the years 2001 to 2005 but their services were regularized in the year 2007---Regular appointment orders of respondents clearly mentioned that their previous service shall be considered for the purpose of seniority, therefore, it could be concluded that the total length of service rendered by the respondents at the time of availing the leave was more than three years, which entitled them to study leave with full pay---When the statute clearly provided that study leave on full pay may be granted to an employee who had put in at least three years' service, the concerned authority ought not to have refused the respondents their right guaranteed under the statute---Appeals were dismissed.

**(b) Estoppel---**

---Statutory obligation/right---Scope---No estoppel existed against a law---Inherent power and doctrine of estoppel could not be applied to defeat the provisions of statute---As a rule of evidence estoppel could be invoked by a party, however, the same could not be accepted against the statutory obligation of a person even though one party might not have expressly claimed his right which was available to him under the law---Doctrine of estoppel did not apply against a statute and it had no application when statutory rights and liabilities were involved---If a person had been bestowed some legal right by law/statute and he omitted to claim such legal right for a certain period of time, it did not mean that he had waived his legal right and subsequently he could not claim such right.

Zarai Taraqiati Bank Limited v. Said Rehman and others 2013 SCMR 642; Union Territory, Chandigarh Admn v. Managing Society, Goswami, GDSDC AIR 1996 SC 1759 and P.R. Deshpande v. Maruti Balaram Haibatti AIR 1998 SC 2979 ref.

Khaled Rehman, Advocate Supreme Court and Muhammad Hamayun, Asst. Registrar Legal for Appellants (in both cases).

Muhammad Asif Yousafzai, Advocate Supreme Court for Respondent No. 1 (in C.A. No.902/2020).

Muhammad Asif Yousafzai, Advocate Supreme Court for Respondents Nos. 1-7 (in C.A. No.903/2020).

Muhammad Sharif Janjua, Advocate-on-Record for Respondents.

Date of hearing: 3rd February, 2021.

**JUDGMENT**

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**SAYYED MAZAHAR ALI AKBAR NAQVI, J.**---Through these appeals by leave of the Court, the appellant has called in question the vires of the impugned judgment dated 10.03.2020 passed by the Peshawar High Court, Mingora Bench, whereby the Writ Petitions filed by the respondents were allowed and the respondent No. 1 in Civil Appeal No. 902/2020 and respondents Nos. 1-7 in Civil Appeal No. 903/2020 were held entitled to payment of salary during the period they remained abroad while availing leave for higher studies, which was duly sanctioned by the competent authority.

2. Briefly stated the facts of the matter, are that respondent No. 1 in Civil Appeal No. 902/2020 and respondents Nos. 1-7 in Civil Appeal No. 903/2020 were initially appointed as Lecturers on contract basis on different dates in the years 2001 to 2005. The contract of the respondents was extended from time to time on the basis of their performance. Subsequently, their services were regularized in the year 2007. They applied for study leave abroad for the sake of higher studies (Ph.D program). Their applications were duly processed and as a consequence, those were allowed by the Vice Chancellor of the University and the respondents were allowed study leave for different tenures without payment of salary. They were also selected for overseas scholarship for higher studies due to their academic qualifications. On return after completion of their studies, they approached the appellant authority with the request that their leave without pay may be treated as leave with full pay. The request was considered by the Syndicate in its meeting held on 27.05.2013 and was turned down. The respondents then preferred review to the Syndicate, which was placed before the Syndicate in its next meeting held on 25.12.2013. The Syndicate constituted a Committee to look into the matter and report. On receipt of the report, the review was once again placed before the Syndicate in its meeting held on 28.06.2014 but it also met the same fate. Ultimately the respondents filed appeals before the Chancellor/Governor KPK but they were also dismissed vide order dated 06.11.2018. This led to their filing of Writ Petitions before the Peshawar High Court, which have been allowed vide impugned judgment dated 10.03.2020. Hence, these appeals by leave of the Court.

3. Learned counsel for the appellants inter alia contended that grant of leave is neither a vested right nor the respondents can claim the same as such; that the learned High Court has misinterpreted Rule 89 of the Service Rules of University of Malakand, according to which study leave can be granted to an employee who has put in at least three years service in the University or its constituent units; that the word 'employee' means a regular employee having three years service and not the contract employee and all the respondents were contract employees at the time when the study leave was granted to them; that the writ petitions were hit by the doctrine of laches as leave without pay was granted in the year 2007 whereas the writ petitions were filed in 2019 after a lapse of 12 years.

4. On the other hand, learned counsel for the respondents contended that although the respondents were initially appointed on contract basis but subsequently their services were regularized and their previous service was also directed to be considered for the purpose of seniority; that according to Rule 89 of the Service Rules, an employee who has three years of service on his credit can be granted leave on full pay; that the word 'employee' according to the Rules means a person who is being paid from the University funds. He lastly contended that the impugned judgment passed by the High Court is well reasoned and in accordance with the spirit of law and the same may be maintained.

5. We have heard learned counsel for the parties and have perused the record of the case.

6. Firstly, we will take the issue as to whether the writ petitions were hit by laches or not because according to learned counsel for the appellants leave without pay was granted to the respondents in the year 2007 whereas the writ petitions were filed in 2019 after a lapse of 12 years, therefore, the writ petitions were hopelessly barred by limitation. However, we have noted that although leave without pay was granted to the respondents in the year 2007 but after their return they remained knocking the door of the department to get the relief and ultimately in the year 2014 their request was turned down by the competent authority. Thereafter, they filed appeal before the Chancellor of the University i.e. Governor KPK which was rejected on 06.11.2018. In this view of the matter, it can

safely be said that finally the cause of action accrued to the respondents on 06.11.2018, therefore, the writ petitions filed on 24.01.2019 were within time.

