

**IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**

In Ref:

Misc: application No.232/2023

In

Service Appeal No.1282/2022

**FURQAN SHAFI**

**PETITIONER**

**VERSUS**

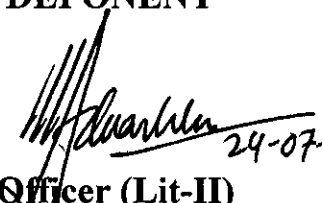
**GOVT: OF KHYBER PAKHTUNKHWA & OTHERS**

**RESPONDENTS**

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**DEPONENT**

  
24-07-2023  
Section Officer (Lit-II)  
Planning and Development  
Department

(1)

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In Ref:  
Misc: application No.232/2023  
In  
Service Appeal No.1282/2022

**Khyber Pakhtunkhwa  
Service Tribunal**

Diary No. 6716

Dated 26/07/23

**FURQAN SHAFI**

**PETITIONER**

**VERSUS**

**GOVT: OF KHYBER PAKHTUNKHWA & OTHERS**

**RESPONDENTS**

**REPLY ON BEHALF OF RESPONDENTS**

**RESPECTFULLY SHEWETH:**

**PRELIMINARY OBJECTIONS:**

- i. The applicant has got no cause of action to file this application.
- ii. The applicant has not come to the court with clean hands.
- iii. The application is badly time-barred.
- iv. The application is not maintainable for mis-joinder and non-joinder of the necessary parties.
- v. This tribunal has no jurisdiction to entertain this application.

**PARA-WISE REPLY:**

- 1) Pertains to record of service tribunal, hence need no reply/comments.
- 2) Incorrect. The applicant has got no locus standi/cause of action to file the case and if the process of promotion is restrained it will cause inconvenience and might suffer the other respondents. Moreover, the seniority of the employees under the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018 was fixed as per Section-6 of the Act ibid while recommendations of the applicant from Public Service Commission were received on 27.03.2018 and 17.08.2018 i.e. after

enactment of Act ibid; therefore, the seniority of the appellant was fixed from the date of his appointment i.e. 29.1.2018.

- 3) Incorrect. As the applicant is at the bottom of the respective seniority list, therefore, he will not be deprived of promotion, if the promotion case of other PPS BS-17 officers is being processed. Furthermore, the final seniority list was issued after filling all codal formalities as well as after approval of competent authority i.e. Secretary, Establishment Department, hence, the claim of the appellant is premature.
- 4) Incorrect. As explained para-2 and 3 above.
- 5) Pertains to private respondents.
- 6) Incorrect. The instant application is baseless, vexatious, unlawful and premature, hence not maintainable in the eyes of law. Without any cause of action, mere upon surmises and conjectures, this Hon'ble Tribunal may not restrain the process of promotion of officers of PPS BS-17 to the post of PPS BS-18.

**PRAYER:**

It is therefore, most humbly submitted that in light of above circumstances, the instant Misc: Application may graciously be dismissed with order of cost, please.



**SECRETARY**  
**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
**P&D DEPARTMENT**

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**AFFIDAVIT**

I, Adnan Khan Section Officer (Lit-II) (BPS-17), do hereby solemnly affirm and declare that the contents of the reply are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defence has been struck off / cost.

**DEPONENT**

24-07-2023

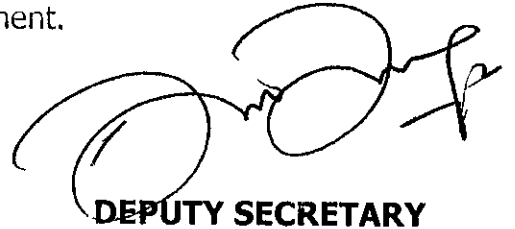
NIC No. 17301-1452480-9  
Mobile No.0301-5546692

**ATTESTED**



## **AUTHORITY LETTER**

Mr. Adnan Khan, Section Officer (Litigation-II) of Planning & Development Department is hereby authorized to persue / defend court cases of Service Tribunal, Khyber Pakhtunkhwa and Civil / District Courts as well as submit Para-wise Comments / Replies in the cases duly sworn on affidavit in the courts on behalf of Additional Chief Secretary and Secretary P&D Department.



**DEPUTY SECRETARY  
P&D Department**

Deputy Secretary (Estt)  
P&D Department  
Govt. of Khyber Pakhtunkhwa