BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 870 of 2024

Ubaid Ali SPST.

...Appellant

VERSUS

The Provincial Police Officer Khyber Pakhtunkhwa, Peshawar.

...Respondent

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Respondents Through

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(1)

BEFORE THE KHYBER PAKHTUNKHWA
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...Appellant

VERSUS

District Education Officer (M) Malakand and Others.

...Respondents

REPLY ON BEHALF OF THE RESPONDENT NO. 4& 5.

Respectfully Sheweth:

Preliminary Objections:

i. *That the Appellant has neither got any cause of action nor any locus standi to file the instant service appeal.*

ii. *That the instant service appeal is hopelessly time barred.*

iii. *That the Appellant has not approached this Honourable Tribunal with clean hands and has based the same on misstatements and concealment of material facts.*

iv. *That the instant service appeal is filed with mala fide intentions.*

v. *That this Honourable Tribunal, very respectfully, lacks the jurisdiction to adjudicate upon the instant appeal.*

vi. *That the appeal is not maintainable in its present form.*

vii. *That the instant service appeal is liable to be dismissed with costs throughout.*

On Facts:

1. *Para 1 of the appeal as drafted pertains to record, hence needs no record.*

2. *Para 2 of the appeal as drafted also pertains to record, thus needs no reply.*

3. *Para 3 of the appeal as drafted is incorrect, based on misstatements and is against the available record. The answering Respondents got promoted on seniority cum fitness principles and being eligible as well. The seniority position of the answering Respondent is much higher than the Appellant. The answering Respondents have joined the service much earlier than the Appellant, but the Appellant has intentionally concealed the same from this Honourable Tribunal with mala fide intentions, hence the para is specifically denied being devoid of merits.*

4. *Para 4 of the comments as drafted also is incorrect and based on ill statement. The Respondents No. 4 and 5 have been assigned their seniority correctly and till date no objection was ever made, even by the Appellant. Moreover the answering Respondents have been appointed much earlier than the Appellant, thus para is denied specifically as well.*

5. *Para 5 of the appeal as drafted is devoid of merits and volt face, the Appellant is never an aggrieved person and thus not entitled for any relief.*

On Grounds:

A. *Ground A of the appeal as drafted is devoid of merits, the answering Respondents were duly promoted in due course of law on the basis of seniority cum fitness and being eligible as well on the basis of his correct seniority position, which has never been challenged, hence the para is denied specifically.*

B. *Ground B appeal as drafted is devoid of merits, illusive and against the law, rules and facts as well, thus the same is denied as well.*

C. *Ground C of the appeal as drafted also is incorrect, baseless and devoid of merits. The answering Respondents have duly been granted NOCs and they have been placed at the correct place in the seniority, hence the para is specifically denied. Copies of the NOC is enclosed as Annexure "A".*

D. *Ground D of the appeal as drafted needs no reply, however on the same basis the answering respondents have been assigned their seniority position.*

E. *Ground E of the appeal as drafted is incorrect, baseless, based on misstatements and against the available record, thus the same is specifically denied.*

F. *Ground F of the appeal as drafted is devoid of merits and in utter violation of the law and rules on the subject, thus the same is specifically denied.*

G. *Ground G of the appeal as drafted pertains to record, hence needs no reply.*

H. *Ground H of the appeal as drafted is baseless, biased and mala fide, there is nothing to be inquired after, the whole process is conducted with utmost transparency and in due course of law, thus the para is denied.*

I. *Ground I of the appeal as drafted is illusive, devoid of merits and ill-construed, all the acts have been done in due course of law and the principles laid down by the Apex Court, rest of the para is denied.*

J. *Ground J of the appeal as drafted will be rebutted at the time of the arguments, with the leave of this Honourable Tribunal.*

It is, therefore, very respectfully prayed that on acceptance of this reply the appeal of the Appellant may very kindly be dismissed with costs throughout, being non maintainable, mala fide and without any locus standi.

Respondents

Tufail Arshad *Fazli Masood*

Through Counsels

Aziz-ur-Rahman

Imdad Ullah

Advocates Swat

(5)

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AFFIDAVIT

It is solemnly stated on Oath that all the contents of this reply are true and correct to the best of our knowledge and belief and nothing has either been misstated or kept concealed.

Deponent

Tufail Arshad *Fazli Masood*

ATTESTED

Zahid Advocate
OATH COMMISSIONER
District Courts Gulkada Swat.
No 107 Date 13/11/2024