

25389

# BEFORE THE SINDH SERVICE TRIBUNAL AT KARACHI

**PRESENT:**
**IRFAN AHMAD MEO RAJPUT, MEMBER/ACTING CHAIRMAN**
**SHAHID ABDUL SALAM KHAN, MEMBER**

**APPEAL NO. 389 OF 2025**

Aqib Khan Jadoon S/o Faridoon Khan,
Adult, Muslim, Ex-Police Constable in Sindh Police,
Lastly posted at HQ west Zone, Karachi
[redacted].....Appellant

**V E R S U S**

1. The Additional Inspector General of Police, Karachi Range.
2. The DIGP/Administration acting for, Addl: IGP Karachi Range
3. The Deputy Inspector General of Police West Zone, Karachi
4. The Superintendent of Police HQ, West Zone, Karachi.....Respondents

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Date of hearing: 11.11.2025.

Date of Order: 17.11.2025.

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Ms. Sana Jhunjhi, advocate for the appellant.

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## O R D E R

**SHAHID ABDUL SALAM KHAN, MEMBER:**

This appeal is fixed for hearing on point of limitation and maintainability.

2. The brief facts of the instant case as pleaded are that the appellant was appointed as a Constable in the Sindh Police on 03.04.2017 and was deputed for the recruit training course at Razzaqabad. During the course, respondent No.04 issued a show-cause notice dated 28.11.2017, alleging that the appellant was found in possession of and using narcotics (Chars/Crystal) at the training institution, as reported by the Commandant, SBB, EPTC Razzaqabad, Karachi vide letter dated 17.11.2017. The appellant submitted his reply,

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categorically denying and refuting the allegations contained in the show-cause notice. However, without due consideration of his explanation, respondent No.04 imposed a major penalty of Forfeiture of Approved Service for 02 years vide order dated 26.12.2017. Subsequently, respondent No.03, on the same allegations, awarded the appellant the major penalty of Discharge from Service vide order dated 15.03.2018. Aggrieved by both orders, the appellant preferred a departmental appeal before the respondent No.01 which was rejected, vide order dated 07.03.2019. The appellate order is claimed to have never been communicated to the appellant. It is further pleaded that in December 2019, the appellant met with a serious accident, resulting in paralysis. Upon his recovery, he approached the department to inquire about the status of his appeal, whereupon he was informed that his appeal had been rejected and he was provided with a copy of the appellate order on 22.09.2025. Hence, the appellant has preferred the instant service appeal.

3. Learned counsel for the appellant has contended that the impugned orders are illegal, void ab initio, arbitrary, and unsustainable in law, having been passed in gross violation of due process and principles of natural justice. She has further argued that the allegations against the appellant were of a serious nature, requiring a regular departmental inquiry in accordance with the Sindh Police (E&D) Rules, 1988 and Police Rules, 1934, affording the appellant an opportunity to defend himself. However, no proper inquiry was conducted; no opportunity for defense or cross-examination was provided; The inquiry, if any, was ex parte and biased, thereby vitiating the entire proceedings. She has further argued that Article 10-A of the Constitution of the Islamic Republic of Pakistan, 1973, guarantees the right to a fair trial and due process in all quasi-judicial proceedings, including departmental inquiries. The denial of such rights renders the proceedings and resultant punishments void. It is further urged that the appellant has

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been punished twice on the same allegations, first by forfeiture of two years' approved service and thereafter by discharge from service, which is a clear violation of Article 13(a) of the Constitution embodying the principle of double jeopardy. Learned Counsel further submits that the appellate order was passed by an incompetent authority and that the discreet inquiry conducted prior to issuance of the show-cause notice was relied upon without ever being furnished to the appellant. Hence, the entire proceedings stand vitiated in law. It is also contended that the appellant's co-accused colleagues, implicated in the same allegations, have since been reinstated into service, while the appellant alone was denied similar treatment. Such selective discrimination violates Article 25(1) of the Constitution, which guarantees equality before the law. The learned counsel for the appellant has further contended that application u/s: 5 of the Limitation Act, 1908 has also been filed for condoning the delay in filing the instant appeal and the instant appeal may be treated within time on the grounds mentioned in the condonation application. She has relied upon case laws reported as PLD 1990 SC 295, PLD 2024 SC 795, 2021 SCMR 153, PLD 2003 SC 668 and 2011 PLC (C.S.) 836.

