

ORDER

29<sup>th</sup> July. 2024

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

2. Brief facts of the case, as reflected from the record, are that appellant was appointed as PTC on 02.12.2009 at GGPS Banseri; that later on, her cadre was changed from PTC (BPS-07) to Drawing Master vide order dated 01.12.2010; that she was transferred to GGMS Aliabad, District Abbottabad vide order dated 27.07.2012; that the appellant allegedly tried to submit her arrival report but the respondents instead of receiving her arrival report, initiated disciplinary proceedings in the shape of show cause notice and inquiry was conducted; that she was ordered for recovery of amount of Rs.499147/- in which Rs. 100,000/- was deposited; that another inquiry was conducted by the respondents, wherein, she was recommended for adjustment at District Mansehra with recovery of the remaining amount of Rs.399147/-; that against her adjustment at District Mansehra, she filed representation before the authority; that again an inquiry was conducted, wherein, the inquiry officer recommended that the appellant had never served on the strength of DEO (F) District Abbottabad and she had drawn salaries fraudulently; that upon the recommendations, her adjustment at Abbottabad was disowned and was declared null & void vide order dated

10.08.2020; that feeling aggrieved, she filed departmental appeal but the same was not responded, hence, the instant service appeal.

3. Arguments heard. Record perused.

4. Against the impugned order dated 10.08.2020, the appellant filed departmental appeal on 27.07.2021, which is barred by time. There is no application for condonation of delay submitted to the authorities.

5. When the departmental appeal is time barred, the appeal before Service Tribunal would be incompetent. In this regard reference can be made to cases titled "Anwarul Haq v. Federation of Pakistan" reported in 1995 SCMR 1505, "Chairman, PIAC v. Nasim Malik" reported in PLD 1990 SC 951 and "State Bank of Pakistan v. Khyber Zaman & others" reported in 2004 SCMR 1426.

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

7. *Pronounced in open Court at Peshawar given under our hands and seal of the Tribunal on this 29<sup>th</sup> day of July, 2024.*

  
(Rashida Bano)  
Member (J)

  
(Kalim Arshad Khan)  
Chairman

\*Mutazem Shah \*