

**BEFORE THE KHYBER PAKTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 7919/2021

Nazir Ahmad S/O Sadar Khan R/O Faizabad Saidu Sharif, District Swat.

.....Appellant

Khyber Pakhtunkhwa  
Service Tribunal

Versus

Diary No. 4028

Dated 2/3/2023

1. Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Peshawar.

..... Respondents.

**APPLICATION FOR SETTING A SIDE EX-PARTIE OF THE RESPONDENTS AND PERMISSION TO FILE PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS IN THE ABOVE CITED CASE**

**Respectfully shewith**

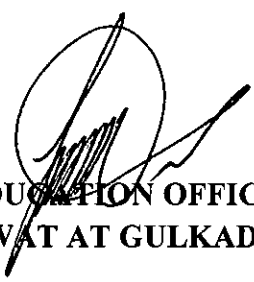
1. That the above title case is pending adjudication before this Honorable Tribunal in which the next date is fixed on 08-03-2023 notice along with copy of the Service Appeal sent by the worthy Registrar KP Service Tribunal vide notice dated 21-02-2023 which received to District Education Officer Male Swat office on 25-02-2023. (Notice annexed as annexure A)
2. Vide order sheet dated 02-01-2023, this Honorable Tribunal directed the respondents for written reply/Preliminary hearing on 06-02-2023 before SB at Camp Court Swat. The Deputy DEO Male Swat (Mr. Fazal Khaliq) who was attending this Honorable Tribunal on behalf of the respondents some other cases. Inadvertently, his attendance was also marked in the cited above case but he was not aware of the facts of the case being not received any notice to office of the DEO Male Swat. (Order sheet attached as annexure B)
3. That the letter issues by learned AAG KP Service Tribunal vide dated 25-01-2023 received to DEO Male Swat office on 04-02-2023. (Notice annexed as annexure C)
4. That the Respondent No. 4 sent a copy of the notice of AAG office of the instant case on 31-01-2023 and keeping in view the urgency in the matter, the representative of DEO Male Swat office received grounds and order sheets of the above cited case on 01-02-2023 from KP Service Tribunal Peshawar and immediately drafted comments. Comments were signed by the respondents and duly vetted by the learned AAG KP Service Tribunal. This whole process was completed upto 04-02-2023. Next day I,e 05-02-2023 was a Sunday. Therefore, the requisite comments/reply could not been submitted 7 days before the date fixed I,e 06-02-2023.

5. That on 06-02-2023, the representative of the department was present before this Honorable Tribunal at Camp Court Swat in DB Court room in some other cases I,e Service Appeal Nos 610, 611 of 2022 and 4682 to 4684 of 2020, while the instant case was fixed before SB Camp Court Swat on the same date. For the first time DB and SB Court rooms were running side by side in separate court rooms. The representative immediately attended the SB Court when the case was called for, however, this Honorable Tribunal did not accept the comments/reply from the representative by hand and struck down the defense of the respondents. (Joint para-wise comments annexed)

**Grounds:**

1. That the delay in filing comments/reply by the respondent department is not intentional but due to the unavoidable reasons mentioned as above.
2. That a great public interest is involved in the case and if the ex-parte proceedings and defense struck off order is not reviewed, it will bear a huge loss to the respondents/public exchequer.
3. That the respondents have always honored and respected this Honorable Tribunal and have regularly attended this Honorable Tribunal and have submitted replies well within time and in future will also be more careful in this respect.

It is, therefore, very humbly prayed that on acceptance of this application the order sheet dated 06-02-2023 may please be reviewed, ex-parte order may be withdrawn/set aside and the respondents may be allowed to submit para-wise comments/reply before this Honorable Tribunal for just and efficacious disposal of the case.

  
DISTRICT EDUCATION OFFICER (M)  
SWAT AT GULKADA

Handwritten signature and date: 25/02/2023

“B”

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

Annexure 'A'

TB

No.

Appeal No. 7919 of 2021

Nazir Ahmad Appellant/Petitioner

Versus

Through Secy: ESSE Deptt: Pesh: Respondent

Respondent No. 3

Notice to: - District Education officer (Male), District Swat at Saidu Sharif.

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 8-3-23 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 21 Feb Day of Feb 2023

At Camp Court Swat

Handwritten signature and date: 21/02/2023

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.

02.01.2023


Appeal No. 7819/2021  
Nazir Ahmad vs Govt  
Nemo for appellant.



