


26.08.2021

Petitioner in person and Mr. Muhammad Riaz Khan Painsdakhel, Asstt. AG alongwith Hussain Ali, ADEO for the respondents present.

Learned AAG has furnished copy of the letter No. 1870-74/ADC(F&P)/Bud: 2021-22/Vol-I dated 25.08.2021 for allocation of funds in case of the petitioner. Copy of letter placed on file. As the department was waiting for allocation of funds to clear the liability in pursuance to judgment of this Tribunal, the same have been allocated and no need is left to further proceed with this Execution Petition and be consigned to the record room.

  
Chairman  
Camp Court, Swat

06/04/2021

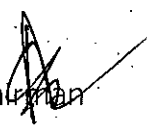
Due to COVID-19, the case is adjourned to

08/06/2021 for the same.

  
READER

26.07.2021

To come up for full implementation report on 25.08.2021 before S.B at Camp Court, Swat. Notices be issued to petitioner/counsel as well as respondents for the date fixed.

  
Chairman

25.08.2021

Petitioner in person and Mr. Muhammad Riaz Khan Painsdakhel, Asstt. AG alongwith Hussain Ali, ASDEO for the respondents present.

Efforts on part of the department are hopeful but in view of the letter dated 05.12.2020 addressed by SDEO(M) Matta Swat to Addl. Deputy Commission, Finance and Planning Swat, the hurdle seems to be <sup>there</sup> fair in office of the latter. Let the A.D.C, Finance and Planning Swat appear in person, learned AAG shall inform him telephonically about his personal attendance on 26.08.2021 before the S.B. at camp Court, Swat.

  
Chairman  
Camp Court, Swat



**OFFICE OF THE DEPUTY COMMISSIONER SWAT.  
(FINANCE & PLANNING WING).**

0946-9240095

0946-9240097

No. 1870-72 / ADC(F&P)/Bud:2021-22/Vol-I Dated: 25/08/2021

To,

✓ The Sub Divisional Education Officer (Male) Matta.

Subject:- **ADDITIONAL FUND.**

Memo:

Please refer to your office letter No. 1378/Budget File 2020-21 dated 5/12/2020 received Photocopy on 25-08-2021 on the subject "Application for grant of leave salary under A01278.

An additional amount of Rs. 73,344/- (Seventy Three Thousand Three hundred & Fourty four only) is hereby released and placed at your disposal for expenditure, during the Current Financial Year 2021-22 subject to observance of all codal formalities as required under the rules.

2. The expenditure involved is debitable to the following function-cum-object-classification:-

09 EDUCATION AFFAIRS AND SERVICES  
092 SECONDARY EDUCATION AFFAIRS AND SERVICES  
0921 SECONDARY EDUCATION AFFAIRS AND SERVICES  
092101 SECONDARY EDUCATION

**SW6429 Govt. Primary Schools Male Matta Swat.**

Object Code / Description	Additional Budget
A01278-Leave Salary	73,344
<b>Total</b>	<b>73,344</b>

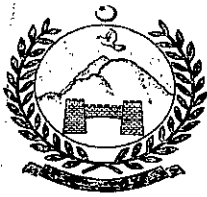
**ADDL: DEPUTY COMMISSIONER,  
FINANCE & PLANNING, SWAT**

**Endst: No. & Date Even.**

Copy for information and necessary action is forwarded to:-

1. The District Comptroller of Accounts Swat.
2. The AD-IT (Local).

**ADDL: DEPUTY COMMISSIONER,  
FINANCE & PLANNING, SWAT**



**OFFICE OF THE DEPUTY COMMISSIONER SWAT.  
(FINANCE & PLANNING WING).**

0946-9240095

0946-9240097

No. 1870-72 / ADC(F&P)/Bud:2021-22/Vol-I Dated: 25/08/2021

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**SW6429 Govt. Primary Schools Male Matta Swat.**

Object Code / Description	Additional Budget
A01278-Leave Salary	73,344
<b>Total</b>	<b>73,344</b>

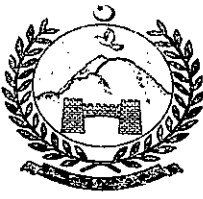
**ADDL: DEPUTY COMMISSIONER,  
FINANCE & PLANNING, SWAT**

**Endst: No. & Date Even.**

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1. The District Comptroller of Accounts Swat.
2. The AD-IT (Local).

**ADDL: DEPUTY COMMISSIONER,  
FINANCE & PLANNING, SWAT**



**OFFICE OF THE DEPUTY COMMISSIONER SWAT.  
(FINANCE & PLANNING WING).**

0946-9240095

0946-9240097

No. 1870-72 / ADC(F&P)/Bud:2021-22/Vol-I

Dated: 25/08/2021

To,

✓ The Sub Divisional Education Officer (Male) Matta.

Subject:- **ADDITIONAL FUND.**

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**SW6429 Govt. Primary Schools Male Matta Swat.**

Object Code / Description	Additional Budget
A01278-Leave Salary	73,344
<b>Total</b>	<b>73,344</b>

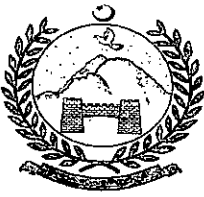
**ADDL: DEPUTY COMMISSIONER,  
FINANCE & PLANNING, SWAT**

**Endst: No: & Date Even.**

Copy for information and necessary action is forwarded to:-

1. The District Comptroller of Accounts Swat.
2. The AD-IT (Local).

**ADDL: DEPUTY COMMISSIONER,  
FINANCE & PLANNING, SWAT**



**OFFICE OF THE DEPUTY COMMISSIONER SWAT.  
(FINANCE & PLANNING WING).**

0946-9240095

FAX 0946-9240097

No. 1870-72 / ADC(F&P)/Bud:2021-22/Vol-I

Dated: 25/08/2021

To,

✓ The Sub Divisional Education Officer (Male) Matta.

Subject:- **ADDITIONAL FUND.**

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Please refer to your office letter No. 1378/Budget File 2020-21 dated 5/12/2020 received Photocopy on 25-08-2021 on the subject "Application for grant of leave salary under A01278.

An additional amount of Rs. 73,344/- (Seventy Three Thousand Three hundred & Fourty four only) is hereby released and placed at your disposal for expenditure, during the Current Financial Year 2021-22 subject to observance of all codal formalities as required under the rules.

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**SW6429 Govt. Primary Schools Male Matta Swat.**

Object Code / Description	Additional Budget
A01278-Leave Salary	73,344
<b>Total</b>	<b>73,344</b>

**ADDL: DEPUTY COMMISSIONER,  
FINANCE & PLANNING, SWAT**

**Endst: No. & Date Even.**

Copy for information and necessary action is forwarded to:-

1. The District Comptroller of Accounts Swat.
2. The AD-IT (Local).

**ADDL: DEPUTY COMMISSIONER,  
FINANCE & PLANNING, SWAT**

63



OFFICE OF THE  
DISTRICT EDUCATION OFFICER  
(MALE) SWAT

OFFICE ORDER.

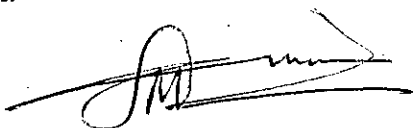
Consequent upon the decision of Honorable Court of Service Tribunal Khyber Pakhtun Khwa. at Camp Court Swat in service appeal No.1256 dated 26.02.2016 implemented by this office vide endst: No. 10117-29/P/File/LPR dated, 18.08.2016 and honorable service tribunal Khyber Pakhtunkhwa at Camp Court decision dated 04-10-2017 in service appeal No. 60/2017, the undersigned is pleased to grant full pay of the remaining days i.e 01/08/2008 to 08/10/2010, subject to the condition of final judgment of honorable supreme court of Pakistan CPLA has already been filed.

(Muhammad Amin)  
DISTRICT EDUCATION OFFICER  
SWAT

Endst: No. 131.9-21 / PF/C-IV Dated. 1/4 /2019

Copy of the above is forwarded:-

1. The Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar w/r to his No. 1218/Lit: II dated, 7/2/2019.
2. The District Comptroller of Accounts Swat at Saidu Sharif.
3. The Deputy District Education Officer (M) Swat local Office.
4. The Principal GHSS: Shawar District Swat.
5. The Official Concerned.

  
DISTRICT EDUCATION OFFICER  
SWAT





DDO CODE SW-6429  
OFFICE OF THE SUB DIV: EDU: OFFICER  
(M) MATTA DISTRICT SWAT.

No: 1378 /Budget File 2020-21

Dated: 5 / 12 /2020

To

The Additional Deputy Commissioner,  
Finance and Planning Swat.

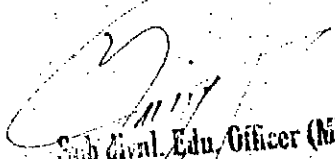
Subject:

**APPLICATION FOR GRANT OF LEAVE SALARY UNDER A01278:**

Memo:-

It is stated that Mr. Gul Muhammad Naib Qasid GHS Shawar has been adjusted for the purpose of pay from 01-11-2008 to 28-11-2008 on full pay at SDEO Male Matta Swat Vide DEO Male Order Endstt No 12577 dated 05-12-2020 in the light of the honourable Service Tribunal Peshawar judgement in the Instant Execution Petition No 130/2018 in favour of the Appellant. The DEO Male Office also issued Office Order Endstt No. 1319-21 dated 01-04-2019 for the implementation of Honorable Service Tribunal Peshawar Judgement.

Therefore, a total of Rs. 73,344 in respect of the above mentioned official may please be sanctioned. All the relevant documents are attached herewith.

  
Sub Div. Edu, Officer (M)  
Matta Swat.  
SUB-DIVISIONAL/EDU OFFICER (M),  
MATTA SWAT

**SINGLE EMPLOYEE ENTRY**

OFFICE OF THE SUB DIVI: EDU: OFFICER (M) MATTA SWAT.

FOR THE MONTH OF 2 / 2 0 2 0

DDO Code (Cost Center) S W 6 4 2 9 Description SUB DIVI: EDU: OFFICER (M) MATTA SWAT.

Personnel Number 0 0 1 0 9 8 0 8 Name GUL MUHAMMAD

Grade (Pay Scale Group) 0 4 CHOWKIDAR Salary Status Start

Date. \_\_\_\_\_  
Page No. \_\_\_\_\_

OFF CYCLE

*P/F Gul Mubha*

National ID Card Number 116-67030920

\*\*\*

GENERAL DATA CHANGE		CHANGE IN PAYMENTS / DEDUCTIONS					Effective Date	Remarks
New Contents	Wedge Type	Amount						
		Rupees	Paisa					
Adjustment of L/S	5801(+)	73,344					The official concerned has been adjusted for the purpose of pay from 01/11/2008 to 28/11/2008 on full pay and from 29/11/2008 to 08/10/2010 on half pay vide the orders issued by the DEO (M) Swat. Certified that all the relevent papers are attached herewith. The period granted as leave on full pay vide DEO (M) Swat office order issued under Endost: No 1319-21 dated 01/04/2019.	
Adjustment of HRA	5002(+)	-						
Adjustment of SAA	5081	-						
Adjustment of AR 03	5255	-						
Adjustment of AR 04	5244	-	Adj: of Gins	-6006				
Adjustment of AR 06	5911	-	Adj: of GPF	-6075				
Adjustment of MA	5012	-	Adj: of B/F	-6001				
Adjustment of AR 09	6142	-	Adj: of AGI	-6145				
Adjustment of AR 010	5898	-	Adj: of EEFF	-6060		NET		
Adjustment of W.A	5070	-	Adj: RB & DC	4004				
Adjustment of D.A	5026	-						
TOTAL		73,344			0	73,344		

*Gul Mubha*  
Sub Divl. Edu. Officer (M)  
Matta Swat.  
DIVE: EDU: OFFICER,  
MATTA DISTT: SWAT.

