BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 1302/2023

Asif Samad .... Appellant.

Versus

The Registrar PHC & others.....Respondents

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Deponent

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR.

Service Appeal No: 1302/2023

Asif Samad

Versus

The Registrar PHC Peshawar & others....

REPLY ON BEHALF OF RESPONDENT NO. 01

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 tainted with malafide.
- That the petitioner is estopped by his own conduct.

PARAWISE REPLY/COMMENTS ON FACTS:

1. Needs no reply.
2. Admitted to the extent of factual particulars of appellant's appointment.
3. Needs no reply.
4. Admitted.
5. Admitted.
6. The appellant challenged his ranking on the seniority list. Among employees appointed on the same day, especially when merit is not assigned at the time of appointment, age-based seniority is the legally accepted criterion for positioning individuals on the seniority list. The impugned list, in absence of seniority assigned at the time of appointment, was determined by the ages of employees within the same class/category. According to this criterion, the appellant is correctly positioned on the seniority list. Consequently, his appeal was rightly dismissed on 11th May, 2023. (Attached is a copy of the order).

7. The position the respondent vis-à-vis seniority of staff has been explained sufficiently in the comments under Para 06. Rest of the para is incorrect, therefore denied.
8. Needs 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. 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 two appointment orders were issued, however, for final seniority the formula referred above i.e. SSC and age, was available and therefore availed.
F. Needs no reply.
G. Needs no reply.

Therefore, it is prayed that in view of the para-wise comments of this administration, the appeal may please be dismissed.

Respondent No. 01

Registrar
Peshawar High Court,
Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 1302/2023

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Counter Affidavit

I, **Ikhtiar Khan Registrar, Peshawar High Court, Peshawar**, do hereby affirm and declare on oath that the contents of Reply are true and correct to the best of my knowledge and nothing has been concealed from this Hon'ble Tribunal.

Gul Daraz Khan
Oath Commissioner
Advocate High Court Peshawar

Deponent.

The
PESHAWAR HIGH COURT
Peshawar

All communications should be addressed to the Registrar Peshawar High Court, Peshawar and not to any official by name.

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No. 4840 /Admn

Dated Pesh the 01 / 08 /2024.

AUTHORITY LETTER

Mr. Samil Jan, Assistant Registrar of this Court is authorized to submit parawise comments in the Khyber Pakhtunkhwa Service Tribunal, Peshawar on behalf of respondents No. 01 in ***"Service Appeals No. 1301/2023 & 1302/2023 titled***

1. ***"Haroon ... vs... District & Sessions Judge, Khyber & others***
2. ***"Asif Samad ... vs ... District & Sessions Judge, Khyber & others"***

31/08/24

(Iftikhar KHAN)
REGISTRAR,
PESHAWAR HIGH COURT, PESHAWAR.