additional post, therefore he can be posted or transferred at any time. Appellant has not explained as to what malafide respondent has got against appellant.

- B. Para No 2 of appeal is wrongly framed. There is no law or rules that an employee shall posted at particular place for a specific period.
- C. Para C of the appeal is incorrect. Respondent have no malice or malign against the appellant or other employee of the department. All transfers and postings are made on merits. Appellant being on application post cannot claim posting on permanent post. Appellant himself was posted in District Hangu against the policy on the recommendation of the then minister. Appellant had himself applied for his transfer to his home district. Above all, the appellant alongwith other servants were transferred. Appellant has not highlighted that what ill-will the competent authorities had with the Appellant.
 - D. Para No D is wrongly framed. Appellant and others were posted on additional post and was given undertaken that they would not object their transfer or posting whence and wherever required. No violation of rules or law has been made.
 - Para No E is misconceived. In transfer order, no where reasons are advanced. No servant is entitled to claim permanent posting on particular place. It is the prerogative of competent authority to make transfer of a servant to any place.

P

- F. That all the contents of the instant appeal are against the law and prescribed rules.
- G.That the appellant who is are employee only wants to put a pressure upon the concerned department as well as mentally physically, financially harassed the respondent No.3
- H.That the appellant is only trying to waste the valuable and precious time of this August Tribunal as well as to put pressure and undue influence upon the respondents.
- I. That all the actions affairs have been done within the parameters of law and prescribed rules in the affairs or the appellant
- J. That the respondent have acted strictly within the domain of law, Rules and natural justice hence keeping in view the reply of the respondnets the instant appeal is not maintainable and wants to be dismissed with cost as this August Tribunal deems fit.
- K. That any other facts grounds if any, will be raised with the permission of this August Tribunal any stage keeping in view the above facts and goods the instant appeal is baseless groundless may be dismissed with cost and any other relief which is not stated into the said reply may also be granted into the favour of the respondents against appellant.

Abdul Wahab Patwari Halga Moza Samana District Hangu Through Anwar Hussain

Anwar Hussain Advocate Peshawar.

Dated: 28-08-2023

B

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. ____/2023

Mazhar Iqbal ______ Appellant

Versus

Commissioner Kohat & Others ______Respondents

AFFIDAVIT

I, do hereby solemnly affirm & declare that all contents of the reply are correct to the best my knowledge and belief & nothing has been concealed from this Hon'ble Tribunal, furthermore stated on Oath that the respondent No.03 not placed ex-parte, nor his defence struck off.

Dated: 28.08.2023

Identified By: Anwar Hussain Advocate, High Court Peshawar.

DEPONENT Abdul Wahab Patwari CNIC# _14101-8194064-1

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA Mazhar Iqbal (Appellant)

(Appellant)

7. s. s.

VERSUS

Commissioner Kohat etc

(Respondents)

SERVICE APPEAL

Application on behalf of Respondent No 3

RESPECTFULLY SHEWETH!

- 1. The appellant has no locus standi to submit the instant appeal.
- 2. Appellant has got no cause of action.
- 3. Appellant is estopped to file the appeal.
- 4. Appellant has concealed the real facts, therefore appeal is not maintainable.
- 5. There is nothing in favour of appellant for grant of temporary injuction.
- It is therefore very humbly prayed that appeal being meritless may kindly be dismissed.

Plaintiff

Through;-

ţ

Dated:

28-08-2023 Anwar Hussain

Advocate High Court

باعث تحريراً نكه

28-8-2023

مقد منظراف في في مقدوم

رون ایس سرم

بمقام ويكر مد ت لي منظور ب-

المن حد - مرجس شربوت في يخترجون في م

م • ۲ و مجانب حسب ندست الم

بنام كمعسر لوداخة ومرية

مقدمہ مندرجہ عنوان بالامیں اپن طرف ہے داسطے ہیروی وجواب، دنگ دکل كاروالى متعلقة أن مقام تعت مد ... مح لت و لغ قصف الشر المك مقرركر باقراركياجاتا بي كدصاحب موصوف كومقد مدكك كارداني كاكال العتيار موكا - نيز. و کیل صاحب کوکرنے راضی نامہ ونقر رثالث د فیصلہ پر جلف دیے جواب دہی اور اقبال دعویٰ اور وم بصورت ذکری کرنے اجراءادر دصولی چیک در دید ادر عرضی دعویٰ اور درخواست ہر سم کی تقسد یق ته زیراس برد سخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم ہیردی یا ذکری یک طمرفہ یا تول کی برآ مدگی ادر منسوس ببز دائر کرنے ایک نکرانی ونظر ثانی و بیردی کرنے کا اختیار ہوگا۔ادر بصورت ضرورت مقدمہ بذکور کے کل یاجزوی کا روائی کے داسطے اور دکیل یا مختار قانونی کواپنے ہمراہ یا اپن بجائے تقر مکا اختیار ہوگا۔اورصاحب مقررشدہ کوبھی وال جملہ مذکورہ پالا اختیا رات حاصل ہوں ہے۔ادراس کا ساختہ پرداخته منظور وقبول موگار دوران مقدمه ش جونر چدو برجاندالتوائے مقدمہ کسب ہے ہوگا۔ اس کے متحق وکیل صاحب موصوف ہوں کے ۔ نیز بقایا دخر چہ کی وصولی کرنے کا بھی اختیارہ وگا۔ اكركونى تاريخ يبشى مقام دوره يرجو بإجدب بابهر بوذة وكراساحب بإبند نه بول ت - كمة يردى ، مذکور کریں۔لہذاوکالت نامہ ککھ دیا کہ سندر ہے۔ في المعند معند المعند الم العم - 1001

6-105342 0300-5887629

Stight & A copler

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. ______/2023

Ś

Mazhar Iqbal _____ Appellant Versus

Commissioner Kohat & Others ______Respondents

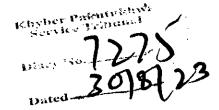
INDEX

| S.No. | Description of documents | Annex | Pages |
|-------|-------------------------------------|-------|-------|
| 1. | Written reply in the instant appeal | | 1-3 |
| 2. | Affidavit | | 4 |
| 3. | Application of the respondent No.3 | | 5 |
| 4. | Wakalat Nama | | 6 |

Dated 28.08.2023.

out

Anwar Hussain Advocate High Court Peshawar.



BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

Mazhar Iqbal

(Appellant)

VERSUS

Commissioner Kohat etc

(Respondents)

SERVICE APPEAL

WRITTEN REPLY ON BEHALF OF RESPONDENT No 3

RESPECTFULLY SHEWETH!

Preliminary Objections

- 1. The appellant has no locus standi to submit the instant appeal.
- 2. Appellant has got no cause of action.
- 3. Appellant is estopped to file the appeal.
- 4. Appellant has concealed the real facts, therefore appeal is not maintainable.

Factual Objections

A. In reply to para No 1 it is submitted that appellant is permanent employee of Revenue Deptt in Distt Hangu, KPK, rather he was appointed on additional post. Appellant being appointed on