VERIFIED

Audited / Checked By

DAO SWAT

Entered / Verified By

OFFICE OF THE SUB DIVI: EDU: OFFICER (M) PRIMARY MATTA DISTT: SWAT,

DETAIL OF REGULAR PAY AND ALLOWANCES IN REPECT OF GUL MUHAMMAD CHOWKIDAR FROM 01/08/2008 TO 28/11/2008 ON FULL PAY AND FROM 29/11/08 TO 08/10/010 ON HALF PAY.

Period	M	A01278
		L/S
Monthly rates		4,835
01/08/008 to 31/10/008	3	14,505
1/11/008 TO 28/11/008	28	4,513
Monthly rates		2,418
01/12/08 TO 30/08/09	7	16,923
Monthly rates		2,418
1/7/09 to 30/11/09	5	12,090
Monthly rates		2,468
1/12/09 TO 30/6/010	7	17,273
Monthly rates		2,468
1/7/10 TO 30/9/010	3	7,404
1/10/010 TO 8/10/010	8	637
	TOTAL	73,344

*[Signature]*  
 Sub Divi. Edu. Officer (M)  
 Matia Swat.

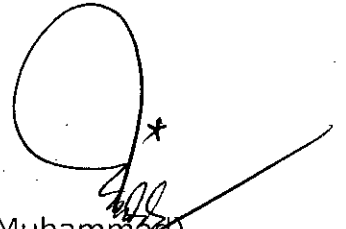
02.02.2021

Nemo for the parties.

Muhammad Riaz Khan Paindakhel, Assistant Advocate General for respondents is present.

As the case had been adjourned previously on Reader note due to Covid-19, therefore, notice to the parties be issued.

Adjourned to 06.04.2021 before S.B at camp court Swat.



(Mian Muhammad)  
Member(E)  
Camp Court Swat

07.10.2020

Petitioner is present in person. Mr. Usman Ghani, District Attorney alongwith representative of the department Mr. Hussain Ali, Litigation Officer are also present.


The representative of the department submitted implementation report dated 01.04.2019 vide which by virtue of office order decision has been made for granting full pay of the remaining dates with effect from 01.08.2008 to 08.10.2010 however, petitioner submitted that he has not received pay for the subject period and in this regard when the representative of the department was asked as to whether they are in possession of any statement of account reflecting that payment for the aforesaid period has been made however, they were unable to produce documentary proof. They are directed to prepare statement containing arrears of amount granted, of full pay and submit before the Tribunal for perusal. The District Accounts Officer is also directed to make arrangement for payment of full pay for the subject period and submit a verified statement. File to come up for full implementation report on 08.12.2020 before S.B at Camp Court, Swat.



(MUHAMMAD JAMAL KHAN)  
MEMBER  
CAMP COURT SWAT

08/12/20

Due to COVID-19 case is  
adjourned to 02-02-2021



Q. M.  
Qadri

03.06.2020 Due to Covid-19, the case is adjourned. To come up for the same on 06.07.2020 before SB at camp court Swat.

  
Reader

06.07.2020 Bench is incomplete. Therefore, the case is adjourned. To come up for the same on 05.08.2020, at camp court Swat.

  
Reader

5.8.2020 Due to COVID-19 the case is adjourned for the same on 8.9.2020.



08.09.2020 Nemo for the parties.

Mr. Riaz Paindakhel learned Assistant Advocate General for respondents present.


Notice be issued to the department to submit implementation report on the next date. To come up for implementation report on 07.10.2020 before S.B at Camp Court, Swat. Petitioner also be put to notice for the date fixed.



(Rozina Rehman)  
Member  
Camp Court, Swat

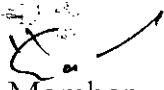
07.01.2020

Petitioner in person and Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Hussain Ali, Litigation Officer for the respondents present. Representative of the department and Assistant AG seeks time to submit implementation report. Adjourned to 02.03.2020 for implementation report before S.B at Camp Court Swat.


  
Member  
Camp Court Swat

02.03.2020

Learned counsel for the petitioner present. Mr. Riaz Paindakheil learned Assistant Advocate General alongwith Hussain Ali Litigation Officer present. Learned counsel for the petitioner seeks adjournment. Adjourn. To come up for further proceedings/implementation report on 06.04.2020 before S.B at Camp Court, Swat.

  
Member  
Camp Court, Swat.

Due to corona virus  
tour to camp court  
Swat has been cancelled  
to come up for the same on  
01/06/2020

  
Member


03.09.2019

Learned counsel for the petitioner present. Johar Ali SCT representative of the respondent department present and submitted office order dated 01.04.2019 in relation to implementation of judgment of this Tribunal. Learned counsel for the petitioner seeks adjournment. Adjourn. To come up for further proceedings on 07.10.2019 before S.B at Camp Court, Swat.

  
Member  
Camp Court, Swat.

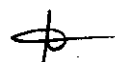
07.10.2019

Petitioner in person and Mr. Anwar-ul-Haq, Deputy District Attorney for the respondents present. Petitioner seeks adjournment on the ground that his counsel is not available today. Adjourned to 03.12.2019 for further proceeding before S.B at Camp Court Swat.

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court Swat

03.12.2019


Petitioner with counsel present. Mr. M. Riaz Khan, Painsdakhel, Assistant Advocate General alongwith Mr. Hussain Ali, Assistant Litigation for respondents present. Learned Asst: AG seeks time to submit implementation report. Adjourn. To come up for further proceedings on 07.01.2020 before S.B at camp court Swat.

  
Member  
Camp Court Swat

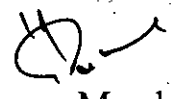


04.03.2019

Petitioner in person present. Mian Amir Qadar, District Attorney for the respondents present. Neither representative of the respondents nor implementation report submitted. Notices be issued to the respondent for submission of implementation report on 04.04.2019 before S.B at camp court, Swat.


  
Member  
Camp Court, Swat

04.04.2019 Clerk to counsel for the petitioner present. Implementation report not submitted. Muhammad Saeed S.S representative of the respondent department absent. He be summoned with direction to furnish implementation report. Adjourn. To come up for further proceedings/implementation report on 11.06.2019 before S.B at Camp Court, Swat.

  
Member  
Camp Court, Swat


11.06.2019

Petitioner absent. Mr. Mian Amir Qadir learned District Attorney alongwith Hussain Ali Litigation Officer present and furnished office order dated 01.04.2019 regarding conditional implementation of judgment of this Tribunal. Adjourn. To come up for further proceedings on 03.09.2019 before S.B at Camp Court, Swat.

  
Member  
Camp Court, Swat.

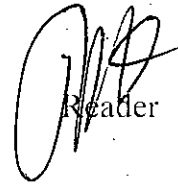
01.10.2018

Petitioner in person present. Mr. Usman Ghani, District Attorney for the respondents present. Learned District Attorney seeks time to submit implementation report. Case to come up for implementation report on 08.11.2018 before S.B at camp court Swat.

  
Member  
Camp Court Swat


08.11.2018

Due to retirement of the Hon'ble Chairman Service Tribunal is incomplete. Tour to Camp Court Swat has been cancelled. To come up for the same on 07.01.2019 at camp court Swat.

  
Reader




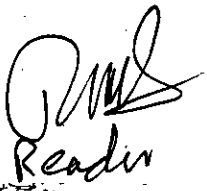
07.01.2019

Neither petitioner nor his counsel present. Mr. Mian Amir Qadir, District Attorney for the respondent present. Neither implementation report on behalf of the respondents submitted nor representative of the department is present therefore, notice be issued to the respondents with the direction to direct the representative to attend the court and submit implementation report on the next date positively. Adjourned. To come up for implementation report on 04.03.2019 before S.B at camp court Swat. Notice be also issued to petitioner and his counsel for attendance for the date fixed.

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court Swat

FORM OF ORDER SHEET

Execution Petition No. 130 /2018

S.No.	Date of order Proceedings	Order or other proceedings with signature of Judge
1	2	3
1	25.04.2018	<p>The Execution Petition of Mr. Gul Muhammad submitted to-day by Mr. Muhammad Arif Advocate may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR - 25/4/18</p>
2-	15-5-2018	<p>This Execution Petition be put up before Touring S. Bench at Swat on <u>06-06-2018</u></p> <p style="text-align: right;"> CHAIRMAN</p>
06.06.2018		<p>Petitioner Gul Muhammad in person present. Notice be issued to the respondents. To come up for implementation report on 06.08.2018 before S.B at Camp Court Swat.</p> <p style="text-align: right;"> Chairman Camp Court, Swat</p>
06.08.2018		<p>Petitioner in person and Muhammad Saeed S.S for the respondents present. Due to summer vacations the case is adjourned. To come up for the same on 01.10.2018 at camp court Swat.</p> <p style="text-align: right;"> Reader</p>

Reader

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

Execution petition No. 130 of 2018

In

Service appeal No. 60/2017

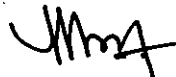
Gul Muhammad                      **VERSUS**      Executive District officer (Male) and others)

**INDEX**

<b>S #</b>	<b>Description of documents</b>	<b>Annexure</b>	<b>Pages</b>
1.	Memo of petition	.....	1-2
2.	Affidavit	.....	3
3.	Memo of addresses	.....	4
4.	Copy of judgment dated 4/10/2017	A	5-7
5.	Copy of application	B	8
6.	Copy of appeal	C	9-11
7.	Wakalat Nama	.....	12

**PETITIONER**

Through

 25.4.2018

MUHAMAMD ARIF ADVOCATE

SWAT,

Mob No: 0332-9483542

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

Execution petition No. 130 of 2018

Khyber Pakhtunkhwa  
Service Tribunal

In

Diary No. 484

Service appeal No. 60/2017

Dated 25/4/2018

Gul Muhammad Naib Qasid / Laboratory Assistant Government  
Higher Secondary School Bar Shawar Tehsil Matta District Swat.

.....(Petitioner)

**VERSUS**

1. Executive District officer (Male) elementary & Secondary Education at Gul Kada Saidu Sharif District Swat.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa.

.....(Respondents)

**Execution petition for proper implementation of judgment dated 04/10/2017 in service appeal No. 60/2017.**

**Respectfully Sheweth:**

1. That the petitioner filed an appeal against the order dated 18/8/2016, whereby the intervening period W.E.F 29/11/2008 to 8/10/2010, has been treated as leave on half pay against which the petitioner filed service appeal No. 60/2017 before this Honourable Court.
2. That vide judgment dated 04/10/2017 this tribunal accepted the appeal and the petitioner is held entitled for full pay of the intervening period w.e.f 29/11/2008 to 8/10/2010. (Copy of judgment annexure A).

3. That the petitioner has submitted the judgment dated 4/10/2017 before the respondent No.1 and later on again submitted the mention judgment of this Honourable Tribunal through application in date 15/2/2018 vide diary No. 5044 to respondents No.1. (Copy of application Annexure B).
4. That, a period of more than two months elapsed but the department / respondent No.1 has not paid full pay for the intervening period w.e.f 29/11/2008 to 8/10/2010 to the petitioner.

It is therefore, requested that the respondents may very kindly be directed to pay petitioner full pay for the intervening period w.e.f 29/11/2008 to 8/10/2010.

PETITIONER

Gul Muhammad

Through

MUHAMAMD ARIF ADVOCATE  
SWAT,

dated; 25.4.2018

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

Execution petition No. \_\_\_\_\_ of 2018

In

Service appeal No. 60/2017

*Gul Muhammad*                      **VERSUS**                      *Executive District officer (Male) and others.*

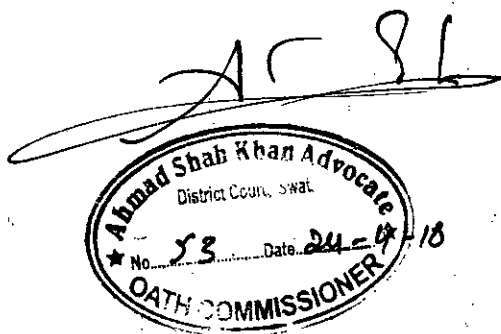
**AFFIDAVIT**

I, *Gul Muhammad Naib Qasid / Laboratory Assistant Government Higher Secondary School Bar Shawar Tehsil Matta District Swat*, do hereby solemnly affirm and declare on oath that the contents of this execution petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

DEPONENT



*Gul Muhammad Naib Qasid / Laboratory Assistant.*



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

Execution petition No. \_\_\_\_\_ of 2018

In

Service appeal No. 60/2017

Gul Muhammad                      **VERSUS**                      Executive District officer (Male) and others)

**MEMO OF ADDRESSES**

**Address Of Petitioner:**

Gul Muhammad Naib Qasid / Laboratory Assistant Government  
Higher Secondary School Bar Shawar Tehsil Matta District Swat.

