

Ph: 9214461  
Fax: 9220406

REGISTERED  
No. C.P.5652/2021 - SCJ  
**SUPREME COURT OF PAKISTAN**

Islamabad, dated 06-11-2023

From The Registrar,  
Supreme Court of Pakistan,  
Islamabad.

Khyber Pakhtunkhwa  
Service Tribunal

To The Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Diary No. 9201

Dated 17-11-2023

Subject: **CIVIL PETITION NO. 5652 OF 2021**

Kazim Ali Bangash  
Versus

Government of Khyber Pakhtunkhwa through its Secretary Elementary &  
Secondary Education, Peshawar and others

On appeal from the Judgment/Order of the Khyber Pakhtunkhwa  
Service Tribunal, Peshawar dated 29/07/2021 in A.-4921/2020.

Dear Sir,

I am directed to enclose herewith a certified copy of the Order/Judgment  
of this Court dated 19/10/2023 dismissing the above cited case in the terms stated  
therein for information and further necessary action.

Please acknowledge receipt of this letter along with its enclosure  
immediately.

Encl: Order/Judgment:

Yours faithfully,



(MUHAMMAD MUJAHID MEHMOOD)  
ASSISTANT REGISTRAR (IMP)  
FOR REGISTRAR

**IN THE SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

**PRESENT:**

**MR. JUSTICE QAZI FAEZ ISA, CJ**  
**MR. JUSTICE AMIN-UD-DIN KHAN**  
**MR. JUSTICE ATHAR MINALLAH**

**CIVIL PETITION No.5652 OF 2021**

*Kazim Ali Bangash*

....Petitioner

**Versus**

**Government of Khyber Pakhtunkhwa through its  
Secretary Elementary & Secondary Education,  
Peshawar and others**

....Respondents

For the petitioner:

Mr. Shah Faisal, ASC.

For the respondents:

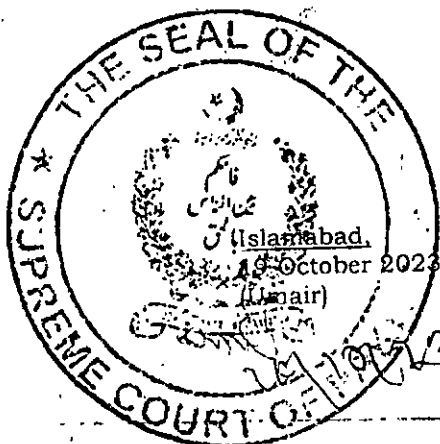
Mr. Sultan Mazhar Sher Khan, Addl. A.G.  
KPK.  
Mr. Sajid Khan, Legal Representative DEOM  
Mardan.  
Mr. Waheed Gul, Legal Representative,  
DEOM, Kohat.

Date of Hearing:

19.10.2023

**ORDER**

**Qazi Faez Isa, CJ.** Learned counsel for the petitioner states that petitioner was working as a teacher for over eleven years and stopped working on 12 January 1978 yet he was entitled to pensionary benefits for which he agitated but unsuccessfully. Learned Additional Advocate-General, Khyber Pakhtunkhwa, states that the petitioner for the first time agitated the matter on 16 January 2020, when he filed a departmental appeal which was time barred, and so too the appeal before the Khyber Pakhtunkhwa Service Tribunal. He further states that since the petitioner had abandoned his place of work without obtaining leave rule 2.1.1 of the West Pakistan Civil Servants Pension Rules was attracted which provides that an employee's past service is forfeited. Learned counsel for the petitioner has not been able to bring this case within the ambit of Article 212(3) of the Constitution of Islamic Republic of Pakistan nor has pointed out any illegality in the impugned judgment to justify the grant of leave, which is accordingly declined and consequently this petition is dismissed.



1405

Certified to be True Copy

Court Associate  
Supreme Court of Pakistan  
Islamabad