7. Now we will advert to the question whether the word 'employee' mentioned in Rule 89 of the Service Rules covers a contract employee or does it mean a regular employee. It would be in order to reproduce the said Section, which reads as follows:-

"89. Study leave on full pay may be granted to an employee who has put in at least three years service in the University or its constituent units. It shall not be granted to an employee within three years of the date on which he/she has the option of retiring. Nor should it be granted to an employee who is about to retire on proportionate pension."

8. The learned High Court in paragraph 9 of the impugned judgment has dealt with this issue. Relevant portion of the judgment reads as under:-

"9. We have considered the respective contentions of the parties in the context of the Rules. In Rule 89, the word 'employee' is mentioned who is eligible to study leave with pay with the additional qualification that he must have three years of service in the University, and no distinction has been drawn in the said rule, as to whether the said employee is a regular employee of the University or his employment is on contract basis. Rule 4(h) of the Rules, the 'university employee' has been defined to mean a person who holds a post in the university service and who is paid from the University funds whereas 'regular appointment' has also been defined in Rule 4(f). Thus, the occurring of word 'employee' in Rule 89 appears to be intentional and not an accidental slip or a draftsman's error. Viewing the aforesaid rule through the prism of literal construction, which envisages that a word used in the statute is to be given its ordinary meaning and the Court has indeed no authority to read a word into an Act of the parliament or omit the same unless clear reason for it is to be found within the four corners of the Act itself. 'Maxwell on the Interpretation of statutes' (12th Edition) has explained this position as under:-

"It is a corollary to the general rule of literal construction that nothing is to be added to or taken from a statute unless there are adequate grounds to justify the inference that the legislature intended something which it omitted to express. Lord Mersey said: "It is a strong thing to read into an Act of Parliament words which are not there, and in the absence of clear necessity it is a wrong thing to do". "We are not entitled," said Lord Loreburn L.C. 'to read words into an Act of Parliament unless clear reason for it is to be found within the four corners of the Act itself.' A case not provided for in a statute is not to be dealt with merely because there seems no good reason why it should have been omitted, and the omission appears in consequence to have been unintentional.

We see no reason to infer from the plain reading of Rule 89 that the word employee occurring in the said rule means a regular employee and the period of his employment should be on regular side and not on a contract base because the rules itself have defined both types of employees differently in the definition clause."

9. A close reading of the above portion of the impugned judgment leaves no room to believe that the word 'employee' mentioned in Rule 89 means a regular employee. The learned High Court has very elaborately dealt with this issue and we find no reason to differ with the findings of the High Court.

10. Now the question, which remains to be decided is whether the respondents had the requisite service of three years in terms of Rule 89 *ibid* or not. Despite that the word 'employee' used in Rule 89 *ibid* means a regular employee, in the present case it would not be of any benefit for the appellant department. The record shows that although the respondents were appointed on contract basis on different dates in the years 2001 to 2005 but their services were regularized in the year 2007. It is clearly mentioned in their regular appointment orders that their previous service shall be considered for the purpose of seniority, therefore, it can be concluded that the total length of service rendered by

the respondents at the time of availing the leave was more than three years, which entitles them to study leave with full pay. (35)

11. The learned High Court in paragraph 10 of the impugned judgment has also dealt with the issue, as to when the respondents were allowed study leave then after availing the same and after joining the duties, whether they are not estopped by their conduct to claim the said study leave with full pay. The learned High Court after relying on the judgments of this Court came to the conclusion that as a rule of evidence estoppel can be invoked by a party, however, the same cannot be accepted against the statutory obligation of a person even though one party might not have expressly claimed his right which was available to him under the law. This Court in the case of Zarai Taraqiati Bank Limited v. Said Rehman and others (2013 SCMR 642) has candidly held that "there is no estoppel against law". The same view was expressed by Indian Supreme Court in the cases of Union Territory, Chandigarh Admn v. Managing Society, Goswami, GSDSC (AIR 1996 SC 1759) and P.R. Deshpande v. Maruti Balaram Haibatti (AIR 1998 SC 2979) by holding that principle of estoppel does not apply against statute and it has no application when statutory rights and liabilities are involved. As it is now well settled that no estoppel exists against law, therefore, keeping in view the facts and circumstances of the cases, we are compelled to observe that one wrong of the respondents of not claiming their right earlier cannot be acted upon as a precedent when it comes to give effect to the express words of a statute. If a person has been bestowed some legal right by law/statute and he omits to claim such legal right for a certain period of time, it does not mean that he has waived his legal right and subsequently he cannot claim such right. Inherent power and doctrine of estoppel cannot be applied to defeat the provisions of statute. When the statute clearly provided that study leave on full pay may be granted to an employee who has put in at least three years service, the appellant authority ought not to have refused the respondents their right guaranteed under the statute.

12. For what has been discussed above, we find that the learned High Court has passed a well reasoned judgment to which no exception can be taken. The appeals having no merit are accordingly dismissed with no order as to costs.

MWA/U-1/SC

Appeals dismissed.

No. 911

For Insurance Notices see reverse.  
Stamps affixed except in case of  
uninsured letters of not more than  
the initial weight prescribed in the  
Post Office Guide or on which no  
acknowledgement is due.

Rs. 72/ Ps.

Received a registered\*  
addressed to

*The Director* Date *1/1/19*

Initials of Receiving Officer

\*Write here "letter", "postcard", "packet" or "parcel"  
with the word "insured" before it when necessary.

Insured for Rs. (in figures)

*Rs. 100/-* (in words)

If insured.

