

BEFORE THE HON'BLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA PESHAWAR

In S.A # 1461/2022

Nawaz Hassan Abbasi

Khyber Pakhtunkhwa
Service Tribunal
Case No. 4710
Date 4/4/2023

Versus

Secretary Board of Revenue KP Peshawar
and Others

.....Respondents

REPLY OF MISCL: APPLICATION
NO.113/2023 ON BEHALF OF
RESPONDENT NO.5

Respectfully Sheweth;
Preliminary objection

1. That the appellant belongs to revenue department whereas, respondent No.5 is permanent employee of settlement department.
2. That the appellant is serving of deputation on this Hon'ble Tribunal has no jurisdiction to entertain service appeal of the appellant.
3. That the appellant is serving as Naib Tehsildar on (OPS) basis being a Qanoon Go Girdawar. Whereas, the respondent No.5 is regular Naib Tehsildar and has been posted in place of the appellant vide order dated 24.02.2023.
4. That the appellant has not complied with the statutory provision of section 4 of KP Service Tribunal Act 1974. Therefore, on the basis of simple application without impleading respondent No.5 is not maintainable.

REPLY ON FACTS.

A. That para No.1 of the application relates to the record of the Hon'ble Tribunal.

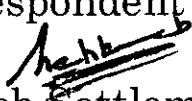
B. Para No.2 is correct.

C. Para No.3 is incorrect and denied. It is submitted that the respondent No.5 is regular Naib Tehsildar Settlement at Tehsil Havelian whereas, the appellant is serving on deputation basis being revenue Qanoon Go.

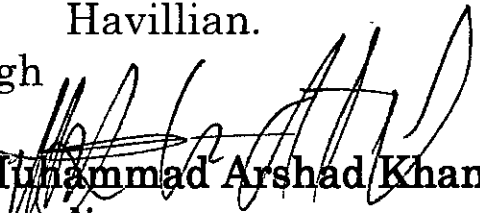
D. Para No.5 is incorrect and denied. It is submitted that the Hon'ble Tribunal only suspended previous orders of the appellant and did not grant status quo. In such a situation, then a separate order has been issued on 24.02.2023, the appellant was supposed to first file departmental appeal and thereafter expiry of 89 days, may file separate service appeal if maintainable before the Hon'ble Tribunal.

It is, therefore, humbly prayed that on acceptance of the reply of respondent no.5, suspension order dated 28.02.2023 may graciously be ordered to be vacated.

Respondent No.5


Mehboob Settlement
Naib Tehsildar
Havillian.

Through


Muhammad Arshad Khan
Tanoli
ASC Abbottabad

Dated: 04/04/2023