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BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

In the matter of
Service Appeal No. 1306/2020
Restoration Application No.571/2022 Filed by Amir IqbalAppellant

VERSUS

- Khyber Pakhtunkhwa
Service Tribunal
Case No. 4626
Date 30/3/2023
1. Iftikhar Khan (Ex-Superintendent, District Jail Mansehra)
 2. Shahid Ullah Khan (Ex-Inspector General of Prisons Khyber Pakhtunkhwa)
 3. Home Secretary Government of Khyber PakhtunkhwaRespondents

SUBJECT: REPLY ON BEHALF OF RESPONDENT NO.3 ON APPLICATION OF RESTORATION OF ABOVE TITLED SERVICE APPEAL.

PRELIMINARY OBJECTIONS:

- i. That the appellant has got no cause of action.
- ii. That the present application is not maintainable in its present form.
- iii. That the petitioner is estopped by his own conduct to bring the present application,
- iv. That the petitioner has got no *locus standi*.
- v. That the present application is bad for mis joinder and non-joinder of necessary parties.
- vi. That the appeal of the petitioner is badly time barred.
- vii. That the present application is not tenable in the eyes of law.

OBJECTION ON FACTS:

1. Correct to the extent that the petitioner/appellant filed the above titled Service Appeal but due to the lack of interest in the Service Appeal by the appellant and due to non appearance before the Tribunal the Service Appeal was dismissed for non-prosecution vide this Honourable Tribunal order sheet dated 29/11/2021 (**copy enclosed**).
2. Incorrect, if the appellant appeared in any hearing, the Court staff had to hand over the next date of hearing to the appellant.
3. Incorrect, it is a lame excuse and just to wash away the limitation.
4. Incorrect, detail has been given in Para 03 above.
5. Incorrect and not admitted. Para 05 does not relate to the replying respondents.
6. Incorrect. Pertains to Judicial proceedings.

Prayer:

It is therefore most humbly prayed that on the acceptance of reply on Restoration application on behalf of Respondent No.03 the instant Restoration application filed by the petitioner/applicant may very kindly be dismissed with cost being devoid of merit and Law.



Secretary Home
Khyber Pakhtunkhwa.
(Respondent No.3)
Home Secretary,
Khyber Pakhtunkhwa