CNIC No: 15601-5569425-9

Mobile No. 0346-8136370

**Addresses Of Respondents:**

1. Executive District officer (Male) elementary & Secondary  
Education at Gul Kada Saidu Sharif District Swat.
2. Director Elementary & Secondary Education Khyber  
Pakhtunkhwa.

**PETITIONER**

Through

*M.A. Arif* 25.4.2018

**MUHAMAMD ARIF ADVOCATE**  
SWAT,



5

BEFORE THE KHYBER PAKHTUNKHWA SERV. TRIBUNAL  
CAMP COURT SWAT



Service Appeal No 60/2017

Date of Institution... 23.01.2017

Date of decision... 04.10.2017

Gul Muhammad Naib Qasid/ Government Middle School, Fazal Banda, District Swat. ... (Appellant)

Versus

1. District Education Officer (Male) E&SE, Saidu Sharif, Swat and another. ... (Respondents)

MR. MUHAMMAD ARIF,  
Advocate ... For appellant.

MR. MUHAMMAD ZUBAIR,  
District Attorney ... For respondents.

MR. NIAZ MUHAMMAD KHAN,  
MR. GUL ZEB KHAN, ... CHAIRMAN  
MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - Arguments of the learned counsel for the parties heard and record perused.

FACTS

The appellant was granted extraordinary leave without pay for 5 years and when he returned back from EOL and reported for duty his report was not accepted by the concerned authority. Thereafter, the appellant availed his legal remedy and finally filed service appeal before this Tribunal bearing No. 1256/2012 which was disposed of by the order dated 26.05.2016. In this order, the learned Additional Advocate General sought time to settle the issue according to rules and availability of budget. The department was directed to finalize the matter within 3 months after the receipt of the order. The department then finalized the matter and vide impugned order dated 18.08.2016 converted the

EXAMINED  
Khyber Pakhtunkhwa  
Service Tribunal  
Camp Court, Swat

*[Handwritten signature]*

*Attested to be  
true copy  
M. Arif Advocate*

6

period from 01.08.2008 to 28.11.2008 on full pay and 29.11.2008 to 08.10.2010 on half pay. The appellant then filed a departmental appeal against the impugned order on 23.02.2016 which was not responded to and the appellant then filed the present appeal on 23.01.2017.

### ARGUMENTS

3. The learned counsel for the appellant argued that no fault lies with the appellant as he duly reported for duty after expiry of EOL in 2008 but he was not given any post and he had to run from pillar to post for getting himself adjusted against any available vacancy. Finally he was adjusted on 08.10.2010 but his pay from 1.8.2008 to 08.10.2010 was not released for which he came to this Tribunal in first round of litigation. That the impugned order was passed in consequence of order of this Tribunal dated 26.5.2016 but the department instead of granting him full pay converted the said period to leave partly on full pay and partly on half pay which is against the law for the reason that the appellant had never applied for any further leave for the said period.

4. On the other hand the learned District Attorney argued that under the Revised Leave Rules, 1981 the appellant could have been granted 120 days leave on full pay and for the rest of the period on half pay. That the order of this Tribunal dated 26.5.2016 was not conclusive and no right accrued to the appellant on the basis of the said order.

### CONCLUSION

It is admitted position that the appellant reported to the concerned authority after the expiry of extra ordinary leave. It is also admitted position that there was no reason for not adjusting him on his arrival from the extraordinary leave. It is also admitted position that the appellant never applied for the leave then how his

EX-MANAGER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Islamabad

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true copy  
M. Arif Akh

case could be dealt with under the Revised Leave Rules. Treating his case under Revised Leave Rules on the one hand resulted in denial of full pay for major portion of the intervening period and on the other hand his leave account was also debited for the fault of the department and not the fault of the appellant.

6. As a consequence the appeal is accepted and the appellant is held entitled for full pay of the disputed period with the direction that leave account of the appellant should not be debited for the said period. Parties are left to bear their own costs. File be consigned to the record room.

Sd/- Niaz Mohammad Khan, Chairman  
Sd/- Gul Feroz Khan, Member.

Announced  
04-10-17

Certified to be true copy

*[Signature]*  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Camp Court, Swat

Attested to be  
true copy  
M. Arif Akbar

Date of Presentation of Application: 05-10-17  
Filing Fee: 1200  
Copying Fee: 8-00  
Stamp: 2-00  
Total: 10-00  
Date of Issuance: 05-10-17  
Date of Payment: 05-10-17

خدمت جناب F.D.O صاحب سوات محمد تقی بٹا گل بندہ سوات

محمد تقی بٹا گل

عنوان: درجہ واسطی/جولہ/Implement کرے۔ بیفدہ نمبرہ 4-10-2017  
حقوق گل محمد نائب قاضی

جناب عالی! سائل حسب ذیل عرض گزار ہے۔

1۔ یہ تم سائل Full pay 8-10-2010 to 29-11-2008 کے لئے سرورس ٹریبونل میں اپیل دائر کی تھی۔

2۔ یہ تم سائل کے اپیل برائے مذکورہ بالا پر یہ دیکھا گیا سرورس ٹریبونل کے منظور کیا ہے۔ مذکورہ بالا/ سرورس ٹریبونل کے بیفدہ کو سائل کے لئے بھی دفتر میں جمع کیا تھا۔ لیکن تا حال مذکورہ پھر کو کارروائی عمل میں نہیں لائی گئی ہے۔

3۔ یہ تم سائل کے حق میں سرورس ٹریبونل نے نمبرہ 4-10-2017 کو مذکورہ بالا پر یہ دیکھا Full pay منظور کیا ہے (نقل بیفدہ لفظ ہے)

لہذا تمہاری جانب سے، تمہیں منظور کی درخواست  
بعد ازیں جوہاں والا سائل کے حق میں مذکورہ بالا  
پر یہ دیکھا Full pay سرورس ٹریبونل کے بیفدہ  
نمبرہ 4-10-2017 کو Implement کرنا حاصل  
صادر فرمایا جائے۔

محمد تقی بٹا گل  
298/15  
گل محمد ولد ارشد محمد لیبارٹری انسٹیٹیوٹ  
ٹورنٹو ہائرسٹیٹیوٹری ہائیڈرو پیرشور  
تحقیق سوات

Copy attached to file  
True copy  
M. A. Rizvi Advocate

BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL AT PESHAWAR

Appeal No. \_\_\_\_\_ of 2017

Gul Muhammad Naib Qasid / Class IV, Govt. Meddle School Fazal  
Banda District Swat. ....(Appellant)

**VERSUS**

1. Executive District officer (Male) elementary &  
Secondary Education at Gul Kada Saidu Sharif District  
Swat.
2. Director Elementary & Secondary Education Khyber  
Pakhtunkhwa.

.....(Respondents)

APPEAL under section 04 of K.P.K service tribunal Act  
1974, AGAINST THE order dated 18/8/2016 received by  
the 24/08/2016 whereby the intervoening period W.E from  
29/11/2008 to 08/10/2010 has been treated as leave on half  
pay and against not taking action on the appeal of the  
appellant within statutory period.

PRAYER:

On acceptance of this appeal the respondents may be directed that the order dated 18/8/2016 may be pleased be modified and the intervoening period w.e from 29/11/2008 to 08/10/2010 may be considered as leave on full pay (arrear of pay) with all back & consequential benefits.

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to be  
true copy  
M. Arif Jahan

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**Respectfully Sheweth:**

1. That the appellant had submitted an appeal to this Honourable tribunal through appeal No. 1256/2012 for the granting of arrear of pay w.e from 01/08/2008 to 08/10/2010. (Previous Appeal as annexure A).

2. That respondent were summon and submitted written reply, wherein they controverted the allegation of appellant. (Copy of written reply is attached as annexure B).

3. That on above mention appeal No. 1256 / 2012 the Honourable tribunal had pass the order on 26/05/2016 with the direction to the respondents to finalize the matter within 3 months after receipt of the order. (Copy of order is annexure C).

4. ✓ That respondent Keeping in view the order of Honourable trial dated 26/08/2016 pass the order No, 10227-21 dated 08/08/2016 as listed bellow.

(i) 01/08/2008 to 28/11/2008 120 day on full pay.

(ii) 29/11/2008 to 08/10/2010 618 days on half pay.

(Copy of order is attached as annexure D).

5. That appellant submitted an application for the full pay of salary on 24/08/2016, but the respondent turn deep ear to the application. (COPY of application as Annexure E)

That appellant submitted departmental appeal for his claim and waited for ninety days but no reply has been received by the appellant so for, hence the present appeal on the following grounds amongst other. (copy of departmental appeal as Annexure F)

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true copy  
M. Arif Achwan

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GROUNDS:

- a. That not granting the arrear of pay \ half pay for the period of W.E from 29/11/2008 to 08/10/2010 and not taking action on the appeal of appellant is against the law, rules, norms of justice and principle of fair play.
- b. That the appellant has not been treated according to law and rules and has been illegally kept deprived from the right of salary which is not permissible under Services law.
- c. That the appellant is legally entitled for his claim of salaries / fully pay for period 29/11/2008 to 08/10/2010 for which the appellant can not be deprived from the right of salaries which is not permissible under the law.
- d. That the appellant is legally entitled for his claim of salaries of the period for which the appellant can not be deprived.
- e. That the appellant seek permission to advance other grounds and proofs at the time of hearing.

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

APPELLANT

Gul Muhammad



Through

MUHAMAMD ARIF ADVOCATE  
SWAT,

23-1-2017

Attested to be  
true copy  
M. Arif Advocate

بعدالت خیبر پختونخواہ سروس ٹریبونل لمبا کٹاواں

مورخہ 25 ابریل 2018ء منجانب سٹینڈرٹ/گل محمد

مقدمہ گل محمد بنام F.D.O دیند

دعویٰ

Execution petition

in Service petition

جرم Appeal no 60/2017

باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنے طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ آن مقام سروس ٹریبونل کیمپڈ محمد عارف ایڈووکیٹ مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ برحلف دینے جواب دہیا و اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زر اور اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری ایک طرف اپیل کی برآمدگی اور منسوخ مذکور کے مکمل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اسکا ساختہ برواختہ منظور و قبول ہوگا۔ اور دوران مقدمہ میں جو خرچہ و ہرجانہ اتوائے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا۔ اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا کہ سند رہے

2018

ماہ اپریل

المرقوم 25

العبد

گواہ شہد

العبد

Attested and accepted  
by

گل محمد

Muhammad Anik Advocate  
District Court Swat

العبد

Mob: 03329483542

کیلیے منظور ہے۔

سروس ٹریبونل

بمقام



**BEFORE THE HONORABLE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL PESHAWAR**

Execution Petition No 130/2018 in Service Appeal No 60/2017

GUL MUHAMMAD NAIB QASID GHSS BAR SHAWAR, DISTRICT SWAT

..... Appellant

VERSUS

Director Elementary & Secondary Education Khyber Pakhtunkhwa,  
Peshawar & others.

