


Cost of Rs. 3000/- received in Service Appeal No. 1115/2016,

Titled Afton vs. Education

in the office of Assistant Registrar, Vide Order 28/11/23, Submitted on Dated: 08/12 /2023.


Assistant Registrar
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

70

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL**

E.P No.40/2023 IN SERVICE APPEAL NO.1115/2016

Aftar.....Applicant

VERSUS

Govt of KPK & Others ... Respondents

**REPLY TO APPLICATION ON BEHALF OF RESPONDNET NO.4 UNDER SECTION
152 CPC FOR CORRECTION OF CLERICAL ERROR/MISTAKE (FOUR ADVANCE
INCREMENTS INSTEAD OF TWO AND ADDITION BPS-09 WITH BPS-14)
OCCURRING AT PAGE-09 IN THE LINE NO.11&12 OF ORDER DATED 19.01.2022
AND RESULTANTLY RESPONDNETS MISUSE AND MISCODE THE ORDER**

INDEX

S.NO	DESCRIPTION OF DOCUMENTS	ANNEX	PAGES
1.	Reply to Application		01-02
2	Affidavit		03-03
3	Authority Letter		04-04


DEPONENT

Office# 091-9211128

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR CAMP COURT ABBOTTABAD.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 9771

Dated 08-12-2023

EP No. 40/2023
IN

SA No. 1115/2016

AftarApplicant

VERSUS

Govt: of Khyber Pakhtunkhwa & Others.....Respondents

REPLY TO APPLICATION ON BEHALF OF RESPONDENT NO. 04 UNDER SECTION 152 CPC FOR CORRECTION OF CLERICAL ERROR / MISTAKE (FOUR ADVANCE INCREMENTS INSTEAD OF TWO, AND ADDITION BPS-09 WITH BPS-14) OCCURRING AT PAGE NO. 09 IN THE LINE NO. 11 & 12 OF ORDER DATED 19-01-2022 AND RESULTANTLY REPSONDENTS MISUSE AND MISCODE THE ORDER.

RESPECTFULLY SHEWETH:-

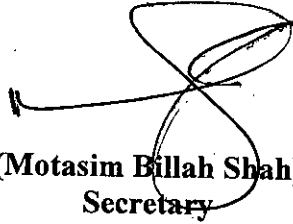
Reply on behalf of respondents is submitted as under:-

FACTUAL OBJECTIONS:-

1. That the Para No. 01 of the instant application pertains to the record.
2. That the Para No. 02 of the instant application as composed is incorrect hence, denied as there is no clerical or arithmetical mistake in judgment from any accidental slip or omission hence, section 152 of CPC is not applicable in the instant case as instant application is totally contradictory with the prayer of the EP No. 40/2022. Furthermore, the judgment if this Honorable Tribunal dated 19-01-2022 has been challenged by the respondents by filing of CPLA No. 560-P/2022 before the August Supreme Court of Pakistan and the same is subjudice.

That answering respondents seek leave of this Honorable Tribunal to raise additional grounds/ points during the course of arguments.

Under the circumstances it is humbly prayed that in the light of above referred facts and circumstances application alongwith Execution Petition in hand may please be dismissed with cost.



(Motasim Billah Shah)
Secretary
Elementary & Secondary Education Department
Khyber Pakhtunkhwa
(Respondents No. 04)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

E.P No.40/2023 IN SERVICE APPEAL NO.1115/2016

Aftar Applicant

VERSUS

Govt of Khyber Pakhtunkhwa & Others... ..Respondents

REPLY ON BEHALF OF RESPONDENT NO. 4

AFFIDAVIT

I the undersigned do hereby solemnly affirm and declare that the contents of the accompanying Reply is true & correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.



(Motasim Billah)

SECRETARY

**Elementary & Secondary Education Department,
(Respondent No.4)**

ATTESTED
Abdur
Kashid
Adv
for KPW
8/12/2023

5

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL**

E.P No.40/2023 IN SERVICE APPEAL NO.1115/2016

Aftar Applicant

VERSUS

Govt of Khyber Pakhtunkhwa & Others... .. Respondents

REPLY ON BEHALF OF RESPONDENT NO. 4

AUTHORITY LETTER

Mr.Amjad Ali, Section Officer Litigation, E&SED is hereby authorized to submit Reply in the subject Execution Petition on behalf of the undersigned.


(Motasim Billah)

SECRETARY

Elementary & Secondary Education Department,
(Respondent No.4)