BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

CM No:	-P/2024	Khyber Pakhtukhwa Service Tribunal	
In Service Appeal No: <u>351</u> -P/2024		Diary No. 17590	
Rishi Iqbal	Versus	Registrar PHC & others	
Petitioners		Respondents	
ADDLICAT	ION FOR CONDONATION	ON OF DELAY (IF ANY)	

Respectfully Sheweth:-

- 1. That the above titled Service Appeal is pending before this Honourable Tribunal, which is fixed for 29/11/2024.
- 2. That previously the applicant bonafidely with good faith had filed another Service Appeal No 185/2023 before this Honourable Tribunal within time.
- 3. That after preliminary arguments was given, where the respondents had filed their reply.
- 4. That the applicant at the time of arguments made request to the court for withdrawal of the same due to lack of jurisdiction of the Honourable Service Tribunal which was accepted on 06/11/2023.

- 5. That thereafter applicant had filed an appeal before the Honourable Administrative Judge of Peshawar High Court, Peshawar being appellate authority, which was not decided within stipulated period of 90 days, hence the present Service Appeal was filed.
- 6. That the appellant with bonafide intention reserved his remedy before the wrong forum against the same respondent with the same prayers.
- 7. That the previous appeal was filed with due 09/01/2023 date good faith.
- 8. That the equitable principle gave preference against bar of limitation to a person honestly and diligently.
- 9. That the Apex Court always favors the cases to be decided on merit, instead of technicalities.
- 10. That the facts and grounds of main appeal may kindly be considered as integral part of this application.
- 11. That any other grounds will be raised at the time of arguments with the prior permission of this Honourable Court.

It is, therefore, most humbly prayed that on acceptance of this application the delay, if any, in filing the above noted Service Appeal may kindly be condoned in the interest of justice.

Dated: - 05/11/2024

Applicant

Through:

Sophia Noreen Advocate Supreme Court, Of Pakistan

<u>AFFIDAVIT</u>

As per instructions of my client, I do hereby solemnly affirm and declare that the contents of this application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

Advoca te