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Service Appeal No.1476/2022 titled "Zahir Shah Vs. Government of Khyber
Pakhtunkhwa"

ORDER

24th July, 2024

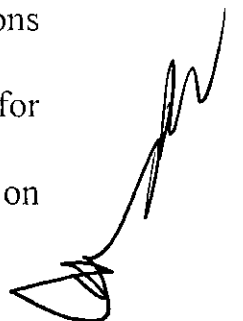
Kalim Arshad Khan, Chairman: Through this single order, the instant service appeal as well as Service Appeals No.1477/2022, 1478/2022, 1479/2022, 1480/2022 and 1481/2022, are jointly taken up, as are similar in nature and almost with the same contentions, therefore, can be conveniently decided together

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

3. Appellants' cases, as reflected from the record, are that for the purpose of their promotion from Primary Health Care Technologist (BPS-17) to Senior Primary Health Care Technologist (BPS-18) their cases were sent to the Provincial Selection Board but the same were returned with observations. Feeling aggrieved, they filed departmental appeals on 01.01.2020 which were not responded, therefore, they filed the instant service appeals.

4. Arguments heard. Record perused.

5. Perusal of record reveals that the appellants were serving as P.H.C Technologist (BPS-17) and their cases were sent for promotion to the post of Senior P.H.C Technologist (BPS-18) PSB but they could not be promoted due to some observations by the respondents. Feeling aggrieved of depriving them for promotion to BPS-18, they filed departmental appeals on




01.01.2020, which remained un-responded. The appellants filed service appeals before this Tribunal on 13.10.2022 i.e. after passage of 33 months (2 years and more than 9 months). While Section-4 of the Service Tribunal Act, 1974 gives the period for filing departmental appeal as thirty days. The same 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. In view of the above situation, instant service appeals, being barred by time, are dismissed with costs. Copy of this order be placed on files of the connected appeals. Consign.

7. *Pronounced in open Court at Peshawar given under our hands and seal of the Tribunal on this 24th day of July, 2024.*


(Aurangzeb Khattak)
Member (J)


(Kalim Arshad Khan)
Chairman

*Mutazem Shah *