


that he is not engaged in any other employment, business, profession or vocation.


L.G.R. House rent allowance granted in lieu of rent-free quarters cannot be drawn by a Government servant under suspension."

4. The learned counsel says that the appellants were entitled to full amount of the salaries and all other benefits during the period of suspension to which the learned Deputy District Attorney though did not controvert but submitted that actual period of suspension was not known.

5. In view of the above, while disposing of these two appeals, we direct that the benefits of FR-53 (b) shall be extended to the appellants after calculation of actual period of suspension of the appellants. Order accordingly. Consign.

6. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal on this 07th day of May, 2024.*


(Muhammad Akbar Khan)
Member (Executive)


(Kalim Arshad Khan)
Chairman

Service Appeal No. 1501/2022 titled "Shoukat Ali versus The Secretary Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar and others".

ORDER

07th May, 2024

Kalim Arshad Khan, Chairman: Through this single order, this appeal and Service Appeal No. 274/2023 titled "Mst. Baswari Jan Versus The Secretary Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar and others" are being decided as both are of similar nature and can be conveniently decided together.

2. Learned counsel for the appellants present. Mr. Muhammad Tufail, Focal Person alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

3. Very simple point is involved in this case and that is that vide order dated 09.12.2021, a period with effect from 13.03.2021 to 13.09.2021 (185 days) was considered to be without pay in case of Shoukat Ali and similarly vide order dated 09.12.2021, a period with effect from 01.04.2021 to 31.07.2021 (122 days) without pay was considered in case of appellant namely "Mst. Baswari Jan. The learned counsel for the appellants relied on FR-53 (b), which is as under:-

"(b) [Any other compensatory allowances admissible from time to time on the basis of pay of which the Government servant was in receipt on the date of suspension subject to the fulfillment of other conditions laid down for the drawal of such allowances:

Provided that the Government servant shall not be entitled to the compensatory allowances unless the said authority is satisfied that the Government servant continues to meet the expenditure for which they are granted.

(2) No payment under sub-rule (1) shall be made unless the Government servant furnishes a certificate

