

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**  
**AT CAMP COURT, ABBOTTABAD**

BEFORE: **KALIM ARSHAD KHAN** ... **CHAIRMAN**  
**MUHAMMAD AKBAR KHAN** ... **MEMBER (Executive)**

*Service Appeal No.367/2023*

Date of presentation of Appeal.....15.02.2023  
Date of Hearing.....25.04.2024  
Date of Decision.....25.04.2024

**Mr. Abdul Rashid** No.H/130 (Inspector retired) Investigation Wing, Abbottabad .....(*Appellant*)

Versus

1. **The Inspector General of Police** Khyber Pakhtunkhwa, Peshawar.
2. **The Regional Police Officer**, Hazara Region, Abbottabad.
3. **The Additional IGP/Headquarters**, for IG Police, Khyber Pakhtunkhwa, Peshawar.
4. **The AIG Establishment** for IG Police Khyber Pakhtunkhwa, Peshawar.....(*Respondents*)

Present:

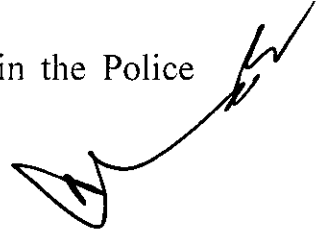
Syed Noman Ali Bukhari, Advocate.....For the appellant  
Mr. Shoaib Ali, Assistant Advocate General.....For respondents

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**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 FOR DIRECTING THE RESPONDENTS TO REVISE THE ORDER OF SUB INSPECTOR AND INSPECT FROM THE DATE BATCHMATES WAS PROMOTED IN PURSUANCE OF ORDER DATED 21.04.2012 FOR THE PURPOSE TO REGAIN THE SENIORITY OF APPELLANT WITH HIS BATCHMATES AND THEN CONSIDER THE APPELLANT FOR PROFORMA/NOTIONAL PROMOTION TO THE POST OF DSP FROM DUE DATE/WITH HIS COLLEAGUES AND JUNIORS WAS PROMOTED AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF STATUTORY PERIOD OF 90 DAYS.**

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**JUDGMENT**

**KALIM ARSHAD KHAN CHAIRMAN**: Appellant's case in brief as per the averments of the Appeal is that he was inducted in the Police



Department as Constable, and from time to time he was given promotion to the next ranks; that vide order dated 02.08.2018, he was confirmed as Inspector w.e.f 15.12.2017, however, his colleague was confirmed in the year 2018; that vide order dated 30.01.2018, one of his colleagues namely Muhammad Javed was promoted as DSP and the appellant was not.

2. Feeling aggrieved, he filed departmental, but the same was not responded, therefore, he filed the instant service appeal.

3. On receipt of the appeal and its admission to full hearing, the respondents were summoned. Respondents put appearance and contested the appeal by filing written reply raising therein numerous legal and factual objections. The defense setup was a total denial of the claim of the appellant.

4. We have heard learned counsel for the appellant and learned Assistant Advocate General for respondents.

5. The learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned Assistant Advocate General controverted the same by supporting the impugned order(s).

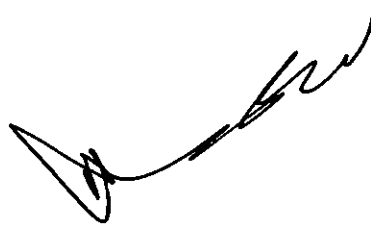
6. The departmental appeal of the appellant was forwarded to the Inspector General of Police, Khyber Pakhtunkhwa on 25.09.2018 which means that it was made on 25.09.2018 while he filed this appeal on 15.02.2023, which is hopelessly barred by time.



7. There is an application for condonation of delay filed alongwith the appeal. The ground mentioned in the application is that his appeal was going to be accepted and for the purpose, be kept waiting for considerable time, therefore, the delay was not intentional. The stance of the appellant is neither plausible nor a valid ground for condonation of delay, therefore, not acceptable.

8. This being so, the appeal was filed with inordinate delay, therefore, that is dismissed. Costs shall follow the event. Consign.

9. *Pronounced in open Court at Abbottabad and given under our hands and the seal of the Tribunal on this 25<sup>th</sup> day of April, 2024.*



**KALIM ARSHAD KHAN**  
Chairman  
Camp Court Abbottabad



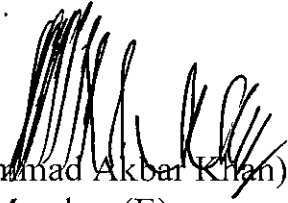
**MUHAMMAD AKBAR KHAN**  
Member (Executive)  
Camp Court Abbottabad

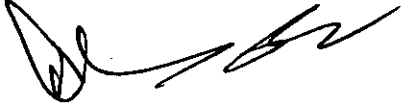
*\*Mutazem Shah\**

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ORDER

- 25<sup>th</sup> Apr. 2024
1. Learned counsel for the appellant present. Mr. Shoaib Ali, Assistant Advocate General for the respondents present.
  2. Vide our detailed judgment of today placed on file, the appeal was filed with inordinate delay, therefore, that is dismissed. Costs shall follow the event. Consign.
  3. *Pronounced in open Court at Abbottabad and given under our hands and the seal of the Tribunal on this 25<sup>th</sup> day of April, 2024.*

  
(Muhammad Akbar Khan)  
Member (E)

  
(Kalim Arshad Khan)  
Chairman  
Camp Court, Abbottabad

\*Mutazem Shah\*