

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR.


SERVICE APPEAL NO.: 1098/2023

MUHAMMAD ARIF

vs

D&SJ, Khyber.

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SUPERINTENDENT
DISTRICT & SESSIONS JUDGE
KHYBER



①

**OFFICE OF THE
DISTRICT AND SESSIONS JUDGE KHYBER
KHYBER PAKHTUNKHWA**

☎ 091-5820748

✉ dsjkhyber@gmail.com

No: **800/DSJ**

Dated Khyber the 23rd December 2023.

To,

The Respected Registrar,
Peshawar High Court,
Peshawar.

Subject: **AUTHORITY LETTER.**

Dear Sir,

Mr. Saad Afridi, Superintendent, Sessions Courts, Khyber, is hereby authorized to appear before the Honorable Service Tribunal Khyber Pakhtunkhwa in **Service Appeal No.: 1098/2023.**

Yours sincerely,

(HAQ NAWAZ)

District & Sessions Judge,
Khyber.

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BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHWAR.

MUHAMMAD ARIF

vs

D&SJ, Khyber.

AFFIDAVIT

I, **Haq Nawaz**, District & Sessions Judge, Khyber, do solemnly affirm that the contents of the reply in Service Appeal No.: **1098/2023**, are true and correct to the best of my knowledge and nothing has been concealed from this honorable court.

It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck off.

DEPONENT

Dated: 23.12.2023

Respondent No.: **01.**

Name: **Haq Nawaz.**

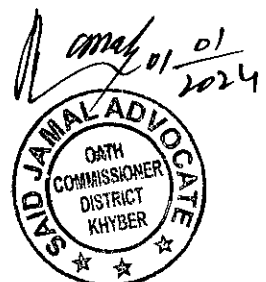
Designation: **D&SJ, Khyber.**

Signature: _____

DISTRICT & SESSIONS JUDGE
KHYBER

Stamp: _____

ATTESTED





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**OFFICE OF THE
DISTRICT AND SESSIONS JUDGE KHYBER
KHYBER PAKHTUNKHWA**

☎ 091-5820748

✉ dsjkhyber@gmail.com

No: 679/DSJ

Dated Khyber the 10th September 2023.

To,

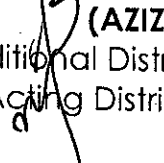
The worthy Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Subject:

**PARAWISE REPLIES TO FACTS/GROUNDS IN SERVICE APPEALS
NO.: 1094/2023, 1095/2023, 1096/2023, 1097/2023,
1098/2023, 1099/2023, 1100/2023 & 1101/2023.**

Dear Sir,

Enclosed find herewith the comments/replies to notices in
subject appeals for your kind perusal and further necessary action, please.


(AZIZ MUHAMMAD)
Additional District & Sessions Judge-II/
Acting District & Sessions Judge,
Khyber.

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

Service Appeal No.: 1098/2023

Khyber Pakhtunkhwa
Service TribunalDiary No. 10120Dated 1-1-2024

Muhammad Arif,

versus

District & Sessions Judge, Khyber & others...

REPLY ON BEHALF OF RESPONDENT NO. 01**PRELIMINARY OBJECTIONS:**

- That the petitioner has got no cause of action.
- That the petitioner has no locus standi against the present respondent.
- That the petitioner has not come with clean hands.
- That the petition is filed with malafide intentions.
- That the petitioner has been stopped by his own conduct.

PARAWISE REPLY/COMMENTS ON FACTS:

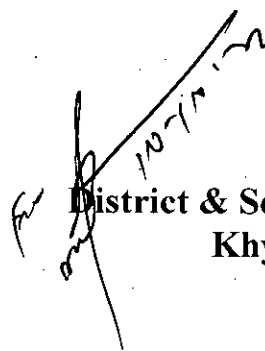
1. Admitted.
2. Admitted.
3. Admitted to the extent that the seniority list issued was tentative and not final.
4. Admitted.
5. Admitted to the extent that a second tentative seniority list, circulated on 10.01.2023, in which not only the seniority position of the appellant was changed but of other employees as well, owing to the reason that two different advertisements were published for the filling in of different posts, but selection was carried out simultaneously, however there is a slight gap of 6 days for issuing appointment orders of the candidates selected in wake of the two advertisements.
 - a. The appellant raised an objection to his seniority which was turned down on the basis of his date of acquiring SSC and date of birth.

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6. Sufficiently commented on in Para No. 5. However, the seniority of Class-IV is based on their date of acquiring SSC and date of birth.
 7. Admitted.

PARAWISE REPLY/COMMENTS ON GROUNDS:

- A. Admitted to the extent that the appeal of the appellant was turned down for cogent reasons. The remaining para is incorrect, therefore, denied.
- B. Admitted. The detail is mentioned above.
- C. To the extent of his appointment, admitted. The remaining para is incorrect, therefore, denied.
- D. As already pointed out, two different advertisements were published, however, selection was carried out with a gap of 6 days only. The seniority list has been issued according to rules and regulations.
- E. Already replied in the preceding Paras.
- F. Seniority has already been determined in view of date of passing SSC.
- G. No comments, as the position of the two units is different from each other.
- H. The seniority position has been explained adequately in the preceding paras.
- I. No injustice has been done to the appellant, hence denied.

Therefore, it is prayed that the para-wise comments of this administration may please be given due weightage and the appeal of the applicant may please be dismissed.


**District & Sessions Judge,
Khyber.**