

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 245/2023

9205

17-11-2023

Mr. Haras Khan.....(Appellant)

V E R S U S

Director General Prosecution and others.....(Respondents)

PARAWISE COMMENTS ON
BEHALF OF RESPONDENT NO. 12
(NISAR AHMAD ASSISTANT PUBLIC
PROSECUTOR (BPS-17) OFFICE OF
THE DISTRICT PUBLIC
PROSECUTOR, ORAKZAI.

Respectfully Sheweth:

NISAR AHMAD

The respondent No. 12 submits are as under:

Preliminary objections:

1. The appellant has got no cause of action to filed
NISAR AHMAD
appeal against the answering respondent No. 12.

NISAR AHMAD
2. That answering respondent No. 12 is neither
necessary nor proper party in the instant appeal.

3. That the Khyber Pakhtunkhwa Public Service Commission has not made a party in the instant appeal which is very much necessary party for just conclusion of the matter, hence the appeal is liable to be dismissed.

NISAR AHMAD

4. That the appellant and respondent No. 12 were recommended of the post of Public Prosecutor by Khyber Pakhtunkhwa Public Service Commission while single advertisement No. 1/2015 at Serial Nos. 58, 59, 60 and 61.

5. That the impugned Seniority List has been issued according to the order of the merit/ inter-se seniority initially assigned to respondent No. 12 by Khyber Pakhtunkhwa Public Service Commission.

NISAR AHMAD

6. That the appeal of the appellant is badly time barred.

7. That the appellant is estopped by his own conduct by bring the present appeal before this Hon'ble Tribunal.

PARAWISE REPLY:

1. Pertains to record.

2 to 4. Paras need clarification. In fact the Appellant and ^{NISAR AHMAD} respondent No. 12 qualified the interview, for the post of Assistant Public Prosecutor, under the Advertisement bearing No. 01/2015, Sr. No. 58, 59, 60 & 61 of KPPSC. The appellant, although appointed earlier in service, is not senior to Respondent No. 12, in their inter-se seniority. The Appellant and ^{NISAR AHMAD} Respondent No. 12, were recommended and appointed vide the same Advertisement of KPPSC and later on, the Inter-se Seniority List/Merit List was issued by KPPSC. The Appointing authority being bound to follow the same, has acted on the basis of this merit list provided by KPPSC, who has not been made a party to the instant Appeal. It is pertinent to mention here that after the initial recommendation by KPPSC, some recommended Candidates, submitted non-joining the Prosecution service, upon which the Respondent No. 01 approached the KPPSC with the request to recommend the next candidate from the

waiting list, and hence the Respondents No 4 to 16 were Appointed in the year 2017, after their subsequent recommendation from KPPSC.

5. Pertains to record.
6. In response to this Para it is submitted that the Representation of the Applicant was not maintainable as the Appellant submitted the representation against the Final Seniority List instead of Tentative Seniority List. Moreover, the same issue was already decided and filed by the competent Authority being merit less in other representations.
7. As replied vide Para 06 above.
8. As replied vide Para 06 above.

GROUND:

- A. Incorrect hence denied.

- B. Correct, however the Appellant has already been dealt according to Law.
- C. Incorrect. As replied Vide Para 03 of the para-wise comments.
- D. Pertains to record.

PRAYER:

In the light of above factual and legal aspects, the instant Service Appeal, being devoid of any legal substance, may kindly be dismissed with Costs, please.

Nisar

Respondent No. 12
NISAR AHMAD

Through



Dated: 16/11/2023

Zahoor Islam Khattak
Advocate High Court,
Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 245/2023

Mr. Haras Khan.....(Appellant)

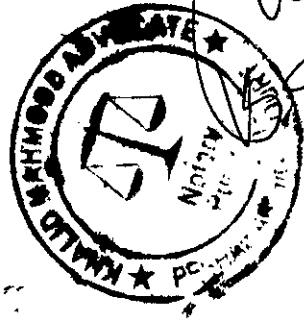
V E R S U S

Director General Prosecution and others.....(Respondents)

AFFIDAVIT

I, **Nisar Ahmad** Assistant Public Prosecutor, Orakzai (Respondent No. 12), do hereby solemnly affirm and declare on oath that the contents of the accompanying *reply* are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.




The respondent has neither been placed nor their defense struck off/abt-



17-11-23

Nisar

DEPONENT

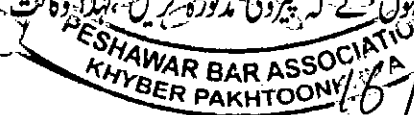
11996	پشاور بار ایسوسی ایشن، خیبر پختونخواہ
ZahoorIslam	ایڈوکیٹ:
bc-10-9170	بار کونسل ایسوسی ایشن نمبر:
0346-9083579	رابطہ نمبر:
	  

بعدالت جناب: حیدر مسین سردس ٹریبونل کمیشنر

مخاطب: نثار احمد	دعویٰ: Service Tribunal
حارث خان	علت نمبر: Appeal No 245 / 2023
بنام	مورخہ:
سورندرن سنگھ	جرم:
	تھانہ:

باعت تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ آن مقام لکھنؤ کے محکمہ عدالت میں منظور کیا گیا۔ ملہور اسلام انڈیا منڈی کے عدالت میں منظور کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کال اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقررات و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زیر پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یا طرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساتھ پر داخستہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانبہ التوا کے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے



المرقوم: 16/11/2023

مقام لکھنؤ

Accepted and Attested

نوٹ: اس وکالت نامہ کی ذمہ داری ناقابل قبول ہوگی۔

(Handwritten Signature)

نثار احمد (Respondent No. 12)