

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Application (12)2
Appeal No. 257/2023

Khyber Pakhtunkhwa
Service Tribunal
Diary No. 5930
Date 12/16/2023

Dr. Salma Principal (BPS-18)

..... Appellant

VERSUS

Government of Khyber Pakhtunkhwa and others.

..... Respondents

INDEX

S.No.	Description of documents	Annexure	Pages
1.	Parawise Comments		1-3
2.	Affidavit		4

DEPONENT _____

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

Misc: Application No.257/2023

In

Service Appeal No.1/2022

Mst. Saima

Versus

Dr. Salma Sami & other

WRITTEN REPLY ON BEHALF OF RESPONDENT 01

Respectfully Sheweth:

Written Reply on behalf of Respondent 01 is as under :

Preliminary Objection

- a. Applicant has got no cause of action to file instant application against Replying Respondent.
- b. Applicant is estopped by her own conduct to file the instant application against Replying Respondent. As such, Application 12(2) is liable for its summary dismissal.
- c. This Honorable Tribunal has got no jurisdiction to entertain the instant Application 12(2) of the Applicant.
- d. Applicant has filed instant Application with ulterior motive and mala fide intention just to put pressure on the Respondents for grant of illegal and even unauthorized service benefits.
- e. Applicant has filed instant Application just to waste the previous time of the this Honorable Tribunal.
- f. Applicant has no locus standi to file the instant application before this Honorable Tribunal against Replying Respondent.
- g. Applicant has not come before this honorable Tribunal with clean hand.

(2)

- h. Application 12(2) is not maintainable in the eyes of law.
- i. Applicant has not mentioned any plausible reason/ground in their Application 12(2) in respect of fraud, misrepresentation committed by the Replying Respondent.

Facts:

1. That Para 01 of the Application 12(2) is correct. Hence, need no reply.
2. That Para 03 of the Application to the extent that Applicant is the senior most Officer of the Department in Grade-18 is pertaining to record. Hence, need no reply while in reply to remaining Para 02 of the Application 12(2) it is stated that Applicant used her political influence over the Respondent 02 to 04 and got transferred herself from GGHSS Mian Gujjar to GGHSS Malogo Peshawar vide Notification Dated 12/08/2022.
3. That in reply to the Para 03 of the Application 12(2) it is stated that Respondent 03 to 05 issued General Order dated 04/09/2022 through proper channel vide which Replying Respondent was transferred from the GGHSS Irrigation Colony to GGHSS Malogo. It is pertinent to mentioned here that Applicant inspite of knowledge that Respondent 02 to 04 has issued General Order dated 04/09/2022 till date has not challenged the General Order Dated 04/09/2022 of the Respondent 03 to 05 before any forum of competent jurisdiction which attain finality in the eyes of law.
4. That Para 4 of the Application 12(2) is incorrect, illegal, without substance. Hence, denied. In reply to Para 4 of the Application 12(2) it is stated that during the pendency of the Appeal Respondent 02 to 04 issued General Order dated 04/09/2022 through proper channel in which Replying Respondent was transferred from GGHSS Irrigation Colony to GGHSS Malogi, Peshawar. Petitioner on 15/09/2022 went to the GGHSS Malogi, Peshawar for her arrival came into knowledge that the said post has already been occupied/filled up by Applicant by using her political influence over the Respondent 03 to 05 and Notification dated 12/08/2022 issued in her favour and shown to her General Order dated 04/09/2022. But, Applicant has not relieved the


charged. Thereafter, Replying Respondent moved an application dated 15/09/2022 to the Respondent 02 to 04 to resolved the issue of Replying Respondent. On 13/03/2023 Replying Respondent in the presence of the Additional Advocate General for Official Respondent 02 to 04 made request to this Honorable Tribunal that if direction is given to the Respondent 02 to 04 that posting/transfer Notification issued on 14/09/2022 should be actualized, he would not press the appeal which was not objected by the Learned Additional Advocate General for Official Respondent 02 to 04 and order passed accordingly. Replying Respondent brought all the material fact in notice of the Honorable Tribunal and has not concealed the material fact from this Honorable Tribunal. Hence, instant Application 12(2) is liable to be dismissed on this single score alone.

5. That Para 5 of the Application 12(2) is incorrect, illegal, without substance. Hence, denied. In Reply to Application 12(2) it is stated that Applicant has not mentioned any plausible reason/ground in their Application 12(2) in respect of fraud, misrepresentation committed by the Replying Respondent. Replying Respondent has fully complied with the requirement of Rule 6 of Khyber Pakhtunkhwa Service Tribunal Rules, 1974. Detail reply has been given in the preceding para's.

It is, therefore, respectfully prayed that an Application 12(2) of the Petitioners may very graciously be dismissed with cost.

Replying Respondent

Through


(Muhammad Israr)
Advocate, High Court
Peshawar

4

BEFORE THE KYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Misc Application No. 257/2023

In

Service Appeal No. 01/2022

Mst Saima

Versus

Dr. Salma Sami and others

AFFIDAVIT

I, Dr. Salma W/o Hafiz Muhammad Inam Ullah R/o Lahori Gate Flat No 80 Mohallah Umar Farooq Sheikh Abad Peshawar do hereby affirm and declare on oath that the contents of the Parawise Comments is true and correct to the best of my knowledge and belief nothing has been concealed from this Hon'ble Service Tribunal.

Dated 12.06.2023

Deponent _____

CNIC No 16202-6959804-6