Annexure 'B'

Riaz Khan Paidakhel learned Assistant Advocate  
General alongwith Fazli Khaliq Deputy DEO for respondents  
present.

It was on 08.11.2022 when respondents were directed to  
submit written reply but till today reply was not submitted. Last  
chance is given for submission of written reply failing which  
their right for submission of written reply shall be deemed as  
struck off. To come up for written reply/preliminary hearing on  
06.02.2023 before S.B at camp court Swat.

  
(Rozina Rehman)  
Member (J)  
(Camp Court Swat)

Date of Presentation of Application 01-2-23  
Number of Page 1  
Copying Fee 5/-  
Urgent 5/-  
Total 10/-  
Name of \_\_\_\_\_  
Date of Completion 01-2-23  
Date of Delivery of Copy 07-2-23

Certified to be a true copy  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar



OFFICE OF  
THE ADDITIONAL ADVOCATE GENERAL  
KHYBER PAKHTUNKHWA,  
SERVICETRIBUNAL, PESHAWAR  
NO. 294-202  
Date: 25/01/2023

Ameedve "C"

*[Handwritten signature]*

Most urgent/Court Matter

To

1. The Secretary to Government of Khyber Pakhtunkhwa Elementary and Secondary Education Department Peshawar.
2. The Director Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar.
3. The District Education Officer (Male), District Swat at Saidu Sharif.
4. The District Accounts Officer, Swat at Saidu Sharif.
5. The Principal, Government High School Wadudia at Saidu Sharif, Swat.

**SUBJECT: - SUBMISSION OF PARAWISE COMMENTS IN APPEAL NO. 7919/2021 TITLED "NAZIR AHMAD VS EDUCATION DEPARTMENT"**

Sir,

Reference to the subject noted above and to state that the above mentioned appeal was fixed on 02/01/2023 before the Hon'ble Service Tribunal Khyber Pakhtunkhwa Camp Court Swat. Reply/Comments on behalf of the respondents not submitted. The undersigned requested for further time.

It is, therefore, advised that reply/comments in the subject case may please be submitted within 10 days and also well conversant departmental representative (not below the rank of BPS-17) be deputed.

*[Handwritten signature]*

(MUHAMMAD RIAZ KHAN PAINDAKHEL)  
ASSISTANT ADVOCATE GENERAL  
KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL  
PESHAWAR

NO. \_\_\_\_\_  
Copy forwarded to:

Dated: / /2023

1. PA to Solicitor, Law, Parliamentary Affairs & Human Rights, Department Peshawar.
2. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
3. Appeal File.
- 4.

ASSISTANT ADVOCATE GENERAL  
KHYBER PAKHTUNKHWA, SERVICETRIBUNAL  
PESHAWAR

*4567*  
*6/02/2023*

**BEFORE THE KHYBER PAKTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

Service Appeal No. 7919/2021

Nazir Ahmad S/O Sadar Khan R/O Faiz Abad Saidu Sharif, District Swat.

.....Appellant

**Versus**

1. Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Peshawar.
2. Director Elementary and Secondary Education Khyber Pakhtunkhwa at Peshawar.
3. District Education officer (Male) Swat.
4. District Accounts Officer, Swat at Saidu Sharif Swat
5. Principal GCMHSS Saidu Sharif Swat.

..... Respondents.

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DISTRICT EDUCATION OFFICER (M)  
SWAT AT GULKADA

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

Service Appeal No. 7919 OF 2021

Nazir Ahmad S/O Sadbar Khan R/O Faiz Abad Saidu Sharif, District Swat.

.....Appellant

**Versus**

1. Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Department at Peshawar.
2. Director Elementary and Secondary Education Khyber Pakhtun Khwa Peshawar.
3. District Education officer (Male) Swat.
4. District Accounts Officer, Swat at Saidu Sharif.
5. Principal Government High School Wadudia at Saidu Sharif, Swat.

..... Respondents

**Parawise Comments on Behalf of the Respondents**

**Respectfully shewith**

**Preliminary objections**

1. That the Appellant is not an aggrieved person within the meaning of section 4 of the Service Tribunal Act, 1974.
2. The instant Service Appeal is **Badly Time barred.**
3. That the Appellant has no cause of action / locus standi.
4. That the Appellant has not come to this Honourable Tribunal with clean hands.
5. That the Appellant has filed this instant Service Appeal just to pressurize the respondents.
6. The present Service Appeal is liable to be dismissed for non-joinder/mis joinder of necessary parties.
7. That the instant Service Appeal is against the prevailing law and rules.
8. That the Appellant has filed this instant Service Appeal on malafide motives.
9. That the instant Service Appeal is not maintainable in the present form, and above in the present circumstances of the issue.
10. That the Appellant has concealed the material facts from this Honourable Tribunal.
11. That the Appellant has estopped by his own conduct.

