

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO.8646/2020

MIR ADAM KHAN

V/S

GOVT. OF KP & OTHERS

Khyber Pakhtunkhwa
Service Tribunal

Case No. 5752

Dated 10/5/2023

REPLY ON BEHALF OF THE PRIVATE RESPONDENT
NO.04

R/SHEWETH:

ON FACTS:

The private respondent submits as under:

Preliminary Objections:

- a) That the appellant has no cause of action to file the instant appeal.
- b) That the appeal of the appellant is badly time barred.
- c) That the instant appeal is hit by the provisions of section 11 of CPC read with Rule 23 of Service Tribunal Rules 1974.
- d) That the appellant are estopped by their own conduct to file the instant appeal.
- e) That the instant appeal is not maintainable in its present form.
- f) That the instant appeal is bad for misjoinder and non-joinder of parties.
- g) That the instant appeal is based upon, malicious/vexatious and frivolous grounds.

ON FACTS:

- 1- Pertains to record of the appellant and official respondents.
- 2- Contents need no reply as the same is pertaining to the record of the appellant as well as the notification of the official respondents.
- 3- Needs no reply however, the replying respondent was rightly promoted.
- 4- Incorrect and misconceiving as according to seniority list the replying respondent was rightly placed in the seniority list and his seniority list rightly fixed in light of the establishment department notification/letter. The departmental appeal of the replying respondent is badly time barred. Furthermore, the seniority was assigned in light of the prevailing rules and the same has not been

challenged by the appellant hence, the seniority cannot be rectified/modified in the presence of that rule.

- 5- Incorrect, the appellant is not an aggrieved person and the subject appeal is also time barred.

ON GROUNDS:

- A. In correct and self-made break up. That the answering respondent was rightly placed at the proper place of seniority position.
- B. Incorrect and misconceived, the seniority was rightly determined in light of the service rules of the department, hence no illegality has been committed.
- C. Need no reply as concerning the official respondents.
- D. Need no reply as concerning the official respondents.

It is therefore mostly humbly prayed that on acceptance of this reply the appeal of the appellant may kindly be dismissed with coast.

Dated: 20-03-2023


**PRIVATE RESPONDENT
KIFAYAT ULLAH**

Through


**NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT**

AFFIDAVIT

I, Kifayat Ullah Khan (Private Respondent No.4), do hereby solemnly affirm that the contents of this **reply** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.


DEPONENT

