



27<sup>th</sup> Sep, 2023

1. Learned counsel for the appellant present. Mr. Muhammad Jan learned District Attorney for the respondents present.
2. Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 08.12.2023 before D.B. Parcha Peshi given to the parties.

  
(Muhammad Akbar Khan)  
Member (E)

  
(Rashida Bano)  
Member (J)

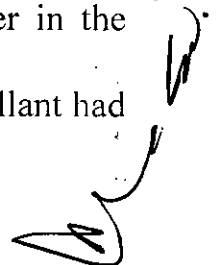
\*kamramullah\*

Service Appeal No.599/2022 titled "Sharif Ullah Vs. Government of Khyber Pakhtunkhwa"

ORDER


8<sup>th</sup> Dec, 2023

1. Learned counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General alongwith Mr. Kashif Munir, ADEO (Secondary) office of the DEO (M) Lakki Marwat for the respondents present.
2. Representative of the respondents produced copy of an order bearing Endst: No. 255-57/AE/JC/DEO(M)/Lakki dated 28.04.2017, whereby the very appointment order of the appellant was withdrawn/cancelled from the date of its issuance. When confronted with the situation, learned counsel for the appellant says that the appellant was not communicated this order nor was the order in the knowledge of the appellant. He, however, agitated that the appellant had

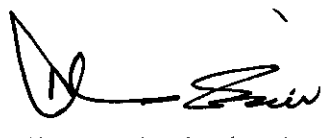


been getting salaries till September, 2020. It is very strange and astonishing to observe that the department is sleeping so deep sleep that despite withdrawal/cancellation of appointment order just within thirty days, somebody at the helm of affairs has not only activated the salary but allowed the appellant to perform the duties as is evident from the attendance register attached with the appeal. We, therefore, direct the Secretary Elementary and Secondary Education, Khyber Pakhtunkhwa Peshawar to look into the matter as to how the salary was activated when the appointment order was withdrawn/cancelled and why the appellant was being paid salaries till September, 2020. It is also noted with concern that despite presence of the representative of the respondents on 08.12.2022 and opportunities provided to them to file reply/comments, the matter was not being contested even till date as no reply was submitted, constraining the Tribunal to strike of the defense of the respondents. Learned counsel for the appellant says that he would challenge the order of withdrawal of appointment being brought in the notice today during the court proceedings. This appeal is disposed of in view of the withdrawal order dated 28.04.2017. The appellant is at liberty to challenge the withdrawal order, which, if challenged, will be decided on its own merits in accordance with law. Consign.

3. *Pronounced in open Court at Peshawar under our hands and seal of the Tribunal on this 8<sup>th</sup> day of December, 2023.*

  
(Salah Ud Din)  
Member(J)

\*Adnan Shah\*

  
(Kalim Arshad Khan)  
Chairman