

petitioner/appellant. The enquiry report has accordingly been submitted by the respondents. In the enquiry report following recommendations were made.

*"1. The accused i.e. Mr. Zaheer Ahmed, should undergo a medical examination by a medical board to verify his claim of medical illness. This examination will determine whether his illness was severe enough to prevent him from resuming his duties.*

*2. He may be re-instated in his position effectively from the order of Executive Engineer C&W Highway Division Abbottabad issued via office letter No.1152/305-MH Dated 14.09.2023. Furthermore, the period of his government service spanning from 12.02.2015 to 14.09.2023, should be considered as a period of leave without pay, treating it as a penalty on the accused due to his intentional absence from duty as according with the para 3(d), Para 4(iii) of E&D Rules 2011 read with the Para 12(3) of the revised leave rules of 1981."*

4. By the time this petition was filed on 20.06.2023, the de-novo enquiry had not been concluded. The prayer in this application is to direct respondent No.3 to implement the order of the Tribunal by reinstating the petitioner for the purpose of de-novo enquiry. The enquiry had been conducted by the XEN, C&W Building Division, who submitted report on 22.09.2023. The SDO present in the Tribunal says that further action was not taken because of pendency of this petition and has said that the competent authority would pass appropriate order on the recommendation of the enquiry report. It is thus directed that appropriate order may be passed by the competent authority on the report of the enquiry report within fifteen days. Disposed of accordingly. Consign.

*5. Pronounced in open court in Abbottabad and given under my hand and seal of the Tribunal on this 28<sup>th</sup> day of November, 2023.*



(Kalim Arshad Khan)  
Chairman

Camp Court Abbottabad

24<sup>th</sup> Oct. 2023

1. Petitioner in person present. Mr. Asif Masood Ali Shah learned Deputy District Attorney present.

2. Neither any representative of the respondents is before the Tribunal nor record in respect of the outcome of de-novo inquiry has been submitted. Therefore, salaries of the respondents No.1 to 4 stand attached in the manner as prescribed under Section-60(1)(i) of the Code of Civil Procedure, 1908. The Accountant General Khyber Pakhtunkhwa and the District Accounts Officer, Abbottabad shall submit report in writing that the salaries of respondents No.1 to 4 are actually attached. To come up for further proceedings on 28.11.2023 before S.B at Camp Court, Abbottabad. P.P given to the parties.

SCANNED  
KPST  
Peshawar  
Muazem Shah \*



(Kalim Ashad Khan)  
Chairman  
Camp Court, Abbottabad

28<sup>th</sup> Nov, 2023

1. Petitioner is present in person. Mr. Asad Ali Khan, Assistant Advocate General alongwith Mr. Zahid Amin, SDO for the respondents present.

2. Representative of the respondents referred to operative part of the judgment contained in para-7 of the same, which is reproduced as under:

*"In view of the above, the instant appeal is partially accepted and the appellant stands reinstated in service for the purpose of denovo inquiry, to be completed within 90 days of the receipt of copy of this judgment, in view of discussion in preceding paras. Needless to mention that the appellant be given proper opportunity of defence. Parties are left to bear their own costs. Consign.*

3. According to the concluding paragraph of the judgment, the appeal was partially accepted, the appellant was reinstated into service for the purpose of de-novo enquiry, which was directed to be conducted within 90 days after receipt of copy of the judgment, providing opportunity of defence to the