Insurance  
Name and  
address  
of sender

Weight *100gms* Kilo  
Ps. (in words)  
*100gms*  
*Prinsepaul G. House*  
*Hydrabad*

**VAKALAT NAMA**

NO. \_\_\_\_\_/2021

IN THE COURT OF KP Service Tribunal Peshawar

Dr. Gul Nabi (Appellant)  
(Petitioner)  
(Plaintiff)

VERSUS

Chief Secretary & others (Respondent)  
(Defendant)

I/We, Dr. Gul Nabi

Do hereby appoint and constitute **Taimur Ali Khan, Advocate High Court Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated \_\_\_\_\_/2021

[Signature]  
(CLIENT)

ACCEPTED

[Signature]  
**TAIMUR ALI KHAN**  
Advocate High Court  
BC-10-4240  
CNIC: 17101-7395544-5  
Cell No. 0333-9390916

**OFFICE:**

Room # FR-8, 4<sup>th</sup> Floor,  
Bilour Plaza, Peshawar,  
Cantt: Peshawar



**"B"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
**JUDICIAL COMPLEX (OLD), KHYBER ROAD,**  
**PESHAWAR.**

No.

560

SB

Appeal No. .... of 20<sup>22</sup>

*Dr. Gul Nabi*

Appellant/Petitioner

*The Chief Secy* <sup>Versus</sup> *KPK Peshawal*

Respondent

(2)

Respondent No. ....

Notice to: —

*The Secy Higher Education, Archives & Libraries Department  
KPK, Civil Secretariat Peshawar*

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on.....<sup>30/06/2022</sup> at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....<sup>15th</sup>

Day of.....<sup>April</sup>.....20<sup>22</sup>

For Reply

*Received on  
26/4/22  
12:20 PM*

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same as that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.

**“B”**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.**

No.

SB

Appeal No. 560 of 2022

Dr. Gol Nabi Appellant/Petitioner

The Chief Secy <sup>Versus</sup> KPK Peshawar Respondent

Respondent No. (3)

Notice to: The Secy Finance Department, KPK, Civil Secretariat Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 30/06/2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No.....dated.....~~

Given under my hand and the seal of this Court, at Peshawar this 15/11

Day of April 2022

For Reply

Secy. Finance KPK  
Date 15/11/22

*[Signature]*

Registrar,

Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.

**"B"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.

No.

Appeal No. 560 of 20 22

Dr. Gul Nabi Appellant/Petitioner  
Versus

The Chief Secy KPK Peshawar Respondent

Respondent No. (1)

Notice to: The Chief Secy KPK, Civil Secretariat Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 30/06/2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. .... dated .....

Given under my hand and the seal of this Court, at Peshawar this 15/4 .....

Day of April 20 22

For Reply

[Signature]  
ISSUED 15/4/22

[Signature]  
Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

- Note:
1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
  2. Always quote Case No. While making any correspondence.

“B”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.

No.

*Regd*

*560*

*50*

*22*

Appeal No. *Dr. Gul Nabi* of 20

Appellant/Petitioner

*The Chief Secy ~~Venture~~ Peshawar*

*4* Respondent

*The Director Higher Education KPK, Peshawar*

Respondent No.

Notice to: —

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal <sup>*20/06/2022*</sup> on.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition. ✓

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated..... *13/6*

Given under my hand and the seal of this Court, at Peshawar this.....

*17/6*

*22*

Day of.....20

*for Regd*

*[Signature]*  
Registrar  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.

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

S.A # 560/2022

Dr. Gul Nabi.....Petitioners

**Versus**

Govt. of Khyber Pakhtunkhwa  
Through Secretary, Higher Education  
And Others.....

Respondents

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hs  
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Respondent



**DIRECTORATE OF HIGHER EDUCATION  
KHYBER PAKHTUNKHWA  
RANO GHARI, CHAMKANI STOP, PESHAWAR**

Tel # 091-2650024 / Fax # 091-2260181

E-mail:- [dhekpkesh@gmail.com](mailto:dhekpkesh@gmail.com) Facebook.com/dhekpkeshwar Twitter.com/dhekpkeshwar1

**AUTHORITY LETTER**

Mr. Ihsan Ullah, Litigation Officer (Litigation), Directorate of Higher Education is hereby authorized for submission of Parawise Comments in Service Appeal No. 560/2022 titled: Gul Nabi versus Govt; of Khyber Pakhtunkhwa on behalf of Respondents.

**Director,**

Higher Education Department  
Khyber Pakhtunkhwa Peshawar

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

S.A # 560/2022

Dr. Gul Nabi.....Petitioners

**Versus**

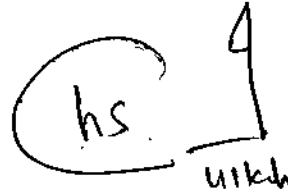
Govt. of Khyber Pakhtunkhwa  
Through Secretary, Higher Education  
And Others.....

Respondents

**AFFIDAVIT**

I, Ihsan Ullah Khan, Litigation Officer (Litigation), Higher Education Department do hereby declare and affirm on oath that the contents of "Parawise Comments" are correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Court.

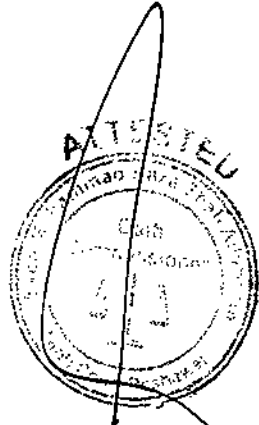
Identified By.

A handwritten signature consisting of the letters 'hs' inside a circle, followed by a vertical line and the letters 'uikkh' below it.

Deponent

CNIC # 21505-5042557-5

Contact # 0335-9549850



05 OCT 2022

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

S.A # 560/2022

Dr. Gul Nabi.....Appellant.

**Versus**

Govt. of Khyber Pakhtunkhwa  
Through Chief Secretary Khyber Pakhtunkhwa  
and others.....Respondents.

**SUBJECT: PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1 to 4**

**Respectfully Sheweth: -**

**Preliminary Objections: -**

1. That the appellant has got neither cause of action nor locus standi to file the instant Service appeal.
2. That the appellant has not come to this Honourable Tribunal with clean hands.
3. That the appellant is trying to conceal material facts.
4. That the Hon'able Tribunal lacks jurisdiction to entertain the instant appeal.
5. That the appeal in hand is hit by doctrine of laches.
6. That the appellant is estopped by his own conduct to file the instant service appeal.
7. That the departmental appeal along with Service Appeal is badly time barred.

