

Ph: 9214461
Fax: 9220406

REGISTERED
No. C.P. 281-288/2020 - SCJ
SUPREME COURT OF PAKISTAN

Islamabad, dated 15/05/2023

From The Registrar,
Supreme Court of Pakistan,
Islamabad.

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

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 5963

Dated 13-06-23

Subject: **CIVIL PETITION 281-288/2020**

Saleem Jan

(in C.P.281/2020)

Sajid Nawaz

(in C.P.282/2020)

Naveed Akbar

(in C.P.283/2020)

Gohar Ali

(in C.P.284/2020)

Amanullah Saeed

(in C.P.285/2020)

Irfan Ali

(in C.P.286/2020)

Kashmir Khan

(in C.P.287/2020)

Yousaf Karim

(in C.P.288/2020)

Versus

Government of Khyber Pakhtunkhwa thr. Chief Secretary Government of
Khyber Pakhtunkhwa, Peshawar & others

(in C.P.281/2020)

(in C.P.282/2020)

(in C.P.283/2020)

(in C.P.284/2020)

(in C.P.285/2020)

(in C.P.286/2020)

(in C.P.287/2020)

(in C.P.288/2020)

On appeal from the Order/Judgment of the K.P.K. Service Tribunal,
Peshawar dated 01/11/2019 in A.839/2014

Dear Sir,

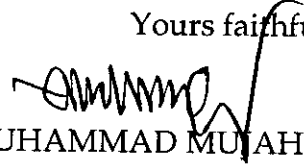
I am directed to enclose herewith a certified copy of the Order/Judgment
of this Court dated 14/04/2022 dismissing the above cited cases in the terms stated
therein for information and further necessary action.

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

← Ew

→ Encl: Order/Judgment:

Yours faithfully,



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

40/23

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

MR. JUSTICE UMAR ATA BANDIAL, CJ
MR. JUSTICE SYED MANSOOR ALI SHAH
MRS. JUSTICE AYESHA A. MALIK

C.P.281 TO 288 OF 2020

(Against the judgment dated 01.11.2019 passed by
KP Service Tribunal Peshawar in Service Appeals
No.839-841/2014 and 844-848/2014)

- 1 C.P.281/2020 Saleem Jan v. Government of Khyber Pakhtunkhwa thr. Chief Secretary Government of Khyber Pakhtunkhwa, Peshawar & others
- 2 C.P.282/2020 Sajid Nawaz v. Government of Khyber Pakhtunkhwa thr. Chief Secretary Government of Khyber Pakhtunkhwa, Peshawar & others
- 3 C.P.283/2020 Naveed Akbar v. Government of Khyber Pakhtunkhwa thr. Chief Secretary Government of Khyber Pakhtunkhwa, Peshawar & others
- 4 C.P.284/2020 Gohar Ali v. Government of Khyber Pakhtunkhwa thr. Chief Secretary Government of Khyber Pakhtunkhwa, Peshawar & others
- 5 C.P.285/2020 Amanullah Saeed v. Government of Khyber Pakhtunkhwa thr. Chief Secretary Government of Khyber Pakhtunkhwa, Peshawar & others
- 6 C.P.286/2020 Irfan Ali v. Government of Khyber Pakhtunkhwa thr. Chief Secretary Government of Khyber Pakhtunkhwa, Peshawar & others
- 7 C.P.287/2020 Kashmir Khan v. Government of Khyber Pakhtunkhwa thr. Chief Secretary Government of Khyber Pakhtunkhwa, Peshawar & others
- 8 C.P.288/2020 Yousaf Karim v. Government of Khyber Pakhtunkhwa thr. Chief Secretary Government of Khyber Pakhtunkhwa, Peshawar & others


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

For the Respondent(s) : NR

Date of Hearing : 14.04.2022

ORDER

ATTESTED


Court Associate
Supreme Court of Pakistan
Islamabad

UMAR ATA BANDIAL, CJ: The petitioners were promoted as PMS Officers (BPS-17) on 04.10.2012. However, they claim that the same should have been granted to them from 21.12.2011. On the earlier date, the petitioners were not eligible for promotion due to shortness in length of service. Nevertheless, subsequently when they were promoted they sought *antedated* up-gradation on account of available vacancies in the higher post on 21.12.2011. That plea was rejected by the departmental authority for not being covered under the rules/policy in vogue. In any event, the departmental appeal was filed by the petitioners after a delay of 15 months. The learned Service Tribunal dismissed the petitioners' service appeals on the ground that the departmental appeals were time barred as already mentioned and the petitioners had failed to even file an application for condonation of delay. It was held that the service appeals were "*not maintainable hence, without touching the merits of the appeals, all the aforementioned service appeals are dismissed being time barred*".

2. Clearly the learned Service Tribunal has taken the view that limitation was one of the obstacles in the way of the petitioners as the same had not been condoned expressly by the departmental authority since the departmental appeals were dismissed without touching the merits. We consider that the delay before the departmental authority was a matter that was cognizable by the learned Service Tribunal. Therefore, it properly took notice of the same and dismissed the petitioners' service appeals on the ground of limitation. Learned counsel is unable to

ATTESTED



Court Associate
Supreme Court of Pakistan
Islamabad

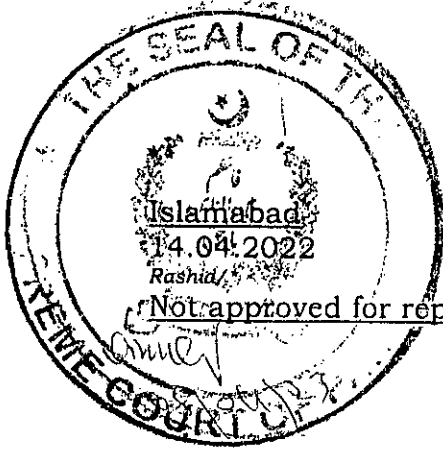
justify the delay before us. Consequently, these petitions have not crossed the bar of limitation and are therefore dismissed.

Self - - - - - 5/7 KA
Self - - - - -
Self - - - - -

Certified to be True Copy

[Handwritten Signature]

**Court Associate
Supreme Court of Pakistan
Islamabad.**



~~Not approved for reporting~~