..... Respondents

**REPLY / COMMENTS ON BEHALF OF RESPONDENTS NO.1-2**

RESPECTFULLY SHEWETH:

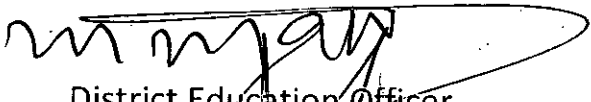
The Respondents Submit as under:-

1. That the Titled case was pending for adjudication before this Honorable Service Tribunal and has been decided vide judgment Dated 04-10-2017 in favor of the Appellant with the directions to the respondents vide Para 6 of the said judgment to consider the intervening Period of Absence w.e.f 29-11-2008 to 08-10-2010 with full pay instead of half pay. **(Copy of Judgment & office order dated 18-08-2016 are attached as annexure A & B.)**
2. That aggrieved from the judgment dated 04-10-2017 of this honorable service tribunal the respondents now petitioners referred the judgment to the law Department for CPLA in the august Supreme Court of Pakistan. The law Department declared the case fit for filing CPLA in the august Supreme Court of Pakistan. The respondents have filed the case in the august Supreme Court of Pakistan through the Advocate on Record (AOR) of Khyber Pakhtunkhwa, Peshawar. The

Respondents have deposited fee & the required Documents in the office of AOR Khyber Pakthunkhwa, Peshawar. The case is now pending in the august Supreme Court of Pakistan. The date for hearing is not fixed so far. **(Copy of fee Receipt is attached as Annexure C.)**

3. That the application dated 15-02-2018 submitted by the appellant for the implementation of the said judgment will be considered in the light of the decision of the august Supreme Court of Pakistan. That the appellant leave case has been considered in the light of revised leave rules 1981, under which the appellant is not entitled for full pay from 29-11-008 to 08-10-2010.
4. That the intervening period of Absence w.e.f 29-11-2008 to 08-10-2010 on full pay will be decided by the respondents in the light of the judgment of the august Supreme Court of Pakistan as the case is pending before the august Supreme Court of Pakistan. **(Copy of Leave Rules, 1981 is attached as Annexure D.)**

In view of the above made submissions, it is very humbly prayed that the instant Execution Petition may very kindly be dismissed in favour of the Respondents Please.

  
District Education Officer  
(Male) District, Swat  
(For Respondents No 1 & 2)

**BEFORE THE HONORABLE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL PESHAWAR**

Execution Petition No 130/2018 in Service Appeal No 60/2017

GUL MUHAMMAD NAIB QASID GHSS BAR SHAWAR, DISTRICT SWAT

..... Appellant


VERSUS

Director Elementary & Secondary Education Khyber Pakhtunkhwa,  
Peshawar & others.

..... Respondents

**AFFIDAVIT**

I, Muhammad Saeed the Representative of department solemnly affirm & declare on oath that all the contents of this Reply are true and correct to the best of my Knowledge and belief as provided to me by the Concerned Dealing Assistant. Nothing has been kept concealed from this honorable service Tribunal.

  
Deponent 6/8/18

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
CAMP COURT SWAT

Service Appeal No 60/2017

Date of Institution... 23.01.2017

Date of decision... 04.10.2017



Gul Muhammad Naib Qasid/ Government Middle School, Fazal Banda, District Swat. ... (Appellant)

Versus

1. District Education Officer (Male) E&SE, Saidu Sharif, Swat and another. ... (Respondents)

MR. MUHAMMAD ARIF,  
Advocate ... For appellant.

MR. MUHAMMAD ZUBAIR,  
District Attorney ... For respondents.

MR. NIAZ MUHAMMAD KHAN, ... CHAIRMAN  
MR. GUL ZEB KHAN, ... MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - Arguments of the learned counsel for the parties heard and record perused.

**ATTESTE**

FACTS

The appellant was granted extraordinary leave without pay for 5 years and when he returned back from EOL and reported for duty his report was not accepted by the concerned authority. Thereafter, the appellant availed his legal remedy and finally filed service appeal before this Tribunal bearing No. 1256/2012 which was disposed of by the order dated 26.05.2016. In this order, the learned Additional Advocate General sought time to settle the issue according to rules and availability of budget. The department was directed to finalize the matter within 3 months after the receipt of the order. The department then finalized the matter and vide impugned order dated 18.08.2016 converted the

EXAMINED  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

period from 01.08.2008 to 28.11.2008 on full pay and 29.11.2008 to 08.10.2010 on half pay. The appellant then filed a departmental appeal against the impugned order on 23.02.2016 which was not responded to and the appellant then filed the present appeal on 23.01.2017.

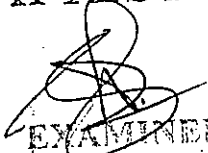
### ARGUMENTS

3. The learned counsel for the appellant argued that no fault lies with the appellant as he duly reported for duty after expiry of EOL in 2008 but he was not given any post and he had to run from pillar to post for getting himself adjusted against any available vacancy. Finally he was adjusted on 08.10.2010 but his pay from 1.8.2008 to 08.10.2010 was not released for which he came to this Tribunal in first round of litigation. That the impugned order was passed in consequence of order of this Tribunal dated 26.5.2016 but the department instead of granting him full pay converted the said period to leave partly on full pay and partly on half pay which is against the law for the reason that the appellant had never applied for any further leave for the said period.

4. On the other hand the learned District Attorney argued that under the Revised Leave Rules, 1981 the appellant could have been granted 120 days leave on full pay and for the rest of the period on half pay. That the order of this Tribunal dated 26.5.2016 was not conclusive and no right accrued to the appellant on the basis of the said order.

### CONCLUSION

5. It is admitted position that the appellant reported to the concerned authority after the expiry of extra ordinary leave. It is also admitted position that there was no reason for not adjusting him on his arrival from the extraordinary leave. It is also admitted position that the appellant never applied for the leave then how his

ATTESTE  
  
 EXAMINER  
 Khyber Pakhtunkhwa  
 Service Tribunal  
 Peshawar

case could be dealt with under the Revised Leave Rules. Treating his case under Revised Leave Rules on the one hand resulted in denial of full pay for major portion of the intervening period and on the other hand his leave account was also debited for the fault of the department and not the fault of the appellant.

6. As a consequence the appeal is accepted and the appellant is held entitled for full pay of the disputed period with the direction that leave account of the appellant should not be debited for the said period. Parties are left to bear their own costs. File be consigned to the record room.

Announced  
04.10.2017

*self* - Miraz Muhammad Khan,  
Chairman,  
Appellate Court Swat

Certified true copy  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

*self* - Gulzeer Khan  
Member

Date of Presentation of application 04-10-2017  
Number of Pages 1200  
Copying Fee 8  
Hearings —  
Fees 8  
Name of Officer [Signature]  
Date of Completion of Case 22-11-17  
Date of Delivery of Copy 08-01-18



Annex-B

(4)

OFFICE OF THE  
DISTRICT EDUCATION OFFICER  
(MALE) SWAT

OFFICE ORDER:

Consequent upon decision of Honorable Service tribuna Peshawar Vide appeal No. 1256 dated 26-05-2016. Leave already sanctioned w.e.f.01-08-2016 to 08-10-2016 (738 days) on half pay vide Endst: No. 2576-79 dated 24-01- 2011 in favour of Mr. Gul Muhammad is hereby revised as detail below as due and admissible to him under the leave rules 1981.

1. 01-08-2008 to 28-11-2008 120 days on full pay
2. 29-11-2008 to 8-10-2010 618 on half pay

Necessary entry to this effect should be in his Service Book accordingly.

(Hafiz Dr. Muhammad Ibrahim)

DISTRICT EDUCATION OFFICER (M)

SWAT

Endst: No: 10227-29 /P/File /LPR Dated 18/8/2016.

Copy forwarded to:

- 1- The Director of Elementary and Secondary Education Khyber PukhtunKhwa, Peshawar.
- 2- The District Comptrollers of Account Swat at Saidu Sharif.
- 3- The Head Master or Sub Divisional Education Officer (M) District Swat Concerned.
- 4- P.A to the District Education Officer Swat local office.
- 5- The official concerned.

DISTRICT EDUCATION OFFICER (M)  
SWAT

18/8/2016

Annex-C

5

**POWER OF ATTORNEY**  
**IN THE SUPREME COURT OF PAKISTAN**  
**(APPELLATE JURISDICTION)**

Director Elementary &  
Secondary Education & others

PETITIONER(S)

VERSUS

Gul Muhammad Naib Qasid

RESPONDENT

**I, through Petitioner (Govt of KPK)** in the above Petition do hereby appoint and Constitute **Mian Saadullah Jandoli**, Advocate-on-record, Supreme Court, for Govt of Khyber Pakhtun Khwa the Attorney for the aforesaid Petitioner(s) to commence and prosecute appear and defend this Action/appeal/suit/petition/reference on my/our behalf and all proceeding that may be taken in respect on any application connected with the same including proceeding in taxation and application for review, to draw and deposit money, to file and take back documents, to accept the proceed of the court, to appoint and instruct council, to represent the aforesaid petitioner(s) in the above matter and to do all things incidental to such acting for the aforesaid Petitioner(s).

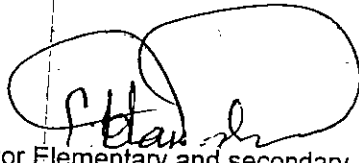
Aforesaid Petitioner(s) hereby agrees/agree to ratify all acts done by the aforesaid attorney and pursuance of this authority.

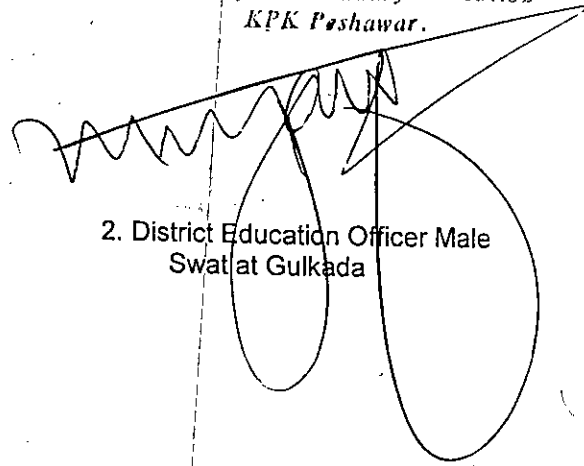
I witness whereof I/we do hereunto set my/ our hand/hands.

Accepted

**Signed with Official seal stamp**

(Mian Saadullah Jandoli)  
Advocate-on-Record  
Supreme Court of Pakistan  
(For KPK) Advocate General's  
Office KPK, High Court building, Peshawar.  
Office telephone # 091-9210312, 9210119

  
1. Director Elementary and secondary Education  
Khyber PakhtunKhwa, Peshawar.  
**DIRECTOR**  
*Elementary & Secondary Education*  
*KPK Peshawar.*

  
2. District Education Officer Male  
Swat at Gulkada

Issuing Date:

8/1/2018



Annex-C

OFFICE OF THE ADVOCATE GENERAL KHYBER PAKHTUNKHWA  
PESHAWAR HIGH COURT BUILDING PESHAWAR

6

RECEIPT

Received a sum of Rs. 2200/- (Two thousand and two hundred only) as expenses for filing CPLA (Photo state, Binding, Supreme Court Tickets and Notice to the respondents etc) in the Supreme Court of Pakistan in its branch registry at Peshawar in connection with case title Service Appeal No. 60/2017 Gul Muhammad Versus Government of Khyber Pakhtunkhwa and another.

*[Signature]*  
Advocate-on-Record  
Supreme Court of Pakistan  
Govt of Khyber Pakhtunkhwa  
Peshawar  
8/1/2018

Attendance Certificate

OFFICE OF THE ADVOCATE GENERAL, KHYBER  
PAKHTUNKHWA, PESHAWAR.

CERTIFICATE

Certified that Mr. Muhammad Saeed  
Office of the DEO (Male) Swat / G.H.S.S. Baidara, Swat  
Attended this office on 08/01/2018 in connection with case  
title S.A. No. 60/2017 Gul Muhammad  
Versus Govt. of KPK, etc

PESHAWAR  
8-1-2018

*[Signature]*  
Advocate-on-Record  
Supreme Court of Pakistan  
Govt of Khyber Pakhtunkhwa  
Peshawar  
8/1/2018

Annex-D

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## <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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(iii) There shall be no maximum limit on the accumulation of such leave.

<sup>7</sup>[Note. Deleted]

**3. When leave earned.**---(a) All service rendered by a civil servant qualifies him to earn leave in accordance with these rules but shall not be earned during the period of leave.

