

ORDER

15th July. 2024 **Kalim Arshad Khan, Chairman:** Learned counsel for the appellant and Mr. Muhammad Jan, District Attorney for the respondents present.

2. Appellant's case in brief is that he was serving as Constable. Vide order dated 10.08.2016, he was dismissed from service, against which, he filed departmental appeal followed by Service Appeal No.1249/2016 which, vide order dated 20.06.2018, was accepted and the respondents were left at liberty to conduct de-novo inquiry. They conducted de-novo inquiry and vide impugned order 28.09.2018 he was again dismissed from service. Feeling aggrieved, he filed departmental appeal on 05.11.2018 but the same was not responded, hence, the instant service appeal.

3. Arguments heard. Record perused.

4. Perusal of record reveals that earlier, the appellant was dismissed from service, however, vide judgment dated 20.06.2018, he was reinstated in service and the department was left at liberty to conduct de-novo inquiry in the matter. De-novo inquiry was conducted and vide order dated 28.09.2018 he was again dismissed from service. Against his dismissal, he filed departmental appeal on 05.11.2018, which remained un-responded. The appellant filed service appeal before this Tribunal on 28.03.2019 i.e. after passage of 143 days. 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.”

5. In view of the above situation, instant service appeal, being barred by time, is dismissed with costs. Consign.

6. *Pronounced in open Court at Peshawar given under our hands and seal of the Tribunal on this 15th day of July, 2024.*


(Fardana Paul)
Member (E)

Mutazem Shah


(Kalim Arshad Khan)
Chairman