

Service Appeal No.13577/2020 titled "Muhammad Kamran Vs. Government of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs, Civil Secretariat, Peshawar."

ORDER

6<sup>th</sup> May. 2024

**Kalim Arshad Khan, Chairman.** Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

2. The appellant's case in brief is that he was serving in the Police Department and allegedly, due to illness, he could not attend his duties. For the reason, he was dismissed from service vide order dated 18.07.2017. Feeling aggrieved, he filed departmental appeal on 31.12.2019 which was dismissed vide order dated 11.03.2019. Then he filed revision petition under Rule-11 of the Khyber Pakhtunkhwa Police Rules, 1975, but the same was also rejected, hence, the instant service appeal.

3. We have heard learned counsel for the appellant and learned Deputy District Attorney for the respondents and have perused the record.

4. From the record, it is evident that the appellant was dismissed from service vide order dated 18.07.2017. He filed departmental appeal on 31.12.2018, which was hopelessly barred by time as was observed by the Appellate Authority (CCPO Peshawar) vide order dated 11.03.2019, dismissing the departmental appeal. The appellant then filed a revision petition before the Inspector General of Police Khyber Pakhtunkhwa, Peshawar, which was dismissed vide order dated 08.05.2019, holding the same to be barred by time. The appellant then filed appeal before this tribunal on 22.10.2020, which too is barred by time.




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5. There is an application for condonation of delay alongwith the appeal with the only ground that as soon as the order dated 09.05.2019 was communicated to the appellant, he filed appeal without delay, but he has not disclosed as to when had he received any of the orders i.e. original, appellate or the revisional. Therefore, the grounds mentioned in the application for condonation of delay is not worth consideration.

6. Not only the departmental appeal, but the instant service appeal, both are barred by time, therefore, this appeal is dismissed. Costs shall follow the event. Consign.

7. *Pronounced in open Court at Peshawar under our hands and seal of the Tribunal on this 6<sup>th</sup> day of May, 2024.*

  
(Muhammad Akbar Khan)  
Member (E)

  
(Kalim Arshad Khan)  
Chairman

\*Mutazem Shah\*