

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
CAMP COURT, ABBOTTANAD.

Service Appeal No. 908/2023

BEFORE: **MISS FAREEHA PAUL** ... **MEMBER (E)**

Mst. Ayesha Siddiqa daughter of Abdul Hameed Anjum, resident of Data, P.O Khas, Tehsil and District Mansehra, Ex-PST, Government Girls Primary School Siyal Jashoi District Kohistan Upper. (Appellant)

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Peshawar.
2. Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. District Education Officer (Female) Kohistan Upper.(Respondents)

Mr. Muhammad Riaz, Advocate ... For appellant.

Date of Institution.....	02.05.2023
Date of Hearing.....	23.09.2024
Date of Decision.....	23.09.2024

JUDGEMENT


FAREEHA PAUL, MEMBER (E): Instant appeal has been filed under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against order dated 20.04.2019 issued by respondent No. 3 whereby major penalty of removal from service was imposed upon the appellant and against the order dated 29.03.2023, issued by respondent No. 2, whereby departmental appeal of the appellant was rejected. It has been prayed that on acceptance of the appeal, the impugned orders dated 20.04.2019 and 29.03.2023 might be set aside and the appellant be reinstated into service with all back benefits, alongwith any other remedy which the Tribunal deemed appropriate.

2. Preliminary arguments heard and the case file alongwith connected documents perused in detail.

3. Against the impugned order dated 20.04.2019, departmental appeal was preferred by the appellant on 06.05.2019. She had to come to the Tribunal after lapse of ninety days in case her departmental appeal was not decided by the appellate authority and instead she preferred the instant service appeal on 02.05.2023 which was badly time barred, by more than four years. There was no application for condonation of delay with the appeal. Learned counsel for the appellant could not provide any cogent reason for submitting delayed service appeal before the Tribunal. The august Supreme Court of Pakistan in a judgment reported as 2023 SCMR 291, titled "Chief Engineer Gujranwala Electric Power Company (GEPCO) Versus Khalid Mehmood and others", held that the intention of the provisions of the law of limitation was not to give a right where there was none, but to impose a bar after the specified period authorizing a litigant to enforce his existing right within the period of limitation. The august court had gone to the extent of saying that a party could not sleep over their right to challenge an order and that it was bound to do so within the stipulated and prescribed period of limitation before the proper forum.

4. In view of the foregoing, the appeal in hand is dismissed in *limine*, being badly time barred. Consign.

5. *Pronounced in open Court at camp court, Abbottabad and given under my hand and the seal of the Tribunal this 23rd day of September, 2024.*


(Farzha Paul)
Member(E)
Camp Court, Abbottabad

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23.09 2024 01. Mr. Muhammad Riaz, Advocate for the appellant present.

Preliminary arguments heard and record perused.

02. Vide my detailed judgment consisting of 02 pages, the appeal in hand is dismissed in *limine*, being badly time barred.

Consign.

03. *Pronounced in open court at Camp Court, Abbottabad and given under my hand and seal of the Tribunal this 23rd day of September, 2024.*



(FAREEHA PAUL)
Member (E)
Camp Court, Abbottabad

Fazle Subhan PS