

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR, AT CAMP COURT SWAT.

Service Appeal No. 1413/2020

Date of Institution ... 06.10.2020

Shahzada, S/O Abdul Baqi, R/O Bagh Maidan Tehsil Lal Qala, District
Dir Lower.

VERSUS

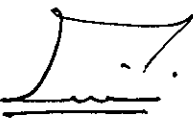
Government of Khyber Pakhtunkhwa through Secretary Elementary &
Secondary Education Civil Secretariat Peshawar and 03 others.

ORDER
04.10.2023

Ms. Humaira Shoukat, Advocate for the appellant present.

Mr. Inayatullah Khan, Assistant Advocate General for the respondents present on pre-admission notice. Preliminary arguments heard.

2. Precise facts giving rise to filing of the instant appeal are that the appellant was serving as PTC in GPS Bagh, Maidan. Departmental action was taken against him on the allegations of absence from duty and he was terminated from service vide order dated 18.08.1984. The appellant had allegedly filed departmental appeal against the same on 01.07.2020, which was not responded, hence the instant appeal.

 3. The appellant was terminated from service vide order dated 18.08.1984 on the allegation of long absence from duty. The appellant has alleged in his appeal that he had filed departmental appeal and has also annexed a copy of the same with the instant appeal. The copy of the departmental appeal would show that the same was filed on 01.07.2020. Respondents in their comments have categorically denied the filing of departmental appeal by the appellant. Even if the contention of filing of departmental appeal by the appellant is admitted as correct, the same was

badly barred by time as the same was filed after a lapse of more than 35 years. The appellant had not sought any condonation of delay before the appellate Authority and has not even filed any such application alongwith the appeal in hand. It is well settled proposition of law that when an appeal of an employee was barred by time before the appellate Authority, then the appeal before the Tribunal was also not competent. Reliance in this respect is placed on 2007 SCMR 513, 2006 SCMR 453 and PLD 1990 S.C 951.

4. In view of the above discussion, the appeal in hand stands dismissed in limine being barred by time. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
04.10.2023



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