EP 490/2023

05th Oct. 2023

01.   Counsel for the petitioner present.   Mr. Asad Ali Khan, Asstt. AG alongwith Abdullah, ADEO and Saeedullah, ADEO for the respondents present.

02.   As stated by the departmental representative, the impugned order of compulsory retirement dated 20.02.2016 had already been withdrawn and the petitioner was reinstated in service with effect from 31.08.2015 vide order dated 05.10.2018. He further stated that the petitioner was allowed to proceed on retirement on superannuation from service with effect from 05.02.2018 with full benefits and in pursuance of judgment of the Tribunal in Petition No. 84/2018 dated 19.03.2018 the absence period of the petitioner has been corrected vide revised sanction order dated 14.09.2022. According to that order the period from 31.08.2015 to 28.12.2015 (120 days) was treated as on full pay, 29.12.2015 to 15.06.2016 (170 days) was treated as on half average pay and 16.06.2016 to 28.11.2017 (527 days) was treated without pay.

03.   The documents provided by the departmental representative further indicate that the competent forum has been asked for provision of budget under Head of Encashment of LPR vide letter dated 27.09.2023. The department has also attached the source-II form which indicates that the case of the petitioner has been forwarded to the District Accounts Office, Karak also. The departmental representative further highlighted that vide sanction order dated 02.10.2018 the petitioner has been allowed full benefits of pension and gratuity also.

04.	Learned counsel for the petitioner, on the other hand, read out order sheet dated 10.07.2019 and referred to revised sanction dated 14.09.2022. When asked whether he was aggrieved on non-conducting of denovo inquiry or treatment of absence period in the order dated 14.09.2022, the learned counsel for the petitioner did not respond and instead insisted on adjournment of the case. On his request case is adjourned to 01.11.2023 before the S.B. P.P given to the parties.

(FAREEHA PAUL)
Member (E)