

23rd April, 2024

1. Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Mr. Naseeb Khan, SO for the respondents present.

2. Learned counsel for the appellant, to a preliminary objection raised by the learned Deputy District Attorney, submitted that the appellant had retired somewhere in 2010 and through this appeal he was seeking benefits of a notification, which was passed in the year 2011 i.e. after his retirement, to which learned counsel for the appellant, though tried to argue that at the first instance the appellant had filed writ petition, which was converted into departmental representation and was sent to the department for decision, therefore, would be no question of limitation but fact remains the same that under section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 an aggrieved person has to file departmental representation within thirty days of the passage/communication of the order from which he is aggrieved and awaiting ninety days from the date of filing representation if no reply is received, he is to file appeal within next thirty days before this Tribunal. True that the Hon'ble Peshawar High Court, Abbottabad Bench had converted the writ petition into departmental representation vide its order dated 18.04.2018, and the appeal before the Tribunal might be within 120 days from 18.04.2018 but whether the departmental appeal would be considered to be within time i.e. within thirty days of the notification or from the knowledge especially when no date of knowledge was mentioned in anywhere in the appeal/writ petition etc, the learned counsel for the appellant sought some time to assist the Tribunal on the above points, so are the Attorney are directed to assist the Tribunal. To come up for arguments

on 27.05.2024 before D.B at camp court Abbottabad. P.P given to the parties.

(M. Akbar Khan)
Member(E)

(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

27th May. 2024

1. Learned counsel for the appellant and Mr. Shoaib Ali, Assistant Advocate General for the respondents present.

2. Being not prepared, learned counsel for the appellant requested for a short adjournment. This case pertains to the year 2019, therefore, it is adjourned for day after tomorrow i.e. 29.05.2024 for hearing before D.B at Camp Court, Abbottabad. P.P given to the parties.

(Muhammad Akbar Khan)
Member (E)
Camp Court, Abbottabad

(Kalim Arshad Khan)
Chairman
Camp Court, Abbottabad

*Mutazem Shah *

Adnan Shah, P.A

SCANNED
10/05/2024
10:00:00