**Facts: -**

1. Correct to the extent that the appellant was initially appointed as Lecturer on 20-08-2002 and presently working as Associate professor of Chemistry (BPS-19). But as far as the complaint is concerned, several complaints were received from students and explanations were also called from him. (**Annex-A**)
2. Correct to the extent that the appellant requested for NOC/Study leave for three years w.e.f Sep 2008 to July 2011 for pursuing Ph.D studies abroad (**Annex-B**). But in the meanwhile, the appellant submitted another application wherein he requested for Ex. Pakistan leave for two years w.e.f 05-09-2008 or from the date of availing. (**Annex-C**) The leave case was sent to the provincial Govt; in the light of Revised Leave Rules 1981. According to the Revised Leave Rules 1981, a civil servant having 10 years and above continuous service is entitled for 5 years EOL (without pay) while those having less than 10 years are entitled for 02 years EOL (without pay) (**Annex-D**). At the time of apply for leave, the service of the appellant was less than 10 years (**Annex-E**). Therefore, the competent Authority accorded sanction for 730 days EOL (without pay) w.e.f 05-09-2008 to 04-09-2010 vide Notification dated: 07-11-2008 (**Annex-F**).
3. Correct to the extent that the appellant applied for extension for further one year w.e.f 05-09-2010 to 04-09-2011 vide application dated: 30-06-2010 (**Annex-G**) and his application was sent to the Provincial Govt;, whereby the case was regretted by the Competent Authority vide letter dated: 13-01-2011 (**Annex-H**).
4. Correct to the extent that the appellant submitted his arrival report on 12-07-2011 (**Annex-I**) and also requested for adjustment and sanction of leave of 310 days as already availed by him (**Annex-J**). Consequently, his case was sent to the Provincial Govt; whereby the Competent Authority accorded sanction of EOL



(without pay) for 310 days w.e.f 05-09-2010 to 11-07-2011 being individual hardship case vide Notification dated: 26-04-2012 (**Annex-K**)

5. Correct that the departmental appeal was regretted by the Competent Authority being devoid of merits as the department has already taken a convenient way while granted 310 days EOL (without pay) which was already availed by him (**Annex-L**)
6. That the appellatant has got no cause of action to file instant Service Appeal.

**Grounds: -**

- A. Incorrect as already explained in the preceding paras of facts. Moreover, the appellatant is also not entitled for annual increment.
- B. Incorrect. As already explained in the preceding paras of facts.
- C. Incorrect. As already explained in the preceding paras of facts.
- D. Incorrect. As already explained in the preceding paras of facts.
- E. Each case has its own merits and facts, which can be decided in accordance with the rules in vogue.
- F. Incorrect as already explained in the preceding paras of facts and grounds.
- G. That the respondent may be allowed to raise additional ground at the time of arguments.

**Prayers: -**

It is, therefore, humbly prayed that the instant service appeal is based on misconception/ misstatement, hence may graciously be dismissed with cost.

  
**Chief Secretary,**


for Govt. of Khyber Pakhtunkhwa  
 Respondent No. 01

  
**Secretary,**

Higher Education Department  
 Respondent No. 02

  
**Secretary Finance,**

Govt. of Khyber Pakhtunkhwa  
 Respondent No. 03

  
**Director,** 16/8/2022

Directorate of Higher Education  
 Respondent No. 04



AS 76  
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Office of the Principal  
Govt Degree College Yar Hussain  
District Swabi.

No. \_\_\_\_\_ / PF Gul Nabi Lec:

Dated 15/9/2012.

To

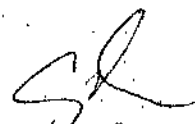
Mr. Gul Nabi Lecturer  
(Chemistry)

SUBJECT:- EXPLANATION  
Memo:-

You were found absent from duty on 15/9/2012.

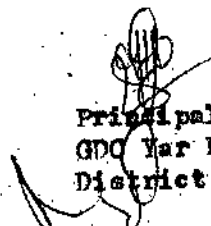
You are directed to explain, why disciplinary action against you may not be taken against you under ESD rules 1973.


Your explanation should reach to the undersigned within two days positively.

  
Principal  
GDC Yar Hussain  
District Swabi.

Enclat No. 788

Copy to the :- Director Higher Education KPK Peshawar.

  
Principal  
GDC Yar Hussain  
District Swabi.

Attested  


CAE  
13007

Office of the Principal  
Govt Degree College Yaf Hussain  
District Swabi.

No. 255 / PF Gul Nabi Lec

Dated 15/9 /2012.

To

Mr. Gul Nabi Lecturer  
(Chemistry)

SUBJECT:- EXPLANATION  
Memo:-

You were found absent from duty on 15/9/2012.

You are directed to explain, why disciplinary action against you may not be taken against you under EMP rules 1973.

Your explanation should reach to the undersigned within two days positively.

Principal  
GDC Yaf Hussain  
District Swabi.

Enclt No. 255

Copy to the :- Director Higher Education YPK, Peshawar.

Principal  
GDC Yaf Hussain  
District Swabi.

Office of the Principal Govt Degree College Yar Hussain Swabi.,

7 A 5  
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No. \_\_\_\_\_

Dated 29/9/ 2012.

To

Mr. Gul Nabi  
Lecturar in Chemistry  
GDC Yar Hussain (Swabi).

Subject:- Explanation  
Memo:-

You were absent from duty on 27.9.2012 and 28.9.2012 without information/application to the undersigned ~~to the undersigned~~. You are therefore, directed to explain your position that why disciplinary action should not be taken against you under & E.D rules 1975 your reply should reached the undersigned within three days otherwise strick action will be taken against you.

*edl*  
Principal  
GDC Yar Hussain  
District Swabi.

