BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Reply
In C.M. No _____/2024
In Service Appeal No **5968/2021**

Jameel Ahmad Qureshi

Versus

Govt of Khyber Pakhtunkhwa Etc.

Reply to the Interim Relief Application on Behalf of Respondent No 8 In Service Appeal No 5968/2021

Respectfully Sheweth!

Preliminary Objections:

1. That Applicant/Appellant has no cause of action to file such like Application against the Respondents.

2. That Applicant/Appellant is estopped to file such like Application in the present form.

3. That Application of the Applicant/Appellant is incompetent in the present form, therefore being not maintainable is liable to be dismissed summarily.

4. That Applicant/Appellant has not come to this Hon'ble Court with clean hands.

5. That no balance of convenience lies in favour of the Applicant/Appellant.

6. That prima facie case lies in favour of the Answering Respondent.

On Facts:-

1. That Para 1 of the Application needs no reply.

2. That Para 2 of the Application is incorrect. The Applicant is referring / connecting his promotion to the technical cadre where only the professional regarding that cadre are inducted and thereafter promoted as per the rules in vogue.

3. That Para 3 of the Application is correct. The Labour Department of Govt of Khyber Pakhtunkhwa under rules and regulations has correctly sent the name of Respondent No 8 being the professional of the field nonetheless. Further under KP Act No XVI of 2013, a whole chapter of works has been mentioned which are delicate, complex & should be carried by the professional of the field hence the name of Respondent No 8 for the said promotion.

4. That Para 4 of the Application is incorrect. No prima facie case exists in favour of the Applicant and against the Answering Respondents.

5. That Para 5 of the Application is totally incorrect as the Applicant has not the requisite educational/professional qualification/ criteria in the first place to discharge his duties for his alleged promotion hence Applicant will not suffer any irreparable loss being totally alien to the post in desire for Applicant.

It is, therefore, humbly prayed that the application for temporary injunction may very kindly be dismissed with cost. Any other relief which is

not specifically asked for may also be granted in favour of the Respondents and against the Applicant.

Answering Respondent

Date: 05-07-2023

through:

M Umair Khan

&

Nafees Ahmad, Advocates
Distt & Session Court,
Peshawar

AFFIDAVIT / VERIFICATION

I, Rahimullah, Inspector of Factories (Technical), Dte of Labour, Labour Department, 3rd Floor, FC Trust Building, Peshawar Cantt. do hereby affirm and solemnly declare that all the contents of the above reply are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

Deponent

CNIC# 17102-7241840-3

ATTESTED

Advocate High Court Peshawar