

**BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, AT
CAMP COURT ABBOTTABAD**

SERVICE APPEAL NO. 1886/2023 ⁷⁵⁶⁹

Muhammad Younas Khan, District Public Prosecutor, Haripur

.....Appellant

VERSUS

**1. Government of Khyber Pakhtunkhwa, through Chief Secretary
Khyber Pakhtunkhwa & Others**

.....Respondents

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**BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, AT
CAMP COURT ABBOTTABAD**

SERVICE APPEAL NO. 7569 of 2021

Muhammad Younas Khan, District Public Prosecutor, Haripur.

.....Appellant

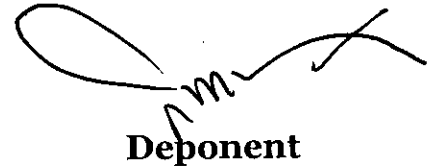
VERSUS

**1. Government of Khyber Pakhtunkhwa, through Chief Secretary
Khyber Pakhtunkhwa & Others**

.....Respondents

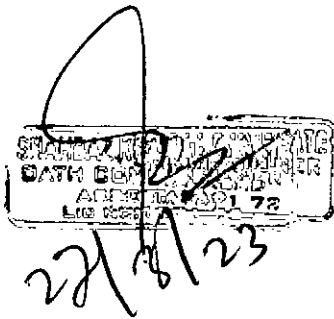
AFFIDAVIT

I, Zafar Abbas Mirza, District Public Prosecutor Abbottabad, do hereby solemnly affirm and declare on oath that the contents of the instant comments signed by Respondents in the Service Appeal No. 7569/2021, are true and correct to the extent of office record, as stated and nothing material to the best of my knowledge has been concealed from this Hon'able Tribunal.


Deponent

CNIC No: 17301-1739762-9

Cell No: 0321-9101665


27/12/23

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, AT CAMP COURT ABBOTTBAD**

APPEAL NO. 7569 of 2021

**Muhammad Younas Khan, District Public Prosecutor, Hari Pur
.....Appellant**

VERSUS

**1. Govt. of Khyber Pakhtunkhwa, through Chief Secretary Khyber
Pakhtunkhwa & Others**

..... Respondents

AUTHORITY LETTER

Mr. Zafar Abbas Mirza, District Public Prosecutor Abbottabad, is hereby authorized to submit parawise comments Before the Service Tribunal, Khyber Pakhtunkhwa, at camp court Abbottabad on behalf of Directorate of Prosecution, in Service Appeal No. 7569/2021.


Director General

Directorate of Prosecution
Khyber Pakhtunkhwa

**Director General
Prosecution
Khyber Pakhtunkhwa**

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

Appeal No. 7569/21

Muhammad Younas Khan, District Public Prosecutor, Haripur.

..... Appellant

VERSUS

The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber
Pakhtunkhwa & others.....

..... Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 01 AND 03.

Respectfully Sheweth,

PRELIMINARY OBJECTIONS:-

- 1) That, the advance increments, as claimed by the Appellant, were granted to him, when he was serving in Police Department, which has not been made a party to the Appeal.
- 2) That, the Appellant has got no cause of action.
- 3) That, the instant Appeal is not maintainable in the present form.
- 4) That, the Appellant has got no locus standi to bring the instant petition in hand.
- 5) That, the Appellant is estopped by his own conduct to file the present Appeal.
- 6) That, the Appellant has not come to this Hon'ble Court with clean hands.
- 7) That, the Appeal is bad for mis-joinder and non-joinder of necessary parties.
- 8) That, the Hon'ble Tribunal has got no jurisdiction to entertain the instant Appeal.

ON FACTS

1. Para No. 1 pertains to record. Hence, needs no comments.
2. Para No. 2 pertains to Respondents No. 02 and 04.
3. Para No. 3 pertains to record, hence needs no comments.
4. Para No. 4 pertains to Respondents No. 02 and 04.
5. Pertains to record, hence No Comments.
6. Para No. 6 is correct to the extent that Respondent No. 03 vide letter dated 15-07-2021 requested the Appellant to take up the matter with District Account Office, Haripur, being their mandate.


7. Pertains to Respondents No.02 and 04.

REPLY TO GROUNDS:-

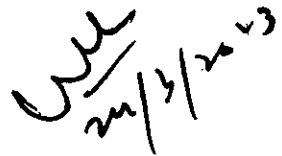
- a. Para (a) is Incorrect, No illegality or unlawful act has been committed by the Replying Respondent. The letter dated 15-07-2021 has rightly been issued to the appellant with the directions to take up with the District Account Office, Haripur, being their mandate.
- b. Para (b) is Incorrect, No illegality or irregularity has been committed by replying respondent. Furthermore, the Advance Increments, as claimed by the Appellant, were granted to him when he was serving in Police Department but Police Department has not been made a party to the Appeal.
- c. Para (c) is Incorrect. As replied above.
- d. Para (d) pertains to Respondent No. 02 and 04.
- e. Pertains to Respondent No. 02 and 04.
- f. The appellant has got no cause of action, therefore, no case at all.

PRAYER:

In light of the above facts and circumstances of the case, appeal filed by the appellant is devoid of any merit and legal substance; therefore, may graciously be dismissed with special cost, please.


Director General Prosecution
Khyber Pakhtunkhwa
(Respondent No. 3)

**Director General
Prosecution
Khyber Pakhtunkhwa**


Chief Secretary, Govt. of
Khyber Pakhtunkhwa
(Respondent No. 1) ✓
Home Secretary,
Khyber Pakhtunkhwa