**FACTS**

1. That the Para No.1 pertains to record, hence no comments.
2. That the Para No.2 is correct to the extent of the appointment of the Appellant as CT and his lien, but it is worth to mention here that the Appellant was temporarily appointed/ adjusted as CT. His appointment was on temporary basis and not on regular basis as clear from his appointment order. Therefore his present claim of benefits is liable to be dismissed on this score alone.

3. That the Para No.3 is incorrect and not admitted. The Appellant has not annexed any order of his leave whether he was on sanctioned leave or otherwise? If the appellant was on sanctioned leave then why not he annexed the office order/ sanction of leave. It is the responsibility of the appellant to establish his case (if any).
4. That the Para No.4 is incorrect and not admitted. He neither submitted arrival report nor attended his place of duty. If he was on Extraordinary leave, then on arrival back, he should have submitted his arrival report to the leave sanctioning authority for his adjustment at any needy station/school. In fact the appellant willfully remained absent for more than 22 years. It is also worth to mention here that the Appellant should have explained his actual position that whether he was in the country or was abroad in this whole period. In fact the Appellant is concealing the material facts from this Honorable Tribunal as well as the respondent department and also wants to waste the precious time of this Honorable Tribunal and respondent department.
5. That the Para No.5 is incorrect and not admitted. The Appellant has not submitted any application to the respondent department for his posting or redressal of his grievances. If he had any grievances, he should have filed representation/ appeal to the respondent department for the redressal of his grievances within the stipulated time.
6. That the Para No.6 is quite astonishing one. The Petitioner was temporarily appointed/ adjusted as CT and he remained absent for more than 22 years and was not in service, then how can he claim that he reached the age of superannuation and claims service benefits?
7. That the Para No.7 is correct to the extent of the application of the Appellant for provision of record to the Principal, the rest of the Para is incorrect and not admitted. The Appellant cannot be granted any service benefits under the expressed provisions of the rules. According to the relevant rules, after 5 years of continues absence, services of a civil servant shall automatically stand terminated under FR-18 and Rule 12 of the NWFP Civil Servants Revised Leave Rules, 1981. In the light of Rule 12 ibid, a willful absence of more than five years shall not be converted into leave without pay.  
**(Rules attached as Annexure A)**
8. That the Para No.8 is correct to the extent of the application, the rest of the Para is incorrect and not admitted. As stated in the above Para, the Appellant was on temporary post as well as he remained absent for such a long period. Therefore he is not entitled to be granted any service benefits.
9. That the Para No.9 is the repetition of the above Paras, hence no comments.
10. That the Para No.10 is correct to the extent of filing Writ Petition before the Honorable Court by the Appellant, the rest of the Para is the repetition of the above Paras, hence no comments.
11. That the Para No.11 is correct to the extent of filing comments by the respondent department, the rest of the Para is irrelevant, hence no comments.

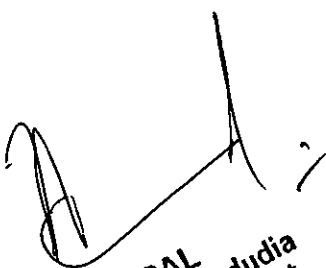


- 12. That the Para No.12 is correct to the extent of the withdrawal of the Writ Petition by the appellant, the rest of the Para is incorrect and not admitted. In fact, the Appellant has not come to this Honourable Court with clean hands. The Appellant remained absent for a long time of more than 22 years willfully. He is nt entitled for any benefits after in such belated stage. He should have file appeal before the respondent department within stipulated time, but failed to do so.
- 13. That the instant Service Appeal of the Appellant is bereft of any merit hence liable to be dismissed inter-alia following grounds.

**GROUND**


- A. That the Para No. (A) is incorrect and not admitted. The Appellant is not entitled to be granted pensionary benefits and the Appellant wants to give undue financial loss to the Public exchequer for his own fault.
- B. That the Para No. (B) is incorrect and denied. Detail reply of this Para has been given in the preliminary objections as well as in the foregoing Paras. It is also worth to mention here that there have been made no deductions from the appellant in respect of Pension. However deductions are made from employees in respect of GP fund only.
- C. That the Para No.(C) is irrelevant to the present issue, hence no comments.
- D. That the respondents also seek leave of this Honourable Tribunal to raise further grounds at the time of arguments.


