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**BEFORE THE HONORABLE KHYBER**  
**PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.**

Petition No. 422/2022  
In service appeal No. 873/2018  
Decided vide Judgment dated: 11-01-2022

Administrative Officer etc.

.....PETITIONER/RESPONDENT

**V E R S U S**

Shakeel Ashraf.

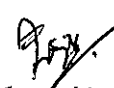
.....RESPONDENT/APPELLANT

**Petition under section 12(2) of the civil procedure code, 1908.**

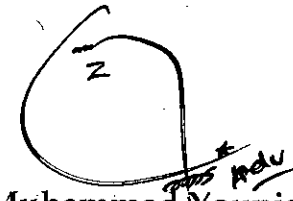
**I N D E X**

S.No.	Description	Annex	Pages
1.	Written reply with affidavit.		1-4
2	Wakalat Nama		5

Dated: 13-12-2023

  
Respondent/Appellant

Through

  
Ch Muhammad Younis  
Advocate High Court,  
At Haripur.

Contact # 03005147157  
03365147157.

25-1-24  
A-Abael

**BEFORE THE HONORABLE KHYBER**  
**PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.**

Petition No. 422/2022  
In service appeal No. 873/2018  
Decided vide Judgment dated: 11-01-2022

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 10026

Date: 21-12-2023

Administrative Officer etc.

.....PETITIONER/RESPONDENT

**V E R S U S**

Shakeel Ashraf.

.....RESPONDENT/APPELLANT

Petition under section 12(2) of the civil procedure code, 1908.

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**WRITTEN REPLY ON THE BEHALF OF RESPONDENT.**

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Respectfully Sheweth:-

**PRELIMINARY OBJECTIONS.**

1. That the applicant has got no cause of action or locus sandi to file the present petition U/S 12(2) C.P.C, 1908.
2. That the petitioner learned District and Session Judge Abbottabad had unauthorizedly file the present petition on behalf of petitioner No. 1, hence the same merits outright rejection.
3. That the petitioner, were well aware of the order dated 11-01-2022 passed by this Honorable tribunal, they contested the appeal on

merit, through their respective lawyers and Deputy District Attorney and instead of filing appeal before the Honorable Supreme Court of Pakistan filed the instant petition which is unwarranted by law.

4. That petition U/S 12(2) C.P.C is not substitute of appeal, therefore, the same is liable to be dismissed without further proceedings.
5. That the Petitioner/applicant had not denied their knowledge about filing of service appeal not contest thereof, hence they are estopped to sue by their own conduct.

#### **FACTUAL OBJECTIONS.**

1. Para No. 1 need no reply, however dismissal form service was illegal.
2. Para No. 2 need no reply.
3. Para No. 3 is incorrect, hence denied. The appellant/respondent was deliberately kept away from de novo inquiry.
4. Para No. 4 is correct to the extent of filing of execution petition and order passed by the Honorable tribunal.
5. Para No. 5 is incorrect to the extent of concealment of facts form Honorable tribunal.
6. Para No. 6 is incorrect, hence denied. The applicant was neither served nor associated with reinstatement proceedings.
7. Para No. 7 is incorrect, hence denied. Appeal No. 873 was well maintainable.


8. Para No. 8 is incorrect, hence denied. The applicant through legal representative was present in the court/ Honorable tribunal on 11-01-2022 when the order was announced.
9. Para No. 9 is incorrect, hence denied the Judgment dated 11-01-2022 is not suffering from any fraud, misrepresentation and concealment of facts.

### GROUND.

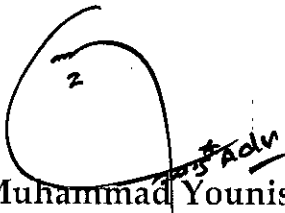
Grounds A to G are incorrect, hence vehemently denied. Nothing was concealed by the appellant /respondent from this Honorable tribunal. The appeal No. 873/18 was rightly accepted by this Honorable tribunal, after examination of record, facts and law. The applicant/petitioners duly contested the appeal and they were duly respected by their legal agents and the impugned order was law fully set-aside, with the restoration of original position.

It is therefore, most humbly prayed that the petition filed by the applicants may kindly be dismissed with cost throughout.

Dated: 13-12-2023

  
Respondent/Appellant

Through

  
Ch Muhammad Younis  
Advocate High Court,  
At Haripur.

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.....RESPONDENT/APPELLANT


**AFFIDAVIT**

I, Shakeel Ashraf S/O Raja Muhammad Ashraf resident of Abbasi Street near small industrial state, mandian, Abbottabad Tehsil & District Abbottabad do hereby solemnly affirm and declare on oath that the contents of the foregoing written reply of petition 12(2) C.P.C are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable Court.

*The respondent is neither plea expert  
nor their Defense struck off/cst.*

Dated: **13-12-2023**

Deponent

Shakeel Ashraf   
CNIC # \_\_\_\_\_