(b) Any period spent by a civil servant in foreign service qualifies him to earn leave provided that a contribution towards leave salary is paid to the Government on account of such period.

**4. Grant of Leave on Full Pay.**---(1) The maximum period of leave on full pay that may be granted at one time by the competent authority shall be as follows:--

(i)	Without medical certificate	...	120 days
(ii)	With medical certificate	...	180 days
<b>PLUS</b>			
(iii)	On medical certificate from leave account in entire service.	...	365 days

(2) The maxima prescribed at (i) and (ii) of sub-rule (1) are independent of each other. In other words a civil servant may be granted, at a time, total leave on full pay on medical certificate upto the permissible extent in continuation of leave upto 120 days without medical certificate, subject to given conditions.

**5. Grant of Leave on Half Pay.**---(1) Leave on full pay may be converted into leave on half pay, at the option of the civil servant.

(2) Debits to the leave account will be at the rate of one day of the former for every two days of the latter, fraction of one-half counting as one full day's leave on full pay.

(3) The request for such conversion shall be specified by the civil servant in his application for the grant of leave.

(4) There shall be no limit on the grant of leave on half pay so long as it is available by conversion in the leave account.

**6. Conversion of Leave Account.**---(1) All leave at credit in the account of a civil servant who was in service on the 1st day of July, 1978, shall be carried forward and expressed in terms of leave on full pay. The leave account in such cases shall, with effect from 1st July, 1978 or in case of civil servant who was on leave on that date with effect from the date of his return from leave, be recast as under, ignoring the fraction if any:--

(i)	Leave of full pay—			
	(a)	1 month	...	30 days
	(b)	1 day	...	1 day
(ii)	Leave on half pay—			
	(a)	1 month	...	15 days
	(b)	2 day	...	1 day

(2) In carrying forward the leave, the leave at credit of a civil servant in columns 7 and 8 and half of the leave at credit in column 9 of the existing leave account shall be carried forward to the new leave account of the civil servant.

<sup>7</sup> The "Note" at the end of rule 2 deleted by Notification No. FD. 50(SR-IV)5-54/80(Vol.II), dated 01-06-1982.

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(3) The leave availed under the existing rules from column 13 (a) of the leave account shall be debited against the maximum limit of 365 days fixed under rule 4 (1) (iii).

**7. Leave not due.**---(1) Leave not due may be granted on full pay, to be offset against leave to be earned in future, for a maximum period of three hundred and sixty five days in the entire period of service, subject to the condition that during the first five years of service it shall not exceed ninety days in all.

(2) Such leave may be converted into leave on half pay.

(3) Such leave shall be granted only when there are reasonable Chances of the Civil Servant resuming duty on the expiry of the leave.

(4) Such leave shall be granted sparingly and to the satisfaction of the sanctioning authority but it shall not be admissible to the temporary civil servants.

**8. Leave Salary.**---(1) Leave pay admissible during leave on full pay shall be the greater of--

(a) the average monthly pay earned during the twelve complete months immediately preceding the month in which the leave begins; and

(b) the rate equal to the rate of pay drawn on the day immediately before the beginning of the leave.

(2) When leave on half pay is taken, the amount calculated under clause (a) and (b) of sub-rule (1) shall be halved to determine the greater of the two rates.

<sup>8</sup>[(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.]

**9. Special Leave to Female Civil Servants.**---As female civil servant may, on the death of her husband, be granted special leave on full pay not exceeding 130 days. This leave shall not be debited to her leave account and will commence from the date of death of her husband. For this purpose she will have to produce death certificate issued by competent authority either alongwith her application for special leave or, if that is not possible, the said certificate may be furnished to the leave sanctioning authority separately.

**10. Maternity Leave.**---(1) Maternity leave may be granted on full pay, outside the leave account, to a female civil servant to the extent of ninety days in all from the date of its commencement or forty five days from the date of her confinement, which ever be earlier.

(2) Such leave may not be granted for more than three times in the entire service of a female civil servant except in the case of a female civil servant employed in a vacation department who may be granted maternity leave without this restriction.

(3) For confinement beyond the third one, the female civil servant would have to take leave from her normal leave account.

(4) The spells of maternity leave availed of prior to the coming into force of these rules shall be deemed to have been taken under these rules.

(5) Maternity leave may be granted in continuation of, or in combination with, any other kind of leave including extraordinary leave as may be due and admissible to a female civil servant.

<sup>8</sup> Sub-rule (3) of rule 8 rule 8 added by Notif. No. FD.SO(SR-IV)5-54/80-Vol.III, dated 26.10.1994.

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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 contracted 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.

(3) The leave pay shall be payable in sterling, if such leave is spent in Asia other than Pakistan and India.

(4) Such leave pay shall be payable for the actual period of leave spent abroad subject to maximum of one hundred and twenty days at a time.

(5) The civil servants appointed after 17th May, 1958, shall draw their leave salary in rupees in Pakistan irrespective of the country where they spent their leave.

(6) Leave Ex-Pakistan will be regulated and be subject to the same limits and conditions as prescribed in rule 4,5 and 12.

**17. Assigning reasons for leave.**---It shall not be necessary to specify the reasons for which leave has been applied, so long as that leave is due and admissible to a civil servant.

**18. Commencement and end of leave.**---Instead of indicating whether leave starts / ends in the forenoon or after-noon, leave shall commence from the day following that on which a civil servant hands over the charge of his post. It shall end on the day preceding that on which he resumes duty.

**19. Absence after the expiry of leave.**---Unless his leave is extended by the leave sanctioning authority, a civil servant who remains absent (except for circumstances beyond his control) after the end of his leave shall not be entitled to any remuneration for the period of such absence and double period of such absence shall be debited against his leave account. Such debit shall if there is insufficient credit in the leave account, be adjusted against future accumulations. Such double debit shall not preclude any disciplinary action that may be considered necessary under any rule for the time being in force after affording a reasonable opportunity to the civil servant concerned to indicate his position.

<sup>10</sup>**[20. Encashment of Leave Preparatory to Retirement.**--- <sup>11</sup>[(1) Where a civil servant opts not to avail the leave preparatory to retirement admissible to him under rule 14, he shall be allowed leave salary for the period for which leave preparatory to retirement is admissible, subject to a maximum of <sup>12</sup>[three hundred and sixty-five] days. For the purpose of lump sum payment in lieu of leave preparatory to retirement only the senior post allowance will be included in the leave pay so admissible. The payment of leave pay in lieu of leave preparatory to retirement may be made to the civil servant either in lump sum at the time of retirement or may at his option, be drawn by him monthwise, in arrears, for and during the period of leave preparatory to retirement. This amendment shall take effect from 01.07.1983.]

<sup>13</sup>[(2) Encashment of leave preparatory to retirement (LPR) not exceeding three hundred and sixty five days shall be effective from the first day of July, 2012 and shall, for the entire period of leave refused or opted for encashment, be applicable to a civil servant retired or, as the case may be, retiring on or, after the first day of July 2012, provided such leave is available at his credit subject to a maximum of three hundred and sixty five days.

(3) If at any time during such period, leave is granted on account of ill health supposed by medical certificate or for performance of Hajj, the amount of cash compensation on account of leave pay shall be reduced by an amount equal to the leave pay for the period of leave so granted]

(4) Leave pay for the purpose of encashment of LPR shall be computed on the basis of pay and allowances reckonable towards pension as shown in the last pay certificate of a civil servant.]

<sup>14</sup>**[21. In Service Death, etc.**---(1) In case a civil servant dies, or is declared permanently incapacitated for further service by a Medical Board, while in service, a lump sum payment equal to leave

<sup>10</sup> . Rule 20 substituted by Notification No. FD.SO(SR-IV)5-54(Vol:II), dated 24th August, 1983.

<sup>11</sup> . Renumbered as sub-rule (1) by Notification No. (FR)FD-5-92/2005/Vol-V, DATED 13-12-2012

<sup>12</sup> . Substituted for the words "one hundred and eighty" by Notification No. (FR)FD-5-92/2005/Vol-V, DATED 13-12-2012.

<sup>13</sup> . Substituted for the words "one hundred and eighty" by Notification No. (FR)FD-5-92/2005/Vol-V, DATED 13-12-2012.

<sup>14</sup> . Rule 21 substituted by Notification No.FD.SO(SR-IV)5-54/80(Vol:III), dated 03.05.1988

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pay upto one hundred and eighty days out of the leave at his credit shall be made to his family as defined for the purposes of family pension or, as the case may be, to the civil servant.

(2) For the purpose of lump sum payment under sub rule (1), only the "senior prost allowance" will be included in the "leave pay" so admissible.]

**22. Recall from Leave.**---If a civil servant is recalled to duty compulsorily with the approval of the leave sanctioning authority, from leave of any kind, which he is spending away from his headquarters, he may be granted single return fare plus daily allowance as admissible on tour from the station where he is spending his leave to the place where he is required to report for duty. In case he is recalled to duty at headquarters and his remaining leave is cancelled, the fare then admissible shall be for one way journey only. If the order of recall to the civil servant is optional then the concession above mentioned will not be admissible.

**23. Any type of leave may be applied.**---A civil servant may apply for the type of leave which is due and admissible to him and it shall not be refused on the ground that another type of leave should be taken in the particular circumstances for example, a civil servant may apply for extraordinary leave or leave on half pay even if leave on full pay is otherwise due and admissible to him, or he may proceed on extraordinary leave followed by leave on half pay and full pay rather than on full pay, half pay and without pay.

**24. Combination of different types of leave etc.**---One type of leave may be combined with joining time or with any other type of leave otherwise admissible to the civil servant:

Provided that leave preparatory to retirement shall not be combined with any other kind of leave.

**25. Civil Servants on leave not to joint duty without permission before its expiry.**---Unless he is permitted to do so by the authority which sanctioned his leave a civil servant on leave may not return to duty before the expiry of the period of leave granted to him.

**26. Leave due may be granted on abolition of post, etc.**---(1) When a post is abolished, leave due to the civil servant, whose services are terminated in consequence thereof, shall be granted without regard to the availability of a post for the period of leave.

(2) The grant of leave in such cases shall, so long as he does not attain the age of superannuation be deemed automatically to have also extended the duration of the post and the tenure of its incumbent.

**27. Manner of handing over charge when proceeding on leave, etc.**---(1) A civil servant proceedings on leave shall hand over the charge of his post, and if he is in Grade-16 and above, he shall, while handing over charge of the post, sign the charge relinquishment report.

(2) If leave ex-Pakistan has been sanctioned on medical grounds, the civil servant shall take abroad with him copy of the medical statement of his case.

**28. Assumption of charge on return from leave, etc.**---(1) A civil servant, on return from leave, shall report for duty to the authority that sanctioned his leave and assume charge of the post of which he is directed by that authority unless such direction has been given to him in advance.

(2) In case he is directed to take charge of a post at a station other than that from where he proceeded on leave, travel expenses as on transfer shall be payable to him.

**29. Account Officer to maintain leave account.**---(1) Leave account in respect of a civil servant shall be maintained as part of his Service Book.

(2) The Account Offices shall maintain the leave accounts of civil servants of whom they were maintaining the accounts immediately before the coming into force of these rules.

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**30. Leave to lapse when civil servant quits service.**---All leave at the credit of a civil servant shall lapse when he quits service.

**31. Leave application, its sanction, etc.**---(1) Except where otherwise stated, an application for leave or for an extension of leave must be made to the head of office where a civil servant is employed and, in the case of the head of office to the next-above administrative authority and ht extent of leave due and admissible shall be stated in the application.

(2) An audit report shall not be necessary before the leave is sanctioned.

(3) When a civil servant submits a medical certificate for the grant of leave, it shall be by an authorised medical attendant in the form attached to these rules.

(4) Leave as admissible to a civil servant under these rules may be sanctioned by the head of a department, Attached Department, Office or any other officer authorised by him to do so and, when so required, leave shall be notified in the official Gazette.

(5) In case where all the applications for leave cannot, in the interest of public service, be sanctioned to run simultaneously, the authority competent to sanction leave shall, in deciding the priority of the applications consider:

- (i) whether, and how many applicants can, for the time being, best be spared;
- (iii) whether any applicants were last recalled compulsorily from leave; and
- (ii) whether any applicants were required to make adjustment in the timing of their leave on the last occasion.

