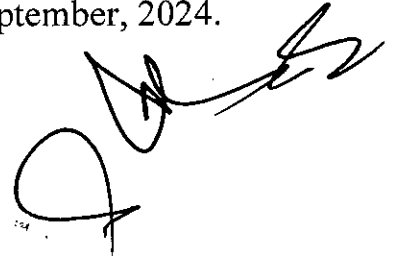


examination should be made. The exercise shall be completed within sixty days of receipt of this order. The appellant is reinstated for the purpose of de-novo enquiry. The issue of back benefits shall be subject to the outcome of the de-novo enquiry. Costs shall follow the event. Consign.

03. Pronounced in open court at Swat and given under our hand and seal of the Tribunal on this 3<sup>rd</sup> day of September, 2024.



(Rashida Bano)  
Member(Judicial)  
Camp Court Swat



(Kalim Arshad Khan)  
Chairman  
Camp Court Swat

\*Adnan Shah, P.A\*

**Service Appeal No. 1135/2022**  
**Titled "Karim Khan-vs-Secretary Higher Education, Kyber**  
**Pakhtunkhwa, Peshawar and others"**

**ORDER**

3<sup>rd</sup> Sept, 2024

**KALIM ARSHAD KHAN, CHAIRMAN**: Learned counsel for the appellant present. Mr. Umair Azam, Additional Advocate General alongwith Mr. Hussain Ali, ADEO for the respondents present.

02. In the previous round of litigation, the appellant was reinstated in service with the direction to the department to conduct de-novo enquiry. Although an enquiry appears to have been conducted by an enquiry committee, but it appears, that none of the members of the enquiry committee know A,B,C of conducting the enquiry which also shows that they have not gone through the relevant provisions of the Kyber Pakhtunkhwa Government Servants (E&D) Rules, 2011 nor does the District Education Officer concerned because admittedly there is no show cause notice or statement of allegations served upon the appellant. Procedure lapses as well as the conduct of enquiry members is not in consonance with the relevant provisions which constrained us to allow this appeal, set aside the impugned order, remit the matter back to the respondents for conducting proper enquiry in accordance with Kyber Pakhtunkhwa Government Servants (E&D) Rules, 2011, duly associating, the appellant providing him opportunity of hearing, defense and cross examination. The enquiry so conducted shall also include recording of statements in writing of the witnesses produced during the enquiry and no oral

