

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Re: _____/2021
In
CM No. 534/2023
In
SA No.1239/2022

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 16945
Dated 21-10-24

Hidayat Ullah VS HED & others

REPLY TO THE APPLICATION ON BEHALF OF
RESPONDENT/APELLANT IN CM NO.534/2023 FILED BY THE
APPLICANT/RESPONDENT NO.02 IN ABOVE INSTANT SERVICE
APPEAL.

RESPECTFULLY SUBMITTED:

Preliminary Objections:

1. That the application is badly time barred, hence application in hand is not maintainable.
2. That the application in hands is neither maintainable nor relevant in the eyes of law.
3. That applicant/respondent No.02 has been estopped by his own conduct to file the application.
4. That the order dated 05.01.2023 passed by the Hon'ble Service Tribunal is correct and valid under Service Tribunal Act 1974.

FACTS:

1. Correct and needs no comments.
2. Correct to the extent that order passed by the Hon'ble Tribunal on dated 05.01.2023 and not on 05.06.2023.
3. Incorrect. The Hon'ble Tribunal have awarded enough time to Applicant/Respondents in order to file their reply/comments against the instant Service Appeal, Hon'ble Tribunal has given many opportunities to Respondent No.02 & 03 to file their reply/comments but they willfully ignore to submit their reply/comments well in time. It is settled principle of law that "ignorance of law is no excuse".

More soprescribes the law regarding filing an application for setting aside ex-parte is thirty days.

4. Incorrect, denied and the application of the applicant have no legal ground/relevancy, therefore not maintainable and liable to be dismissed.
5. That Civil Procedure Code and Limitation Act 1908 is very much clear regarding the limitation of filing an application for setting aside ex-parte order/decreed/judgment.
6. Incorrect. The applicant has no cause of action to file the instant application, as the application in hands is time barred.

It is, therefore, most humbly prayed that the application in hand may kindly be dismissed being devoid of merit, and the order dated 05.01.2023 may be maintained as it is.

Dated: 17.10.2024

APPELLANT/RESPONDENT

THROUGH

M. Salam
MANSOOR SALAM
ADVOCATE HIGH COURT

VERIFICATION:

It is affirmed and declared that the contents of reply of appellant/respondent are true and correct to the best of my knowledge and belief.

F. Shah
VERIFIER