**FORM OF MEDICAL CERTIFICATE**

**FORM-I**

Signature of applicant \_\_\_\_\_

**MEDICAL CERTIFICATE FOR CIVIL SERVANTS RECOMMENDED FOR LEAVE OR EXTENSION**

I, \_\_\_\_\_ after careful \_\_\_\_\_ personal examination of the case, hereby certify that, \_\_\_\_\_ whose signature is given above, is suffering from \_\_\_\_\_ and I consider that a period of absence from duty of \_\_\_\_\_ more with effect from \_\_\_\_\_ is absolutely necessary for the restoration of his / her health.

Dated, the \_\_\_\_\_

Government Medical Attendant

**APPLICATION FOR LEAVE**

**FORM-II**

Notes:--Item 1 to 9 must be filled in by all applicants, Item 12 applied only in the case of Government servants of Grade 16 and above.

- 1. Name of applicant.
- 2. Leave Rules applicable.
- 3. Post held.
- 4. Department or office.
- 5. Pay
- 6. House rent allowance / conveyance allowance or other compensatory allowances drawn in the present post.



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- 7. (a) Nature of leave applied for.  
(b) Period of leave in days.  
(c) Date of commencement.
- 8. Particular Rule / Rules under which leave is admissible.
- 9. (a) Date of return from last leave.  
(b) Nature of Leave.  
(c) Period of leave in days.

Signature of applicant

10. Remarks and recommendation of the Controlling Officer.

11. Certified that leave applied for is admissible under Rule ..... and necessary conditions are fulfilled.

Signature  
Designation

12. Report of Audit Office.

Signature  
Designation

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

Signature  
Designation  
Dated.....

FORM III

FORM OF LEAVE ACCOUNT UNDER THE REVISED LEAVE RULES, 1981

Leave Account of Mr. / Miss / Mx .....  
 Date of commencement of service .....  
 Date of attaining the age of superannuation .....

(N.B.—Instruction for filling in the form are printed on the succeeding pages.  
 LEAVE TAKEN (from Column 8 to 20)

Government / Department served under	From	2	3	4	5	Full Calendar months	Leave earned on full pay 4 days for each calendar month.	Days	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23																						
	To	1	2	3	4																					5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23			
PERIOD OF DUTY		To		Y.M.D		Full Calendar months		Leave earned on full pay 4 days for each calendar month.		Leave at Credit (column 21+6)		PERIOD		Leave on full pay without medical certificate subject to maximum of 120 days & 365 days in case of L.P.R.		Leave on full pay on medical certificate subject to maximum of 180 days.		Leave on full pay on medical certificate subject to maximum of 365 days in entire service.		LEAVE ON HALF PAY		In terms of half pay		In terms of full pay		Rested leave of 15 days in a year but 10 days to be debited.		LEAVE NOT DUE		In terms of half pay.		In terms of full pay.		Actual No. of days		No. of days deductible (double the actual number).		ABSENCE		Total leave (Columns 10+11+12+14+15+17+19)		Balance on 01.07.1978/return from leave (Column 7-20)		Remarks		ATTESTATION	

**Explanatory Instructions for Filling up the Leave Account Form**

1. This leave account will be maintained for all civil servants of the Provincial Government who were in service on the 1st July, 1978 including those who were on leave on that date and have not opted to retain the existing leave rules and all others who enter service on or after 1st July, 1978.

2. All leave at credit in the account of a civil servant who was in service on the 1st July, 1978 shall be converted in terms of leave on full pay at the following rates:--

(i)	Leave of full pay--			
	(a)	1 month	...	30 days
	(b)	1 day	...	1 day
(ii)	Leave on half pay--			
	(a)	1 month	...	15 days
	(b)	2 day	...	1 day

(Fraction, if any, to be ignored).

3. The leave account shall commence with an opening entry "Due on 1st July, 1978" or in the case of a Civil servant, who was on leave on 1st July, 1978 with effect from the date of his return from leave. For the purpose of computing the leave at credit, the service upto 30th June, 1978 will be taken into account. The leave due in terms of leave on full pay in days will be noted in Column No. 21.

4. (i) In calculating the leave earned on full pay at the rate of 4 days for every calendar month the duty period of 15 days or less in a calendar month shall be ignored and those of more than 15 days shall be 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 restrict to that admissible for one full calendar month only. There shall be a maximum limit on accumulation of this leave.

(ii) The provision (i) above will not apply to a vacation department. In its case, a civil servant may earn leave on full pay (a) when he avails himself of full vacation in a calendar year .....at the rate of one day for 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 a 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 portion of thirty days as the number of days of vacation not taken bear to the full vacation.

5. (a) Leave on full pay may be converted into leave on half pay at the option of the civil servant, the debit to the leave account will be at the rate of one day of the former for every two days of the latter, fraction of one half counting as on full days leave on full pay. The request for such conversion shall be specified by the civil servant in his application for the grant of leave.

(b) There shall be no limit on the grant of leave on half pay so long as it is available by conversion in the leave account.

6. L.P.R. on full pay will be noted in column No. 10 while that on half pay in columns No. 13 and 14.

7. Leave not due may be granted on full pay to be off-set against leave to be earned in future for a maximum period of 365 days in the entire period of service subject to the condition that during the five years of service it shall not exceed 90 days in all. Such leave may be converted into leave on half pay. It shall be granted only when there are reasonable chances of the civil servant resuming duty.

8. The grant of Special Leave, Maternity Leave, Disability Leave, Extraordinary Leave, payment of leave pay for refused L.P.R. upto a maximum of 180 days lump sum payment equal to full pay upto 180 days out of leave at credit made to the family of a Government servant whose death occurs while in service, Seaman sick leave, Departmental Leave, Study Leave, Hospital Leave and Quarantine Leave shall be noted in Column No. 22. Maternity leave other than three times in entire service shall however be debited to the relevant column of the leave account.

9. When a Government servant applies for the leave columns 2 to 7 shall be filled in showing the period of duty upto the date preceding that on which a Government servant intends to go on leave. The full calendar months to be noted in column 5 shall be worked out on the lines indicated in para 4 above.

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10. When a Government servant returns from leave, column 8 to 23 shall be filled in according to the nature of leave. If leave not due to is availed of the minus balance to be shown in column No. 21 should be written in red ink.

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خدمت جناب E.D.O صاحب سوات محکمہ تعلیم بقا کل ذرہ سوات

مکرم غازی

عنوان: درخواست فاسلہ/فول پے/Implement کرنے کے بعد نمبرہ 10/4  
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حکف کل رقم نایب خاصہ

جناب عالی! سائل حسب ذیل عرض گزار ہے۔

- 1۔ یہ کہ سائل نے Full pay <sup>پر</sup> 8-10-2010 to 29-11-2008 کے لیے سرورس ٹریبونل میں اپیل دائر کی تھی۔
- 2۔ یہ کہ سائل نے اپیل برائے مذکورہ بالا پر یہ کہلے سرورس ٹریبونل نے منظور کیا ہے۔ مذکورہ بالا/سرورس ٹریبونل نے سائل کو ~~اپیل~~ بھی دفتر میں جمع کیا تھا۔ لیکن تاحال مذکورہ پھر کو کارروائی عمل میں نہیں لائی گئی ہے۔
- 3۔ یہ کہ سائل نے حق میں سرورس ٹریبونل نے نمبرہ 10/4 کو مذکورہ بالا پر یہ <sup>دیکھ کر</sup> Full pay منظور کیا ہے (نقل سفلہ لف ہے)

لہذا درخواست ہے، کہ منظور فرمادیا جائے  
 بعد ازاں یہاں سے سائل نے حق میں مذکورہ بالا  
 پر یہ <sup>دیکھ کر</sup> Full pay سرورس ٹریبونل کے حکم  
 نمبرہ 10/4 کو Implement کرنے کا حکم  
 صادر فرمایا ہے۔  
 2/298  
 15  
 کل جمعہ ولہ ارز حد لیبارٹری اٹھنے کے  
 ڈورمنٹ ہائر سکینڈری ہائی اسکول  
 تحصیل منہ سوات

Checked to be  
 true copy  
 M. A. J. Adawat

**BEFORE THE HONORABLE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL PESHAWAR**

Execution Petition No 130/2018 in Service Appeal No 60/2017

GUL MUHAMMAD NAIB QASID GHSS BAR SHAWAR, DISTRICT SWAT.

..... Appellant

VERSUS

Director Elementary & Secondary Education Khyber Pakhtunkhwa,  
Peshawar & others.

..... Respondents

**REPLY / COMMENTS ON BEHALF OF RESPONDENTS NO.1-2**

RESPECTFULLY SHEWETH:


The Respondents Submit as under:-

1. That the Titled case was pending for adjudication before this Honorable Service Tribunal and has been decided vide judgment Dated 04-10-2017 in favor of the Appellant with the directions to the respondents vide Para 6 of the said judgment to consider the intervening Period of Absence w.e.f 29-11-2008 to 08-10-2010 with full pay instead of half pay. (Copy of Judgment & office order dated 18-08-2016 are attached as annexure A & B.)
2. That aggrieved from the judgment dated 04-10-2017 of this honorable service tribunal the respondents now petitioners referred the judgment to the law Department for CPLA in the august Supreme Court of Pakistan. The law Department declared the case fit for filing CPLA in the august Supreme Court of Pakistan. The respondents have filed the case in the august Supreme Court of Pakistan through the Advocate on Record (AOR) of Khyber Pakhtunkhwa, Peshawar. The

Respondents have deposited fee & the required Documents in the office of AOR Khyber Pakthunkhwa, Peshawar. The case is now pending in the august Supreme Court of Pakistan. The date for hearing is not fixed so far. (Copy of fee Receipt is attached as Annexure C.)

3. That the application dated 15-02-2018 submitted by the appellant for the implementation of the said judgment will be considered in the light of the decision of the august Supreme Court of Pakistan. That the appellant leave case has been considered in the light of revised leave rules 1981, under which the appellant is not entitled for full pay from 29-11-008 to 08-10-2010.
4. That the intervening period of Absence w.e.f 29-11-2008 to 08-10-2010 on full pay will be decided by the respondents in the light of the judgment of the august Supreme Court of Pakistan as the case is pending before the august Supreme Court of Pakistan. (Copy of Leave Rules, 1981 is attached as Annexure D.)

In view of the above made submissions, it is very humbly prayed that the instant Execution Petition may very kindly be dismissed in favour of the Respondents Please.

  
District Education Officer  
(Male) District, Swat  
(For Respondents No 1 & 2)

**BEFORE THE HONORABLE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL PESHAWAR**

Execution Petition No 130/2018 in Service Appeal No 60/2017

GUL MUHAMMAD NAIB QASID GHSS BAR SHAWAR, DISTRICT SWAT

..... Appellant

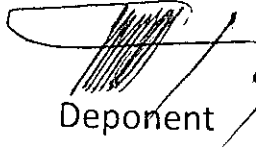
VERSUS

Director Elementary & Secondary Education Khyber Pakhtunkhwa,  
Peshawar & others.

..... Respondents

**AFFIDAVIT**

I, Muhammad Saeed the Representative of department solemnly affirm & declare on oath that all the contents of this Reply are true and correct to the best of my Knowledge and belief as provided to me by the Concerned Dealing Assistant. Nothing has been kept concealed from this honorable service Tribunal.

  
Deponent

6/8/18



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
CAMP COURT SWAT

Service Appeal No 60/2017

Date of Institution... 23.01.2017

Date of decision... 04.10.2017



Gul Muhammad Naib Qasid/ Government Middle School, Fazal Banda, District Swat. ... (Appellant)

Versus

1. District Education Officer (Male) E&SE, Saidu Sharif, Swat and another. ... (Respondents)

MR. MUHAMMAD ARIF,  
Advocate ... For appellant.

MR. MUHAMMAD ZUBAIR,  
District Attorney ... For respondents.

