

Service Appeal No. 162/2024 titled "Hashmat Ali versus Director Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar and others".

ORDER

03<sup>rd</sup> June, 2024

**Kalim Arshad Khan, Chairman:** Learned counsel for the appellant present. Preliminary arguments heard and record perused.

2. Through this appeal, the appellant has challenged the order of his dismissal dated 01.03.2011 with the prayer that the same may be set-aside and he may be reinstated as CT with effect from the date of dismissal i.e 01.03.2011 with all back and consequential benefits.

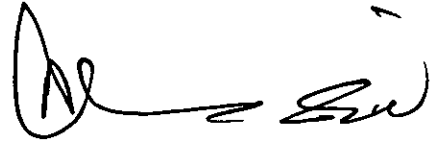
3. This is second round of litigation. In the first round, appeal of the appellant, bearing No. 1282/2011, filed against the same order dated 01.03.2011, was allowed by the Tribunal, vide judgment dated 09.02.2016, whereby the impugned order dated 01.03.2011, was set-aside, the appellant was reinstated in service and case was remanded to the department for conducting de-novo inquiry in accordance with law and rules. The judgment dated 09.02.2016 of the Tribunal was challenged by the department in CPLA No. 243-P of 2016, which was allowed vide order dated 19.01.2018 in the following manner:-

*"Learned counsel for the respondent alongwith respondent who appeared in person when confronted did not controverted the stance taken by the petitioner and he was specifically asked if at all document are found fake and or forged the matter may be referred for criminal prosecution, he does not contest. In this view of the matter in case where inquires based on authenticated record and documents which are not disputed and or denied there is no need to carry out regular inquiry as has been held by the learned Tribunal. Accordingly, we would convert this petition into appeal and allowed the same."*



4. As the dismissal order of the appellant was maintained by the Supreme Court of Pakistan in the above CPLA, therefore, the second appeal, though on a bit different grounds, cannot proceed nor can be maintained. Dismissed in limine. Consign.

5. *Pronounced in open court at Peshawar and given under my hand and seal of the Tribunal on this 03<sup>rd</sup> day of June, 2024.*



(Kalim Arshad Khan)  
Chairman