

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR AT CAMP COURT ABBOTTABAD.

Service Appeal No. 725/2019

Shoukat Ali S/O Dil Jan, R/O Mohallah Dhari Talokar, Tehsil & District  
Haripur.

VERSUS

Government of Khyber Pakhtunkhwa, through Secretary Population  
Welfare Department, Peshawar and 03 others.

ORDER  
24.05.2023

Appellant alongwith his counsel namely Mr. Muhammad Jahangir  
Khan, Advocate present. Mr. Ahmad Yar Khan, Assistant Director  
(Litigation) alongwith Mr. Asad Ali Khan, Assistant Advocate General  
for the respondents present.

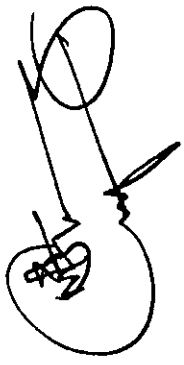
Learned counsel for the appellant stated at the bar that he wants to  
withdraw the instant appeal with permission to file a fresh one. In this  
respect, written endorsement of learned counsel for the appellant  
obtained at margin of the order sheet.

In view of the above, the appeal in hand stands dismissed as  
withdrawn. The appellant would however, be at liberty to file fresh  
appeal, however subject to all legal and valid objections. Parties are left  
to bear their own costs. File be consigned to the record room.

ANNOUNCED  
24.05.2023

(MUHAMMAD AKBAR KHAN)  
MEMBER (EXECUTIVE)  
CAMP COURT ABBOTTABAD

(SALAH-UD-DIN)  
MEMBER (JUDICIAL)  
CAMP COURT ABBOTTABAD

Withdrawn with permission to file fresh  
one.  Counsel for Respondents Present

TIME BARRED.

**SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

**PRESENT:**

Mr. Justice Gulzar Ahmed, CJ  
Mr. Justice Mazhar Alam Khan Miankhel

**CIVIL PETITION NO.120-P OF 2020**

[Against the judgment dated 16.12.2019, passed by the Peshawar High Court, Mingora Bench (Dar-ul-Qaza), Swat in W.P.No.100-M of 2015]

*Government of Khyber Pakhtunkhwa  
through Secretary, Elementary &  
Secondary Education, Government of K.P.,  
Peshawar and others.* ...Petitioner(s)

*Versus*

*Hamayoun Khan and others.* ...Respondent(s)

For the Petitioner(s) : Mr. Khalid Rehman, Additional  
Advocate General, KPK  
(via video link from Peshawar)

Respondent(s) : N.R.

Date of Hearing : 15.11.2021

**ORDER**



**GULZAR AHMED, CJ:** This petition is barred by 14 days. An application for condonation of delay has been filed. Learned Additional Advocate General, KP (the AAG) for the petitioners-Department contends that delay has occurred because of the lengthy process for obtaining approval of the Constituted Law Committee for filing of the CPLA before this Court and late supply of documents and completion of attested copies of the judgment of the Peshawar High Court, Mingora Bench (Dar-ul-Qaza), Swat (the High Court). Though such reasons are asserted by the learned AAG for the petitioners but

ATTESTED  
Senior Court Associate  
Supreme Court of Pakistan  
Islamabad

he is unable to show that such submission is supported by any law. It is to be noted that this ground has not been accepted by this Court as a sufficient cause for condoning of delay and no reason has been assigned as to why such ground should be accepted now. No affidavit whatsoever has been filed by the officials of the petitioners to support the ground taken in the application and the application, apparently, has been made without applying mind to it and by omitting to give all relevant reasons with specific dates during which the delay has been caused. Even each day's delay has not been explained by the learned AAG for the petitioners, which is the requirement of law. The application, on the face of it, appears to be wholly not sustainable and meritless. The same is, therefore, dismissed. The petition is also dismissed as time barred.

2. The Chief Secretary, Government of KPK shall take notice of the fact that the cases of the Government of KPK are being filed before this Court with delay and the applications, which are filed for condonation of delay, do not even provide for any ground and the filing of the petition before this Court is treated as just a formality. Proper action shall be taken against those officials, who are responsible for filing of the delayed petitions before this Court and also the persons, who are responsible in making of application for condonation of delay,

ATTESTED For that, in routine stereo type applications are filed without at

  
Senior Court Associate  
Supreme Court of Pakistan  
Islamabad all applying mind to the facts and circumstances of the case,  
which are just meaningless and are not supported by any  
 material whatsoever. The Chief Secretary shall ensure that the

action is taken against the officials, because there seems to be a scam, where the government matters are deliberately delayed to favour the opposite party. A report shall be submitted by the Chief Secretary, Government of KP to this Court within a period of one month, showing compliance of the Courts' order.

Sd/-HCJ

Sd/-J

Certified to be True Copy

*[Signature]*  
Senior Court Associate  
Supreme Court of Pakistan  
Islamabad

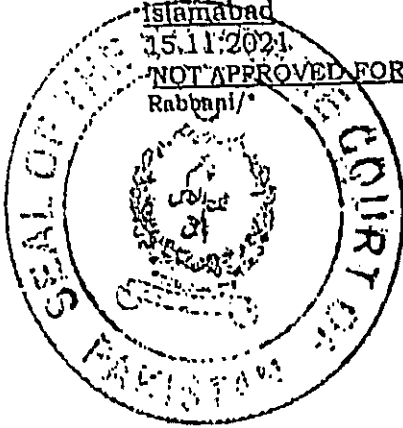
Bench-I

Islamabad

15.11.2021

NOT APPROVED FOR REPORTING

Rabbani/



GR No:	<u>10024/21</u>	Civil/Criminal
Date of Presentation:	<u>15-11-21</u>	
No of Wards:	<u>900</u>	
No of Petition:	<u>107</u>	
Requisition Fee Rs.:	<u>5.00</u>	
Copy Fee for:	<u>558</u>	
Court Fee Stamp:	<u>1050</u>	
Date of Completion of Copy:	<u>16-11-21</u>	
Date of Delivery of Copy:	<u>17/11/2021</u>	
Compared by/Prepared by:	<i>[Signature]</i>	
Received by:	<i>[Signature]</i>	

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