


23.11.2023 1. Learned counsel for the appellant present. Mr. Asad Ali Khan learned Assistant Advocate General for the respondents present.

2. Learned counsel for the appellant argued that appellant was awarded major punishment of dismissal from service vide order dated 16.05.2022 on the ground of involvement in the criminal case vide FIR No. 1329/2021 under section 302/34 registered dated 03.10.2021 police station Lakki Marwat. Appellant filed departmental appeal where in appellate authority directed the re-enquiry and after re inquiry appellant exonerated from charges and in consequences of the exoneration from the charges appellant was reinstated into service vide order dated 03.12.2022 with immediate effect and period of dismissal out of duty was treated as leave without pay. Learned counsel argued that in accordance with the verdicts of superior court, when a civil service exonerated from the charges he will have to be reinstated into service with all back benefits because he was kept away from his work place and cannot be attributed to his absence from duty on his part and it was out step taken by the authority therefore appellant is also entitled for all back benefits. Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security fee within 10 days. Written reply on behalf of respondents have already been submitted. Adjourned. To come up for arguments on 28.02.2024 before D.B. P.P given to the parties.

  
(Rashida Bano)  
Member (J)