

Service Appeal No.1699/2022 titled "Muhammad Yasir versus Police Department"

ORDER

9th Oct. 2024

Kalim Arshad Khan, Chairman: Learned counsel for the appellant present. Mr. Naseer Ud Din Shah, Assistant Advocate General for the respondents present.

2. Appellant's case in brief, as per averments of appeal, is that he was appointed as Constable in the Police Department, in the year 2007; that he was serving in the Police Department and was transferred to the Frontier Reserve Police (FRP) in the year 2019; that while serving, he fell ill and remained unable to attend his duties; that he was allegedly granted 45 days long leave on 01.07.²⁰²¹~~2001~~; that in the meantime, departmental proceedings were initiated by issuing show cause notice followed by charge sheet and inquiry; that resultantly, vide order dated 18.01.2022 he was compulsorily retired from service with recovery of the absence period; that feeling aggrieved, he filed departmental appeal followed by revision petition and both were dismissed.

3. Arguments heard. Record perused.

4. The findings of the case reveal that the appellant, appointed as a Constable in the Police Department in 2007 and later transferred to the Frontier Reserve Police in 2019, allegedly experienced health issues that hindered his ability to fulfill his duties. Despite being granted a 45-day leave on July 1, ²⁰²¹~~2001~~, the initiation of departmental proceedings against him proceeded with the issuance of a show cause notice and a charge sheet. Ultimately, the appellant was compulsorily retired from service on January 18, 2022, with a


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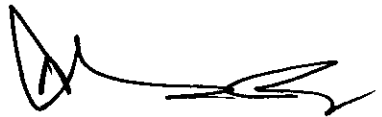
recovery of the period of absence. His subsequent departmental appeal and revision petition were dismissed, hence, the instant service appeal.

5. The departmental appeal of the appellant was rejected on the ground of being barred by time, vide order dated 16.06.2022. After the said rejection, the appellant filed the instant appeal, however, he preferred revision petition before the Inspector General of Police and the said petition was regretted on 18.08.2022. As per Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 the appellant ought to have approached this Tribunal within 30 days of the appellate order. While the appellant has knocked at the door of this Tribunal on 05.10.2022 i.e. 47 days after passing of the order in revision petition.

6. In view of the above, instant service appeal, 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 9th day of October, 2024.*


(Fardena Paul)
Member (E)


(Kalim Arshad Khan)
Chairman

Mutazem Shah