

inquiry committee constituted for conducting of de-novo inquiry. Moreover, the speaking order of the competent authority speaks of dismissing the appeal for reinstatement of the petitioner which was not a point and as such irrelevant and illegal. The competent authority i.e. (respondent No. 4) is, therefore, directed to reinstate the petitioner into service for the purpose of de-novo inquiry and then proceed ahead with conducting the requisite inquiry as per decision of the Tribunal dated 25.03.2019. To come up for implementation report on 21.09.2023 before S.B at camp court, D.I.Khan. Parcha Peshi given to the parties.



(Muhammad Akbar Khan)
Member (E)
Camp Court D.I.Khan

Kamranullah

20.06.2023

Learned counsel for the petitioner and Mr. Farhaj Sikandar, District Attorney for the respondents present and endorsed the arguments of the former that without giving status of civil servants to the petitioner proceedings under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 against him was not legal and justifiable.

Learned counsel for the petitioner submitted judgment of Hon'ble Peshawar High Court, as a precedent in which the Hon'ble Peshawar High Court, passed the judgment of conducting de-novo inquiry by setting aside the dismissal order of the employee of Gomal University, Dera Ismail Khan.

Although there was not explicit mention of reinstatement of the employee in the judgment but the management of Gomal University, Dera Ismail Khan first reinstated the dismissed employee into service and then conducted proper inquiry under the statutes of the University. In the instant case the competent authority, in order to initiate proceedings under the Khyber Pakhtunkhwa Government Servants, (Efficiency & Discipline) Rules, 2011, was required to first reinstate the petitioner into service in accordance with the judgment of the Tribunal passed in Service Appeal No. 416/2018 dated 25.03.2019 and then proceeded with the inquiry. However, the order issued by the competent authority on 17.09.2019 reveals that the petitioner was not reinstated into service for the purpose of conducting of de-novo inquiry and the order has been passed without availability of report of the