

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

CM No. _____/2024

In

Execution petition No. 775/2024

In

Service Appeal # 2586/2023

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 15793

Dated 18-09-24

Mr. Noor Sultan ----- Petitioner

VS

Secretary E&SE Department & Others ----- Respondents

**REPLY OF APPLICATION FOR DISMISSAL OF THE EXECUTION
PETITION NO. 775/2024 IN SERVICE APPEAL NO. 2586/2023
ON BEHALF OF THE RESPONDENTS NO. 01 BY PETITIONER.**

Respectfully Sheweth:

The petitioner through counsel humbly submit as under:-

1. That the instant Execution petition is pending adjudication before this Honorable Tribunal.
2. Correct to the extent. That the case is fixed on 23.09.2024.
3. Correct. The instant Execution Petition is field for implementation of the Service Tribunal judgment dated 12/02/2024 in Service Appeal No. 2586/2023.
4. Correct to extent. That the service Appeal No. 2586/2023 was decided in the following terms:-


"From the above discussion, we arrive at a conclusion that the service appeal is groundless and hence dismissed with the observation to post the appellant on the position of principal of which he was appointed"

5. Incorrect. Respondent has not implemented the ibid judgment vide notification dated 27-09-2023, because notification dated 27.09.2023 was impugned in service appeal No.2586/2023, which is already available at page-13 of service appeal No.2586/2023. It is pertinent to mention here that, service appeal No.2586/2023 was decided on 12.02.2024, how the judgement was implemented before deciding the appeal **on 27.09.2023 (Annexure-A).**
6. Incorrect. The parties can file execution petition and the petitioner was also party in service appeal.

7. Correct. That only the judgment holder has the right to file Execution Petition. It is pertinent to mention here that the judgement was in favour of petitioner namely Noor Sultan.
8. Incorrect. That the petitioner filed execution petition for implementation of judgement.

PRAYER


In view of the above it is humbly prayed that the application may be dismissed and implemented the judgement dated 24.02.2024 in true letter & spirit.


Yours Humble Petitioner

Noor Sultan


Through Counsel


Dated: 16/09/2024


Khalid Mahmood,
Advocate High Court.
Stationed at DIKhan
Cell: 0336-4330001

AFFIDAVIT

I, Noor Sultan, SDEO (male) report to Directorate of Education Peshawar, the petitioner, do hereby solemnly affirm and declare on oath that all the Para-wise contents of this reply are correct and true to the best of my knowledge & belief. I further solemnly affirm and declare that no part of above reply is false and nothing material has been deliberately concealed.


Identified by Counsel:
Khalid Mahmood
Advocate High Court


Deponent

12103-1489991-7



18 SEP 2024