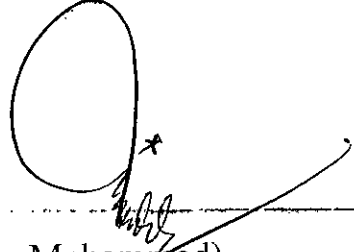


Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments. To come up for reply/comments before the S.B on 13.12.2022.

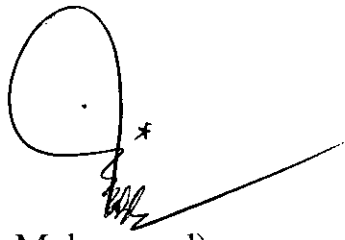

(Mian Muhammad)
Member (E)

13.12.2022

Learned counsel for the appellant present. Mr.

Muhammad Riaz Khan Paindakhel, Assistant Advocate General
for the respondents present.

Reply/comments on behalf of respondents not submitted.
Learned Assistant Advocate General seeks time to contact the respondents for submission of reply/comments. To come up for reply/comments on 31.01.2023 before S.B.


(Mian Muhammad)
Member (E)

SCANNED
K-398T
Peshawar

08.11.2022

Mr. Arbab Saiful Kamal, Advocate for the appellant present.

Preliminary arguments heard.

Learned counsel for the appellant contended that the appellant was appointed as Constable on 13.07.2009. He was proceeded against departmentally and awarded major penalty of dismissal from service on account of willful absence from duty vide order dated 12.07.2021. His departmental appeal against the impugned order was rejected vide appellate order dated 23.09.2021 whereafter he submitted revision petition under Rule 11-A of the Khyber Pakhtunkhwa Police Rules, 1975 and it was also declined on the ground "being time barred" vide order dated 26.01.2022 whereafter he filed the instant service appeal on 21.07.2022. When attention of the learned counsel for appellant was invited to the period of limitation because the revision petition was dismissed on 26.01.2022 and he filed the service appeal on 21.07.2022 i.e. after 06 months, learned counsel for the appellant argued that copy of the order on his revision petition dated 26.01.2022 was actually received to the appellant on 24.06.2022, the service appeal filed in the Service Tribunal is therefore, within time i.e. 30 days. Moreover, the time for submission of the service appeal has to be reckoned from the date of communication and in the instant case the last order on revision petition dated 26.01.2022 is very much established to have been duly mentioned by the appellant on face of it, on 24.06.2022. Learned counsel for the appellant also requested to allow him to submit application for condonation of delay which was also submitted during the course of arguments.

Rs-100/-
Appellant Deposited
Security & Process Fee

A. Saifullah
21/11/22