

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR,

CM.NO. _____/2024
IN SERVICE APPEAL NO. 717/2023

1. Dilshad Hussain Librarian (BPS-18), Khushal Khan Khattak,
Library, Akora Khattak, Nowshera.

.....Applicant/Appellant

VERSUS


1. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
2. Government of Khyber Pakhtunkhwa through Secretary, Higher Education, Archives & Libraries, Khyber Pakhtunkhwa.
3. Government of Khyber Pakhtunkhwa through Secretary Establishment Department Civil Secretariat Peshawar.
4. Director, Archives & Libraries, Khyber Pakhtunkhwa, Peshawar.

.....Respondents

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17-05-24
order sheet not
uploaded


Director,
Directorate of Archives & Libraries
Khyber Pakhtunkhwa
(Respondent)
CNIC # 17301-8818000-2

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR,

CM.NO. _____/2024
IN SERVICE APPEAL NO. 717/2023

Khyber Pakhtunkhwa
Service Tribunal

Diary No. _____

Dated _____

1. Dilshad Hussain Librarian (BPS-18), Khushal Khan Khattak,
Library, Akora Khattak, Nowshera.

.....Applicant/Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary,
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2. Government of Khyber Pakhtunkhwa through Secretary, Higher
Education, Archives & Libraries, Khyber Pakhtunkhwa.
3. Government of Khyber Pakhtunkhwa through Secretary
Establishment Department Civil Secretariat Peshawar.
4. Director, Archives & Libraries, Khyber Pakhtunkhwa, Peshawar.

.....Respondents

REPLY TO APPLICATION FOR INERIM RELIEF:

R.SHEWETH,

Preliminary objections:

- 1- That the applicant has neither cause of action nor locus standi to file
the instant application for interim relief.
- 2- That the applicant has not come with clean hands.
- 3- That the Applicant is estopped to file the instant Application as he
has requested for retirement on superannuation w.e.f. 08/03/2024.

- 4- That the prayer for suspension of the Applicant is of no use to the Applicant because, at the most, the Applicant may apply for notional promotion after retirement which is also not allowed under the promotional policy as explained on facts below.
- 5- That the Application in hand is not competent in its present form as the same has not been attested by the Oath Commissioner as required under the rules.

PARAWISE REPLY TO APPLICATION IS SUBMITTED AS UNDER:

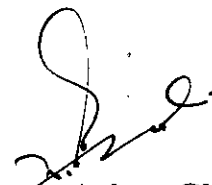
1. Correct.


2. **Correct**, that the honorable Service Tribunal restrained the answering respondents from filling the post of Chief Librarian till the next date of **07/03/2024**. In pursuance of the order of this honorable Service Tribunal, the answering Respondents have not filled the post till **07/03/2024**. In the meanwhile the Applicant/Appellant retired on attaining the age of superannuation w.e.f 08/03/2024 and his pay was stopped vide order dated: 08/03/2024, (**Copy of Order annexed as "A"**) thereafter, the Applicant was left with no locus standi to pursue his appeal for promotion. The restraining order was for a specific period which lapsed on **07/03/2024**, therefore, the order of the honorable Service Tribunal was no longer effective therefore, the answering Respondents have not violated the order of this honorable Service Tribunal. However, if the honorable Service Tribunal is of the contrary view then the act of answering Respondents of order of promotion passed in good faith may be condoned in the public interest.


3. **Incorrect**, the Applicant has not made out any case for fulfilling the three ingredients for interim relief. He has no prima facie case neither he is likely to suffer any irreparable loss. The balance of convenience is also tilted towards the answering Respondents.
4. **Incorrect**, as stated above.


