

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**

BEFORE: **KALIM ARSHAD KHAN ... CHAIRMAN**  
**RASHIDA BANO ... MEMBER (Judicial)**

*Service Appeal No.767/2018*

Date of presentation of Appeal.....21.05.2018  
Date of Hearing.....12.07.2024  
Date of Decision.....12.07.2024

**Muhammad Jamil S/o Khaista Gul R/o Quarter No.E-4, Staff Colony Technical College, Peshawar.....(Appellant)**

Versus

1. **Principal Government College of Technology Kohat Road, Peshawar.**
2. **Estate Officer, GCT, Peshawar.**
3. **Superintendent GCT, Peshawar.**
4. **Accountant, GCT, Peshawar.**
5. **Managing Director, (Khyber Pakhtunkhwa TEVTA).**
6. **Government of Khyber Pakhtunkhwa through Secretary of Industries, Commerce and Technical Education Peshawar.....(Respondents)**



Present:

Mr. Noor Muhammad Khattak, Advocate.....For the appellant  
Mr. Muhammad Jan, District Attorney.....For respondents

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**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST ILLEGAL AGAINST LAW AND AGAINST RULES ORDER DATED 08.12.2017 OF RESPONDENTS, WHEREAS RESPONDENTS REMOVED THE APPELLANT FROM SERVICE.**

**JUDGMENT**

**KALIM ARSHAD KHAN, CHAIRMAN:** Appellant's case as per memo and grounds of appeal are that he was appointed as

Chowkidar on 31.01.2007; that vide order dated 08.12.2017, he was removed from service on the ground of his absence from duty; that feeling aggrieved of the order of his removal, he preferred departmental appeal against the order dated 08.12.2017 but the same was rejected vide order dated 23.05.2018, therefore, he filed the instant service appeal.

02. On receipt of the appeal and its admission to full hearing, the respondents were summoned. Respondents put appearance and contested the appeal by filing written reply raising therein numerous legal and factual objections. The defense setup was a total denial of the claim of the appellant.

03. We have heard learned counsel for the appellant and learned District Attorney for the respondents.

04. The learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned District Attorney controverted the same by supporting the impugned order(s).

04. Record shows that the appellant was granted Ex-Pakistan leave and he had requested for extension of Ex-Pakistan leave. On expiry of the said leave, he had applied for extension in Ex-Pakistan leave for one year w.e.f 03.08.2017 to 03.08.2018, which was regretted vide letter No.719 dated 15.08.2017. He was also issued a notice to vacate the official accommodation. In pursuance of the provisions of Rule-9 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline)




Rules, 2011, notice was issued at his residential address of the appellant, followed by advertisements through two different newspapers and ultimately, he was removed from service vide order dated 08.12.2017. The department has followed the provisions of the relevant rules and have not treated the appellant illegally and no unlawful treatment has been meted out to the appellant. His absence is also admitted by the appellant himself.

05. In this view of the matter, we found no merits in this case. Therefore, the appeal in hand is dismissed with costs.

Consign

06. *Pronounced in open Court at Peshawar, and given under our hands and the seal of the Tribunal on this 12<sup>th</sup> day of July, 2024.*



**KALIM ARSHAD KHAN**  
Chairman



**RASHIDA BANO**  
Member (Judicial)

S.A No.767/2018

ORDER

12<sup>th</sup> July, 2024

1. Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

2. Vide our detailed judgment of today placed on file, we found no merits in this case. Therefore, the appeal in hand is dismissed with costs. Consign.

3. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 12<sup>th</sup> day of July, 2024.*



(Rashida Bano)  
Member (J)



(Kalim Arshad Khan)  
Chairman

\*Mutazem Shah\*