MR. NIAZ MUHAMMAD KHAN, ... CHAIRMAN  
MR. GUL ZEB KHAN, ... MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - Arguments of the learned counsel for the parties heard and record perused.

FACTS

The appellant was granted extraordinary leave without pay for 5 years and when he returned back from EOL and reported for duty his report was not accepted by the concerned authority. Thereafter, the appellant availed his legal remedy and finally filed service appeal before this Tribunal bearing No. 1256/2012 which was disposed of by the order dated 26.05.2016. In this order, the learned Additional Advocate General sought time to settle the issue according to rules and availability of budget. The department was directed to finalize the matter within 3 months after the receipt of the order. The department then finalized the matter and vide impugned order dated 18.08.2016 converted the

**ATTESTE**

EXAMINED  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

period from 01.08.2008 to 28.11.2008 on full pay and 29.11.2008 to 08.10.2010 on half pay. The appellant then filed a departmental appeal against the impugned order on 23.02.2016 which was not responded to and the appellant then filed the present appeal on 23.01.2017.


### ARGUMENTS

3. The learned counsel for the appellant argued that no fault lies with the appellant as he duly reported for duty after expiry of EOL in 2008 but he was not given any post and he had to run from pillar to post for getting himself adjusted against any available vacancy. Finally he was adjusted on 08.10.2010 but his pay from 1.8.2008 to 08.10.2010 was not released for which he came to this Tribunal in first round of litigation. That the impugned order was passed in consequence of order of this Tribunal dated 26.5.2016 but the department instead of granting him full pay converted the said period to leave partly on full pay and partly on half pay which is against the law for the reason that the appellant had never applied for any further leave for the said period.

4. On the other hand the learned District Attorney argued that under the Revised Leave Rules, 1981 the appellant could have been granted 120 days leave on full pay and for the rest of the period on half pay. That the order of this Tribunal dated 26.5.2016 was not conclusive and no right accrued to the appellant on the basis of the said order.

### CONCLUSION

5. It is admitted position that the appellant reported to the concerned authority after the expiry of extra ordinary leave. It is also admitted position that there was no reason for not adjusting him on his arrival from the extraordinary leave. It is also admitted position that the appellant never applied for the leave then how his

ATTESTE  
  
 EXAMINER  
 Khyber Pakhtunkhwa  
 Service Tribunal  
 Peshawar

case could be dealt with under the Revised Leave Rules. Treating his case under Revised Leave Rules on the one hand resulted in denial of full pay for major portion of the intervening period and on the other hand his leave account was also debited for the fault of the department and not the fault of the appellant.

6. As a consequence the appeal is accepted and the appellant is held entitled for full pay of the disputed period with the direction that leave account of the appellant should not be debited for the said period. Parties are left to bear their own costs. File be consigned to the record room.

Announced  
04.10.2017

Self - Mirza Muhammad Khan,  
Chairman  
Appellate Court Swat

Certified true copy  
Khyber Pakhtunkhwa  
Services Tribunal,  
Peshawar

Self - Gulzeb Khan  
Nauder

Date of Presentation of application 04-10-2017  
Number of Nos. 1200  
Copying Fee 8  
Filing Fee —  
Total 8  
Name of Officer [Signature]  
Date of Completion of work 22-11-17  
Date of Delivery of Copy 08-01-18

OFFICE OF THE ADVOCATE GENERAL KHYBER PAKHTUNKHWA  
PESHAWAR HIGH COURT BUILDING PESHAWAR

RECEIPT

Received a sum of Rs. 2200/- (Two thousand and two hundred only) as expenses for filing CPLA (Photo state, Binding, Supreme Court Tickets and Notice to the respondents etc) in the Supreme Court of Pakistan in its branch registry at Peshawar in connection with case title Service Appeal No. 60/2017 Gul Muhammad Versus Government of Khyber Pakhtunkhwa and another.

*[Signature]*  
Advocate-on-Record  
Supreme Court of Pakistan  
Govt of Khyber Pakhtunkhwa  
Peshawar  
8/1/2018

*Attendance Certificate*

OFFICE OF THE ADVOCATE GENERAL, KHYBER  
PAKHTUNKHWA, PESHAWAR.

CERTIFICATE

Certified that Mr. Muhammad Saeed  
Office of the SEO (Male) Sinal-7/455 Baidara, Swat  
Attended this office on 08/01/2018 in connection with case  
title S.A. No. 60/2017 Gul Muhammad  
Versus Govt. of KPK, etc

PESHAWAR  
8-1-2018

*[Signature]*  
Advocate-on-Record  
Supreme Court of Pakistan  
Govt of Khyber Pakhtunkhwa  
Peshawar  
8/1/2018

## <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.

(iii) There shall be no maximum limit on the accumulation of such leave.

<sup>7</sup>[Note. Deleted]

**3. When leave earned.**---(a) All service rendered by a civil servant qualifies him to earn leave in accordance with these rules but shall not be earned during the period of leave.

(b) Any period spent by a civil servant in foreign service qualifies him to earn leave provided that a contribution towards leave salary is paid to the Government on account of such period.

**4. Grant of Leave on Full Pay.**---(1) The maximum period of leave on full pay that may be granted at one time by the competent authority shall be as follows:--

(i)	Without medical certificate	...	120 days
(ii)	With medical certificate	...	180 days
<b>PLUS</b>			
(iii)	On medical certificate from leave account in entire service.	...	365 days

(2) The maxima prescribed at (i) and (ii) of sub-rule (1) are independent of each other. In other words a civil servant may be granted, at a time, total leave on full pay on medical certificate upto the permissible extent in continuation of leave upto 120 days without medical certificate, subject to given conditions.

**5. Grant of Leave on Half Pay.**---(1) Leave on full pay may be converted into leave on half pay, at the option of the civil servant.

(2) Debits to the leave account will be at the rate of one day of the former for every two days of the latter, fraction of one-half counting as one full day's leave on full pay.

(3) The request for such conversion shall be specified by the civil servant in his application for the grant of leave.

(4) There shall be no limit on the grant of leave on half pay so long as it is available by conversion in the leave account.

**6. Conversion of Leave Account.**---(1) All leave at credit in the account of a civil servant who was in service on the 1st day of July, 1978, shall be carried forward and expressed in terms of leave on full pay. The leave account in such cases shall, with effect from 1st July, 1978 or in case of civil servant who was on leave on that date with effect from the date of his return from leave, be recast as under, ignoring the fraction if any:--

(i)	Leave of full pay—			
	(a)	1 month	...	30 days
	(b)	1 day	...	1 day
(ii)	Leave on half pay—			
	(a)	1 month	...	15 days
	(b)	2 day	...	1 day

(2) In carrying forward the leave, the leave at credit of a civil servant in columns 7 and 8 and half of the leave at credit in column 9 of the existing leave account shall be carried forward to the new leave account of the civil servant.

<sup>7</sup>. The "Note" at the end of rule 2 deleted by Notification No. FD. 50(SR-IV)5-54/80(Vol.II), dated 01-06-1982.

(3) The leave availed under the existing rules from column 13 (a) of the leave account shall be debited against the maximum limit of 365 days fixed under rule 4 (1) (iii).

**7. Leave not due.**---(1) Leave not due may be granted on full pay, to be offset against leave to be earned in future, for a maximum period of three hundred and sixty five days in the entire period of service, subject to the condition that during the first five years of service it shall not exceed ninety days in all.

(2) Such leave may be converted into leave on half pay.

(3) Such leave shall be granted only when there are reasonable Chances of the Civil Servant resuming duty on the expiry of the leave.

(4) Such leave shall be granted sparingly and to the satisfaction of the sanctioning authority but it shall not be admissible to the temporary civil servants.

**8. Leave Salary.**---(1) Leave pay admissible during leave on full pay shall be the greater of--

(a) the average monthly pay earned during the twelve complete months immediately preceding the month in which the leave begins; and

(b) the rate equal to the rate of pay drawn on the day immediately before the beginning of the leave.

(2) When leave on half pay is taken, the amount calculated under clause (a) and (b) of sub-rule (1) shall be halved to determine the greater of the two rates.

<sup>8</sup>[(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.]

**9. Special Leave to Female Civil Servants.**---As female civil servant may, on the death of her husband, be granted special leave on full pay not exceeding 130 days. This leave shall not be debited to her leave account and will commence from the date of death of her husband. For this purpose she will have to produce death certificate issued by competent authority either alongwith her application for special leave or, if that is not possible, the said certificate may be furnished to the leave sanctioning authority separately.

**10. Maternity Leave.**---(1) Maternity leave may be granted on full pay, outside the leave account, to a female civil servant to the extent of ninety days in all from the date of its commencement or forty five days from the date of her confinement, which ever be earlier.

(2) Such leave may not be granted for more than three times in the entire service of a female civil servant except in the case of a female civil servant employed in a vacation department who may be granted maternity leave without this restriction.

(3) For confinement beyond the third one, the female civil servant would have to take leave from her normal leave account.

(4) The spells of maternity leave availed of prior to the coming into force of these rules shall be deemed to have been taken under these rules.

(5) Maternity leave may be granted in continuation of, or in combination with, any other kind of leave including extraordinary leave as may be due and admissible to a female civil servant.

<sup>8</sup> Sub-rule (3) of rule 8 rule 8 added by Notif. No. FD.SO(SR-IV)5-54/80-Vol.III, dated 26.10.1994.

(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 contracted 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.



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(3) The leave pay shall be payable in sterling, if such leave is spent in Asia other than Pakistan and India.

(4) Such leave pay shall be payable for the actual period of leave spent abroad subject to maximum of one hundred and twenty days at a time.

(5) The civil servants appointed after 17th May, 1958, shall draw their leave salary in rupees in Pakistan irrespective of the country where they spent their leave.

(6) Leave Ex-Pakistan will be regulated and be subject to the same limits and conditions as prescribed in rule 4,5 and 12.

**17. Assigning reasons for leave.**---It shall not be necessary to specify the reasons for which leave has been applied, so long as that leave is due and admissible to a civil servant.

**18. Commencement and end of leave.**---Instead of indicating whether leave starts / ends in the forenoon or after-noon, leave shall commence from the day following that on which a civil servant hands over the charge of his post. It shall end on the day preceding that on which he resumes duty.

**19. Absence after the expiry of leave.**---Unless his leave is extended by the leave sanctioning authority, a civil servant who remains absent (except for circumstances beyond his control) after the end of his leave shall not be entitled to any remuneration for the period of such absence and double period of such absence shall be debited against his leave account. Such debit shall if there is insufficient credit in the leave account, be adjusted against future accumulations. Such double debit shall not preclude any disciplinary action that may be considered necessary under any rule for the time being in force after affording a reasonable opportunity to the civil servant concerned to indicate his position.

<sup>10</sup>**[20. Encashment of Leave Preparatory to Retirement.**--- <sup>11</sup>[(1)] Where a civil servant opts not to avail the leave preparatory to retirement admissible to him under rule 14, he shall be allowed leave salary for the period for which leave preparatory to retirement is admissible, subject to a maximum of <sup>12</sup>[three hundred and sixty-five] days. For the purpose of lump sum payment in lieu of leave preparatory to retirement only the senior post allowance will be included in the leave pay so admissible. The payment of leave pay in lieu of leave preparatory to retirement may be made to the civil servant either in lump sum at the time of retirement or may at his option, be drawn by him monthwise, in arrears, for and during the period of leave preparatory to retirement. This amendment shall take effect from 01.07.1983.]

<sup>13</sup>[(2) Encashment of leave preparatory to retirement (LPR) not exceeding three hundred and sixty five days shall be effective from the first day of July, 2012 and shall, for the entire period of leave refused or opted for encashment, be applicable to a civil servant retired or, as the case may be, retiring on or, after the first day of July 2012, provided such leave is available at his credit subject to a maximum of three hundred and sixty five days.

(3) If at any time during such period, leave is granted on account of ill health supposed by medical certificate or for performance of Hajj, the amount of cash compensation on account of leave pay shall be reduced by an amount equal to the leave pay for the period of leave so granted]

(4) Leave pay for the purpose of encashment of LPR shall be computed on the basis of pay and allowances reckonable towards pension as shown in the last pay certificate of a civil servant.]