Prayer:

In view of the above humble submissions the instant application may be dismissed in the interest of justice and fair play and the order dated: **25/04/2024** in the instant Application may be recalled.

for 
 (Mr. Nadeem Aslam Chaudry)
 Chief Secretary,
 Government of Khyber Pakhtunkhwa,
 Respondent No.01


 (Mr. Arshad Khan)
 Secretary,
 Higher Education, Archives & Libraries,
 Khyber Pakhtunkhwa
 Respondent No.02

for 
 (Mr. Muhammad Zubair)
 Secretary, Establishment
 Government of Khyber Pakhtunkhwa,
 Respondent No.03

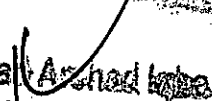

 (Mrs. Raheela Hafeez)
 Director, Archives & Libraries,
 Government of Khyber Pakhtunkhwa,
 Respondent No.04

Affidavit:

I, **Mrs. Raheela Hafeez**, Director, Directorate of Archives & Libraries, Khyber Pakhtunkhwa, do firmly solemnly affirm and declare on oath that the contents of reply to this C.M Application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this honorable Service Tribunal.


 (Raheela Hafeez)
 Director,

Directorate of Archives & Libraries,
 Government of Khyber Pakhtunkhwa,
 CNIC # 17301-8818000-2


 Mithanma Arshad Iqbal
 Advocate
 Oath Commissioner

15-05-2024



DIRECTORATE OF ARCHIVES & LIBRARIES,
KHYBER PAKHTUNKHWA, PESHAWAR.

Phone: - 091-9210100 Website: - www.kpdal.gov.pk

www.facebook.com/KParchivesandlibraries

No. 332/14/DA Dated 8th March, 2024.

ORDER

Copy of Mr. Dilshad Hussain, Librarian (BPS-18), Khushal Khan Khattak Memorial Library Akora Khattak, Nowshera is stopped on attaining the age of sixty years today i.e. 08-03-2024.

(Raheela Hafeez)

Director of Archives & Libraries,
Khyber Pakhtunkhwa, Peshawar.

Frisk No. & Date Even.

Copy forwarded to: -

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar with request of making adjustment/deduction of two increments from last pay of the Librarian as per request already communicated vide No. 285/3/10/DA dated 28-02-2024. (Copy enclosed)
2. The District Accounts Officer, Nowshera with similar request already communicated vide No. 285/3/10/DA dated 28-02-2024. (Copy enclosed)
3. The Section Officer (C-IV), Higher Education, Archives & Libraries Department.
4. The Incharge, Khushal Khan Khattak Memorial Library Akora Khattak, Nowshera for necessary action under intimation to this Directorate.
5. The Librarian Concerned.
6. Office Orders File.

Director of Archives & Libraries,
Khyber Pakhtunkhwa, Peshawar.

Dilshad Hussain
Sheriff
Assistant Director
Directorate of Archives
& Libraries, Peshawar.

GOVERNMENT OF KHYBER
ESTABLISHMENT DEPARTMENT
No. SOR/Policy/E&AD/Misc/2020
Dated Peshawar, the December 24, 2020

To

1. The Director STI, E&A Department.
2. All Additional Secretaries in E&AD.
3. All Deputy Secretaries in E&AD.
4. All Section Officers in E&AD.
5. The Estate Officer/Programme Officer (Computer Cell) in E&AD.

Subject: SIGNING OF PARAWISE COMMENTS ETC IN SERVICE APPEALS.

Dear Sir,

I am directed to refer to this Department letter No.SOR-VI/E&AD/I-23/2005 dated 12-01-2008 (copy enclosed) on the subject, the Competent Authority has been pleased to authorize the Special Secretary (Establishment) Establishment Department to sign the para-wise comments in cases of service appeals filed by the Civil Servants before the Khyber Pakhtunkhwa Service Tribunal on behalf of Chief Secretary, Khyber Pakhtunkhwa and Secretary, Establishment Khyber Pakhtunkhwa.

Yours faithfully,

SECTION OFFICER (POLICY)

ENDST: NO. & DATE EVEN

Copy forwarded to:

1. Secretary to Govt. of Khyber Pakhtunkhwa, Law Department
2. Registrar Peshawar High Court Peshawar.
3. Advocate General Khyber Pakhtunkhwa, Peshawar.
4. Registrar Khyber Pakhtunkhwa Service Tribunal, Peshawar.
5. PS to Chief Secretary, Khyber Pakhtunkhwa
6. PS to Secretary Establishment, Khyber Pakhtunkhwa
7. PS to Special Secretary (Establishment) Establishment Department
8. PS to Special Secretary (Reg). Establishment Department.

SECTION OFFICER (POLICY)