


24.10.2023 1. Petitioner along with his counsel present. Mr. Asad Ali Khan, Assistant Advocate General alongwith Mr. Akhtar Munir, Section Officer (Litigation) for the respondent present.

2. Representative of respondent produced note for Chief Secretary in instant execution petition whereas action proposed to be done in light of judgment of this Tribunal at Serial No. 15 (iii) is written that willful absence period from 21.03.2016 to 30.06.2017 (466) days will be treated as 'leave due' without pay in light of PLC Judgment dated 19.06.2013 and SCP Judgment 2003, SCMR 228 is advised by Law Department but when judgment of this Tribunal dated 04.06.2021 perused it is mentioned in it that if opinion of Standing Medical Board confirms past clinical history of the petitioner genuine then absence period will be considered as leave of the kind due. In my humble view leave of kind due is treated in accordance with Rule 4 & 5 of Revised Leave Rules 1981 and in accordance with which total length of service of a civil servant will be counted and his entitlement for leave with full and half pay and not without pay, therefore, mentioning of leave without pay in 15 (iii) is not in accordance with judgment of this Tribunal and respondent are directed to modified it. So far as judgment mentioned in 15 (iii) is concerned, same is not applicable in the case of present petitioner as in this case because, there is clear cut direction of this Tribunal. To come up for proper implementation report on 07.11.2023 before S.B. P.P given to the parties.


Rashida Bano
Member (J)