

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL**  
**AT CAMP COURT ABBOTTABAD**

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

*Service Appeal No. 577/2018*

Date of presentation of Appeal.....26.04.2018  
Date of Hearing.....29.05.2024  
Date of Decision.....29.05.2024

Waqar Ahmed Constable No. 1189 Police Line Abbottabad son of Ghulam Murtaza Caste Pathan, resident of Maira Rehmat Khan Tehsil & District Abbottabad..... (Appellant)

**VERSUS**

1. Government of Khyber Pakhtunkhwa, through Secretary Home and Tribal Affaris Departments Peshawar.
2. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
3. Deputy Inspector General of Police Hazra Region Abbottabad.
4. District Police Officer Abbottabad.....(Respondents)

SARDAR AMAN KHAN,  
Advocate

For appellant.

ASIF MASOOD ALI SHAH,  
Deputy District Attorney

For respondents

**JUDGMENT**

**MUHAMMAD AKBAR KHAN, MEMBER (E):-**The instant service appeal has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal, Act 1974 with the prayer copied as under;

*"On acceptance of instant service appeal, the impugned order No. 235 dated 21.09.2015 issued by respondent No. 4 and letter dated 05.09.2017 of the respondent No. 2 may graciously be ordered to be set aside and respondents be directed to reinstate the appellant in service with all back*

*benefits by deciding the fate of the appellant's appeal in accordance with law. Any other relief deemed fit and proper in the circumstances of the case."*

02. Brief facts of the case are that the appellant while serving as Constable in Police Department, was proceeded against on the charges of absence/registration of FIR No. 499 dated 28.12.2014 U/s 341/342/324/365/427/186/148/149 PPC Police Station Nawansher against him and ultimately he was dismissed from service vide impugned order dated 21.09.2015. Feeling aggrieved from the impugned order dated 21.09.2015, the appellant filed departmental which was filed by the competent authority being time barred vide order dated 05.09.2017. Thereafter, the appellant filed Writ Petition No. 1055-A/2017 before the Hon'ble Peshawar High Court, Abbottabad Bench which was dismissed on the point of jurisdiction vide order dated 08.03.2018, hence preferred the instant service appeal on 26.04.2018.

03. Notices were issued to the respondents, who submitted their comments, wherein they refuted the assertions raised by the appellant in his appeal. We have heard arguments of learned counsel for the appellant, learned Deputy District Attorney for the respondents and have gone through the record with their valuable assistance.

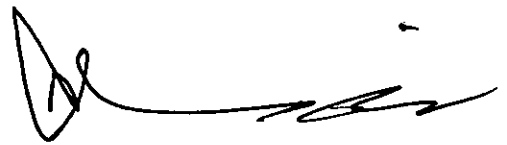
04. The learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned Deputy District Attorney, controverted the same by supporting the impugned order(s).

05. Perusal of record reveals that the appellant was dismissed from service vide impugned order dated 21.09.2015 issued by District Police Officer,

Abbottabad against which he filed departmental appeal to the Deputy Inspector General, Hazara Division on 14.10.2015. He has not annexed the appellate order, however, there is an order issued on 05.09.2017 wherein it was stated that the appeal of the appellant for reinstatement in service was processed/examined at the Central Police, Peshawar and filed by the competent authority being time barred for about 02 years. This order was passed on 05.09.2017 but the appellant filed appeal before this Tribunal on 26.04.2018. This Tribunal can take merits of the case only when the appeal is within time. August Supreme Court of Pakistan in its judgment reported as 1987 SCMR 92 has held that when an appeal is required to be dismissed on the ground of limitation then its merits need not to be discussed.

06. As a sequel to the foregoing discussion, the instant service appeal is badly time barred and is not maintainable hence stands dismissed. Costs shall follow the event. Consign.

07. *Pronounced in open court at camp court Abbottabad and given under our hands and seal of the Tribunal on this 29<sup>th</sup> day of May, 2024.*



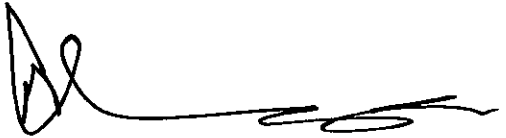
(KALIM ARSHAD KHAN)  
Chairman  
Camp Court Abbottabad




(MUHAMMAD AKBAR KHAN)  
Member (E)  
Camp Court Abbottabad

ORDER

- 29<sup>th</sup> May, 2024
1. Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present. Arguments heard and record perused.
  2. Vide our detailed judgment of today, separately placed on file, the instant service appeal is badly time barred and is not maintainable hence stands dismissed. Costs shall follow the event. Consign.
  3. *Pronounced in open court at camp court Abbottabad and given under our hands and seal of the Tribunal on this 29<sup>th</sup> day of May, 2024.*

  
(KALIM ARSHAD KHAN)  
Chairman  
Camp Court Abbottabad

  
(MUHAMMAD AKBAR KHAN)  
Member (E)  
Camp Court Abbottabad