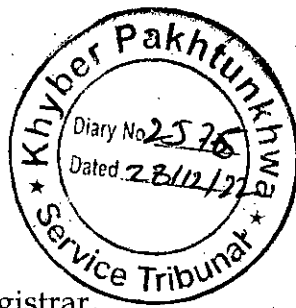


Ph: 9214461
Fax: 9220406



REGISTERED
No. C.P.360/2020 - SCJ
SUPREME COURT OF PAKISTAN

Islamabad, dated 19/12 2022

From The Registrar,
Supreme Court of Pakistan,
Islamabad.

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

Subject: **CIVIL PETITION NO. 360 OF 2020**

Gul Bar

Versus

District Education Officer (Male), Kohistan & another

**On appeal from the Judgment/Order of the K.P.K. Service Tribunal,
Peshawar dated 03/12/2019 in S.A.850/2018.**

Dear Sir,

I am directed to enclose herewith a certified copy of the Order of this Court dated 21/11/2022 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

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Certified to be true

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Present

Mr. Justice Muhammad Ali Mazhar
Mr. Justice Athar Minallah

Civil Petition No.360 2020

appeal against the judgment dated
03.12.2019 passed by learned K.P.K.
Service Tribunal, Peshawar in
S.A.850/2018

Gul Bar

... *Petitioner*

Versus

District Education Officer (Male), Kohistan & another

... *Respondents*

For the Petitioner:

Mr. Tillat Abbas, ASC
Syeda B. H. Shah, AOR

For the Respondents:

N.R.

Date of Hearing:

21.11.2022

ORDER


Muhammad Ali Mazhar, J. - Through the instant civil petition for leave to appeal, the petitioner assails the judgment dated 03.12.2019, passed by learned K.P.K. Service Tribunal, Peshawar in S.A.850/2018, whereby his appeal was dismissed being barred by time.

2. Precisely stated facts of the case are that the petitioner was serving as a Certified Teacher in the Education Department of the Khyber Pakhtunkhwa, who was imposed major penalty of removal from service *vide* order dated 19.02.2016 on the allegation of his long absence from duty. According to the record and travel history of the petitioner, he remained abroad for more than four years w.e.f. 21.09.2012 to 17.02.2017 without sanctioning any leave or permission from the competent authority. He was required to challenge the order of his removal from service dated 19.02.2016 within a period of one month but he filed his departmental appeal after the delay of more than one year.

ATTESTED



Court Associate
Supreme Court of Pakistan
Islamabad



3. We have heard learned counsel for the petitioner at length and have also scanned the available record. The learned Service Tribunal, after considering the entire facts and circumstances of the case, found the departmental appeal of the petitioner to be barred by time. Moreso, his Service Appeal before the learned Tribunal was also filed with a delay of more than five months and no application for condonation of delay was filed before the learned Tribunal, therefore, the learned Tribunal dismissed his appeal being barred by time. Learned counsel for the petitioner has not been able to point out any illegality, perversity or impropriety warranting our interference in the impugned judgment. Even otherwise, no substantial question of law of public importance has been raised in this petition as envisaged under the provisions of Article 212(3) of the Constitution of Islamic Republic of Pakistan, 1973. The petition is thus dismissed and leave to appeal is refused.

Self — — — — — 5
 Seal — — — — — 5

Certified to be True Copy

[Signature]
 Court Associate
 Supreme Court of Pakistan
 Islamabad