<sup>14</sup>**[21. In Service Death, etc.**---(1) In case a civil servant dies, or is declared permanently incapacitated for further service by a Medical Board, while in service, a lump sum payment equal to leave

<sup>10</sup> . Rule 20 substituted by Notification No. FD.SO(SR-IV)5-54(Vol:II), dated 24th August, 1983.  
<sup>11</sup> . Renumbered as sub-rule (1) by Notification No. (FR)FD-5-92/2005/Vol-V, DATED 13-12-2012  
<sup>12</sup> . Substituted for the words "one hundred and eighty" by Notification No. (FR)FD-5-92/2005/Vol-V, DATED 13-12-2012.  
<sup>13</sup> . Substituted for the words "one hundred and eighty" by Notification No. (FR)FD-5-92/2005/Vol-V, DATED 13-12-2012.  
<sup>14</sup> . Rule 21 substituted by Notification No.FD.SO(SR-IV)5-54/80(Vol:III), dated 03.05.1988

pay upto one hundred and eighty days out of the leave at his credit shall be made to his family as defined for the purposes of family pension or, as the case may be, to the civil servant.

(2) For the purpose of lump sum payment under sub rule (1), only the "senior prost allowance" will be included in the "leave pay" so admissible.]

**22. Recall from Leave.**---If a civil servant is recalled to duty compulsorily with the approval of the leave sanctioning authority, from leave of any kind, which he is spending away from his headquarters, he may be granted single return fare plus daily allowance as admissible on tour from the station where he is spending his leave to the place where he is required to report for duty. In case he is recalled to duty at headquarters and his remaining leave is cancelled, the fare then admissible shall be for one way journey only. If the order of recall to the civil servant is optional then the concession above mentioned will not be admissible.

**23. Any type of leave may be applied.**---A civil servant may apply for the type of leave which is due and admissible to him and it shall not be refused on the ground that another type of leave should be taken in the particular circumstances for example, a civil servant may apply for extraordinary leave or leave on half pay even if leave on full pay is otherwise due and admissible to him, or he may proceed on extraordinary leave followed by leave on half pay and full pay rather than on full pay, half pay and without pay.

**24. Combination of different types of leave etc.**---One type of leave may be combined with joining time or with any other type of leave otherwise admissible to the civil servant:

Provided that leave preparatory to retirement shall not be combined with any other kind of leave.

**25. Civil Servants on leave not to joint duty without permission before its expiry.**---Unless he is permitted to do so by the authority which sanctioned his leave a civil servant on leave may not return to duty before the expiry of the period of leave granted to him.

**26. Leave due may be granted on abolition of post, etc.**---(1) When a post is abolished, leave due to the civil servant, whose services are terminated in consequence thereof, shall be granted without regard to the availability of a post for the period of leave.

(2) The grant of leave in such cases shall, so long as he does not attain the age of superannuation be deemed automatically to have also extended the duration of the post and the tenure of its incumbent.

**27. Manner of handing over charge when proceeding on leave, etc.**---(1) A civil servant proceedings on leave shall hand over the charge of his post, and if he is in Grade-16 and above, he shall, while handing over charge of the post, sign the charge relinquishment report.

(2) If leave ex-Pakistan has been sanctioned on medical grounds, the civil servant shall take abroad with him copy of the medical statement of his case.

**28. Assumption of charge on return from leave, etc.**---(1) A civil servant, on return from leave, shall report for duty to the authority that sanctioned his leave and assume charge of the post of which he is directed by that authority unless such direction has been given to him in advance.

(2) In case he is directed to take charge of a post at a station other than that from where he proceeded on leave, travel expenses as on transfer shall be payable to him.

**29. Account Officer to maintain leave account.**---(1) Leave account in respect of a civil servant shall be maintained as part of his Service Book.

(2) The Account Offices shall maintain the leave accounts of civil servants of whom they were maintaining the accounts immediately before the coming into force of these rules.

30. **Leave to lapse when civil servant quits service.**---All leave at the credit of a civil servant shall lapse when he quits service.

31. **Leave application, its sanction, etc.**---(1) Except where otherwise stated, an application for leave or for an extension of leave must be made to the head of office where a civil servant is employed and, in the case of the head of office to the next-above administrative authority and ht extent of leave due and admissible shall be stated in the application.

(2) An audit report shall not be necessary before the leave is sanctioned.

(3) When a civil servant submits a medical certificate for the grant of leave, it shall be by an authorised medical attendant in the form attached to these rules.

(4) Leave as admissible to a civil servant under these rules may be sanctioned by the head of a department, Attached Department, Office or any other officer authorised by him to do so and, when so required, leave shall be notified in the official Gazette.

(5) In case where all the applications for leave cannot, in the interest of public service, be sanctioned to run simultaneously, the authority competent to sanction leave shall, in deciding the priority of the applications consider:

- (i) whether, and how many applicants can, for the time being, best be spared;
- (ii) whether any applicants were last recalled compulsorily from leave; and
- (iii) whether any applicants were required to make adjustment in the timing of their leave on the last occasion.

**FORM OF MEDICAL CERTIFICATE**

**FORM-I**

Signature of applicant \_\_\_\_\_

**MEDICAL CERTIFICATE FOR CIVIL SERVANTS RECOMMENDED FOR LEAVE OR EXTENSION**

I, \_\_\_\_\_ after careful \_\_\_\_\_ personal examination of the case, hereby certify that, \_\_\_\_\_ whose signature is given above, is suffering from \_\_\_\_\_ and I consider that a period of absence from duty of \_\_\_\_\_ more with effect from \_\_\_\_\_ is absolutely necessary for the restoration of his / her health.

Dated, the \_\_\_\_\_ Government Medical Attendant

**APPLICATION FOR LEAVE**

**FORM-II**

Notes:--Item 1 to 9 must be filled in by all applicants, Item 12 applied only in the case of Government servants of Grade 16 and above.

- 1. Name of applicant.
- 2. Leave Rules applicable.
- 3. Post held.
- 4. Department or office.
- 5. Pay
- 6. House rent allowance / conveyance allowance or other compensatory allowances drawn in the present post.

- 7. (a) Nature of leave applied for.  
(b) Period of leave in days.  
(c) Date of commencement.
- 8. Particular Rule / Rules under which leave is admissible.
- 9. (a) Date of return from last leave.  
(b) Nature of Leave.  
(c) Period of leave in days.

Signature of applicant

- 10. Remarks and recommendation of the Controlling Officer.
- 11. Certified that leave applied for is admissible under Rule ..... and necessary conditions are fulfilled.

Signature  
Designation

- 12. Report of Audit Office.

Signature  
Designation

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

Signature  
Designation  
Dated.....



2. All leave at credit in the account of a civil servant who was in service on the 1st July, 1978 shall be converted in terms of leave on full pay at the following rates:--

(i)	Leave of full pay--			
	(a)	1 month	...	30 days
	(b)	1 day	...	1 day
(ii)	Leave on half pay--			
	(a)	1 month	...	15 days
	(b)	2 day	...	1 day

(Fraction, if any, to be ignored).

3. The leave account shall commence with an opening entry "Due on 1st July, 1978" or in the case of a Civil servant, who was on leave on 1st July, 1978 with effect from the date of his return from leave. For the purpose of computing the leave at credit, the service upto 30th June, 1978 will be taken into account. The leave due in terms of leave on full pay in days will be noted in Column No. 21.

4. (i) In calculating the leave earned on full pay at the rate of 4 days for every calendar month the duty period of 15 days or less in a calendar month shall be ignored and those of more than 15 days shall be 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 restrict to that admissible for one full calendar month only. There shall be n maximum limit on accumulation of this leave.

(ii) The provision (i) above will not apply to a vacation department. In its case, a civil servant may earn leave on full pay (a) when he avails himself of full vacation in a calendar year .....at the rate of one day for 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 a 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 portion of thirty days as the number of days of vacation not taken bear to the full vacation.

5. (a) Leave on full pay may be converted into leave on half pay at the option of the civil servant, the debit to the leave account will be at the rate of one day of the former for every two days of the latter, fraction of one half counting as on full days leave on full pay. The request for such conversion shall be specified by the civil servant in his application for the grant of leave.

(b) There shall be no limit on the grant of leave on half pay so long as it is available by conversion in the leave account.

6. L.P.R. on full pay will be noted in column No. 10 while that on half pay in columns No. 13 and 14.

7. Leave not due may be granted on full pay to be off-set against leave to be earned in future for a maximum period of 365 days in the entire period of service subject to the condition that during the five years of service it shall not exceed 90 days in all. Such leave may be converted into leave on half pay. It shall be granted only when there are reasonable chances of the civil servant resuming duty.

8. The grant of Special Leave, Maternity Leave, Disability Leave, Extraordinary Leave, payment of leave pay for refused L.P.R. upto a maximum of 180 days lump sum payment equal to full pay upto 180 days out of leave at credit made to the family of a Government servant whose death occurs while in service, Seaman sick leave, Departmental Leave, Study Leave, Hospital Leave and Quarantine Leave shall be noted in Column No. 22. Maternity leave other than three times in entire service shall however be debited to the relevant column of the leave account.

9. When a Government servant applies for the leave columns 2 to 7 shall be filled in showing the period of duty upto the date preceding that on which a Government servant intends to go on leave. The full calendar months to be noted in column 5 shall be worked out on the lines indicated in para 4 above.

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10. When a Government servant returns from leave, column 8 to 23 shall be filled in according to the nature of leave. If leave not due to is availed of the minus balance to be shown in column No. 21 should be written in red ink.

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خدمت جناب E.D.O صاحب سوات محکمہ تعلیم بقا کل ذرہ سوات

مختار خان

عنوان: در فاسلہ/جولہ/Implement کرے بیحد نمبرہ 10/4  
297 حق کل حقہ نائب قاصد

جناب عالی! سائل حسب ذیل عرض گزار ہے۔

- 1۔ یہ تم سائل نے Full pay <sup>ذریعہ</sup> 8-10-2010 to 29-11-2008 کے لیے سرورس ٹریبونل میں اپیل دائر کی تھی۔
- 2۔ یہ تم سائل نے اپیل برائے مذکورہ بالا پر یہ کیے سرورس ٹریبونل نے منظور کیا ہے۔ مذکورہ بالا/سرورس ٹریبونل نے بیحد کو سائل <sup>نقل</sup> پر دفتر میں جمع کیا تھا۔ لیکن تاحال مذکورہ پھر کو کارروائی عمل میں نہیں لائی گئی ہے۔
- 3۔ یہ تم سائل نے حق میں سرورس ٹریبونل نے نمبرہ 10/4 کو مذکورہ بالا پر یہ <sup>بجائے</sup> Full pay منظور کیا ہے (نقل بیحد لف ہے)

لہذا یہ ہے، کہ منظور کی درخواست  
 بعد ازیں یہ سائل نے حق میں مذکورہ بالا  
 پر یہ <sup>بجائے</sup> Full pay سرورس ٹریبونل کے بیحد  
 نمبرہ 10/4 کو Implement کرنا حاصل  
 صادر نہ ہوا ہے۔  
 2/298  
 کل محمد ولہ ارزد مند لیبارٹری اٹنہ  
 ڈورمنٹ ہائر سکولری برشو  
 تحصیل منہ سوات

Checked & true  
 M.A. Advant



KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 2965<sup>67</sup>/ST

Dated 15/10/2020

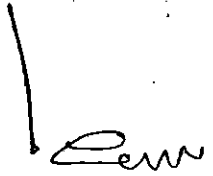
To

1. The Director E&SE Department,  
Government of Khyber Pakhtunkhwa,  
Peshawar .
2. District Education Officer Male,  
Government of Khyber Pakhtunkhwa,  
Swat.
3. District Accounts Officer,  
Government of Khyber Pakhtunkhwa,  
Swat.

SUBJECT: - ORDER IN EXECUTION PETITION NO. 130/2018, TITLED MR. GUL MUHAMMAD.

I am directed to forward herewith a certified copy of order dated 07.10.2020 passed  
by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR