

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

Objection Petition No:- \_\_\_\_\_/2024  
In  
Execution Petition No: - 332/2021  
In  
Appeal No 504-P/2018

**CHIEF SECRETARY GOVT: OF KP & OTHERS**  
**V/S**  
**MUHAMMAD JAMIL**

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Respondent No: 1

Through

  
**NOOR MOHAMMAD KHATTAK**  
**ADVOCATES SUPREME COURT**

22-09-2024

Pesh

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

**Objection Petition No:- \_\_\_\_\_/2024**

**In**

**Execution Petition No:- 332/2021**

**In**

**Appeal No 504-P/2018**

**Khyber Pakhtunkhwa  
Service Tribunal**

Diary No. 11240

Dated 20-08-2024

**CHIEF SECRETARY GOVT: OF KP & OTHERS**

**V/S**

**MUHAMMAD JAMIL**

**REPLY ON BEHALF OF THE RESPONDENT, No: 1**

**R/SHEWETH:**

**ON FACTS:**

*The respondent submits as under:-*

**Preliminary Objections:**

- i. Petitioner herein has no cause of action to file the instant Objection Petition.
- ii. Petitioner herein has got no locus standi to file the instant Objection Petition.
- iii. The instant Objection Petition is baseless, frivolous and concocted, based on malafide intentions for ulterior motives, hence not tenable at all.
- iv. Petitioner herein is estopped by his own conduct to file the instant Objection Petition.
- v. Petitioner herein has concealed material facts from this Honorable Tribunal while filing the instant Objection Petition.
- vi. The instant Objection Petition is not maintainable in its present form.
- vii. Petitioner herein has not come to this Honourable Tribunal with clean hands.

**ON FACTS:**

- 1- Para No. 01 of the Objection Petition is correct, hence needs no comment.

- 2- Para No. 02 of the Objection Petition is correct, hence needs no comment.
- 3- Para No. 03 of the Objection Petition is correct, hence needs no comment.
- 4- Para No. 04 of the Objection Petition is correct to the extent of passing of the judgment of this Honourable Tribunal, rest of the Para is incorrect, hence denied. It is pertinent to mention here that the appellant in the main appeal was the sole employee of the respondent department, who was working as Assistant Director BPS-17 and was quite hopeful and eligible for promotion to the Deputy Director (BPS-18), under the law and rules. That due to the inaction and reluctant attitude of the respondent, the appellant in the main appeal got retired from his service, on the basis of superannuation without availing of the benefits of the promotion to the next higher scale (BPS-18). That after retiring from his service the appellant/respondent herein, who has filed Service Appeal No 504/2018 before the august Tribunal, which was decided vide judgment dated 02/04/2021 and allowed the Service Appeal of the respondent herein as prayed for i.e. the respondent herein was entitled by this Honourable Tribunal to the post of Deputy Director (BPS-18) w.e.f. 01/07/2014 in the form of proforma promotion/notion promotion. That despite of the clear direction of this Honourable Tribunal, the petitioner herein are reluctant to implement the judgment of this Honourable Tribunal and since passing of the judgment i.e. 02/04/2021 till date, the petitioners herein are using delaying tactics, and are not ready to implement the judgment of this Honourable Tribunal. It is worthy to mention here that petitioners herein are bound to implement the order/judgment of this Honourable Tribunal in letter and spirit, according to the law and rules. It is pertinent to mention here that such flouting of the order of this Honourable Tribunal are wrong, illegal and the petitioners herein are liable to be punished according to the law, and the respondent herein is entitled for the special compensatory cost on the ground that such delay tactics has caused huge loss to the respondent herein.
- 5- Para No. 05 of the Objection Petition is incorrect, hence denied. The detail reply has already been given in the above Paras.
- 6- Para No. 06 of the Objection Petition is incorrect, hence denied. The detail reply has already been given in the above Paras.
- 7- Para No. 07 of the Objection Petition is incorrect, hence denied.

It is therefore, most humbly prayed that on acceptance of this reply, the Objection Petition of the Petitioner herein may very graciously be dismissed with cost.

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Respondent No: 1

Through  
**NOOR MOHAMMAD KHATTAK**  
Advocate Supreme Court  
&  
**Mahmood Jan**  
Advocates High Court

**AFFIDAVIT**

I, Muhammad Jamil, Respondents, do hereby solemnly affirm that the contents of this **REPLY** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

  
**DEPONENT**

