



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MANSEHRA


No. 629

Date 20/01/ /2024

NOTIFICATION.

1. WHEREAS, on finality of disciplinary proceedings under Khyber Pakhtunkhwa E & D Rules, 2011 Major Penalty of Removal from service was imposed upon Mr. Muhammad Irshad Ex-Lab Attendant GHS Shinkiari District Mansehra by the DEO (M) Mansehra Notification No.9121-25 dated 25-06-2015.
2. AND WHEREAS, the said aggrieved Lab Attendant filed a departmental appeal dated 22-09-2016 to the Director Elementary and Secondary Education Department Khyber Pakhtunkhwa Peshawar (Appellate Authority) for redressal of his grievences/Reinstatement in service.
3. AND WHEREAS, the appellate Authority in pursuance of section 17 read with sub rule (1) & (2) of the E&D Rules-2011 called for record of the case and comments from the concerned DEO vide Director E&SE letter No.319 dated 06-10-2016 for consideration of appeal.
4. AND WHEREAS, the DEO (M) Mansehra provided the requisite record/comments accordingly vide his letter No.15362 dated 05-09-2017 and exposed that the matter was inquired through Assistant Commissioner Mansehra who recommended that the Competent Authority may review the Compulsory Retirement order of concerned Class-IV as no showcause notice was issued to the accused by the DEO (M) Mansehra which is against the relevant Rules.
5. AND WHEREAS, the appellate Authority Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar under section-17 read with rules 2(b) of E&D Rules-2011 has decided the appeal in the light of recommendation of inquiry Officer (Assistant Commissioner) vide No.1402 dated R-/AC(M) dated 29-02-2016 to set aside the Major Penalty imposed upon by the DEO(M) Mansehra vide No.9121-25 dated 25-06-2015 and reinstate Mr. Muhammad Irshad Ex-Lab Attendant GHS Shinkiari District Mansehra in service w.e.f 25-06-2015 and the intervening period from 25-06-2015 to 23-11-2017 is hereby treated as Leave without Pay vide Notification No.4620-22 dated 24-11-2017.
6. AND WHEREAS, the appellant aggrieved filed departmental appeal by treating the intervening period w.e.f 25-06-2015 to 23-11-2017 by full Pay, which was not respond by respondent No.02.
7. That the appellant filed service Appeal Bearing No.1299/2018 before the Honourable service Tribunal Camp Court Abbottabad which was decided on 22-06-2023 with the remarks that since the appellant was kept away from service because of none of his fault and there is nothing on the record that during the intervening Period the appellant remained engaged in any gainful employment/Profitable Business,, therefore he is held entitled for the back benefits for the intervening period, we thus allow the appeal as prayed for.
8. AND WHEREAS, the case forwarded to the Law Department for filing of CPLA, As the same case has been declared fit for filing of CPLA before the August Supreme Court of Pakistan by law Department.
9. AND WHEREAS, Mr. Muhammad Irshad filed Execution Petition bearing No.834/2023 before the Honourable Service Tribunal camp Court Abbottabad for implementation of the Judgment vide dated 22-06-2023.
10. AND WHEREAS, In Compliance with the Judgment of the Honourable Service Tribunal Khyber Pakhtun Khawa Peshawar Camp Court Abbottabad vide his judgment dated 22-6-2023, in Execution Petition No.834/2023 of service Appeal No.1299 /2018 titled as Muhammad Arshad vs Govt of Khyber Pakhtun Khawa and others, Whereas Mr. Muhammad Arshad Lab Attendant GHS Shinkiari is hereby Provisionally/Conditionally granted the back benefits w.e.f 25-06-2015 to 23-11-2017 (intervening Period) by full Pay as per above mentioned judgment of the Honourable Service Tribunal Peshawar subject to the outcome of CPLA in Honorable Supreme Court of Pakistan.

Note: The appellant must give an affidavit on stamp paper *if any decision passed against the Appellant by the August Supreme Court of Pakistan, back benefits must be recovered from him Through Chalan into Govt Treasury.*


DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

Endst No 630-35 dated 20 /01/2024.

Copy for information to the:-

1. Registrar Honorable Service Tribunal Khyber Pakhtunkhwa Peshawar Execution Petition No.834 of 2023 in S, Appeal No.1299 of 2018 Titled as Muhammad Arshad vs Govt of KPK & Others.
2. PA to Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
4. District Accounts Officer Mansehra.
5. District Monitoring Officer Mansehra.
6. Mr. Muhammad Arshad Lab Assistant Residence of Dodal Shinkiari Tehsil and District Mansehra.
7. Office record.

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