

BEFORE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL.  
PESHAWAR

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 16214

Dated 01-10-24

S.A.No.1402/2024

Asad Zaman .....v/s..... Secretary Health and others

APPLICATION FOR CONDONATION OF DELAY

*Respectfully Sheweth;*

- 1) That the above titled case is pending adjudication before this Hon'ble Court which is fixed for 08.10.2024.
- 2) That on previous date, argued the case at length in preliminary hearing, but the hon'ble court questioned regarding the section 4 of the Service Tribunal Act, 1974.
- 3) That no doubt as per section 4 of the Act ibid limitation is 30 days but as per judgments of higher forums, high courts and apex court matter of pay and pension limitation does not run:-

1991 SCMR 1041  
2006 PLC (CS) 489  
2002 PLC (CS) 1388  
PLD 1992 (SC) 824  
1984 PLC (CS) 386  
1985 PLC (DS) 66

Pay and pension is continues cause of action while no limitation could caused the dismissal of the case/ tribunal appeal as per judgments:

1996 PLC (CS) 832  
2006 PLC (CS) 1124 (b)

- 4) That the appellant is still in service in health department, while since joining/ appointment, the salaries of the appellant has not yet been released.

- 5) That the appellant time and again agitated his submissions for releasing the salaries, but on each and every occasion made certain delay by the respondent No.4.

It is, therefore, humbly prayed that in the forgoing discussion, the appeal may please be condoned.



Petitioner/ Appellant

Through



Mujahid Ali Khan  
Advocate Supreme Court

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AFFIDAVIT

I, Asad Zaman son of Akhter Zaman, Ward Attendant BPS-4 R/o Akram Abad Khatali, Tehsil and District Nowshera (appellant) do hereby affirm and declare on oath that the contents of accompanying Application are true and correct and nothing has been concealed from this Hon'ble Tribunal.



(AD)

Deponent

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