

Faqeer Bakhsh Lashari S/o Ghulam Rasool Lashari Vs. Appeal No. \_\_\_\_\_  
 Chief Executive Officer, District Education Authority, Dera Ghazi Khan & another

24.10.2022

PRESENT

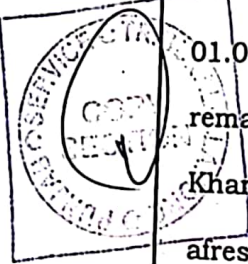
1. Mr. Allah Nawaz Khosa Advocate,  
Counsel for the appellant.
2. Malik Muhammad Qasim, D.D.A.

The appellant while working as Primary School Teacher in Govt. Girls Model Primary School, Basti Lashari was issued a show cause notice on the charges of willful absence from duty w.e.f. 11.08.2018 to 04.04.2019 (236 days) and thereafter vide order dated 03.07.2019, the competent authority awarded him major penalty of "compulsory retirement from service". Against this order, the appellant filed departmental appeal, which was accepted vide order dated 01.06.2020, the impugned order was set aside and the case was remanded to the competent authority i.e. DEO (M-EE), Dera Ghazi Khan with the direction to hold regular inquiry and decide the matter afresh. Subsequently, the inquiry was conducted and on receipt of the inquiry report, the appellant was reinstated into service, vide order dated 07.08.2020 and the period the appellant remained out of service was treated as under:

*The period from 29.08.2019 to 26.12.2019 (120 days)  
 leave on full pay and w.e.f. 27.12.2019 to 31.05.2020  
 (157 days) on half pay under Revised Leave Rules, 1981.*

Aggrieved of the aforesaid order, the appellant filed departmental appeal, which was rejected on 25.02.2021. Hence, this appeal.

2. Learned counsel for the appellant, on the strength of case law reported in *PLD 1970 Supreme Court 415, 2007 SCMR 855* and *2021 SCMR 96*, maintained that when the appellant was exonerated, he was entitled for all back benefits. Conversely, learned Deputy District



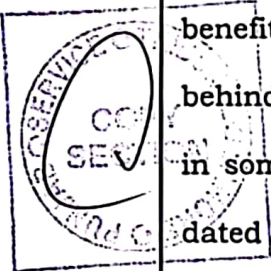
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Attorney opposed the aforesaid contentions.

3. Arguments heard, record perused.

4. The facts of the case are almost admitted. The competent authority, after getting conducted regular inquiry in the matter, found the appellant innocent, exonerated him from the charges and consequently the appellant was reinstated into service. Since the allegations against the appellant were not proved, it means that the charge sheet had become groundless and no material was left with the department to punish the appellant regarding withholding of his back benefits. Even otherwise, it is admitted fact that the appellant being behind the bars during the aforesaid period, he did not remain engaged in some gainful business. Hence, this appeal is allowed and the order dated 07.08.2020, whereby the appellant was reinstated into service, is modified in that the appellant shall stand reinstated into service with all back benefits.

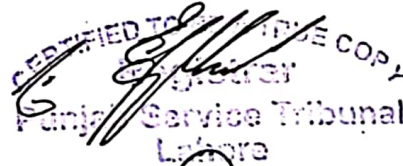


ANNOUNCED  
24.10.2022

~~SHAKIR HASSAN~~  
~~D&SJ/MEMBER-III~~

Form No. 7465-2022

PUNJAB SERVICE TRIBUNAL	
No. of Date of Presentation of Appeal	10-11-22
For Copy	15-11-22
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