

Cost of Rs. 2000/- received in Service Appeal No. 1301/23

Titled M Haroon

VS.

Fazlun D & S. J. Khan

in the office of Superintendent Vide Order

24/1/24

Dated: 4 / 3 / 2024.



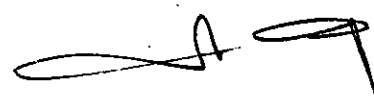
**SUPERINTENDENT**  
Khyber Pakhtunkhwa  
Service Tribunal, Peshawar

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

SERVICE APPEAL NO.: 1301/2023

Muhammad Haroon  
Vs  
The Registrar PHC, Peshawar & Others

<b>INDEX</b>			
<b>Sr. No.</b>	<b>Description</b>	<b>No. of Pages</b>	<b>Page No.</b>
1.	Index	01	01
2.	Authority Letter	01	02
3.	Reply/Comment to Appeal 1301/2023	03	03-05
4.	Affidavit	01	06

Deponent  


Hearing:- 04-03-2024



091-5820748

dsjkhyber@gmail.com

No: 164 /DSJ

Dated Khyber the 29<sup>th</sup> February 2024.

OFFICE OF THE  
DISTRICT AND SESSIONS JUDGE KHYBER  
KHYBER PAKHTUNKHWA

To,

The Respected Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Subject: **AUTHORITY LETTER.**

Dear Sir,

Mr. Ateeq Ullah, Superintendent, Sessions Courts, Khyber, is hereby authorized to appear before the Honorable Khyber Pakhtunkhwa Service Tribunal in **Service Appeal No.: 1301/2023.**

Yours sincerely,

**(HAQ NAWAZ)**

District & Sessions Judge,  
Khyber.

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

Service Appeal No.: 1301/2023

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 11561

Dated 04-03-2024

Muhammad Haroon

versus

The Registrar PHC Peshawar & others...

**REPLY ON BEHALF OF RESPONDENT NO. 02**

**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.

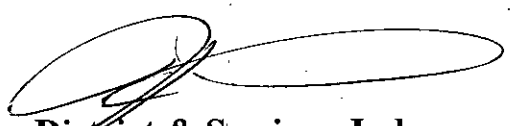
**PARAWISE REPLY/COMMENTS ON FACTS:**

1. Need no reply.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. The appellant raised an objection to his seniority which was turned down on the basis of that no common seniority list of the staff has been maintained. The final seniority list has been maintained as per SSC + date of birth as no record could be traced that the appointment order is in terms of highest score. Hence the appeal of the appellant was turned down vide order dated 11-05-2023. Copy of order attached.
7. Sufficiently commented on in Para No. 6.
8. Need no reply.

**PARAWISE REPLY/COMMENTS ON GROUNDS:**

- A. The seniority position has been explained adequately in the preceding paras  
The remaining para is incorrect, therefore, denied.
- B. Denied as no injustice has been done to the appellant.
- C. Admitted.
- D. Admitted to the extent of his appointment. The remaining para is incorrect,  
therefore, denied.
- E. Admitted that the two appointment orders were issued, however the final  
seniority is issued on the basis of date of acquiring SSC + date of birth.
- F. Need no reply.
- G. Need no reply.

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.



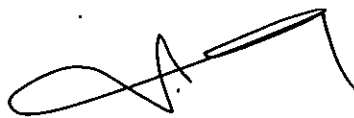
**District & Sessions Judge,  
Khyber.**

**HAG NAWIAZ  
Respondent No.02**

ORDR/BL  
 11-5-2023 Departmental appeal  
 Received and Considered.

After considering the record it is found that the official after considering the record date of birth, acquisition of SSC and Inter Se Seniority amongst his batch mates has been correctly placed in the Seniority list, hence his appeal is turned down.

Hidayat Ullah Khan  
 DISTRICT & SESSIONS JUDGE  
 KHYBER

Attested  


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

Muhammad Haroon

Vs

The Registrar PHC Peshawar & Others.

**AFFIDAVIT**

I, **Haq Nawaz**, District & Sessions Judge, Khyber, do solemnly affirm that the contents of the reply in Service Appeal No.: **1301/2023**, 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

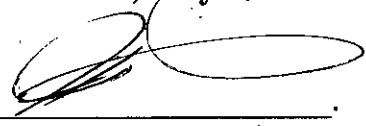
Dated: 19-02-2024

Respondent No.: **02.**

Name: **Haq Nawaz.**

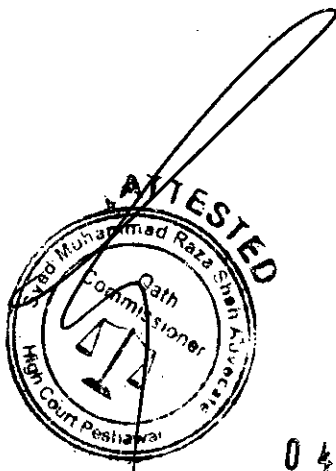
Designation: **D&SJ, Khyber.**

Signature: \_\_\_\_\_



Stamp: \_\_\_\_\_

**DISTRICT & SESSIONS JUDGE**  
**KHYBER**



04 MAR 2024