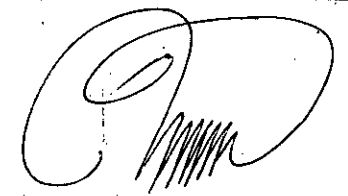


Cost of Rs. 2000 received in Service Appeal No. 1302/27,

Titled Asif Samad VS. DGST Khyber

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.: 1302/2023

Asif Samad

Vs

The Registrar PHC, Peshawar & Others

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3.	Reply/Comment to Appeal 1302/2023	03	03-05
4.	Affidavit	01	06

Deponent



Hearing: 04-03-2024



091-5820748

dsjkhyber@gmail.com

No: 165 /DSJ

OFFICE OF THE
DISTRICT AND SESSIONS JUDGE KHYBER
KHYBER PAKHTUNKHWA

Dated Khyber the 29th February 2024.

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.: 1302/2023.**

Yours sincerely,

(HAQ NAWAZ)
District & Sessions Judge,
Khyber.

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR.

Service Appeal No.: 1302/2023

Asif Samad

versus

The Registrar PHC Peshawar & others...

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 11562

Dated 04-03-2024

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 the 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 NAWAZ

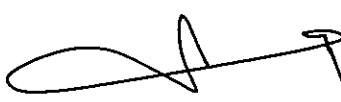
Respondent No.02

Mr Asif Samad

ORDER 11-5-2023. The departmental appeal of the official is considered and record checked.

Record suggest that the official is junior in age as well as requirement of his & date of SSC. officials at S. No 1 to 5 same one batch. After considering the record, the official has been correctly placed in the seniority list; therefore this appeal is turned down.


Hidayat Ullah Khan
DISTRICT & SESSIONS JUDGE
KHYBER

Attested


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

Asif Samad

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.: **1302/2023**, 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

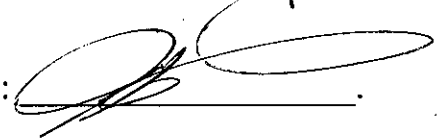
Dated: 19-02-2024

Respondent No.: **02.**

Name: **Haq Nawaz.**

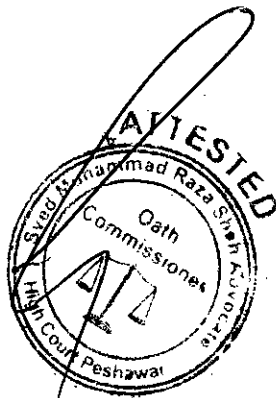
Designation: **D&SJ, Khyber.**

Signature: _____



Stamp: _____

**DISTRICT & SESSIONS JUDGE
KHYBER**



04 MAR 2024