

GOVERNMENT OF PAKISTAN
CABINET SECRETARIAT
(ESTABLISHMENT DIVISION)

No. 1/18/2024-Lit.II

Islamabad, the 26 March, 2024

OFFICE MEMORANDUM

Subject: APPEAL NO. 172(R)CS/2023 FILED BY MR. MUHAMMAD ASHRAF VS F. B. R & OTHERS


The undersigned is directed to refer to the Federal Service Tribunal's Judgment dated 29-02-2024 in the subject appeal wherein, the following directions were issued to this Division:-

"A copy of this judgment may be sent to Secretary, Establishment Division with the direction that O.M. may be issued to all the Ministries/Divisions/Departments with the direction to strictly adhere to time frame of 30 days as laid down in Section-4 of the Service Tribunal Act, 1973, while entertaining the departmental appeals against impugned order."

2. It is stated that as per rules 5(4) of Civil Servants (Appeal) Rules, 1977 read with Section-4 of the Service Tribunal Act, 1973, every appeal shall be submitted to departmental authority within a period of thirty (30) days of the communication of the order appealed against. The appellant is required to approach FST, within 30 days after elapse of 90-days from date on which such appeal, application or representation was so preferred to the authorities in case of no response received from departmental authorities. In case of any decision taken by the departmental authorities on the departmental appeal within 90-days, the appellant is required to file service appeal within thirty (30) days before the Court from date of communication of decision/order (original/appellate).

3. It has been observed by the Courts that the above procedure is not being observed by the various Ministries/Divisions/Departments while deciding the department appeals. In most cases the time barred departmental appeals are decided even after elapse of mandatory period of 90-days. Such violation of ibid Act/Rules not only weakens the cases of the Government legally before the Courts but also helps in extending reliefs to litigants on technical grounds/ benefit of doubts.

4. In view of above, all Ministries/Divisions/Attached Departments are requested to kindly ensure the observance of above time frame of 30 days as provided in the ibid Act/Rules while entertaining departmental appeals against impugned orders.


(Amir Muhammad Afridi)
Section Officer (Lit-II)
Phone: 051-9201518

**The Secretaries,
All Ministries/ Divisions,
Government of Pakistan,
Islamabad/Rawalpindi.**

Copy to:-

- i. SPS to Secretary, Establishment Division, Islamabad
- ii. PS to Special Secretary, Establishment Division, Islamabad
- iii. PS to Additional Secretaries, I & II Establishment Division, Islamabad
- iv. PS to JS of all Wings of Establishment Division, Islamabad
- v. Assistant Registrar with reference to decision dated 29.02.2024 in Appeal No. 172(R)CS/2023 filed by Mr. Muhammad Ashraf, Ex-LDC, Regional Tax Office, Sargodha.
- ✓vi. Director I.T. Establishment Division for uploading the same on the website of this Division.