

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 1510/2022

BEFORE: MISS FAREEHA PAUL ... MEMBER (E)

Siraj Khan S/O Zarwali Jan R/O Kotka Shewa Jan Baka Khel, Tehsil and District Bannu. (Appellant)

Versus

1. Deputy Commissionr, District Bannu.
2. Commissioner, Bannu Division, Bannu.
3. District Police Officer, District Bannu.
4. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
..... (Respondents)

Mr. Imran Khan
Advocate

... For appellant

Mr. Muhammad Jan
District Attorney

... For respondents.


Date of Institution.....	05.10.2023
Date of Hearing.....	24.07.2023
Date of Decision.....	24.07.2023

JUDGEMENT

FAREEHA PAUL, MEMBER (E): Instant appeal has been filed under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the order dated 09.09.2014, whereby the appellant was terminated from service with the prayer that on acceptance of the appeal, the impugned order might be set aside and the appellant might be reinstated into service.

2. Preliminary arguments heard and the case file alongwith connected documents perused in detail.

3. From the arguments and record presented before this bench, it was found that the appellant was appointed as Sepoy in Federal Levy



Force, FR Bannu on regular basis in BPS- 05 on 18.04.2011. He was terminated from service by the Deputy Commissioner, Bann/Commandant, Levy Force, Bannu on 09.09.2014 on the grounds of absence from duty. Feeling aggrieved, the appellant filed departmental appeal before the Secretary Law & Order, FATA, FATA Secretariat, Peshawar on 09.10.2015. When no action was taken on the departmental appeal, he filed the instant Service Appeal alongwith application for condonation of delay on 05.10.2022. The grounds taken in the application for condonation of delay are not convincing, therefore, are not considered.

4. In the matter under reference, unexplained time lapses have been noted between the issuance of the impugned order dated 09.09.2014 and filing of departmental appeal on 09.10.2015 and then service appeal on 05.10.2022. The appellant could not sleep over his right to challenge the impugned order at the appropriate time, as was required under the law and rules. Reliance is placed on 2023 SCMR 291 titled "Chief Engineer, Gujranwala Electric Power Company (GEPCO), Gujranwala Vs. Khalid Mehmood and others", according to which such a plea would be acceptable in cases where the appellant has vigilantly pursued the case, whereas in this matter there is no such effort made by the appellant. Besides in the service appeal and application for condonation of delay in hand, the appellant failed to explain the reasons of delay in filing the service appeal after he filed the departmental appeal, which was also delayed by almost six years and nine months despite the fact that its statutory waiting period of 90 days completed on 7th of January, 2016.



5. The upshot of the above discussion is that the appeal is barred by time and is accordingly dismissed in limine. Consign.

6 *Pronounced in open Court at Peshawar and given under my hand and the seal of the Tribunal this 24th day of July, 2023.*


(Norecha Paul)
Member(E)

Fazle Subhan, P.S