

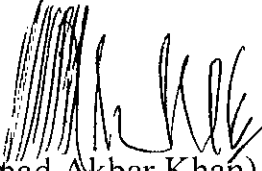
Service Appeal No. 155/2023 titled "Muhammad Ashfaq versus Secretary, Government of Khyber Pakhtunkhwa, Health Department, Civil Secretariat, Peshawar and others".

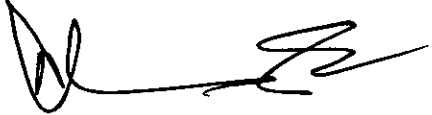
ORDER

18th April, 2024 **Kalim Arshad Khan, Chairman**: Learned counsel for the appellant present. Mr. Umair Azam, Additional Advocate General for the respondents present.

2. At the very outset, learned Additional Advocate General pointed out that against the impugned order a joint departmental appeal was filed by Uzair Khan and Muhammad Ashfaq on 12.05.2022, while this appeal was filed before this Tribunal on 17.01.2023. The period provided in Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 for filing appeal, after filing of departmental representation, is 30 days and that too after waiting for 90 days of filing of the departmental representation but this appeal is filed on 250th day, rendering this appeal barred by time. There is no application for condonation of delay on file nor the delay is explained anywhere in the appeal, therefore, this appeal being barred by time is dismissed. Costs shall follow the event. Consign.

3. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal on this 18th day of April, 2024.*


(Muhammad Akbar Khan)
Member (Executive)


(Kalim Arshad Khan)
Chairman