

Ph: 9214461
Fax: 9220406

SCANNED
K-37
Peshawar

REGISTERED
No. C.P.734/2019 - SCJ
SUPREME COURT OF PAKISTAN

Islamabad, dated 26-12 2022

From The Registrar,
Supreme Court of Pakistan,
Islamabad.

To The Registrar,
K.P.K. Service Tribunal,
Peshawar.

269-0
Dr. 311123

Subject: CIVIL PETITION NO. 734 OF 2019

Ziad Ahmad

Versus

The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar & others

On appeal from the Judgment/Order of the K.P.K. Service Tribunal,
Peshawar dated 03/12/2018 in S.A.571/2017.


Dear Sir,

I am directed to enclose herewith a certified copy of the Order of this Court dated 21/02/2022 dismissing the above cited case in the terms stated therein for information and further necessary action.

Please acknowledge receipt of this letter along with its enclosure immediately.

Encl: Order:

Yours faithfully,


(MUHAMMAD MUJAHID MEHMOOD)
ASSISTANT REGISTRAR (IMP)
FOR REGISTRAR

SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Umar Ata Bandial, CJ
Mr. Justice Syed Mansoor Ali Shah
Mrs. Justice Ayesha A. Malik

CIVIL PETITION NO.734 OF 2019

[Against the order dated-03.02.2018 of the Khyber Pakhtunkhwa Service Tribunal, Peshawar passed in Service Appeal No.571 of 2017]

Ziad Ahmad ...Petitioner(s)

Versus

The Provincial Police Officer, Khyber
Pakhtunkhwa, Peshawar & others ...Respondent(s)

For the Petitioner(s) : Mr. Asif Yousafzai, ASC


For Respondent(s) : N.R.

Date of Hearing : 21.02.2022

ORDER

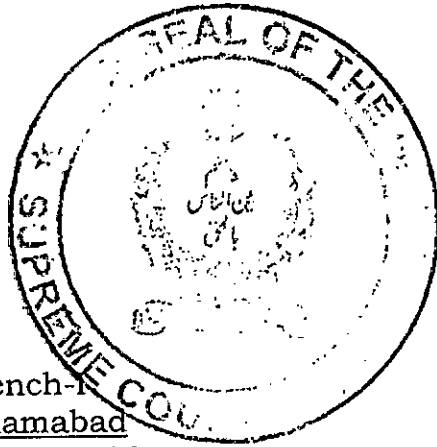
UMAR ATA BANDIAL, CJ-. The Petitioner filed a Revision Petition against the departmental appellate order dated 01.11.2016 before the Regional Police Officer (RPO), Mardan. This remedy of revision provided under Rule 11(A) of the Police Rules, 1975 is competent if availed within 30 days of the impugned order. There is no power with the Revisional Authority to grant condonation of delay in filing such a revision petition. The Revisional Authority decided the Petitioner's revision petition vide order dated 08.05.2017. The learned Service Tribunal took note of the fact that the revision petition filed by the Petitioner was delayed and, therefore, time barred. Consequently, it held that the Petitioner's service appeal was not maintainable.

ATTESTED


Court Associate
Supreme Court of Pakistan
Islamabad



2. The learned counsel submits that since his revision petition was dismissed on merits, therefore, the delay, if any, in filing the same stood condoned. The submission by the learned counsel ignores the fact that the Revisional Authority is not competent to condone the delay in the filing of a revision petition before it. Therefore, the consideration of the Petitioner's case on merits is of no consequence. On the other hand, if the matter is examined from the point of view that the appellate order dated 01.11.2016 is under challenge before the Tribunal, then even such challenge is also time barred. Accordingly, in both respects, the Petitioner's case before the Tribunal was rightly dismissed. This petition is, accordingly, dismissed and leave refused.



Bench-1
Islamabad
21.02.2022

NOT APPROVED FOR REPORTING

Asif/*

0000/26/1/22

Sd/-HCJ

Sd/-J

Sd/-J

Certified to be True Copy

Court Associate
Supreme Court of Pakistan
Islamabad