

Application No.561/2023 in Service Appeal No.874/2018, titled "Chief Secretary, Government of Khyber Pakhtunkhwa Peshawar and three others Vs. Mr. Muhammad Fayaz, Junior Clerk"

ORDER
3rd Jan, 2024

Kalim Arshad Khan, Chairman: There is no representative present on behalf of the petitioners.


2. This petition is shown to have been filed by the Chief Secretary Khyber Pakhtunkhwa and Secretaries Sports, Establishment and Finance Departments but signatures of only three petitioners are found to have been put on the petition.


3. There is a mention in the petition that CPLA has also been filed against the order dated 24.05.2019 of this Tribunal, so when another remedy available to the petitioners, had already been availed as stated in the petition, thus, availing of second remedy against the same order in the shape of Application under Section 12 (2) of the Code of Civil Procedure, 1908, cannot be maintained.

4. The order passed by the Tribunal was on 24.05.2019, while this application has been filed on 07.08.2023 i.e. more than three years of the order, which is time barred.

5. In view of the above, this petition is dismissed with costs. Consign.

6. *Pronounced in open Court at Peshawar and given under our hands and seal of the Tribunal on this 3rd day of January, 2024.*


(Fareeha Paul)
Member (E)


(Kalim Arshad Khan)
Chairman