BEFORE THE SINDH SERVICE TRIBUNAL KARACHI

PRESENT:
JUSTICE (R) SADIQ HUSSAIN BHATTI, CHAIRMAN
TARIQ MEHMOOD KHOSO, MEMBER
SHAHID ABDUL SALAM KHAN, MEMBER

APPEAL NO.24 OF 2025

Ms. Majida D/o Abdul Razzaque
W/o Jabbar Ali Memon, Muslim, Adult,
Ex-Language Teacher lastly posted at
Government Girls High School Koro Khan Lashari
(SEMIS Code 42502[illegible]346) Taluka Tando Ghulam Hyder,
District Tando Muhammad Khan

[redacted]

.....APPELLANT

VERSUS

1. The Secretary,
   Schools Education & Literacy Department,
   Government of Sindh, Sindh Secretariat,
   Karachi, Sindh.

2. The Director,
   Schools Education (ES&HS),
   Government of Sindh, Hyderabad,
   Sindh.....RESPONDENTS

ONE HUNDRED AND SIXTY RUPEES
Rs. 160
PAKISTAN COURT FEE

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Ms. Sana Junjhi, advocate for the appellant.

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Date of Hearing: 18.04.2025
Date of Order: 24.04.2025

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ORDER

Brief facts are that the show cause notice dated 15.12.2022 was issued against the appellant while she was serving as Language Teacher in School Education & Literacy Department on

account of absence from duties. The appellant replied the show cause notice and then respondent No.2 awarded major punishment of "Removal from Service" to the appellant vide order dated 22.03.2023. The appellant challenged the said order by filing undated departmental appeal before the respondent No.1, which was rejected vide order dated 24.07.2024. Thereafter the appellant filed second departmental appeal on 28.08.2024 before Chief Secretary Sindh which remained un-decided and then appellant filed instant appeal on 20.01.2025. During the pendency of the instant appeal the second departmental appeal of the appellant was decided and it was held to be not maintainable being not covered under the appeal rules, vide letter dated 15.04.2025.

2. The learned counsel for the appellant has contended that impugned original and appellate orders are illegal, void ab-initio, and not sustainable under the law; the respondent No.2 without considering the reply of show cause notice with prudent mind, issuing final show cause notice as required under the proviso of Rule 5(4)(b) Sindh Civil Servant (Efficiency & Discipline) Rules, 1973 and conducting regular enquiry, imposed major penalty of Removal from Service against the appellant, vide impugned order dated 22.03.2023, instead of forwarding the case alongwith all documents proposing such penalty to the authority under Rule 5(4)(b) ibid for passing the order; the charge of absence for three years was specifically denied by the appellant, in such situation allegations could have been proved or otherwise by recording evidence; the respondents did not consider that due to corona virus pandemic there was complete lock down for many months and schools were closed, the appellant has even been shown absent during that period; the note sheet dated 17.03.2024, on the appeal of the appellant, it has been clearly stated that the District Education Officer (ES&HS), Tando Muhammad Khan has stated that

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appellant was drawing her salaries from GGHS, Loko Lashari (Semis Code.425020346) TN-0193 and she was working in said school but, erroneously her Biometric was appearing from GGMS Ghulam Murtaza Nizamani (Semis Code.425020342) TN-0157 Taluka Tando Ghulam Hyder, owing to said mistake she was declared as absconder in Biometric. She has relied upon case laws reported as PLD 2003 Supreme Court 724, 2012 SCMR 1258, 2007 SCMR 834 and 2002 PLC (C.S.) 268.

3. The perusal of the record shows that the original order of Removal from Service was passed against the appellant on 22.03.2023. The appellant had challenged the said order through undated departmental appeal which was rejected vide appellate order dated 24.07.2024. Thereafter, the appellant filed second departmental appeal which was not considered being not maintainable. After rejection of the first departmental appeal vide appellate order dated 24.07.2024, the appellant should have filed service appeal before this Tribunal within the prescribed period of limitation of thirty days, from its communication but instead, she filed second departmental appeal which is not provided by the rules. The first departmental appeal of the appellant was rejected on 24.07.2024, and the instant appeal has been filed on 20.01.2025 which is time barred by 150 days.

4. The appellant has filed an application for condonation of delay under Section 5 of the Limitation Act, 1908 on the ground that the appellant is a simple lady and belonging to remote area of Badin, hence, had no knowledge regarding the prescribed period of limitation. Some colleagues of the appellant and advocates also discouraged the appellant. The grounds agitated by the appellant, for condonation of delay, have no substance as it is established law that ignorance of law is no excuse. Hence, we are of the view that the

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appellant has failed to agitate any sufficient ground for condonation of delay.

5. The Honorable Supreme Court of Pakistan in case of MUHAMMAD ZAKIR KHAN v. GOVERNMENT OF SINDH and others, 2004 SCMR 497, has been pleased to hold as under:-

> *"In law, petitioner was required to prefer service appeal within thirty days whereas he wasted unnecessary time in making second appeal/representation to the department for referring his case to the Services and General Administration Department for consultation with the Law Department/Advocate-General, which was turned down vide letter dated 14.12.1998. In law, there is no scope for repeated appeals/representations on behalf of a civil servant and the period of limitation is not extended by repeated representations."*

6. The facts and circumstances of the case laws relied upon by the learned counsel for the appellant are distinguishable from the facts and circumstances of the present case, hence, are inapplicable.

7. For the reasons discussion above, the instant appeal is hereby dismissed in limine being time barred.

Pronounced this on 24th day of April, 2025.

SINDH SERVICE TRIBUNAL KARACHI

Sd/-
(JUSTICE (R) SADIQ HUSSAIN BHATTI)
CHAIRMAN
Sd/-
(TARIQ MEHMOOD KHOSO)
MEMBER
Sd/-
(SHAHID ABDUL SALAM KHAN)
MEMBER

COPY APPLIED FOR ON 24.4.25
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ESTIMATED FEES DEPOSITED ON 25-4-25
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Nazar Ali

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