

BEFORE THE HONOURABLE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 4760/2021

Bilqees Bibi

Versus

Govt. of KPK and others



REJOINDER ON BEHALF OF APPELLANT

Respectfully Sheweth:-

REPLY ON PRELIMINARY OBJECTIONS:-

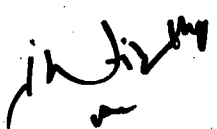
1. That the appeal is well within time, hence, para is misconceived because the impugned order has been issued on 30/12/2020, appellant submitted departmental appeal on 06/01/2021 and submitted the instant appeal well within time.
2. That the appellant being aggrieved from the impugned order, hence, hence, appellant has got clear locus standi and para is misconceived.
3. That the answering respondent has not explained that how the appellant has come to this Honourable tribunal with unclean hands, hence, this para is denied.
4. That the appellant has been removed from service a stroke of pen, hence, the appellant being aggrieved, therefore, the appeal is maintainable in its present form and attending circumstances, this para is denied.
5. Para is denied. the answering respondents has not explained that how the appellant is pressurizing the answering respondents
6. That the answering respondents have not explained that how the instant appeal is against facts, rules and laws. Hence, this para is totally denied.
7. That the answering respondents have not explained that how the appellant had been estopped from filing the instant appeal due

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to her own conduct, hence, against facts, rules and laws. Hence, this para is totally denied.

8. That para#8 is totally denied. The appellant never concealed the material facts from this Honourable Tribunal. The stance of the answering respondents that the appellant submitted fabricated documents/attendance register because the said register is not in the custody of appellant. Moreover, the appellant is not problematic employee because no complaints are available on the record against the appellant, furthermore, the alleged report is fabricated and manipulated one because the said report had not been served upon the appellant by the answering respondents. Hence, this para is totally misconceived by counter affidavit.
9. Para#9 is totally denied. The appellant never absented herself and always remained on duty. The stance of the answering respondents of misbehaving, threatening and forcibly entering in attendance in attendance register is squarely baseless and is without legal footings because the answering respondents never reported the matter in any competent forum. Hence, this para is mis-formulated.
10. Para#10 is incorrect and misconceived, hence, denied. The mala-fide of the answering respondents is evident because the appointment of the appellant has been made on 01/04/2004 and the answering respondents are questioning their own order after the prolong time of 17/18 years, although no allegations in respect of this stance have never been served to the appellant, hence, para is denied.

OBJECTIONS ON FACTS:-

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- 1) Admitted by the respondents, hence, needs no reply.
 - 2) Para#2 is squarely denied. Detail reply is given in supra paras. The appellant never remained absented from duty.
 - 3) Para#2 is squarely denied. Detail reply is given in supra paras. The appellant never remained absented from duty.

- 4) Incorrect and misconceived. The appellant replied in detail in the supra paras. Moreover, the appellant always remained on duty. The appellant has been made an escape goat due to pressure of political figures.
- 5) Para#5 is incorrect and misconceived. The appellant was removed from services illegally with one stroke of pen, although the appellant always remained on duty, hence, this para is denied.
- 6) Incorrect and misconceived. The appellant replicate para of the appeal.

OBJECTION ON GROUNDS:

- A. Incorrect and misconceived, hence, denied. The appellant was on duty despite the fact that in those days COVID-19 was its peak and the educational institution were closed due to SOPs. Hence, the appellant was illegally removed.
- B. Para#B is misconceived the appellant being regular subordinate employee of the answering respondents, hence, as per admission of the answering respondents that no inquiry was conducted, hence, the impugned order has been passed against the principles of law, service policy, service rules and this sole ground is sufficient to accept the appeal of appellant.
- C. Para C is denied and detail answer is given in supra paras and para of the main appeal is replicate.
- D. That para#D is incorrect.
- E. Para#E is incorrect. The appellant be allowed to raise additional grounds during the course of arguments.

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It is therefore, humbly prayed that appeal of the appellant may kindly be accepted as prayed for in the head note of the main appeal.

Any other relief deems appropriate may please be given to the appellant.

Dated: 05/09/2022

Yours Humble Appellant



Bilqees Bibi

Through Counsel



Sheikh Iftikhar ul Haq

Advocate Supreme Court

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REJOINDER ON BEHALF OF APPELLANT

AFFIDAVIT


I, **Bilqees Bibi**, the appellant, do hereby solemnly affirm and declare on Oath that contents of the Rejoinder are true and correct to the best of my knowledge and belief; and nothing has been deliberately concealed from this Honourble Court.

Dated: 05/09/2022

Bilqees Bibi
DEPONENT

Identified by:

in film
Sheikh Iftikhar ul Haq
Advocate Supreme Court

Sheikh Iftikhar ul Haq

Sheikh Iftikhar ul Haq
05/9/2022