

25.01.2024

1. Learned counsel for the appellant present. Mr. Syed Asif Masood Ali Shah learned Deputy District Attorney Shamraiz Khan, Range Officer the respondents present.

2. Former requested for adjournment on the ground that he has not prepared the brief. Adjourned. To come up for arguments on 28.03.2024 before D.B at camp court, Abbottabad. P.P given to parties.

SCANNED
KPST
Peshawar

(Muhammad Akbar Khan)
Member (E)

(Rashida Bano)
Member (J)
Camp Court, Abbottabad

Kaieem Ullah

Due to cancellation of tour case is
adjourn to 23/4/2024.

Rab
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23rd Apr. 2024

1. Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

2. Being not prepared, learned counsel for the appellant requested for adjournment. Adjourned by way of last chance. To come up for arguments on 27.05.2024 before D.B at Camp Court, Abbottabad. P.P given to the parties.

SCANNED
KPST
Peshawar

(Muhammad Akbar Khan)
Member (E)
Camp Court, A/Abad

(Kalim Arshad Khan)
Chairman
Camp Court, A/Abad

Mutazem Shah

Service Appeal No.812/2018 titled "Zawan Jan Vs. Forest Department"

ORDER

27th May. 2024 Kalim Arshad Khan, Chairman. Learned counsel for the appellant

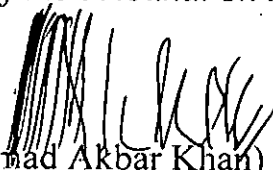
present. Mr. Shoaib Ali, Assistant Advocate General for the respondents present.


2. At the very outset, learned counsel for the appellant referred to the last Paragraph of the impugned order, which is shown to have been passed under the provisions of Rule-9 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and the punishment awarded to the appellant vide the impugned order was compulsory retirement. Rule-9 prescribes only one punishment and i.e. removal from service.

3. When confronted with the situation, learned AAG did not controvert the punishment awarded to the appellant in the case and says that the punishment was wrong as there was no punishment of compulsory retirement provided under Rule-9 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 in case of willful absence of a civil servant.

4. Therefore, we allow this appeal, set aside the impugned order and remit the matter to the respondents to pass appropriate and legal order. Costs shall follow the event. Consign.

5. *Pronounced in open Court at Abbottabad under our hands and seal of the Tribunal on this 27th day of May, 2024.*


(Muhammad Akbar Khan)
Member (E)


(Kalim Arshad Khan)
Chairman
Camp Court, Abbottabad