Enclat:No. 398

Copy to the :-

Director Higher Education KPK Peshawar with the request that the above named officer is not suitable person for this college and provide us another lecturar in place of Gul Nabi lecturar in chem: because the time of the students will not be suffered.

*[Signature]*  
Principal  
GDC Yar Hussain  
District Swabi.

*Attested*  
*[Signature]*

Sweet

*CA II*  
*13008*

*5-10-12*

Office Of The Principal  
Govt. Degree College, Shabqadar.

Ph.# 091-6290600. Email. [bssqr@gmail.com](mailto:bssqr@gmail.com) Date: 18-09-2018

809  
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B

To,

Dr. Gul Nabi.  
Assistant Professor,  
Govt. Degree College.  
Shabqadar.

Subject: **EXPLANATION.**


WHEREAS on 17-09-2018 you were found absent from your gate duty without any cogent and reasonable ground. Needless to mention that you had not performed the said duties in the previous week as well.

You are therefore directed to explain your position as to why you should not be forwarded to the competent authority for disciplinary action.

Your reply must reach this office within two days

Attested  
D. I.  
W. W.

c/o

  
Principal,  
Govt. Degree College,  
Shabqadar.

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32/13  
52

OFFICE OF THE PRINCIPAL GOVT DEGREE COLLEGE SHABQADAR

PH# 091-6290600, Email: [bsgdcscr@gmail.com](mailto:bsgdcscr@gmail.com)

Dated: 15-10-2018

No:

To:

Dr. Gul Nabi,  
Assistant Professor of Chemistry,  
Govt. Degree College,  
Shabqadar.

Subject: EXPLANATION.

Whereas, you were called for explanation, vide Endost: No, 256, Dated 18/09/2018, and 28/09/2018 for your negligence towards the directive of the undersigned regarding your gate duty with other staff members of the college. But you showed no response to the explanation by submitting no reply to the same within the given days.

2. Furthermore during the round of the undersigned, it was noticed that you have remained absent from your gate duty and joined your/class late by 25 minutes today on 15/10/2018.

However, you are once again directed to furnish your reply to the cited explanation within two days, failing which you will be forwarded to the competent authority for the requisite disciplinary action.

Principal,

Govt. Degree College Shabqadar

Attested  
Principal

Endst: No \_\_\_\_\_

Copy forwarded to the:-

✓ Director Higher Education Khyber Pakhtunkhwa, Peshawar.

Principal,

10 # E 14  
A 51



**GOVT. DEGREE COLLEGE SHABQADAR**  
**CHARSADDA**



No. 298

Dated: 24-10-2018

To,  
Dr. Gul Nabi,  
Assistant Professor of Chemistry,  
GDC Shabqadar.

Subject: EXPLANATION

WHEREAS, today on 24-10-2018, you were called for an urgent meeting (held at 11:30 hours) regarding BS programme along with other HODs and Time Table In charge of this college. They all attended the meeting but you failed to do so despite you were personally called through Rehman Malik, Naib Qasid of the office of undersigned.

You are therefore directed to explain your position as to why you should not be forwarded for disciplinary action against you by the competent authority. Your reply must reach this office within TWO DAYS (02) positively.

Attested

PRINCIPAL  
GDC SHABQADAR

Copy for information to,

1. The Director, Higher Education Department, KPK, Peshawar.
- ✓ 2. Office record.

PRINCIPAL  
GDC SHABQADAR





**DIRECTORATE OF HIGHER EDUCATION**  
**KHYBER PAKHTUNKHWA**  
**KHYBER ROAD, PESHAWAR**

Tel # 091-9210242 / 9211025 Fax # 091-9210215

E-mail:- [dhekpesh@gmail.com](mailto:dhekpesh@gmail.com) Facebook.com/dhekpeshawar Twitter.com/dhekpeshawar1

No. / CA-1/ Estt: Branch/A-12/Dr. Gul Nabi, Chemistry Dated Peshawar the / / 2018

To

The Principal,  
Govt; Degree College, Shabqadar,  
Charsadda.

SUBJECT

EXPLANATION.

Respected Sir,

السلام عليكم

I am directed to refer to your letter No. 292 dated 15.10.2018 on the subject cited above and to state that the reply to the explanation of the officer concerned may be sent to this office alongwith your comments.

*S. Nabi 05/11/18*  
DY: DIRECTOR (ESTABLISHMENT)

Endst; No. \_\_\_\_\_/

Copy of the above is forwarded to Dr. Gul Nabi, Assistant Professor of Chemistry, Govt; Degree College, Shabqadar, Charsadda with the direction to improve your performance towards official duties, otherwise disciplinary action will be initiated against you under Efficiency and Discipline Rules, 2011.

Attested  
*hs*  
DY: DIRECTOR (ESTABLISHMENT)

12 B 99

The Director,  
Higher Education Department,  
Government of N.W.F.P

**Subject: - APPLICATION FOR NOC AND STUDY LEAVE FOR PH.D. IN CHEMISTRY**

Dear Sir,

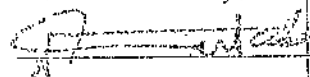
I have been offered admission in Ph.D. Program by Jilin University China for the academic year 2008. This is a three-year doctoral program from September 2008 to July 2011. For this purpose I need No Objection Certificate and three years study leave from September 2008 to July 2011. I am highly interested in this program and wish to complete my Ph.D. from the said university in the given period.

Therefore, I request you to please kindly issue me NOC for studying in Jilin University and grant me three years study leave from September 2008 to July 2011 so that I may be able to avail this opportunity.

I will be thankful to you for issuing NOC and granting Study Leave for Ph.D Program.

Date: August 04, 2008

Yours obediently,



(GUL NABI)

Lecturer in Chemistry,  
Government College Badaber,  
Peshawar

Attested



13

B1

**DIRECTORATE OF HIGHER EDUCATION  
GOVERNMENT OF N.W.F.P**

Phone No.9211025-9210217 Fax No.3210242

No. 19908 /CA-II/Estt: Branch

Dated Peshawar the 10/X/2008

To

The Section Office (Colleges)  
Govt. of NWFP,  
Higher Education Department.

