

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

IMPLEMENTATION PETITION NO. 517/2023 in Appeal No. 664/2022

**Mr. Shahzada District Public Prosecutor (BPS-19) District Bajaur under
transfer to Swabi as Senior Public Prosecutor.**

APPELLANT.....

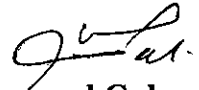
VERSUS

- 1. Govt. of Khyber Pakhtunkhwa, through Chief Secretary Khyber Pakhtunkhwa, Civil Secretariat Peshawar.**
- 2. Secretary to Govt. of Khyber Pakhtunkhwa, Home and Tribal Affairs Department Civil Secretariat Peshawar.**
- 3. The Director General Prosecution Khyber Pakhtunkhwa, Peshawar.**

RESPONDENTS.....

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Muhammad Gulzar Ali
(Superintendent)
Directorate of Prosecution,
Khyber Pakhtunkhwa

*17-10-23
Peshawar.*

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IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

IMPLEMENTATION PETITION NO. 517/2023 in S. Appeal No. 664/2023

**Shah Zada, District Public Prosecutor (BPS-19) District Bajaur under
Transfer to Swabi, as Senior Public Prosecutor.**

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VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Chief Secretary Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
2. Secretary to the Govt. of Khyber Pakhtunkhwa, Home & Tribal Affairs Department, Civil Secretariat Peshawar.
3. Director General Prosecution, Khyber Pakhtunkhwa, Peshawar.

..... RESPONDENTS

Comments On Behalf Of Respondents No.1, 2 & 3.

Khyber Pakhtunkhwa
Service Tribunal

Registration No. 8333

Date: 16-10-23

PRELIMINARY OBJECTIONS:

1. That the Petitioner has got no cause of action to file the instant Petition.
2. That the instant Petition is not maintainable in the present form.
3. That the Petitioner has got no locus standi to file the instant Petition in hand.
4. That the Petitioner has not come to this Honorable Tribunal with clean hands.
5. That the Petitioner has concealed material facts from this Honorable Tribunal.
6. That the instant Petition is embodiment of falsehood and misrepresentation, hence, bad in law and facts both.
7. That the appeal of the appellant is Pre-Mature.
8. This Honorable Tribunal has not set aside the notification dated 31-01-2022 vide which the petitioner was transferred from the post of District Public Prosecutor Bajaur to the post of Senior Public Prosecutor Swabi.

PARAWISE REPLY:-

Respectfully Sheweth,

1. Pertains to record.
2. Incorrect, hence denied.
3. This Para needs detailed reply. Vide its Judgement dated 10-05-2023, this Honourable Tribunal disposed off the Service Appeal in following words;
"therefore we dispose off this Appeal with the observation that the Appellant shall be allowed to complete his normal tenure at the place from where he was transferred vide the impugned order dated 31-01-2022 and in case he has completed his normal tenure, he may be posted anywhere at the discretion of the authority but having regard to his seniority so that discipline of the department may not disturb"

This Honourable Tribunal has not set aside the notification dated 31- 01- 2022 vide which the petitioner was transferred from the post of District Public Prosecutor Bajaur to the post of Senior Public Prosecutor Swabi. As the notification is still in field, therefore, the petitioner is liable to obey the orders of competent authority.

Moreover, in compliance with the Order/ Judgement of this Honourable Tribunal, the Directorate of Prosecution has already processed a summary for posting/transfer of the Petitioner in line with the spirit of Judgement dated 10-05-2023.

- 4. Detailed reply has already been given in Para 3 above.
- 5. As replied vide Para 3 above.
- 6. Incorrect. Government has already filed CPLA No. 482-P/2023 before the August Supreme Court of Pakistan.
- 7. No Comments.

PRAYER:

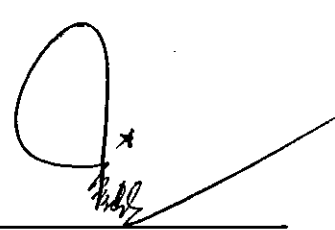
In light of the above facts and circumstances of the case, the Implementation Petition is devoid of any merit and legal substance; therefore, the same may kindly be dismissed, please.



Chief Secretary
Govt. of Khyber Pakhtunkhwa
Respondent No.1



Secretary to Govt
Home & Tribal Affairs Department
Khyber Pakhtunkhwa
Respondent No.2
Additional Chief Secretary
Home & T.As Department
Khyber Pakhtunkhwa.



Director General Prosecution
Khyber Pakhtunkhwa
Respondent No.3

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

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- 3. The Director General Prosecution Khyber Pakhtunkhwa, Peshawar.**

AFFIDAVIT

I, Muhammad Gulzar Ali, Superintendent, Directorate of Prosecution, Khyber Pakhtunkhwa, do hereby solemnly affirm and declare on oath that the contents of the application in the Implementation Petition No. 517/2023, are true and correct to the extent of office record and nothing has been concealed from Service Tribunal Khyber Pakhtunkhwa. It is further stated on oath that in this Appeal the answering respondents have neither been placed ex-party nor their defense struck off.

16 OCT 2023

Muhammad Gulzar Ali

Deponent

CNIC No: 17301-1440140-1

Cell No: 0332-9279260



**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
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IMPLEMENTATION PETITION NO. 517/2023 in S/appeal No 664/22

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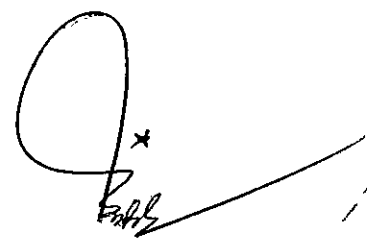
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AUTHORITY LETTER

Mr. Gulzar Ali, Superintendent , Directorate of Prosecution is hereby authorized to submit Para-wise comments before the Khyber Pakhtunkhwa Service Tribunal, Peshawar, on behalf of Director General Prosecution in Implementation Petition No. 517/2023.



Director General
Directorate of Prosecution
Khyber Pakhtunkhwa