Cost of Rs. 1000 received in Service Appeal No. 1638,

Titled Idress VS. Forest

in the office of Superintendent Vide Order 14/3/2024

Dated: 2/4/2024.

SUPERINTENDENT
Khyber Pakhtu Khwa
Service Tribunal, Peshawar

BEFORE THE KHYBER PUKHTUNKHAWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1638 /2023

Muhammad Idress (Forest Guard).....**Appellant**

VERSUS

Govt of Khyber Pakhtunkhwa
Through Secretary Forest & others .....**Respondents**

JOINT PARAWISE COMMENTS ON BEHLAF OF THE RESPONDENTS NO.5 to 7

Respectfully Sheweth:

PRELIMINARY OBJECTIONS:

1) That the appellant has no locus standi and cause of action.

2) That the appellant did not come with clean hands to this Hon'ble Tribunal.

3) That the appellant has submitted incorrect and irrelevant documents to the tribunal and concealed the real facts from this Hon'ble Tribunal.

4) That this appeal is not maintainable.

5) That the appeal is time barred.

6) That the instant appeal is bad for misjoinder and non-joinder of necessary and proper parties.

02-04-24

7) That the Hon'ble tribunal lacks jurisdiction to adjudicate upon the matter.

ON FACTS:

1) Pertains to record, hence no comments.

2) Pertains to record, hence no comments.

3) Incorrect. The seniority was defective and the private respondents no.3 to objected the same .And thus as a result after getting advice from the administration department the seniority has been rectified in light of section 17(1)(a) of the Khyber Pakhtunkhwa Civil Servant (Appointment ,Promotion ,Transfer) Rules 1989 vide section Officer Establishment ,climate change ,Forestry ,Environment & Wildlife Department endorsed by Chief Conservator of Forests Khyber Pakhtunkhwa Forest Region-1 vide No.10191-96/E dated 20/04/2023 as well as Conservator of Forests Kohat Forest Circle endorsement No.2442/E dated 04/05/2023 as already annexed as "B" in reply of Respondents No.1 to 4.

4) That para pertains to record and detail reply has been given in the preceding para.

5) That the para is correct and it is pertinent to mention that when private respondents objected to the seniority

list dated 15-12-2022 the respondent No.2 sort advice of the administration department where upon in light of the advice the respondent NO.2 issued correct seniority list in accordance to section 17(1)(a) of APT Rules as replied in detail in para No.2 .

6) Incorrect, pertains to the appellant record.

7) Para is incorrect. And misconceived hence denied.

8) In view of the above service appeal of the petitioner may kindly be dispose of on the following grounds.

GROUNDS

A. Incorrect. The seniority list dated 23-05-2023 of the Respondents No.5 to 7 forest Guards of Orakzai forest Division Hangu is well in accordance with law.

B. Incorrect. The Seniority list of Forest Guard of Orakzai Forest Division Hangu is according to law and according to section 8 of civil servant act 1973 and Rules 17(1)(a) 1989.

C. Incorrect. As already explained in preceding paras of the Facts.

D. Incorrect. As already explained in preceding paras of the Facts.

E. Needs no comments, and the answering respondents will agitate any further legal and factual points at the time if arguments with the prior permission of this Hon'ble Tribunal.

It is, therefore, humbly prayed that the instant service appeal of appellant being devoid of merits may please be dismissed with cost please.

Respondents No.5 to 7

Through

Manzoor Bashir Tangi
Advocate High Court
Peshawar

Dated 02.04.2024

AFFIDAVIT

We, do hereby solemnly affirm and declare that the contents of the **Reply** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

2-4-24

DEPONENTS 5/07

ATTESTED
KHALID MAHMOOD ADVOCATE
Oath Commissioner
High Court Peshawar