

Service Appeal No.1372/2019 titled "Sana Ullah Vs. Police
Department:

ORDER

9th July, 2024

Kalim Arshad Khan, Chairman: Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

2. Appellant's case in brief is that he was serving in the Police Department as Driver Constable. Vide impugned order dated 01.02.2017, he was dismissed from service. Feeling aggrieved, he filed departmental appeal on 15.10.2018 but the same was rejected on 26.11.2018. Hence, he filed the instant service appeal.

3. Arguments heard. Record perused.

4. At the very outset, learned District Attorney dragged the attention of the bench towards the limitation and referred to Section-4 of the 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."

5. The impugned order was passed on 01.02.2017, against which, the appellant filed departmental appeal on 15.10.2018 (after one year and eight months) and the same was rejected on 26.11.2018. Order of the Appellate Authority has been passed on



26.11.2018, while the instant service appeal has been filed on 18.10.2019 i.e. more than a period of 10 months.

6. Not only the departmental appeal but also the appeal before the Tribunal both are barred by time, in view of the above referred Section.

7. In view of the above, instant service appeal is dismissed with costs. Consign.

8. *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)



(Kalim Arshad Khan)
Chairman

*Mutazem Shah *