


21.02.2024

Mr. Mahmood Jan, Advocate for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant contended that the appellant applied for ex-Pakistan Leave, which was sanctioned with effect from 12.07.2019 to 26.07.2019 vide order dated 08.07.2019. He next contended that due to unavoidable circumstances, the appellant extended his stay and applied for further leave and he was assured that his leave application will be accepted. He further contended that when the appellant arrived back Pakistan on 27.12.2022, he submitted arrival report on 29.12.2022 but the competent authority did not accept his arrival, therefore, the appellant filed Service Appeal No. 1168/2023 before this Tribunal, however during pendency of the said appeal, major penalty of removal from service was imposed upon the appellant vide impugned Notification dated 10.10.2023 and vide order dated 14.12.2023, the said service appeal of the appellant was disposed of being fruitless. He next argued that the neither proper inquiry was conducted in the matter nor the mandatory provisions of law and rules were complied with by the respondents, therefore, the impugned Notification dated 10.10.2023 is wrong and illegal. He further argued that the appellant also filed departmental appeal, however the same was not responded within the statutory period of 90 days, hence the instant appeal.

Points raised need consideration, hence the appeal in hand is admitted to regular hearing subject to all legal and valid objections. The appellant is directed to deposit security fee within 10 days. Respondents be summoned through TCS, the expenses of which be deposited by the appellant within 07 days. To come up for written reply/comments on 15.04.2024 before the S.B. Parcha Peshi given to learned counsel for the appellant.


(Salah ud-Din)
Member (J)