



18<sup>th</sup> July, 2023

1. Learned counsel for the appellant present. Mr. Fazal Shah Mohmand learned Additional Advocate General alongwith Imran, Assistant for the respondents present.

2. Learned counsel for the appellant argued his case to some extent and produced copy of order dated 31.03.2023 regarding denovo inquiry against the appellant passed by the appellate authority i.e Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar. He further argued that in light of issuing denovo inquiry order by the authority, impugned order dated 30.06.2021 issued as a result of recommendation of inquiry report dated 21.11.2019 becomes infructuous and has no legal effect. Record reveals that operation of impugned order dated 30.06.2021 was suspended by this Tribunal vide order dated 07.01.2022, wherein respondents were restrained to make recovery from the appellant. Denovo inquiry was ordered by the appellate authority as a result of departmental appeal filed by the appellant, therefore, it will be in the interest of justice and fitness of things that let this appeal be kept pending till the decision of the appellate authority after receiving recommendation of denovo inquiry. Learned AAG requested that they be provided an opportunity to file written reply/comments. Request is accepted on cost of Rs. 5000/-. Adjourned. To come up written reply as well as arguments on 09.10.2023 before D.B. P.P given to the parties.

  
(Fareeha Paul)  
Member (E)

  
(Rashida Bano)  
Member (J)

28<sup>th</sup> March, 2023 Appellant present in person. Mr. Fazal Shah Mohmand, Addl. A.G alongwith Fahcemullah, Assistant for the respondents present.


SCANNED  
K. J. S. T.  
P. S. S. S. S.

Reply/comments on behalf of respondents not submitted. Learned AAG requested for further time to submit the same. Another chance is given to the respondents to submit reply/comments and deposit cost of Rs. 10000/- as ordered on 21.02.2023, on 16.05.2023 before the S.B. Parcha Peshi given to the parties.

  
(Fareeha Paul)  
Member(E)

16.05.2023 Junior to counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

Neither reply/comments on behalf of respondents nor costs of Rs. 10000/- was deposited on their behalf. Therefore, right of respondents for submission of reply/comments is hereby struck off. Adjourned. To come up for arguments on 18.07.2023 before D.B. Parcha Peshi given to the parties.

  
(Muhammad Akbar Khan)  
Member (E)