

**BEFORE THE HON'BLE KPK SERVICE TRIBUNAL**  
**PESHAWAR**

Khyber Pakhtunkhwa  
Service Tribunal

12 (2) Reply No. 151/2024

Diary No. 13450

Dated 11-06-2024

Mst Shamshad Bibi VERSUS Govt of KP & others

**REPLY OF 12 (2) APPLICATION ON BEHALF OF PRIVATE**  
**RESPONDENT (SONIA NAZ) SDEO (F), TANK**

**PRELIMINARY OBJECTION:**

1. The petitioner has got no cause of action to file the instant 12 (2) petition.
2. The petition is not maintainable in its present form.
3. Petition of petitioner is not competent.
4. The petitioner has no locus standi to file the instant 12 (2) petition.
5. Petitioner has concealed the material facts from this Honorable Tribunal.
6. The petition is time barred.
7. The petitioner has not come to this Hon' able Tribunal with clean hands.
8. The petitioner has got no right to file the instant petition as she has already been completed her normal period of two years at pharpur, DI Khan, so the instant 12 (2) petition is not maintainable in the eye of law.
9. The instant 12 (2) petition is false and frivolous therefore the answering respondent is entitled for special compensatory cost.

**RESPECTFULLY SHEWETH:**

**FACTS:**

1. Para No 1 of the facts of 12 (2) petition is pertaining to record therefore the same is subject to prove.
2. Para No 2 of the facts of 12 (2) petition is pertaining to record therefore the same is subject to prove.
3. Para No 3 pertains to record.

4. Para No. 4 of the 12 (2) petition is incorrect and misconceived. as per record of the E&SE department the petitioner was lostly transferred to the post of SDEO (F) Paharpur, D.I Khan vide dated 6.12.2021 and she remain on the bid post issunc of the order dated 6.12.2023, therefore in light of clause-IV of the transfer/posting policy of the Provincial Government the petitioner has completed her normal tenure of two years at pharpur, therefore the petitioner has no right to retain on the ibid station for unlimited period/tenure. Copies already submitted.
5. Para No 5 pertains to record.
6. Para No 6 pertains to record.
7. In reply to Para No 7 of the 12 (2) petition it is submitted the detail reply has been given in the Para No. 4 of the reply.
8. Para No 8 pertains to record.
9. Para No 9 pertains to record.
10. Para No 10 pertains to record.
11. Para No 11 pertains to record.
12. Para No 12 of the 12 (2) petition is incorrect hence denied.
13. Para No 13 incorrect hence denied.

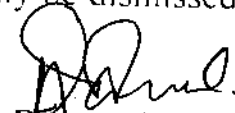
**GROUND:**

- i. Incorrect, hence denied. Moreover as explained in the above para.
- ii. Incorrect and misconceived. The appellant is treated according to law and rules.
- iii. Incorrect and misconceived. The appellant has got no right to file the instant 12 (2) petition before this Hon' able Tribunal. It is pertinent to mention here that, the order passed by the competent authority is separate order and the same is ought to be challenged U/S 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 and before that it is necessary to file a

Departmental appeal before the appellate authority as per rule 3 of the Government Servant appeal Rules, 1986 and the same it is mandatory to wait for 90 days for the order of appellate authority. It is also worthy to mention here that the appellant has completed her normal tenure of two years at Tehsil Pharpur District D.I Khan, and the 12 (2) Petition is not maintainable. On this score alone the 12 (2) petition is liable to be dismissed with cost.

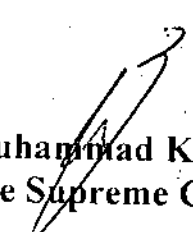
iv. Incorrect and misconceived. Moreover, as explained in the above.

It is, therefore, most humbly prayed that the 12 (2) petition of the petitioner may kindly be dismissed with costs throughout.



Respondent  
(Sonia Naz) SDEO

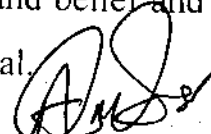
Through:



Noor Muhammad Khattak  
Advocate Supreme Court

AFFIDAVIT:

It is affirmed and declared that the contents of reply are true and correct to the best of my knowledge and belief and nothing has been concealed from Hon'able Tribunal.



DEPONENT