Subject:- APPLICATION FOR NOC & LEAVE TO PROCEED ABROAD.  
Memo:

In continuation of this office letter No. 17032/CA-II/Estt. Branch/Gul Nabi/Chemistry dated 25-8-2008, enclosed find herewith an application on prescribed form in respect of Mr. Gul Nabi Lecturer in Chemistry GDC, Badaber (Peshawar) for grant of Ex-Pakistan leave for two years (without pay) w.e.f 5-9-2008 or from the date of availing for further necessary action.

It is therefore, requested that the case may be considered as per rules / policy.

  
**DEPUTY DIRECTOR  
HIGHER EDUCATION, NWFP**

Endst. No. 19908

Copy of the above is forwarded to the Principal GDC, Badaber (Peshawar) w/r to his letter No. 547 dated 29-8-2008.

  
**DEPUTY DIRECTOR  
HIGHER EDUCATION, NWFP**

*Attested*



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The Director,  
Higher Education Department  
Government of N.W.F.P

**Subject: - APPLICATION FOR NOC & EX-PAKISTAN LEAVE**

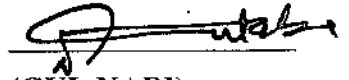
Dear Sir

I am working as lecturer in Chemistry Since August 20, 2002. I have got an opportunity in China to improve my education. For this purpose I need two years leave. Therefore, I request you to please grant me two years leave so that I may be able to proceed to China and avail this opportunity of improving my Education.

I will be grateful to you for this act of kindness!

Dated: August 23, 2008

Yours Obediently,



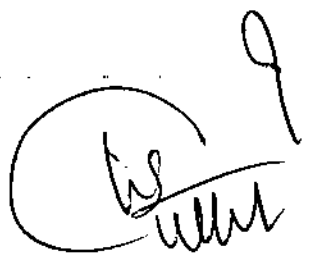
(GUL NABI)

Lecturer in Chemistry,

Government College Badaber,

Peshawar

*Attested*



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APPLICATION FOR LEAVE

Notes:- Item 1 to 9 must be filled in by all applicants. Item 12 applies only in the case of Government servants of B.P.S. 16 and above.

- 1. Name of applicant. **Qul Nabi**
  - 2. Leave Rules applicable **Revised service Rules-1981**
  - 3. Post held. **Lecturer**
  - 4. Department or office. **Education Department (Govt. College Badaber)**
  - 5. Pay. **Basic Pay = 13,550**
  - 6. House Rent Allowance/Conveyance Allowance or other compensatory allowances drawn in the present post. **HRH: SAA: 2955+1071+ SRA: 1071+1312DA**
  - 7. (a) Nature of leave applied for. **Ex-pakistan leave without pay**
  - (b) Period of leave in days. **730**
  - (c) Date of commencement. **5-09-08 or from the date available**
  - 8. Particular Rule/Rules under which leave is admissible.
  - 9. (a) Date of return from last leave. **5-09-08 Nil**
  - (b) Nature of leave. **— Nil**
  - (c) Period of leave in days. **730**
- Date **29-08-08**..... Signature of applicant. **[Signature]**

10. Remarks and recommendation of the Controlling Officer.

11. Certified that leave applied for is admissible under Rule **revised service rules 1981** and necessary conditions are fulfilled.

Date ..... **29-08-08** Signature **[Signature]**  
 Designation **PRINCIPAL**  
**GOVT. DEGREE COLLEGE,**  
**BADABER (DISTT. PESHAWAR)**

12. Report of Audit Officer.

Date ..... Signature  
 Designation

13. Orders of the sanctioning authority certifying that on the expiry of leave the applicant is likely to the same post carrying the compensatory allowance being drawn by him.

Date **29-08-08** Signature **[Signature]**  
 Designation **[Signature]**

*Certified that Mr Qul Nabi Lecturer Govt College Badaber Peshawar is appointed on 20/3/2002. He has more than 5 years service. He is entitled to avail 730 days leave without pay under the revised leave rules 1981.*

**[Signature]**  
 Asstt. Accountant General  
 N.W.F.P. Peshawar  
 30/8/08

*Attested*  
*[Signature]*



**KHYBER PAKHTOONKHWA,  
KHYBER ROAD PESHAWAR**

Phone # 091-9210242, 9211025/Fax # 9210215

16  
17/5  
E

No. 22632 / CA-11/Estt: Branch/A-12/Gul Nabi/Chemistry

Dated Peshawar the 4/8 /2010

To

The Section Officer (Colleges)  
Govt; of Khyber Pakhtoonkhwa  
Higher Education Department Peshawar.

SUBJECT

EXTENSION IN EX-PAKISTAN LEAVE.

Dear Sir,

I am directed to enclose herewith a self-explanatory alongwith progress report in respect of Mr. Gul Nabi Lecturer in Chemistry Govt; Degree College, Badaber (Peshawar) for extension in Ex- Pakistan leave for a period of further one year wef 05.09.2010 to 04.09.2011 for completion of Ph.D studies at Jilin University, China for necessary action with the remarks that the lecturer concerned was granted two years Ex-Pakistan leave (without pay) with effect from 05.09.2008 to 04.09.2010 vide Notification No. SO (Colleges) IX-3/2008 dated 07.11.2008 (Copy attached). Now he has requested for extension in Ex-Pakistan leave for further one year wef 05.09.2010 to 04.09.2011 for completion of his Ph.D studies.

It is worthwhile to state that that lecturers having 10 years and above service are entitled for 05 years Extra Ordinary Leave (without pay) while those having less than 10 years service are entitled for 02 years Extra Ordinary Leave as per Revised Leave Rules, 1981.

