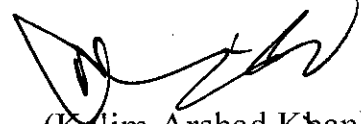


dismissed in limine. Consign.

06. *Pronounced in open court in Peshawar and given under my
hand and seal of the Tribunal on this 10th day of July, 2023.*



(Kalim Arshad Khan)
Chairman

Adnan Shah

taken against the appellant or whether he was dismissed etc. The appellant has also concealed the factum of his filing writ petition No. 227-M/2013 before the Peshawar High Court, Mingora Bench Swat, which was dismissed on 30.04.2014 in the following manner:

"4. Perusal of the case record would reveal that leave granted to the petitioner had expired on 31.12.2004 where-after the petitioner sent application for extension of leave. it is strange that the petitioner did not bother to enquire about the fate of his such application and later on submitted application for his adjustment in the year 2012 i.e after lapse of about eight years and during that period the petitioner remained absent from his duty. Such delay has not been explained by the petitioner. When learned counsel for the petitioner was confronted with the situation, he could not satisfy us in this regard. In this view, the instant petition is hit by the principle of laches and as such, is not maintainable. Perusal of the record further reveals that no serious and timely efforts have been made by the petitioner for saving his service and has applied for his adjustment after keeping mum for a considerable service no plausible explanation has been given and so, the petitioner has failed to advance any reasonable ground for maintainability of the instant writ petition.

In wake of the above, the instant writ petition, being bereft of any force, is hereby dismissed in limine."

05. The appellant has again wasted a couple of years after dismissal of the writ petition on 30.04.2014 and has approached this Tribunal on 15.03.2021 with no explanation regarding the delay, caused in filing of appeal. This appeal is, therefore, not only barred by time but also not maintainable under Rule-23 of the Khyber Pakhtunkhwa Service Tribunal Rules, 1974. This being so, it is

application for extension of leave w.e.f. 01.01.2005 but the same was not responded; that in the year 2012, the dispute was resolved amicably, thereafter the appellant preferred an application before the competent authority for his readjustment on 20.06.2012; that the appellant preferred a number of applications for his readjustment but no response had been received to the appellant; that feeling aggrieved, the appellant preferred departmental appeal, which was not responded within the statutory period and then filed this appeal on 15.03.2021.

03. On receipt of appeal, a pre-admission notice was issued to the respondents to file reply/comments. They filed written reply/comments, wherein it was submitted that the appellant had not submitted any application for leave regarding dispute of locality and that he had filed writ petition No. 227-M/2013 before the Peshawar High Court, Mingora Bench Swat, which was dismissed on 30.04.2019 holding the same to be barred by time.

04. It is undisputed that the appellant had remained absent after expiry of the leave granted to him. Although the department has not said anything in their reply regarding any action on the absence of the appellant nor any such fact was brought by the appellant on the record what the appellant is praying is that he be reinstated against the post of PST with all back benefits, whereas there is nothing annexed with the appeal as to whether any departmental action was



S.No.	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	10 th July, 2023	<p style="text-align: center;"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u> <u>PESHAWAR.</u></p> <p style="text-align: center;">Service Appeal No. 3532/2021</p> <p>Badshah Rawan, PST, Government Primary School Ghawardesh, Tehsil Samarbagh District Dir Lower. ... (Appellant)</p> <p style="text-align: center;"><u>Versus</u></p> <ol style="list-style-type: none">1. The Secretary (E&SE) Education, Khyber Pakhtunkhwa, Peshawar.2. The Director (E&SE), Khyber Pakhtunkhwa, Peshawar.3. The District Education Officer (M), District Dir Lower. ... (Respondents) <p style="text-align: center;"><u>ORDER.</u></p> <p style="text-align: center;"><u>KALIM ARSHAD KHAN CHAIRMAN:-</u> Appellant</p> <p>alongwith his counsel present and heard.</p> <p>02. This appeal is against the alleged inaction of the respondents for not adjusting/reinstating the appellant. According to the memo and grounds of appeal are appellant was appointed as Primary School Teacher and his services were regularized vide order dated 01.12.1996; that he was posted at GPS Ghawardesh, Tehsil Samarbagh, District Dir Lower; that the appellant had applied for leave without pay, which was granted by the respondents w.e.f. 01.10.2000 to 31.12.2004; that during the leave period, the appellant got a dispute in the locality and due to that the appellant alongwith his family migrated to Azad Kashmir; that the appellant, because of the serious threat to his life, preferred another</p>