

BEFORE PESHAWAR HIGH COURT PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No.652/2023

Diary No. 6144

Usman Ali

Dated 22/6/2023

.....Appellant.

Versus

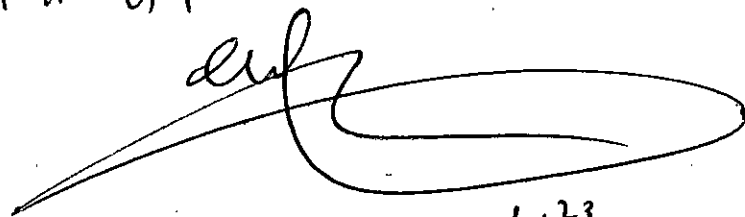
AG & Others

.....Respondents.

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Sir, The relevant Security lists and rules have been placed on file by the appellant.


22.6.23

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

Service Appeal No 652/2023

Usman Ali.....Appellant

VERSUS

Advocate General Khyber Pakhtunkhwa & othersRespondents

COMMENTS ON BEHALF OF RESPONDENTS NO 1 & 2

Respectfully Submitted:-

Preliminary Objections

1. That the appellant has got no cause of action and locus standi to file instant appeal.
2. That the Instant appeal is not maintainable in its present form.
3. That the appellant is estopped by his own conduct to bring instant appeal.
4. That the appellant has not come to this honorable Tribunal with clean hands.
5. That the appellant has concealed material facts from this honorable Tribunal.
6. That this honorable Tribunal has got no jurisdiction to entertain and adjudicate upon the matter.
7. That the appeal is bad due to non-joinder and mis-joinder of necessary parties.
8. That appeal of the appellant is time barred.

PARAWISE COMMENTS ON FACTS

1. Para No 1 pertains to the service record of the appellant.
2. Para No 2 is incorrect as the name of the appellant is placed at Serial No 48 and not at Serial No 43.
3. Para No 3 pertains to record.
4. Para 4 is subject to proof.
5. Para under reply is correct.
6. Para under reply is correct.
7. Para No 7 is correct to the extent of mentioned rules, however according to the "Note" mentioned "for the purpose of promotion, there shall be maintained **common seniority list with reference to the date of their the Intermediate Certificate**", which qualification was previously SSC.
8. Para No 8 is incorrect. However so far as the seniority lists prior to amendments in Service Rules are concerned, the same are irrelevant as the seniority list has been prepared according to rules on the subject.
9. Para under reply pertains to record.
10. Para No 10 is Correct.

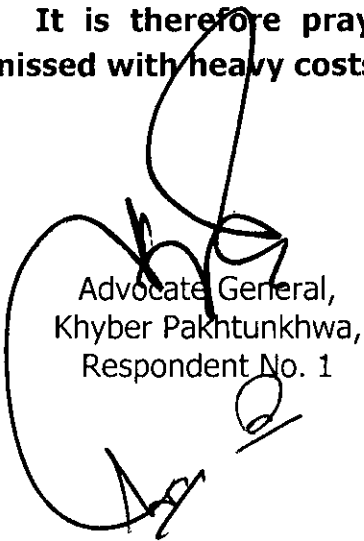
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11. Para No 11 is correct.
12. Para under reply pertains to record.
13. Para under reply correct to the extent of promotion of private respondents, while rest of the para is incorrect, as according to rules, the seniority list is to be maintained with reference to the date of acquiring Intermediate Certificate, as the private respondents had acquired the requisite qualification prior to the appellant, thus they were placed senior to the appellant, and were promoted according to their seniority.
14. Para under reply pertains to record.
15. Para No 15 pertains to record.

REPLY TO GROUNDS:

- A.** Incorrect, the appellant has always been assigned seniority in accordance with law and rules.
- B.** Incorrect detailed reply has been given in above paras.
- C.** Incorrect, framing and amending rules is the exclusive domain of the department, further the stated rules have never been objected.
- D.** As stated in above paras, the seniority is to prepared with reference to the date of acquiring of Intermediate certificate.
- E.** Incorrect rules on the subject are very much clear which are never objected.
- F.** Incorrect no one junior to the appellant has been promoted; rather promotions have been ordered as per seniority list.
- G.** Incorrect there is no malafide in part of respondent No 1.
- H.** Incorrect, the seniority list as well as the promotions, have been made as per the mandate of law.

It is therefore prayed that appeal of the appellant may kindly be dismissed with heavy costs.


Advocate General,
Khyber Pakhtunkhwa,
Respondent No. 1


Secretary, Law, Parliamentary
Affairs and Human Rights Department
Khyber Pakhtunkhwa, Peshawar
Respondent No 2

BEFORE THE HON'BLE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No. 652/2023

Usman Ali

.....Appellant

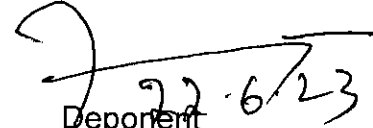
VERSUS

Govt of Khyber Pakhtunkhwa

.....Respondents

AFFIDAVIT

I, Faheem Jan, Superintendent (Judicial), Advocate General Office, Khyber Pakhtunkhwa, Peshawar do hereby solemnly affirm and declare on oath that the contents of the **parawise comments** on behalf of **Respondents No. 1 & 2** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

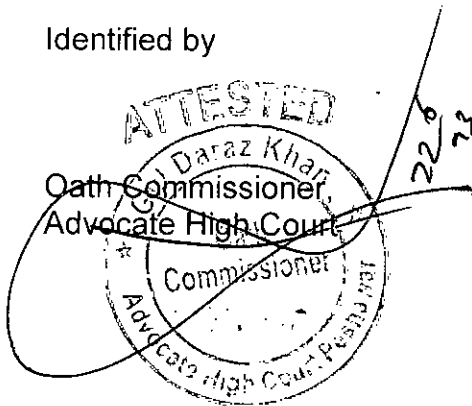


Deponent

CNIC # 17301-8182038-1

Mob# 03341937475

Identified by





OFFICE OF THE ADVOCATE GENERAL, KHYBER PAKHTUNKHWA, PESHAWAR

No. 30715 /AG

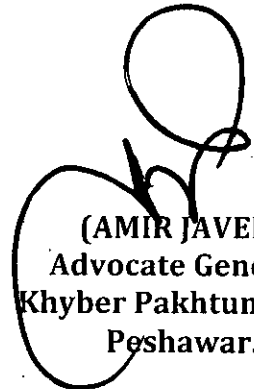
Dated Peshawar the 22/6/2023

Address: High Court Building, Peshawar
Tel No. 091-9210119

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AUTHORITY LETTER

Mr. Faheem Jan, Superintendent (Judicial), is hereby nominated /authorized to submit para-wise comments on behalf of the undersigned in Khyber Pakhtunkhwa Services Tribunal, Peshawar in **Service Appeal No. 652/2023** titled **Usman Ali versus Government of Khyber Pakhtunkhwa & others.**


(AMIR JAVED)
Advocate General,
Khyber Pakhtunkhwa,
Peshawar.