*It is, therefore, very humbly prayed that the instant Service Appeal of the Appellant may be dismissed with cost in favour of the respondents.*

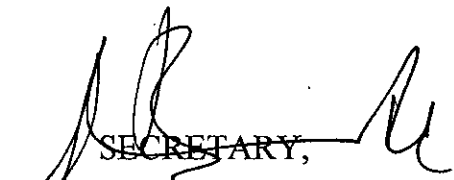
  
**PRINCIPAL**  
**GCMHSS Wadudia**  
**Saidu Sharif Swat.**

  
**A/c's Officer**  
**SWAT.**



  
**DISTRICT EDUCATION OFFICER (M)**  
**SWAT AT GULKADA**

  
**DIRECTOR,**  
**ELEMENTARY & SECONDARY EDUCATION**  
**KHYBER PAKHTUN KHWA PEASHWAR.**

  
**SECRETARY,**  
**ELEMENTARY & SECONDARY EDUCATION**  
**KHYBER PAKHTUN KHWA PEASHWAR.**

**BEFORE THE KHYBER PAKTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

Service Appeal No. 7919/2021

Nazir Ahmad S/O Sadar Khan R/O Faiz Abad Saidu Sharif, District Swat.

.....Appellant

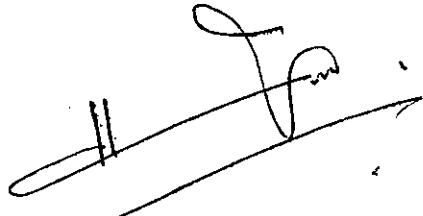
**Versus**

Provincial Govt. of Khyber Pakhtunkhwa & others

..... Respondents

**AFFIDAVIT**

I, Hussain Ali Legal Representative, do hereby solemnly affirm and declare on oath on the directions and on the behalf of the Respondents that the contents of the comments are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Honorable Court.



**HUSSAIN ALI LEGAL REPRESENTATIVE**  
**O/O DEO (M) SWAT**

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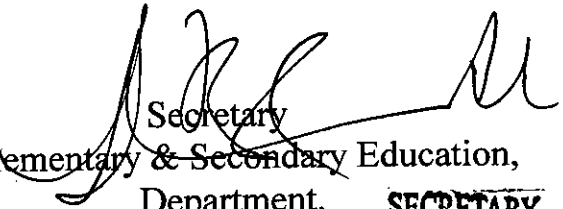
GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Block "A" Civil Secretariat, Peshawar

Phone No. 091-9211128

**AUTHORITY LETTER**

It is certified that Hussain Ali, Legal Representative Office of District Education Officer (Male) Swat, Elementary & Secondary Education Department is hereby authorized to attend the Service Tribunal, Camp Court Swat on behalf of Respondent No. 01, 02, 03 & 05 in Service Appeal No. 7919/2021 Title Nisar Ahmad Vs Government of Khyber Pakhtunkhwa & Others.

  
Secretary  
Elementary & Secondary Education,  
Department. **SECRETARY**  
Elementary & Secondary Edu. Deptt:  
Govt. of Khyber Pakhtunkhwa

  
**Muhammad Ilyas**

ADVOCATE  
OATH COMMISSIONER

District Courts Swat.  
No. SS Date 02-23

### Withdrawals of Resignation.

Annexure 'A'

#### Acceptance of resignation and willful absence for more than five (5) years.

Under the existing practice, even a temporary Government servant is required to sign an undertaking containing inter alia the following provisions:-

- (a) I understand that my employment under Government is temporary and that my services may be terminated by Government at any time, without assigning any reasons, by giving a notice for a period not less than 14 days or payment, in lieu of the notice, of a sum equivalent to my pay for 14 days or for the period by which the notice falls short of 14 days;
- (b) I agree that I wish to terminate my services under Government at any time, I shall resign in writing and shall thereafter continue to serve Government until my resignation is accepted.
- (c) I also understand that if I absent myself from duty without resigning in writing or before the acceptance by Government of my resignation, I shall be liable to disciplinary action, which may involve disqualification from future employment under Government.

2. It has however, come to notice that in certain cases Government servants have tendered resignations and without waiting for acceptance have left their jobs unauthorisedly and kept themselves absent for years. The departments on their part failed to initiate any action against such employees in time with the result that they subsequently reported for duty after the passage of long periods on one excuse or the other.

