



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR.**

Execution Petition No:- 367/2023

Khyber Pakhtunkhwa  
Service Tribunal

In

Diary No. 15732

S.A No 5696/2020

Quresh Khan

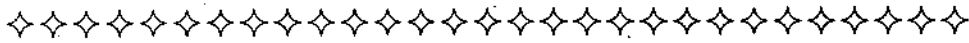
**Versus**

Govt: of KP etc

Dated 12-09-24

..... Petitioners

..... Respondents



REPLY BY AND ON BEHALF OF PETITIONER TO THE  
OBJECTION PETITION FILED BY THE RESPONDENTS.

*Respectfully Sheweth:-*

*Preliminary Objections:-*

1. *That the applicants have got no cause of action to file the present application.*
2. *That the application/objection is not maintainable in its present form.*
3. *That the applicants suppressed the material facts from this Honourable Tribunal.*
4. *That recovery of the disputed amount has already been set aside by this Honourable Tribunal and the judgment has attained the finality, hence the respondents are under legal obligation to implement the judgment in its true spirit.*
5. *That the application is false, frivolous, entitling the petitioner for special compensatory costs.*

On Facts:-

1. That Para No 1 to the extent of pendency of execution petition is correct. However, the respondents have not implemented the judgment in its true spirit.
2. Para No 2 of the objection petition is correct, hence needs no reply.
3. Para No 3 of the objection petition is correct, hence needs no reply.
4. Para No 4 of the objection petition is correct, hence needs no reply.
5. Para No 5 of the objection petition is correct, hence needs no reply. However, it may be added that the impugned recovery of Rs. 412,885/- has already been set aside by this Honourable Tribunal and the judgment has attained the finality.
6. That Para No 6 as drafted is not correct. The plea/stance taken by the respondents have not taken by them at proper stage; the reply of the department is silent in this regard. Once the recovery has been set aside by this Honourable

Tribunal, how the respondents can term the recovery as over payment?

7. As stated above, the recovery of the stated amount has already been set aside by this Honourable Tribunal and the judgment has attained the finality. The respondents are under legal obligation to implement the same without further amount of delay.
8. That Para No 8 as drafted is not correct. The respondents have corrected the same after announcement of the judgment, which cannot override the judgment.
9. Paras No 6 & 7 of the execution petition is more elaborate on the point.
10. Paras No 8 & 9 of the execution petition is more elaborate on the point.
11. Para No 11 as drafted is not correct, hence denied.

Grounds:-

- 1) Ground 1 of the objection petition as drafted is not correct, hence denied. The detail has been offered in Paras No 5,6 & 7 above.

- 2) Ground 2 of the objection as drafted is not correct, the detail has been offered in Paras No 8,9 & 10 above.
- 3) Not correct, hence denied.
- 4) This Para as drafted is not correct, hence denied. The detail has been offered in the preceding Paras.
- 5) Not correct, hence denied. The detail has been offered in the preceding Paras.
- 6) Not correct. The recovery has been set aside by this Honourable Court, hence the recovery is not legal.

*It is, therefore, requested that the objection petition may kindly be dismissed with costs and the judgment may be implemented in its true spirit.*

Dated:- 02/09/2024

Through:-

*Quresh Khan*  
 Petitioner  
 Quresh Khan  
*Akhtar Hyat*  
 Akhtar Hyat  
 Advocate High Court  
 Peshawar.  
 TF- 287 Deans Trade Center  
 Peshawar

AFFIDAVIT:-

*It is, stated 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 Honourable Court.*

*Quresh Khan*  
 DEPONENT



*29/27*

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