

BEFORE THE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL PESHAWAR

Appeal No-734/2024

Khyber Pakhtunkhwa
Service Tribunal
Diary No: 13947
Dated: 03-07-24

Amir Shahzad.....Appellant

VERSUS

SMBR & others.....Respondents

REPLY ON BEHALF OF THE
RESPONDENT / APPELLANT ON
APPLICATION OF THE APPLICANT /
PRIVATE RESPONDENT NO 3 FOR
VACATION OF STAY.

Respectfully Sheweth:

Preliminary Objection:-

1. That the applicant has no cause of action or locus standi to file the instant Application.
2. That the applicant has not come to the hon'ble Service Tribunal with clean hands.
3. That the application is not maintainable in its present form.
4. That the applicant was required to file reply on the main Appeal as well as reply of the application for suspension of the Impugned transfer order dated

31.05.2024, instead of filing the instant Application as vacation of stay would amount to final disposal of instant Appeal.

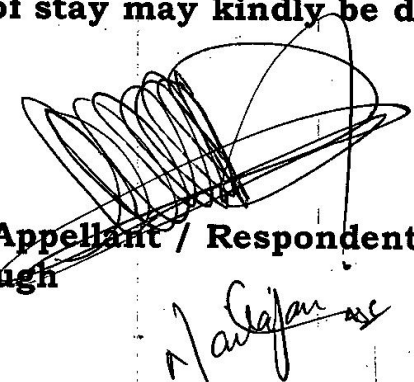
Facts:

1. No comments.
2. Correct to the extent of status quo order dated 31.05.2024.
3. Incorrect the Para is consisted of on a false and concocted statement in order to misguide the Hon'ble Tribunal in fact the appellant / respondent has not relinquished the charge of Naib Tehsildar Dalazak. Nor did the competent authority relived the appellant / respondent from the charge of Naib Tehsildar Dalazak. Than how the applicant / private respondent No 3 has assumed the charge.
4. Incorrect, infact it was in the knowledge of the applicant / private respondent No 3 that the appellant / respondent has neither relinquished the charge nor did the competent authority relived the appellant / respondent, therefore there is no question of assuming the charge on behalf of applicant / private respondent No 3 and subsequent visit and attestation of mutation has no legal backing.
5. Incorrect, already replied in Para 3 & 4 above.

6. Incorrect, already replied in Para 3 & 4 above.
7. Incorrect, the Hon'ble Tribunal after going through the relevant record as well as keeping the legal status of OPS in mind and judgment of the Apex court has suspended the impugned transferred order, the main appeal of the appellant / respondent may be considered as part of this reply.
8. No comments.

It is, therefore, requested that the application of the Applicant / Private Respondent No 3 for vacation of stay may kindly be dismissed with costs.

**Appellant / Respondent
Through**


NAILA JAN
**Advocate, Supreme Court
Of Pakistan**

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TRIBUNAL PESHAWAR**

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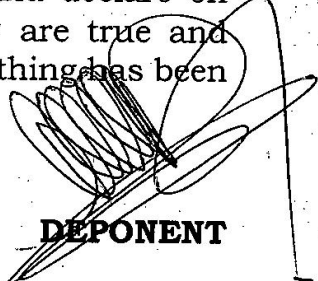
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AFFIDAVIT

I, **Amir Shahzad**, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Reply** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.


DEPONENT

