ORDER SHEET

BEFORE THE SINDH SUBORDINATE JUDICIARY SERVICE TRIBUNAL (HIGH COURT OF SINDH AT KARACHI)

Service Appeal 02 of 2026

DATE	ORDER WITH SIGNATURE OF CHAIRMAN/MEMBER(S)

1. For orders on CMA No.287/2026.
2. For hearing of main case.

16.11.2026

Mr. Imtiaz Ali Solangi, advocate for the appellant.

Per learned counsel appeal is time barred and in such regard CMA No,287/2026 has been preferred.

Briefly, stated the date of the impugned order is pleaded 28.06.2025 and the present appeal has been preferred on 23.02.2026. The affidavit in support of the present application is devoid of any grounds in support thereof. Application itself asserts that the certified copy of the impugned order was supplied to the applicant at the later date and the delay is neither intentional nor deliberate. Learned counsel concludes by saying that notwithstanding the foregoing, it is imperative that the appeal be heard on merits and not to be non-suited on technical grounds.

The affidavit is admittedly devoid of a single ground to justify the delay. The sole assertion in the application is not corroborated in any manner whatsoever and no case arises to give overriding weightage to a bald assertion.

It is the considered opinion of the Court that the prescriptions of limitation are not mere technicalities and disregard thereof would render entire law of limitation otiose[1]. The Superior Courts have consistently maintained that it is incumbent upon the Courts to first determine whether the proceedings filed there before were within time and the Courts are mandated to conduct such an exercise regardless of whether or not an objection has been taken in such regard[2]. The Superior Courts have held that proceedings barred by even a day could be dismissed[3]; once time begins to run, it runs continuously[4]; a bar of limitation creates vested rights

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[1] *Mehmood Khan Mahar vs. Qamar Hussain Puri & Others* reported as *2019 MLD 249*.
[2] *Awan Apparels (Private) Limited & Others vs. United Bank Limited & Others* reported as *2004 CLD 732.*
[3] *2001 PLC 272*; *2001 PLC 143*; *2001 PLC 156*; *2020 PLC 82*.
[4] *Shafaatullah Qureshi vs. Pakistan* reported as *PLD 2001 SC 142*; *Khizar Hayat vs. Pakistan Railways* reported as *1993 PLC 106*.

in favour of the other party[5]; if a matter was time barred then it is to be dismissed without touching upon merits[6]; and once limitation has lapsed the door of adjudication is closed irrespective of pleas of hardship, injustice or ignorance[7]. It has been maintained by the honorable Supreme Court[8] that each day of delay had to be explained in an application seeking condoning of delay and that in the absence of such an explanation the said application was liable to be dismissed.

In view of hereof and in mutatis mutandis application of the rationale enunciated by the Division Bench order of this Tribunal passed in Service Appeal No.13 of 2016 in the case of *Ashraf Yar Khan vs High Court of Sindh, through Registrar*, we find that the delay could not be justified to the satisfaction of this Tribunal, therefore, application is hereby dismissed and consequently the appeal is hereby dismissed in *limine*.

Chairman

Member

Khuhro/PS

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[5] *Dr. Anwar Ali Sahito vs. Pakistan* reported as *2002 PLC CS 526*; *DPO vs. Punjab Labour Tribunal* reported as *NLR 1987 Labour 212*.
[6] *Muhammad Tufail Danish vs. Deputy Director FIA* reported as *1991 SCMR 1841*; *Mirza Muhammad Saeed vs. Shahabudin* reported as *PLD 1983 SC 385*; *Ch Muhammad Sharif vs. Muhammad Ali Khan* reported as *1975 SCMR 259*.
[7] *WAPDA vs. Aurangzeb* reported as *1988 SCMR 1354*.
[8] *Lt. Col. Nasir Malik vs. ADJ Lahore & Others* reported as *2016 SCMR 1821*; *Qamar Jahan vs. United Liner Agencies* reported as *2004 PLC 155*.