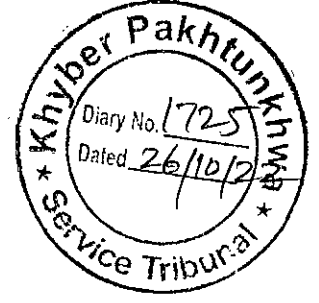


(1)

**BEFORE THE KHYBER PAKHTUNKHWA,
SERVICE TRIBUNAL, PESHAWAR.**

Service Appeal No. 1424/2022



Wahid Zaman

VS

PHE Deptt:

.....

REPLY ON BEHALF OF RESPONDENT NO.4

.....

RESPECTFULLY SHEWETH:

Preliminary Objections:

1. The appellant has no locus standi and cause of action.
2. The appellant has not come with clean hands.
3. The appeal is time barred.
4. The appeal is not maintainable.
5. The appeal is bad for non-joinder and misjoinder of parties.
6. That according to Section-10 of the Civil Servant Act 1973 the appellant is bound to do his duty anywhere in the Province.
7. That the appellant was transferred for the reason smooth running of the deptt: it is pertinent to mentioned here but only the appellant agitate the transfer order for their ulterior motives.
8. That the appellant not facing any hardship on that transferred because retained in same district, so the appellant failed to make out any hardship case which is necessary in case of transferred. This principal is also held in case 2005 SCMR 442 and appeal n0 379/2018.

FACTS:

1. Denied for want of knowledge.
2. Correct to the extent of posting as SDA but by dislocating the replying respondent and replying respondent was posted in OPS which is against the law and rules.
3. Denied. On noticing the mistake the deptt issued order dated 15/09/2022 wherein the replying respondent was posted as SDA in the office of PHE Bannu.

4. Correct. The posting order was issued according to law and rules. Moreover the appellant was transfer in same district but from one office to other office, which not caused any hardship to appellant, the principal held in appeal no 379/2018.
5. Denied for want of knowledge.
6. Denied for want of knowledge.
7. That the appeal of the appellant was not on legal footing may be dismissed on the following grounds.

GROUND:

- A. Incorrect. The impugned order is according to law, facts, norms of justice and material on the record, hence not liable to be set aside.
- B. Incorrect and misconceived. The appellant has been treated according to law and rules by the respondent Department on the subject. Moreover, the appellant uses political influence for his posting time and time again.
- C. Incorrect and misconceived. The appellant also served at PHE Division Bannu more than normal tenure from 2016. According Section-10 of the Civil Servant Act 1973 the appellant is bound to serve anywhere in Province in public interest. **Copy of arrival report is attached as annexure-A.**
- D. Incorrect. Hence denied. Already explained. Moreover the appellant was posted within district but from one office to other office which did not create hurdle for the appellant.
- E. Incorrect. The order has been issued in public interest. Moreover according Section-10 of the Civil Servant Act 1973 the appellant is bound to serve anywhere in Province.
- F. The respondent also requested to furnished any other ground at the time of arguments.

It is, therefore, most humbly prayed that the appeal in hand may be dismissed with cost through out merit less and devoid of any legal footing.

3


Respondent No.4

Through:


(**SYED NOMAN ALI BUKHARI**)
ADVOCATE, PESHAWAR.

AFFIDAVIT

It is affirmed and declared that the contents of reply are true and correct to the best of my knowledge and belief.


DEPONENT



4

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.**

Service Appeal No. 1424/2022

Wahid Zaman

VS

PHE Deptt:

**APPLICATION FOR VACATION OF
SUSPENSION ORDER.**

RESPECTFULLY SHEWETH:

1. That the appellant has filed an reply along-with application.
2. That the respondent no.4 has good prime facie case and all the ingredients is in favour of respondent.
3. That the grounds of reply may also be considered as integral part of this application.
4. That the transfer order of the appellant was comply with and the respondent n0-4 taken charge on 23/09/2022. Hence suspension order may be vacated. **Copy of arrival report is attached.**

It is, therefore, most humbly prayed that the suspension order may be vacated. Any other remedy, which this august tribunal deems fit that may also be awarded in favour of appellant.


Respondent No.4

Through:


(SYED NOMAN ALI BUKHARI)
ADVOCATE, PESHAWAR.

5

AFFIDAVIT:

It is affirmed and declared that the contents of this Application are true and correct to the best of my knowledge and belief.


DEPONENT



To,

The Executive Engineer
Public Health Engineering Division

Bannu-

Subject - Arrival Report

In compliance of chief engineer
public Health Engineering Department KPK
Peshawar order No. 14/E-9/PHE dated 21/03/16.

I submit my arrival report
for duty to day on 22-03-16 (AN).

HIC/SDO.No. II

For further info



Wahid
MR. WAHID ZAMAN

J/c PHE Bannu
Division -

3-7

To,

The Executive Engineer,
Public Health Engineering Division
Bannu.


Subject: - ARRIVAL-REPORT.

In compliance of Chief Engineer (Center), Public Health Engineering
Department Khyber Pakhunkhwa Peshawar office order No.18/CE-9/PHE dated Peshawar
the 21/09/2022.

I submit my Arrival report today on dated 23th September, 2022 (F.N)
please.


Your's Obediently,

Dated 23/9/2022


(Mr. Javed Ali Shah)
Senior Clerk/SDA, (BPS-14)
Public Health Engg: Division
Bannu

H.C.
For Process

No 16 R-3 dated 23-9-2022
Submitted to Chief Engineer (Center)
for forward information PHE.


Executive Engineer
PHE Division Bannu

بعدالت

KP Service Tribunal, Peshawar

Respectable

2ء منجانب No. 4

Janid Ausheli

پیام

واحد زمان

مورخہ

مقدمہ

دعویٰ

جرم

Chief Engineer.

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام میٹلر کیلئے سپرنٹنڈنٹ علی بنیادیں

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
 ڈیکل صاحب کو راضی نامہ کرنے کی تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور
 بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی
 اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا محتاج ہوگا۔ از بصورت ضرورت
 مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے
 تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکور با اختیارات حاصل ہوں گے
 اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ ہوں گے
 سب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔
 کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

2022ء

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11101-1472896
 Janid Ausheli
 Respondent

واہ العبد