

Before the Khyber pakhtun khwa Service Tribunal
Peshawar

Appeal No 377-P/2022

UZMA NASIR.....Appellant

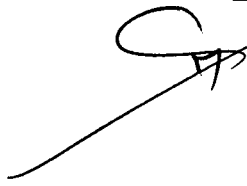
Vs

Govt: of Khyber PuktunKhwa..... Respondents

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Respondent
DISTRICT EDUCATION OFFICER
(FEMALE) CHARSADDA



Next Date
14-09-2022

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UZMA NASIR.....Appellant

Vs

Govt: of Khyber PuktunKhwa..... Respondents

Para wise comments on behalf of Respondents

**Chief Justice Khyber Pakhtunkhwa
Service Tribunal**

Respectfully Sheweth:

Diary No. 1253

Preliminary Objections:

Dated. 14-9-2022

- A. The appellant has no locus standi and cause of action.
- B. That the present appeal is wrong, baseless and not maintainable, it shown no strong cause to be taken for adjudication, therefore the same appeal is liable to be rejected/ dismissed.
- C. The appellant has not come to this Hon'able Tribunal with clean hands. The Service appeal also suffers from mis-statements and concealments of facts and as such the appellant is not entitled to equitable relief.
- D. That the appellant has no right to file the instant writ petition and the Hon, able Tribunal have got no jurisdiction to adjudicate upon and the appeal is liable to be dismissed.
- E. That the instant appeal is barred by law and limitations.

PARA WISE COMMENTS ON FACTS:

The respondents humbly submit reply as under:

1. Para-1 Pertains to the Service record of the Appellant.
2. Para-2 Incorrect and misleading, That the status of the job of her husband is employee of federal Government where the Appellant employee of provincial Government..
3. Para. 3, Incorrect, That each and every civil servant falling under the ambit section 10 Khyber pukhtun khwa of civil servant is legally bound to serve the respondents department to the entire satisfaction of the Competent authority.
4. Pare 4 Incorrect, That there is no original and appellate order passed by the respondents is available to be challenged through the instant Service appeal. Moreover the respondents department acted as per law and rules.
5. Para 5 Incorrect hence denied That posting transfer is not the right of Civil Servant but it is prerogative of Provincial Govt to post any person under rules 10 of Civil servant act 1973. More over the Appellant appointed at her home District on the basis of C-NIC and domicile.
6. Para 6 Incorrect and misleading , That the instant position has already been explained in para above.



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Para 7 of the appeal related to the personal act of the appellant, Moreover reply on para above.

GROUND

Ground A. Reply of this ground has already been Explain as per para 5 of para wise reply.

Ground B: These ground of the Appeal are wrong, baseless and incorrect, hence denied, the answering respondent acted as per law, Moreover the instant position has been Explained a per para 4 and 5 reply.

Ground C, Reply of this ground as per para above.

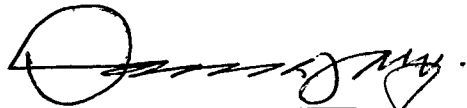
Ground D That the answering respondent acted according to rules and policy, there is no discrimination with the Appellant and the instant position has already explained as per Para 3 of para wise reply.

Ground F That the instant position has already been explained in para 4 and 5 as per para wise reply

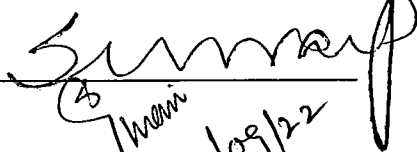
IT IS THEREFORE MOST HUMBLY PRAYED THAT THE PETITION IN HANDS MAY PLEASE BE DISMISSED WITH COST IN FAVOUR OF THE RESPONDENTS.

Respondent:s-

2 Director E &SED Khyber Pukhtoonkhwa _____



3. District Education Officer (Female) Charsadda _____



4 .District Education Officer (Female) Peashawar _____

12/09/22

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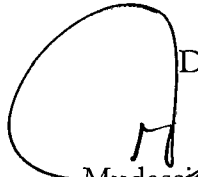
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AFFIDAVIT

I Mr. Mudassir Shah ADEO Litigation of the DEO (F) Charsadda do hereby as per information conveyed to me by DEO (F) Office solemnly affirm and declared that the contents of para wise reply is true and correct to the best of my knowledge and nothing has been intentionally concealed from this Hon'ble Tribunal.

Identified by:

Advocate General Khyber Pakhtunkhwa
Peshawar

Deponent


Mudassir Shah ADEO
(Litigation), O/O DEO (FEMALE)
Charsadda CNIC: 17101-6347249

