

said criminal case. After his acquittal, the department issued office order regarding his reinstatement, which is reproduced as under:

“Due to Honourable High Court Peshawar on Cr. Appeal No.780-P of 2016 dated 24.04.2019, the service of Mr. Shafiullah Chowkidar has been Re-instated with effects from 16.07.2013.”

5. Although, the respondent department has reinstated the appellant into service, however, there is no specific order regarding the benefits of the intervening period and when confronted with the situation, learned District Attorney did not controvert the situation, rather submitted that let the matter be sent to the respondents for passing a speaking order regarding the issue of back benefits, to which, learned counsel for the appellant also agreed.

6. Disposed of in view of the above situation. Costs shall follow the event. Consign.

7. *Pronounced in open Court at Peshawar given under our hands and seal of the Tribunal on this 18th day of July, 2024.*


(Rashida Bano)
Member (J)


(Kalim Arshad Khan)
Chairman

*Mutazem Shah *

Service Appeal No.900/2022 titled "Shafi Ullah Vs. Government of Khyber
Pakhtunkhwa"

ORDER

18th July, 2024

Kalim Arshad Khan, Chairman: Learned counsel for the appellant and Mr. Muhammad Jan, District Attorney for the respondents present.

2. Appellant's case in brief is that he was serving as Pump Chowkidar in the Public Health Engineering Department Khyber Pakhtunkhwa; that he was charged in FIR No.30 dated 13.01.2013 U/S 302, 427, 348, 149 PPC Police Station Baadaber; that on the basis of conviction in the said case, he was terminated from service on 19.12.2016; that after being acquitted by the Hon'ble Peshawar High Court, Peshawar, he was reinstated into service on 11.06.2019 w.e.f 16.07.2013 but no back benefits of service had been granted to the appellant; that feeling aggrieved, he filed departmental appeal which was not responded, hence, the instant service appeal.

3. Arguments heard. Record perused.

4. Perusal of record reveals that FIR No.30 dated 13.01.2013 U/S 302, 427, 348, 149 PPC Police Station Baadaber was lodged against the appellant, on the basis of which, he was convicted by the learned Additional Sessions Judge-I Peshawar on 05.12.2016. The appellant filed Criminal Appeal No.780-P of 2016 for his acquittal before the Hon'ble Peshawar High Court, Peshawar and the Hon'ble High Court vide judgment dated 24.04.2019, acquitted the appellant in the

