

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR** 3722

**Service Appeal No. 277/2023**

Dated 23/2/2023

**Mst. Bushra Masroor, District Youth Officer Torghar.....Appellant.**

**VERSUS**

**Govt: of Khyber Pakhtunkhwa through Secretary Sports & Youth Affairs Others ...Respondents.**

**REPLY OF STAY APPLICATION.**

Respectfully submitted

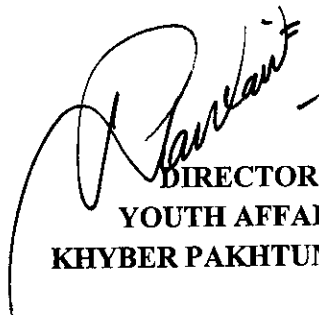
1. It is correct with further clarification that the above titled appeal is pending adjudication before this Honorable Tribunal. That the Honourable Tribunal vide order dated 06-03-2023 suspend the operation of the impugned order dated 10-01-2023 if the order is not acted upon earlier.
2. It is incorrect. The basic ingredients necessary for the grant of injunction/interim relief are missing in the application. The appellant have neither any prima facie case nor balance of convenience lies in her favour, similarly there is no irreparable loss to the appellant rather by granting interim relief in favour of the appellant, the respondent No.4 and Usman Saeed District Youth Officer Battagram are suffering irreparable loss.
3. Incorrect. The appellant have neither any prima facie case nor balance of convenience lies in her favour.
4. It is incorrect. The appellant have no locus standi, and her appeal will be dismissed. The appellant have neither any prima facie case nor balance of convenience lies in her favour, similarly there is no irreparable loss to the appellant rather by granting interim relief in favour of the appellant, the respondent No.4 and Usman Saeed District Youth Officer Battagram will be suffering irreparable loss. It is further added that the respondent No.4 had relinquished the charge from District Youth Office Battagram on 16-01-2023 after the transfer orders issued dated 10/01/2023 and handed over the charge to Mr. Usman Saeed the newly transferred DY0 in Battagram.

That it is in the interest of justice that the Order dated 06/02/2023 whereby Interim Relief granted in favour of appellant, may kindly be vacated for the purpose of smooth running of the affairs of the Applicants/ Department.

That this Honorable Court has got ample powers to vacate the stay and there is no bar to accept the instant application.

5. That apart from the above mentioned submissions, Counsel for Respondents may kindly be allowed to raise additional grounds during course of arguments with the permission of this Honorable Court.

It is therefore, humbly prayed that on acceptance of this application, the Orders dated 06/02/2023 passed by this Honorable Tribunal whereby Interim Relief granted, may graciously be vacated in the interest of justice.

  
**DIRECTOR  
YOUTH AFFAIRS  
KHYBER PAKHTUNKHWA**

A. No. 277/2023



06.02.2023

Counsel for the appellant present and submitted

an application seeking impleadment of Alamzeb Khan (DYO) as private respondent in the panel of respondents which is allowed. Office is directed to make entry in the panel of respondents with red ink.

Preliminary arguments heard. Record perused.

Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security fee within 10 days. Thereafter, notice be issued to respondents including newly impleaded respondent for submission of written reply/comments. To come up for written reply/comments on 23.02.2023 before S.B. Annexed with the appeal there is an application seeking suspension of operation of impugned order dated 10.01.2023. The operation of impugned notifications dated 10.01.2023 shall remain suspended, if not acted upon earlier.

Certified to be true copy

Khyber Pakhtunkhwa Service Tribunal, Peshawar

(Rozina Rehman) Member (J)

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