

AD

Service Appeal No.7558/2021 titled "Hashmat Khan Vs. Police Department" and Service Appeal No.7559/2021 titled "Muhammad Zaman Vs. Police Department"

ORDER

9th July. 2024

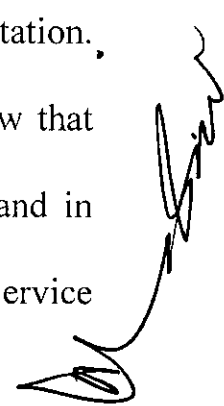
Kalim Arshad Khan, Chairman: Through this single order, the above two appeals, are jointly taken up, as both are similar in nature and almost with the same contentions, therefore, can be conveniently decided together.

2. Learned counsel for the appellants present. Mr. Muhammad Jan, District Attorney for the respondents present.

3. Brief facts of the cases are that appellants were serving in the Khasadar Force, Mohmand. Vide impugned order dated 09.05.2017, they were terminated from service and private respondents were appointed against their posts. Feeling aggrieved, they filed departmental appeals (undated) which were rejected on 12.12.2019. Hence, they filed the instant service appeals.

4. Arguments heard. Record perused.

5. The impugned orders of their termination were passed on 09.05.2017 against which their departmental appeals, filed for reinstatement, were rejected on 12.12.2019. While they filed the instant service appeals on 21.09.2021 (after one year and nine months). Not putting dates on the departmental appeals show that the same might have been filed beyond the period of limitation. However, the appeals before the Tribunal categorically show that the same have been filed beyond the period of limitation and in contra to the Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974. The said Section is reproduced below:



“4. *Appeal to Tribunals.*--- Any civil servant aggrieved by any final order, whether original or appellate, made by a departmental authority in respect of any of the terms and conditions of his service may, within thirty days of the communication of such order to him [or within six months of the establishment of the appropriate Tribunal, whichever is later,] prefer an appeal of the Tribunal having jurisdiction in the matter.”

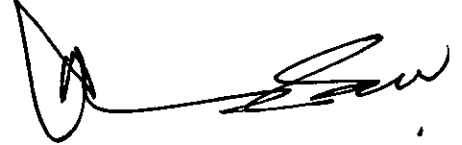
6. For what has been discussed above, instant service appeals are dismissed with costs. Copy of this order be placed on file of connected case. Consign.

7. *Pronounced in open Court at Peshawar under our hands and seal of the Tribunal on this 9th day of July, 2024.*



(Rashida Bano)
Member (J)

Mutazem Shah



(Kalim Arshad Khan)
Chairman