

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CM No. 570/2023
In
SA No. 234/2022

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 14589

Dated 26-07-24

Arifa Saleem **Applicant/Appellant**

Versus

Director E & SE etc..... **Respondents**

**REPLY BY AND ON BEHALF OF
IMPLEADED RESPONDENTS**

Respectfully Sheweth:

Preliminary Objections:

1. That the instant application is not maintainable in its present shape and form.
2. That the order/judgment rendered by this court has attained finality and as such this Hon'ble Tribunal has become functious office therefore the same cannot be re-agitated.
3. That the order impugned herein has been passed with the consent of learned counsel of appellant therefore he is estopped by his conduct.

ON FACTS:

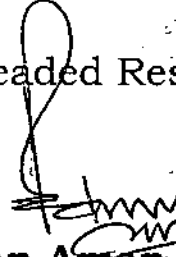
26-07-24

1. Para No.1 as drafted pertains to record and is subject to proof.
2. Para No.2 as drafted too, pertains to judicial record.
3. Para No.3 as drafted is incorrect and misconceived, hence denied. The order dated 27/07/2023 was passed upon the request of the learned counsel of the appellant and thereafter this Hon'ble Tribunal was pleased to pass an order only to the extent of incorporation not seniority which fact was later on clarified by this Hon'ble Tribunal in order/judgment dated 07/11/2023 in 12(2) application No. 638/2023.
4. Para No.4 as drafted is again misconceived, hence denied. The appeal of the applicant/appellant has already been decided by this Hon'ble Tribunal and now she is estopped by her conduct to re-agitate the matter. Furthermore any order/judgment passed by this Hon'ble Tribunal amounts to decree with the in the meaning of Civil Procedure Code 1908. It is settled proposition of law that a decree/order cannot be altered by invoking inherent jurisdiction of court.

It is, therefore, most humbly prayed that by accepting of this reply, the application in hand may please be dismissed with cost being not maintainable.

Impleaded Respondent

Through


Adnan Aman
Advocate, High Court,
Peshawar

Date: 26/07/2024

VERIFICATION

It is verified on oath that the contents of the **Reply** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.


DEPONENT

