

21.09.2023

At the very outset learned counsel for the appellant made a request for deletion of the name of respondent No. 5 being unnecessary party. Names of respondent No. 5 be deleted accordingly. Office shall make entries in the memo and grounds of appeal and in the relevant register. Learned counsel for the appellant argued that appellant applied for grant of encashment in lieu of 365 days LPR on 08.08.2016 as he will attained the age of superannuation on 24.08.2017. Respondents did not proceed upon the application, therefore, appellant filed writ petition bearing No. 660/2018 before Worthy Peshawar High Court, Peshawar. During pendency of writ petition respondents passed order of recovery from the appellant vide order dated 12.08.2020 on the basis of misconceived audit para. Appellant filed departmental appeal on 05.10.2020 which was not decided within statutory period of ninety days. Said order was also challenged by the appellant in writ petition which was dismissed as withdrawn vide order dated 11.04.2023 by holding that matter falls within terms and conditions of service. Instant service appeal was filed on 18.05.2023 under Section 4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974. Points raised need consideration, therefore, appeal is admitted for regular hearing subject to all legal objections. Appellant is directed to deposit security fee within 10 days. Thereafter, notices be issued to respondents for submission of written reply/comments. Respondents be summoned through TCS the expenses of which be deposited by the appellant within 3 days. Adjourned. To come up for written reply/comments on 19.10.2023 before S.B at Camp Court, D.I.Khan. P.P given to the appellant.



(Rashida Bano)
Member (J)
Camp Court, D.I.Khan