

05. Vide order dated 20.11.2015, the appellant was removed from service on the ground of his absence. The appellant filed Departmental appeal which was decided vide notification bearing Endst: No. 1171-73 dated 13.02.2018 converting the punishment of removal from service into compulsory retirement and directing recovery of the salaries paid to him during period of his absence. Admittedly, the appellant remained absent for quite long time without sanction of leave for such period. The appellant could not advance any justification of his prolonged absence but even then keeping in view his twenty three (23) years long service a lenient view was taken by the appellate authority and punishment of removal from service was converted into compulsory retirement, which appears to us to be quite appropriate needing no interference by this Tribunal especially when no case was made out by the appellant before the Tribunal. Therefore, this appeal being devoid of merits, is dismissed. Cost shall follow the event. Consign.

06. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 22nd day of August, 2023.*



KALIM ARSHAD KHAN
Chairman



SALAH UD DIN
Member (Judicial)

ORTC vide order dated 06.11.1991; that the appellant was serving in Government High School, Mandawa when he submitted an application for leave w.e.f. 15.12.2014 to 30.12.2015 i.e. for 746 days, which was processed and was forwarded to respondent No.2 by the Headmaster of GHS Mandawa vide office letter No.808 dated 11.11.2014; that the appellant was assured regarding the sanctioning of leave, therefore, he left the station, but unfortunately he was considered as absent from duty; during that period, the appellant was removed from service without fulfilling any legal and codal formalities vide order dated 20.11.2015; that the appellant when came to know about the removal order, he preferred departmental appeal before respondent No.1 on 11.09.2017; that, respondent No.1, vide impugned order dated 13.02.2018, converted the major penalty of removal from service into compulsory retirement and further directed that salaries paid to him were to be recovered, hence, the present service appeal.

02. On receipt of the appeal and its admission to full hearing, the respondents were summoned. Respondents put appearance and contested the appeal by filing written reply raising therein numerous legal and factual objections. The defense setup was a total denial of the claim of the appellant.

03. We have heard learned counsel for the appellants and learned District Attorney for the respondents.

04. The Learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned District Attorney controverted the same by supporting the impugned order(s).

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.**

BEFORE: **KALIM ARSHAD KHAN ... CHAIRMAN**
SALAH UD DIN ... MEMBER (Judicial)

Service Appeal No.460/2018

Date of presentation of Appeal.....29.03.2018
Date of Hearing.....22.08.2023
Date of Decision.....22.08.2023

Hazrat Ullah S/O Gul Nazar Khan Ex. Junior Clerk GHS Mandawa, District Karak R/O Laghari Banda, Tehsil Takhti Nasrati, District Karak.....Appellant

Versus

1. **Director, Elementary and Secondary Education, Khyber Pakhtunkhwa, Peshawar.**
2. **District Education Officer (Male), Karak.....(Respondents)**

Present:

Mr. Muhammad Saeed Khattak, Advocate.....For the appellant

Mr. Muhammad Jan, District Attorney.....For respondents.

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APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 13.02.2018 PASSED BY RESPONDENT NO.1 VIDE WHICH THE MAJOR PENALTY OF REMOVAL FROM SERVICE OF THE APPELLANT AWARDED BY RESPONDENT NO.2 VIDE ORDER DATED 20.11.2015 WAS CONVERTED INTO COMPULSORY RETIREMENT W.E.F. 20.11.2015 AND THE SALARIES PAID TO HIM WERE ORDERED TO BE RECOVERED.

JUDGMENT

KALIM ARSHAD KHAN CHAIRMAN: Facts leading to filing the instant appeal are that appellant was initially appointed as Junior Clerk in