3. It has also been noticed that liberal relaxations are being granted under FR. 18 in cases of willful absence from duty for more than 5 years without cogent/convincing reasons whereas according to the rules ibid a Government servant remains no more a Government employee after willful absence for five years.

4. The matter has been considered and it has been decided that:-

- (a) After tendering resignation, a Government Servant shall not leave his job until the acceptance of his resignation by the Competent Authority nor shall he be granted any leave. In case one leaves his job without acceptance of his resignation he shall be treated as absconder and disciplinary action should invariably be initiated against him.
- (b) Resignation tendered by a Government servant shall either be accepted or rejected by the Competent Authority within the stipulated period of not more than 30 days of its submission and acceptance/rejection thereof be communicated to the Government servant concerned accordingly.

~~(c)~~ After 5 years of continuous absence, services of a Civil Servant shall automatically stand terminated under FR.18 and Rule 12 of the NWFP Civil

①

— Servants Revised Leave Rules, 1981. In the light of Rule 12 *ibid*, a willful absence of more than five years shall not be converted into leave without pay.

5. It is therefore, requested that the above instructions may be brought to the notice of all concerned for strict compliance in future.

(Authority: S&GAD's letter No.SORII(S&GAD)6(37)/89, dated 3rd Oct., 1989).

#### **Determination of seniority of officials who are allowed to withdraw their resignation**

A question has arisen whether a Government servant who resigned and has subsequently been allowed to withdraw his resignation should be assigned seniority and given other benefits which would have accrued to him had he not resigned.

2. When a resignation tendered by a Government servant has been accepted and the acceptance has been communicated to him, it becomes final. There can be no question of allowing him to 'withdraw' the resignation.

3. Where a Government servant who has tendered resignation withdraws it before it is accepted by the competent authority, or where, after the acceptance but before the acceptance is communicated to him, he is allowed to withdraw the resignation, he continues in the post held by him without a break and the question of re-fixation of his seniority, etc. does not arise.

4. Where an appellate authority finds that the resignation was not tendered voluntarily or that it is otherwise null and void, the appellate authority may re-instate the Government servant concerned. On re-instatement the Government servant shall be regarded as having continued in service throughout.

5. If a Government servant, whose resignation has been accepted and communicated to him, is appointed to Government service thereafter, such appointment shall be regarded as a fresh appointment. The seniority, pension, leave, etc., of such a Government servant shall be fixed in accordance with the rules applicable to him as if this appointment was his first appointment to Government service.

6. There may, however, be cases in which it may not be fair to treat such a re-employed Government servant as a new recruit and it is proposed to give him any benefit in relaxation of the rules, the orders of the Government should invariably be obtained.

(Authority S&GAD letter No.SOXII/2-96/59, dated 24.12.59)

#### **Preparation/issuance of seniority list of Government Servants**

I am directed to say that sub-section (1) of Section 8 of the NWFP Civil Servants Act, 1973, *inter alia* provides that for proper administration of service, cadre or post, the appointing authority shall cause to prepare a seniority list of the members for the time being of such service, cadre or post. Similarly, the note below clause(e) of sub-rule(2) of the rule 6 of the NWFP Service Tribunals Rules, 1974, enjoins upon the appointing authority or any other authority which has been delegated the powers to make decision regarding seniority of

## <sup>1</sup>[Khyber Pakhtunkhwa] Civil Servants Revised Leave Rules, 1981

**No. FD. SO (SR-IV) 5-54 / 80 (Vol:II) dated 17-12-1981.**---In exercise of the powers conferred by section 26 of the <sup>2</sup>[Khyber Pakhtunkhwa] Civil Servants Act, 1973 (<sup>3</sup>[Khyber Pakhtunkhwa] Act XVIII of 1973) and in supersession of this Department's Notification No. FD.SO(SR-IV) 1-17/78, dated the 20<sup>th</sup> November, 1979, the Governor of the <sup>4</sup>[Khyber Pakhtunkhwa] is pleased to make the following rules namely:--

**1. Short title, commencement and application.**---(1) These rules may be called the <sup>5</sup>[Khyber Pakhtunkhwa] Civil Servants Revised Leave Rules, 1981.

(2) They shall come into force at once.

(3) They shall apply to all Civil Servants under the rule making authority of the Governor except those who opted not to be governed by the <sup>6</sup>[Khyber Pakhtunkhwa] Civil Servants Leave Rules, 1979.

