

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

In Re:

Service Appeal No.7351/2021

Abdul Hadi. **APPELLANT**

VERSUS

Secretary, Higher Education & others. **RESPONDENTS**

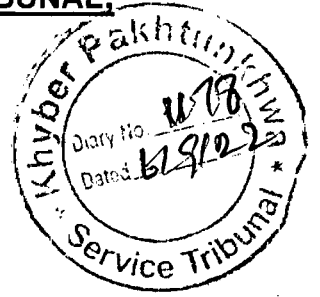
I N D E X

S.No.	Description of Documents	Annex	Pages
1.	Rejoinder		1-4
2.	Affidavit		5

Appellant
Through
Abdullah Qazi
&
Umair Azam Khan
Advocates High Court

Dated: 06.09.2022

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REJOINDER ON BEHALF OF APPELLANT

Respectfully Sheweth:

On Preliminary Objections:

That preliminary objections from para No.1 to 7 are incorrect, wrong and baseless. Appellant has got cause of action and locus standi to file the titled appeal. The appellant has not concealed any fact from the Hon'ble Tribunal, the appeal is not time barred, rather appellant was legally and lawfully/ validly appointed against the post of Junior Clerk, hence the paras are denied.

ON FACTS:

1. Para No.1 of the comments is incorrect, wrong and baseless and that of the appeal is correct.
2. Para No.1 of the comments is incorrect, wrong and baseless as stated and that of the appeal is correct.



3. Para No.3 of the comments is incorrect, wrong and baseless and that of the appeal is correct. The appellant was validly and legally appointed against the post of Junior Clerk. The appellant has not been associated in the so-called inquiry, thus has been condemned unheard. Codal formality has not been complied with in the above inquiry, hence the appellant has been condemned unheard. Record of the case has been altered/maneuvered to make a room for the unlawful, illegal and unjustified removal of the appellant.
4. In response to Para No.4, it is submitted that the detail reply has been given in the preceding para.
5. Para No.5 of the comments is incorrect, wrong and baseless as stated and that of the appeal is correct, hence denied. The departmental appeal of the appellate is well within time. Appellant had drawn the salary for March, 2021 and when appellant went on 3rd May, 2021 to withdraw his salary from bank, the appellant was told that your salary is not credited into your account. The appellant went to DAO Office to inquire about his salary. The appellant was informed that his salary was stopped due to his removal from service. It is then when appellant came to know about his removal order. Hence the departmental is well within time.
6. Para No.6 of the comments is incorrect, wrong and baseless the appellant has got a cause of action and locus standi to file the instant appeal.

On Grounds:

- A. Para "A" of the grounds of parawise comments of the respondents is incorrect, wrong and baseless and that of the appeal is correct.
- B. Para "B" of the grounds of parawise comments of the respondents is incorrect, wrong and baseless and that of the appeal is correct.
- C. Para "C" of the grounds of parawise comments of the respondents is incorrect, wrong and baseless and that of the appeal is correct. Allegation against the appellant has not been proved.
- D. Para "D" of the grounds of parawise comments of the respondents is incorrect, wrong and baseless and that of the appeal is correct and that is evident from the copy of Diary Dispatch Register, hence the para is denied.
- E. Para "E" of the grounds of parawise comments of the respondents is incorrect, wrong and baseless and that of the appeal is correct. Detail reply has been given in para "D" of the rejoinder.
- F. Para "F" of the grounds of parawise comments of the respondents is incorrect, wrong and baseless and that of the appeal is correct. Detail reply has been given in para "D" of the rejoinder.
- G. Para "G" of the grounds of parawise comments of the respondents is incorrect, wrong and baseless and that of the appeal is correct. Detail reply has been given in para "D" of the rejoinder.

- H. Para "H" of the grounds of parawise comments of the respondents is incorrect, wrong and baseless and that of the appeal is correct. Detail reply has been given in para "D" of the rejoinder.
- I. Para "I" of the grounds of parawise comments of the respondents is incorrect, wrong and baseless and that of the appeal is correct. Detail reply has been given in para "D" of the rejoinder.
- J. Para "J" of the grounds of parawise comments of the respondents is incorrect, wrong and baseless and that of the appeal is correct. Detail reply has been given in para "D" of the rejoinder.
- K. In reply to Para "K" of the grounds of parawise comments of the respondents is incorrect, wrong and baseless and that of the appeal is correct. It is submitted that no chance of hearing has been provided to the appellant.
- L. Para "L" of the grounds of parawise comments of the respondents is incorrect, wrong and baseless and that of the appeal is correct. The appellant may be allowed to raise any additional ground at the time of arguments.

It is, therefore, most humbly prayed that the appeal of the appellant may please be allowed with all back benefits.

Appellant
Through

Abdullah Qazi
&

Umair Azam Khan
Advocates High Court

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AFFIDAVIT

I, Abdul Hadi S/o Said Gulab R/o Maminzo, P.O & Tehsil Khar, District Bajaur, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Rejoinder** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Abduli

DEPONENT

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Cell: 0302-8196968

ATTESTED

