

**ORDER**

1<sup>st</sup> Oct. 2024


1. Learned counsel for the applicant present. Mr. Muhammad Jan, District Attorney for respondents present.
2. Arguments on the restoration application as well as main service appeal were heard.
3. Restoration application filed by the appellant accepted and the main appeal stands restored on its original number.
4. Brief facts, as per averments of the main appeal, are that appellant was appointed on 23.11.2009; that she was serving at GPS Ibrahim, District Hangu; that due to security issues, the said school was closed and the appellant was posted at GPS Bagato, District Hangu; that due to illness, appellant remained unable to attend the duties; that resultantly, vide order dated 17.02.2017 he was removed from service; that feeling aggrieved, he filed departmental appeal which was accepted and vide order dated 12.12.2018 appellant was reinstated into service, however, back benefits were denied to him, hence, the service appeal.
5. The appellant is aggrieved of not implementing the recommendations of the departmental appeal, the meeting of which was held on 12.12.2018. There is an application filed on 02.01.2020 which shows that the same was filed after a delay of one year and twenty days which is barred by time in view of Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974. The same is reproduced as under:




*“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, the appeal in hand, being barred by time, is dismissed with costs.. Consign.

7. *Pronounced in open Court at Peshawar and given under our hands and seal of the Tribunal on this 1<sup>st</sup> day of October, 2024.*

  
(Rashida Bano)  
Member (J)

  
(Kalim Arshad Khan)  
Chairman

\*Mutazem Shah\*