

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

In Re:
S. A No. 1229/2024

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 15665

Dated 10-09-2024

Mst. Shaista Sikandar

Versus

Government of Khyber Pakhtunkhwa and others

Reply on behalf of respondent No. 3 to the Service
Appeal filed by the appellant

Respectfully Sheweth:

Preliminary Objections:

- i. That the applicant lacks the cause of action and locus standi to file this appeal.
- ii. That the applicant estopped by her own conduct to file the Appeal.
- iii. That the appeal is not competent due to non joinder and mis-joinder of the party.
- iv. That the appeal is not within time.

- v. That the departmental appeal is not competently filed within the meaning of KP Civil Servant (Appeal) Rule 1986.
- vi. That the answering respondent on promotion was posted in G.G.H.S.S Havelian Abbottabad against the post having become vacant due to consequent posting / transfer in channel.
- vii. That the answering respondent is entitled under the facts and law and policy of government to retain her posting in the existing school i.e. G.G.H.S.S Havelian District Abbottabad.
- viii. That the appeal being frivolous and liable to be dismissed with cost.

REPLY ON FACTS

1. Para No. 1 of the appeal needs no reply being personal to the appellant.
2. Para No. 2 needs no comments.
3. In reply to Para No. 3, it is submitted that the posting of the appellant and answering respondent, no doubt, was made vide order dated 19.02.2024 in the same school but the posting of answering respondent as per

remarks at Sr. No. 23 in order dated 19.02.2024 was made against the post which was vacated in consequential transfer made at Sr. No. 207 of the said order as the transferree Miss Dur-e-Shawar (S.S) was holding the wrong posting against the post of BPS-18. In the same order dated 19.02.2024, the posting of the appellant was made against vacant post of S.S Economics BPS-18 as evident from the remarks at Sr. No. 167 of the order date 19.02.2024. Believably there was no vacant post of S.S (Economics) BPS-18 in G.G.H.S.S, Havelian at the time of posting of the appellant. In view of the given clarification, the appellant has got no cause of action to challenge the posting of the answering respondent under the facts and law.

4. Para No. 4 is relating to the official respondents, hence needs no comments.
5. The averments as to submitting of any application by the appellant is not within knowledge of the answering respondent, therefore, the said para is not admitted as correct.
6. Para No. 6 is not correct. Even otherwise, the said para as laid has got no effect on posting of the answering respondent in GGHSS Havelian.

7. Para No. 7 is absolutely wrong and denied.

8. Para No. 8 as laid is not correct and denied.

9. Para No. 9 having no concern with the answering respondent, needs no comments.

10. Para No. 10 is denied for want of proof.

11. Para No. 11 needs no comments.

12. In reply to Para No. 12, it is submitted that the appellant has got no cause of action and locus standi to file the instant appeal, hence denied.

Reply on grounds:


A to G: Ground A to G having no legal and factual foundation are not workable, hence denied.

H. Ground H as laid is misleading and in even in view of reply on the facts, the same is not workable in favour of the appellant.

I. The appellant has got no justifiable case on the basis of given facts and grounds and believably, she will not be able to advanced any material

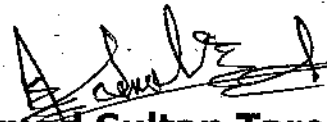
ground during arguments, however, if advance and permitted by this Hon'ble Tribunal, the answering respondent reserves a right to respond the same be fittingly.

It is, respectfully prayed that the appeal filed by the appellant may kindly be dismissed with cost.



Respondent No. 3

Through



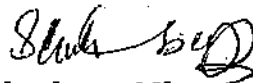
Ahmad Sultan Tareen

Advocate High Court.



Mudassir Ali

Advocate High Court.



Shabaz Khan

Advocate High Court.

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TRIBUNAL, PESHAWAR**

In Re:

S. A No. 1229/2024

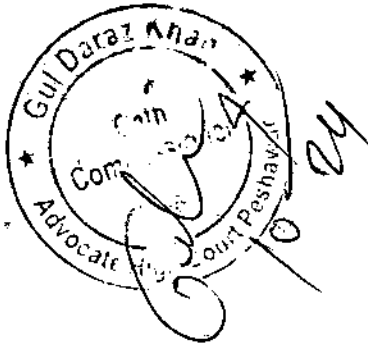
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AFFIDAVIT

I, **Mst. Irum Saba**, Senior Subject Specialist (BPS-18)
Govt. Girls High Secondary School, Havelian, Abbottabad
(Respondent NO. 3), do hereby solemnly affirm on Oath
that the contents of the **Reply** are true and correct to the
best of my knowledge and belief and that nothing has been
concealed from this Hon'ble Tribunal



Irum Saba
Deponent

CNIC: 13503-0261944-2

Cell: 0301-8168872

WAKALATNAMA

(Power of Attorney)

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Mst. Shaista Sillandaz

(Petitioner)
(Plaintiff)
(Applicants)
(Appellant)
(Complainant)
(Decree Holder)

VERSUS

Govt of KP Lotter

(Respondent)
(Defendants)
(Accused)
(Judgment Debtor)

I, the undersigned (Respondent No.3) in the above noted (S.A.1229/2024), do hereby appoint and constitute Ahmad Sultan Tareen, Mudassir Ali & Shabaz Khan Advocates, Peshawar to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel in the above noted matter, without any liability for their default and with the authority to engage/ appoint any other Advocate/ Counsel at my/ our matter.

Attested & Accepted,

Ahmad Sultan Tareen

Mudassir Ali

Shabaz Khan

Advocates, Peshawar

Office No. TF-338-339, Deans Trade Center, Islamia Road,
near FC Chowk, Peshawar Cantt.

Cell # 0333-9434837

BC No.

CNIC:

CLIENT

Mst- Iqbal Saba Senior Subject
Specialist Economics G.G.H.S.S
Haridiana.