The lecturer concerned is working in this Department since 20.08.2000 and his service is less than 10 years. Since the lecturer concerned has already availed 02 years Extra Ordinary Leave (without pay) and the leave applied by him is beyond his entitlement as such he is not entitled for further Extra Ordinary Leave.

It is requested that the case may be considered as per rules, please.

Endst: No. 22633

BY: DIRECTOR (ESTABLISHMENT)

*[Signature]*  
4.8.2010

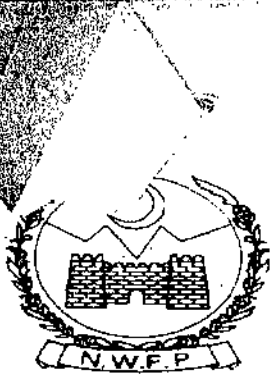
Copy of the above is forwarded to the Principal Govt; Degree College, Badaber (Peshawar).

BY: DIRECTOR (ESTABLISHMENT)

*[Signature]*  
4.8.2010

Attended

*[Signature]*



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F T  
#3

GOVERNMENT OF N-W.F.P  
HIGHER EDUCATION, ARCHIVES &  
LIBRARIES DEPARTMENT

Dated Peshawar the 07.11.2008

**NOTIFICATION.**

**No. SO(COLLEGES)/IX-3/2008.** The Competent Authority is pleased to accord sanction to the grant of Two Years (**730-days**) Ex-Pakistan Leave without pay w.e.f. 5.09.2008 to 4.09.2010 in respect of **Mr. Gul Nabi**, lecturer in Chemistry, Govt. Degree College Badaber (Peshawar).

SECRETARY TO GOVT OF NWFP  
HIGHER EDUCATION DEPARTMENT

Endst: No. & date Even.

A copy of the above is forwarded to:

1. Accountant General, NWFP Peshawar.
2. Director Higher Education NWFP, Peshawar with reference to his letter No. 19908/CA-II/Estab. Branch dated 10.10.2008.
3. Principal Govt. Degree College Badaber (Peshawar).
4. Officer Concerned.

1747  
12/11/08

  
(WAJID ALI)  
SECTION OFFICER (COLLEGES)

1013

Attested



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To

The Director,  
Higher Education,  
Government of Khyber Pakhtunkhwa,  
Peshawar

Dear Sir

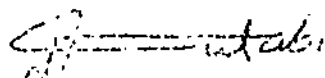
Reference your letter NO. SO(C)/XI-8/2008 regarding NOC for Ph.D. in Chemistry from Jilin University P.R. China and letter No. SO(COLLEGES)/IX-3/2008 for Ex Pakistan Leave w.e.f. 05-09-2008 to 04-09-2010, it is stated that I am pursuing my Ph.D. in the said university since September 2008 but it is not possible to complete my Ph.D. in two years because as per the requirements of the university I have to complete my credit hours and publish some articles in international journals.

Therefore, I need an extension for further one more year i.e. from 05-09-2010 to 04-09-2011 so that I may be able to complete all of my work and finalize the ongoing projects.

I will remain thankful to you for this act of kindness!

Dated: June 30, 2010

Yours Obediently,



**(G. NABI)**

Lecturer in Chemistry,  
Government College Badabher Peshawar.  
Ph.D. Scholar at College of Chemistry  
Jilin University Changchun  
Jiefang Road 2519, P.R. China

14621  
13/7/2010

Accepted





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GOVT. OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES &  
LIBRARIES DEPARTMENT

6/15

No. SO (C) / IX-3 / 2006-07.  
Dated Peshawar the 13.01.2011.

To

The Director,  
Higher Education,  
Peshawar.

SUBJECT: - EXTENSION IN EX-PAKISTAN LEAVE.

Dear Sir,

I am directed to refer to your letter No. 25889/CA-I/Estt. Branch dated 21.09.2010 and to say that request of the lecturer concerned is regretted. Hence he may be informed accordingly.

DD CHEL  
A. O. Basir  
22/1/2011

(BASHIR AHMAD)  
SECTION OFFICER (COLLEGES)

19/1/11

Attached

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Handwritten signature

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To,

The Director,  
Higher Education Department,  
Government of Khyber Pakhtunkhwa

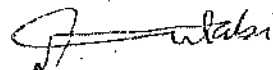
Subject: APPLICATION FOR READJUSTMENT IN EX-PAKISTAN LEAVE

With due respect, it is stated that I had been granted Ex-Pakistan leave for two years (730 days) from September 05, 2008 to September 04, 2010 for my Ph.D. in Chemistry from Jilin University China. I joined the said University on September 10, 2008 and started my Ph.D. study. However, I could not completed Ph.D. in the said period and applied for further one year extension in my leave which was regretted by the competent authority. As my Ph.D was in progress, therefore, I could not manage to come to Pakistan. Now, I have completed my study and obtained Ph.D. degree in Chemistry from Jilin University China.

I want to rejoin the higher Education Department after obtaining Ph.D. Therefore, I request you to please regularize the period from September 05, 2010 to July 12, 2011 in my leave period, so that I could be able to resume my service once again.

I will be thankful to you!

Yours sincerely,

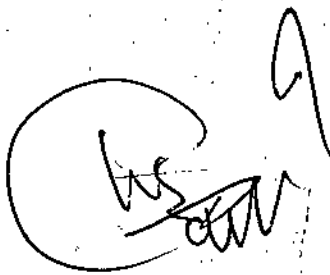


(GUL NABI)

Lecturer in Chemistry,  
Govt. College Badsher  
Higher Education Department,  
Govt. of Khyber Pakhtunkhwa

Dated: - July 12, 2011

Attested



21  
J  
245

The Director Higher Education

Government of Khyber Pakhtunkhwa

**Subject: APPLICATION FOR CONVERSATION OF LEAVE WITHOUT PAY INTO STUDY LEAVE, RESTORATION OF LOST 03 ANNUAL INCREMENTS AND PAY DUE TO LEAVE FOR PH.D.**

Dear Sir

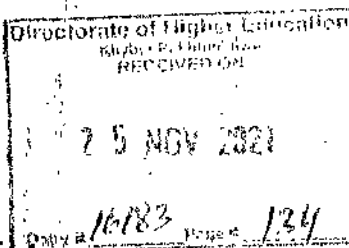
I have the honour to state that I am working as Associate professor of Chemistry in Higher Education department. I have joined this Department as Lecturer in Chemistry on August 20, 2002. After joining this Department, I was trying for enrollment in PhD program from some reputable university. In this regard, I qualified twice for HEC funded Indigenous Scholarship and also for Overseas Scholarship but could not availed these opportunities because each time my application for study leave was regretted by the Higher Education Department due to service less than 05 years.

