ORDER

28th Feb. 2024   **Kalim Arshad Khan, Chairman**. Learned counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General alongwith Mr. Sami Ullah, Director (Admin) and Mr. Muhammad Abid Superintendent for the respondents present.

2.   Preliminary arguments heard. Record perused.

3.   This appeal is filed U/S 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the promotion order dated 11.01.1992, whereby, according to the appellant, he was deprived from promotion to the post of Junior Clerk (BPS-11).

4.   It appears from the departmental representation made by the appellant on 25.03.2022 to the Director General Commerce, Education and Management Sciences Khyber Pakhtunkhwa, Peshawar against the promotion order of 1992, wherein, it was stated that the appellant was to be promoted in the year 1992, but he was promoted in the year 2002 and he had retired from service on 09.01.2017. That he came to know few days back about the promotion order of 1992. Not only the departmental appeal is hopelessly barred by time but also this appeal was filed on 151st day after making the departmental appeal, while the reasons for condonation of delay stated to be the ignorance of the appellant and the law of limitation being against the injunctions of Islam. Besides, that the matter should be decided on merits, and not on technicalities. These grounds are not convincing, therefore,

admission of this appeal, its decision on merits would be nothing but just wastage of time of the Tribunal as well as of the appellant and would also amount to unnecessarily dragging the respondents for no fruitful purpose.

5.   This being so, this appeal being barred by time, is dismissed in limine. Costs shall follow the event. Consign.

6.   Pronounced in open Court at Abbottabad under my hand and seal of the Tribunal on this 28th day of February, 2024.

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(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad
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Mutazem Shah