

25-1-23  
293-23  
Camp Court  
Abbottabad

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR AT CAMP COURT ABBOTTABAD**

CMA No.  
in

Appeal No. 228/2022

Muhammad Pervez.....Appellant

VERSUS

Govt. Of KPK & Others.....Respondents

Khyber Pakhtunkhwa  
Service Tribunal


Diary No. 3516

Dated 13/2/2023

**JOINT REPLY TO APPLICATION FOR AMENDMENT IN TITLED APPEAL ON**  
**BEHALF OF RESPONDENTS**

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District Education Officer (M)  
Abbottabad  
(Respondent No. 03)

Dated : 07-02-2023

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR AT CAMP COURT ABBOTTABAD**

CMA No.  
in  
Appeal No. 228/2022

Muhammad Pervez.....Applicant/Appellant  
VERSUS

The Director of E&SE .....Respondents

**JOINT REPLY TO APPLICATION FOR AMENDMENT IN TITLED APPEAL ON  
BEHALF OF RESPONDENTS**

**Respectfully Sheweth:-**

Replication on behalf of respondents is submitted as under:-

**PRELIMINARY OBJECTIONS:-**

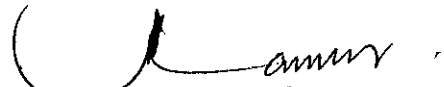
1. That the applicant has no cause of action to file the instant application against the answering respondents.
2. That the applicant has no locus standi.
3. That instant application is not maintainable in its present form.
4. As per Judgment of August Supreme Court of Pakistan passed in Civil Appeal No. 1613 of 2019 and CMA No 2885 of 2020 dated 08-06-2020 it is the sole authority of competent authority to decide the matter in accordance with law.
5. That as per judgment of August Supreme Court of Pakistan passed in Civil Appeal No. 2039 of 2019 dated 06-04-2022 applicant is not entitled for promotion on account of 3<sup>rd</sup> Division
6. **That the promotion order of applicant has rightly been withdrawn by the competent authority vide Notification No. 4798-99 dated 05-08-2022 in the interest of the public service.**

**Factual Objections:-**

1. In reply to Para No. 1, of the application it is submitted that appeal of the applicant has not been accepted by this Honorable Tribunal.
2. That Para No. 2, of the application is correct to the extent of Notification dated 05-08-2022 while rest of the Para as composed is incorrect hence, denied and not admitted.

3. That Para No. 3, of the application as composed is incorrect hence, denied and not admitted. Applicant cannot impugn the Notification dated 05-08-2022 in the titled appeal as applicant should have prefer departmental appeal before the appellate authority within prescribed period but he badly failed to do so. Hence, application is liable to be dismissed.

It is, therefore, very humbly prayed that in the light of forgoing reply the application in hand alongwith service appeal may graciously be dismissed with cost throughout.

  
**District Education Officer (M)**  
**Abbottabad**  
**(Respondent No.01, 02 & 03)**

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR AT CAMP COURT ABBOTTABAD**

CMA No.  
in

Appeal No. 228/2022

Muhammad Pervez.....Appellant

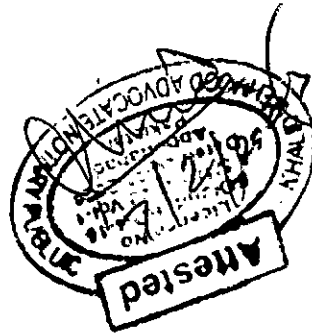
VERSUS

Govt. Of KPK & Others.....Respondents

**JOINT REPLY TO APPLICATION FOR AMENDMENT IN TITLED APPEAL ON  
BEHALF OF RESPONDENTS**

**AFFIDAVIT**

I, Mr. Muhammad Tanveer, District Education Officer (M) Abbottabad, do hereby affirm and declare that contents of forgoing comments are correct and true according to the best of my knowledge and belief and nothing has been suppressed from this Honorable Tribunal.



*ammy*  
DEPONENT