

Ph: 9214461
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REGISTERED
No. C.P. 437-P,1951/2019 - SCJ
SUPREME COURT OF PAKISTAN

Islamabad, dated 26/02/2022

From The Registrar,
Supreme Court of Pakistan,
Islamabad.

Khyber Pakhtunkhwa
Service Tribunal

To The Additional Registrar,
K.P.K. Service Tribunal,
Camp Court D.I. Khan.

Diary No. 2940

Dated 12/1/2023

Subject: CIVIL PETITION NOS. 437-P AND 1951 OF 2019

Govt of Khyber Pakhtunkhwa through Secretary Elementary & Secondary
Education Peshawar & others

(in C.P.437-P/2019)

Muhammad Umar Irfan

(in C.P.1951/2019)

Versus

Muhammad Umar Irfan

(in C.P.437-P/2019)

Government of Khyber Pakhtunkhwa thr. Secretary Elementary &
Secondary Education Deptt, Peshawar & others

(in C.P.1951/2019)

On appeal from the Order/Judgment of the K.P.K. Service Tribunal;
Camp Court D.I. Khan dated 26/02/2019 in Appeal.1069/2017

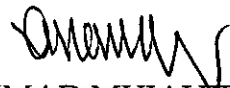
Dear Sir,

I am directed to enclose herewith a certified copy of the Order of this
Court dated 21/03/2022 dismissing as barred by time Civil Petition 437-P/2019 and
dismissing Civil Petition 1951/2019 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

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

MR. JUSTICE UMAR ATA BANDIAL, CJ
MR. JUSTICE MUNIB AKHTAR

CP NO.437-P AND 1951 OF 2019

(Against the judgment dated 26.02.2019
passed by KP Service Tribunal, Peshawar in
Service Appeal No.1069/2017)

- 1 C.P.437-P/2019 Govt of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar & others v. Muhammad Umar Irfan
- 2 C.P.1951/2019 Muhammad Umar Irfan v. Government of Khyber Pakhtunkhwa thr. Secretary Elementary & Secondary Education Deptt, Peshawar & others

For the Petitioner(s) : Mr. Zahid Yousaf Qureshi, Addl. AG KP
(in CP No.437-P/2019)
Mr. Ahmad Ali, ASC
(in CP No.1951/2019)

For the Respondent(s) : NR

Date of Hearing : 21.03.2022

ORDER

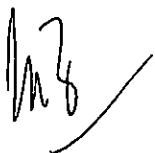
UMAR ATA BANDIAL, CJ: -

CP NO.437-P OF 2019: - This petition is barred by delay of 17 days. The application for condonation of delay states that lengthy process for completion of attested copies by the learned KP Service Tribunal, Peshawar and the ensuing correspondence between the various tiers of the department consumed time and, therefore, the filing of the petition was delayed. Both grounds reflect upon failure of the petitioner authorities to act diligently. These events do not constitute a sufficient cause for condoning the delay. Therefore, this petition is dismissed being barred by time.

ATTESTED

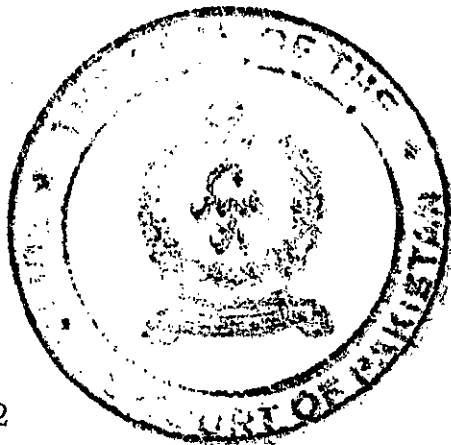


Court Associate
Supreme Court of Pakistan
Islamabad



CP NO.1951 OF 2019: - The learned counsel prays for back benefits for the petitioner who has been reinstated into service pursuant to the order dated 26.02.2019 passed by KP Service Tribunal, Peshawar. When asked whether the petitioner has established on record that he remained out of any gainful employment during the period of the proceedings or that he had rendered service for which no remuneration have been paid to the petitioner, learned counsel has not been able to point out any material on record to substantiate or justify the claim for back benefits. In the circumstances, we found no ground to interfere with the finding recorded by the learned Tribunal in the impugned judgment. Dismissed.

SAH *HEJ*
SAH



Certified to be True Copy

MC
Court Associate
Supreme Court of Pakistan
Islamabad

Islamabad
21.03.2022

Rashid/*

Not approved for reporting

SAH 14/11/22 -