**2. Admissibility of Leave of Civil Servant.**---Leave shall be applied for, expressed and sanctioned in terms of days and shall be admissible to a civil servant at the following rate and scale:---

(i) A civil servant shall earn leave only on full pay. It shall be calculated at the rate of four days for every calendar months of the period of duty rendered and credited to the leave account as "leave on fully pay" duty period of 15 days or less in a calendar month being ignored and those of more than 15 days being treated as a full calendar month, for the purpose. If a civil servant proceeds on leave during a calendar month and returns from it during another calendar month and the period of duty in either month is more than 15 days, the leave to be credited for both the incomplete months will be restricted to that admissible for one full calendar month only.

(ii) The provisions of clause (i) will not apply to vacation departments. A civil servant of a vacation department may earn leave on full pay as under:--

- |     |  |   |
|-----|--|---|
| (a) | When he avails himself of vacation in a calendar year.                           | At the rate of one day of every calendar month of duty rendered;  |
| (b) | When during any year he is prevented from availing himself of the full vacation. | As for a civil servant in non-vacation Department for that year; and  |
| (c) | When he avails himself of only a part of the vacation.                           | As in (a) above plus such proportion of thirty days as the number of days of vacation not taken bears to the full vacation. |

<sup>1</sup> Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>2</sup> Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>3</sup> Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>4</sup> Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>5</sup> Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>6</sup> Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

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(6) Leave salary to be paid during maternity leave shall be regulated as for other leave, in accordance with the formula provided in rule 8.

(7) The leave salary to be paid during maternity leave will, therefore, remain unaffected even if any increment accrues during such leave and the effect of such an increment will be given after the expiry of maternity leave.

**11. Disability Leave.**---(1) Disability leave may be granted outside leave account on each occasion upto a maximum of seven hundred and twenty days on such medical advice as the head of office may consider necessary, to a civil servant, other than civil servant in part time service, disabled by injury, ailment or disease contacted in course or in a consequence of duty or official position.

(2) The leave salary during disability leave shall be equal to full pay for the first one hundred and eighty days and on half pay for the remaining period.

**12.] Extraordinary Leave (Leave without Pay).**---(1) Extraordinary leave may be granted on any ground upto a maximum period of five years at a time; provided that the civil servant to whom such leave is granted has been in continuous service for a period of not less than ten years. In case a civil servant has not completed ten years of continuous service, extraordinary leave without pay for a maximum period of two years may be granted at the discretion of the leave sanctioning authority. This leave can be granted irrespective of the fact whether a civil servant is a permanent or temporary employee.

(2) The maximum period of extraordinary leave without pay combined with leave on full pay and leave on half pay shall be subject to the limit of 5 years prescribed in FR-18, i.e. the maximum period of extraordinary leave without pay that would be admissible to a civil servant who has rendered continuous service for a period of not less than 10 years shall be 5 years less the period of leave on full pay and leave on half pay so combined.

<sup>9</sup>[(3) Extraordinary leave may be granted retrospectively in lieu of absence without leave.]

**13. Leave on Medical Certificate.**---Leave applied for on medical certificate shall not be refused. The authority competent to sanction leave may, however, at its discretion, secure a second medical opinion by requesting the Civil Surgeon or the Medical Board to have the applicant medically examined. The existing provisions contained in Supplementary Rules 212, 213 and Rule 220 to 231 for the grant of leave on medical grounds will continue to apply.

**14. Leave Preparatory to Retirement.**---The maximum period upto which a Civil Servant may be granted leave preparatory to retirement shall be 365 days only. It may be taken subject to availability in the leave account, either on full pay or partly on full pay and partly on half pay, or entirely on half pay, at the discretion of the Civil Servant and it will not extend beyond the age of superannuation.

**15. Recreation Leave.**---Recreation leave may be granted for fifteen days once in a calendar year, the debit to the leave account may, however, be for ten days leave on full pay;

Provided that such leave shall not be admissible to a Civil servant in a vacation department.

**Note:** Casual Leave (as Recreation Leave) shall, however, continue to be granted for 10 days only subject to other conditions under Government instructions.

**16. Leave Ex-Pakistan.**---(1) Leave Ex-Pakistan may be granted on full pay to a civil servant who applied for such leave or who proceeds abroad during leave, or takes leave while posted abroad or is otherwise on duty abroad and makes a specific request to that effect.

(2) The leave pay to be drawn abroad shall be restricted to a maximum of three thousand rupees per month.

<sup>9</sup>. Sub-rule (3) of rule 12 added by Notification NO. FD.SO(SR-IV)5-54/80 (Vol.II), dated 01.06.1982.