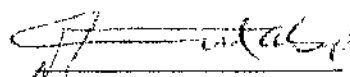
1. In 2008, I was offered admission in PhD program from Jilin University (PR China) vide Chinese Scholarship Council letter No.200858601, dated May 2008.
2. I was granted NOC for PhD in Chemistry from Jilin University vide Higher Education Letter No. SO(C)/XI-8/2008.
3. Meanwhile my case of study leave, that was in pipeline, get delayed and could not completed within the stipulated time.
4. The university was not ready to accept my arrival after the given deadline, 10<sup>th</sup> September, 2008. The situation was beyond my control so on consultation with higher authorities, I immediately requested for Ex-Pakistan leave and subsequently I was granted Ex-Pakistan leave (without pay) for 730 days vide letter No. SO(Colleges)EX-3/2008.
5. Thereafter, my study leave case was forwarded to Finance Department for final approval but unfortunately could not receive any correspondence in this regard from Higher Education Department.
6. As per the University criteria, minimum three years were required for getting PhD degree, so I forwarded an application along with my supervisor's letter for extension of one year in my leave. Subsequently, I was granted extra ordinary leave for extra 310 days vide letter No. SO (colleges)-HHED/12-5/2012.
7. After getting my PhD degree I rejoined this department on 12<sup>th</sup> July, 2011.

In view of the above, it is therefore requested that my request for study leave for the period 4/9/2008 to 11/7/2011 and restoration of the corresponding 03 annual increments along with arrear may kindly be reconsidered and forwarded to the concerned higher authority for final approval.

I will be thankful to you for this act of kindness.

Dated: November 24, 2021





(GUL NABI)

Associate Professor of Chemistry

Government Postgraduate College Charsadda

Forwarded to DHE  
for favorable consideration.

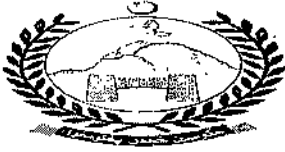
Attest  


24/11/2021  
OFFICE OF THE  
DIRECTOR  
GOVERNMENT POSTGRADUATE COLLEGE  
CHARSADDA

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**GOVT. OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES &  
LIBRARIES DEPARTMENT**

Dated Peshawar the 26.04.2012.

**NOTIFICATION**

**NO. SO(COLLEGES-II)HED/12-5/2012.** In consultation with Finance Department, the Competent Authority is pleased to accord sanction to the grant of Extra Ordinary Leave (without pay) in respect of Mr. Gul Nabi, lecturer in Chemistry (BS-17), Govt. Degree College, Badaber, Peshawar for 310-days w.e.f. 05.09.2010 to 11.07.2011, being individual hardship case under Rule-12 (4) of the Revised Leave Rules-1981 in order to regularize the service of the lecturer concerned.

The Competent Authority is further pleased to adjust the above named lecturer at Govt. Degree College, Yar Hussain, Swabi against the vacant post w.e.f. 12.07.2011 upon expiry of his Extra Ordinary Leave.

SECRETARY TO GOVT OF  
KHYBER PAKHTUNKHWA  
HIGHER EDUCATION DEPARTMENT

**ENDST: NO. & DATE EVEN.**

Copy of the above is forwarded to:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director Higher Education, Khyber Pakhtunkhwa, Peshawar.
3. Principal, GDC Yar Hussain, Swabi.
4. District Accounts Officer, Swabi.
5. Section Officer (FR), Govt. of Khyber Pakhtunkhwa, Finance Department, Peshawar w/r to his letter No. SO(FR)/FD/5-13/2010/ Vol-II dated 31.03.2012.
6. Lecturer Concerned.

**(HABIB-UR-RAHMAN)**  
SECTION OFFICER (COLLEGES-II)

Attended

CA-II  
3047  
7/5/2012

Addressed  
7/5/12

CA II  
For m/g/12  
45



**DIRECTORATE OF HIGHER EDUCATION**

**KHYBER PAKHTUNKHWA**

**Rano Garhi, Peshawar**

Tel # 091-2650025 / 9330496

E-mail:- [dhekpkesh@gmail.com](mailto:dhekpkesh@gmail.com) Facebook.com/dhekpkeshwar Twitter.com/dhekpkeshwar

No. 38819 / CA-1/ Estt: Branch/A-12/ Gul Nabi/Chemistry

Dated Peshawar the 3 / 11 / 2021

To

The Principal  
Govt; Post Graduate College, Charsadda.

SUBJECT: APPLICATION FOR CONVERSION OF LEAVE WITHOUT PAY INTO STUDY LEAVE, RESTORATION OF LOST 03 ANNUAL INCREMENTS AND PAY DUE TO LEAVE FOR PH.D.

Respected Sir, السلام عليكم

I am directed to refer to your Endst; No. Nil dated 24.11.2021 on the application in respect of Dr. Gul Nabi, Associate Professor of Chemistry of your College on the subject cited above and to state that the request of the officer concerned has been examined and regretted being not covered under the rules.

He may be informed accordingly.

*3/11/2021*  
ASSISTANT DIRECTOR (ESTT:)

*Attested*  
*9*  
*W. Ahmad*