

Service Appeal No.7066/2021 titled "Hamid Mehmood Vs. Government of Khyber
Pakhtunkhwa"

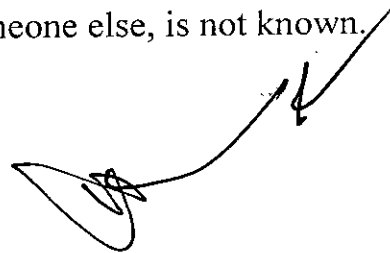
ORDER

1st Oct. 2024 **Kalim Arshad Khan, Chairman:** Learned counsel for the appellant present. Mr. Naseer Ud Din Shah, Assistant Advocate General for the respondents present.

2. Appellant's case in brief, as per averments of appeal, is that vide impugned Notification dated 19.02.2021, the appellant was directed to deposit salary drawn w.e.f 01.03.2018 to 29.08.2019 in Government treasury within a month and submit original challan to DG, Commerce, Education and Management Science, Khyber Pakhtunkhwa. Feeling aggrieved, he filed departmental appeal to the Chief Secretary on 15.03.2021, however, no decision was made on his departmental appeal and a notice was issued to him on 24.05.2021 for depositing the salary of 545 days drawn w.e.f 01.03.2018 to 29.08.2019 for his alleged absence from duty. The appellant stood retired on 20.11.2020 vide Notification dated 19.07.2021. Therefore, he filed the instant service appeal.

3. Arguments heard. Record perused.

4. From the record, it is evident that the appellant was issued a show cause notice by the Chief Minister Khyber Pakhtunkhwa, wherein penalty was suggested, however, after that departmental proceedings are silent and the appellant retired in the meanwhile wherefrom the order dated 19.02.2021 of recovery had been issued, whether by the appellate authority or someone else, is not known.

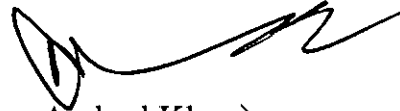


5. In view of the above, the appeal in hand is allowed, impugned order is set aside and the matter is remitted back to the department to pass a speaking order within 60 days of the receipt of this order. Costs shall follow the event. Consign.

6. *Pronounced in open Court at Peshawar and given under our hands and seal of the Tribunal on this 1st day of October, 2024.*



(Rashida Bano)
Member (J)



(Kalim Arshad Khan)
Chairman

Mutazem Shah