4. We have heard learned counsel for the appellant and perused the file.

5. The perusal of the record shows that the appellant was awarded major punishments of Forfeiture of Approved Service for 02 Years and major punishment of Discharge from Service vide separate impugned orders dated 26.12.2017 and 15.03.2018, by the respondent Nos.04 and 03 on the grounds mentioned therein. As per version of the appellant he challenged both the said orders through departmental appeal which was rejected vide appellate order dated 07.03.2019, by the respondent No.01. The appellant then filed the instant service appeal on 18.10.2025, after lapse of more than 06 years and 06 months. The sole ground taken by the appellant in order to cover-up the period of limitation is that the appellate order was not communicated to him and

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in the month of December, 2019, as he met with an accident and got paralyzed and after recovery when he visited the office of respondent No.01, he was informed that his departmental appeal had been rejected and he was communicated the copy of said appellate order on 22.09.2025. The learned counsel for the appellant has contended that the instant appeal is within time from the date of communication/knowledge of the rejection of the departmental appeal. She prayed for condonation of delay in filing present appeal and issuance of notice to the respondents.

6. We would like to reproduce Section 4 of the Sindh Service Tribunals Act, 1973, "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 prefer an appeal to the Tribunal, provided, where an appeal, review or representation to a departmental authority is provided under the Sindh Civil Servants Act, 1973, or any rules, against any such order, no appeal shall lie to the Tribunal unless the civil servant has preferred an appeal or application for review or representation to such departmental authority and a period of 90 days has elapsed from the date on which such appeal, application or representation was so preferred."

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7. The instant appeal is time barred by more than 06 years and 06 months from the date of passing of the appellate order as the appellant did not approach this Tribunal within the stipulated time. The first ground taken by the appellant regarding non-communication of the appellate order is of no avail to him, as section 4(a) of the Sindh Service Tribunals Act, 1973 has provided the remedy to a civil servant that he may prefer a Service Appeal after lapse of 90 days from the date of filing of his departmental appeal. The appellant has also filed condonation application for condoning the delay in filing the present appeal in which he has mainly taken the plea that on 31.12.2019, he met with an

accident, resulting in coma for approximately one month and was admitted at Jinnah Hospital, Karachi for six months. With regard to medical certificates, hospital records including discharge summary and physiotherapy reports, he has pleaded that all these record have been destroyed due to occurrence of fire at the appellant's house in the month of July, 2025. In proof whereof he has produced one Roznamcha entry dated 07.07.2025 of Police Station SITE-A, Karachi and one receipt of consultancy fees of Dr. Yousuf, Physiotherapist dated 11.10.2025. In the absence of any sufficient medical proof, the version of the appellant cannot be believed to be true. If for the time being the contention of the appellant that he met with an accident in the month of December, 2019 is believed to be true even then the appellant has not explained the delay caused from 07.03.2019 (from the date of passing the appellate order) till December, 2019 (till the date of an accident). For that period he has not shown any sufficient cause or reason beyond his control for not filing departmental appeal within time as provided in Section 4(a) of the Sindh Service Tribunals Act, 1973.

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8. The facts and circumstances of the instant case are distinguishable from the facts and circumstances of the case laws relied upon by the learned counsel for the appellant. These all not applicable to this appeal as under section 4(a) of the Sindh Service Tribunals Act, 1973 the appellant had an opportunity of filing service appeal if no order on his departmental appeal was communicated to him within 90 days of filing of the departmental appeal.

9. For the reasons discussed above, we are of the firm view that this appeal is hopelessly time barred, therefore, instant appeal is hereby dismissed in limine being time barred.

Pronounced this on 17th day of November, 2025.

Sd/-
(IRFAN AHMAD MEO RAJPUT)
MEMBER/ACTING CHAIRMAN

Sd/-
(SHAHID ABDUL SALAM KHAN)
MEMBER