Junior to counsel for appellant present.

No one is present on behalf of respondents.

Neither reply was submitted on behalf of respondents No.1, 4 and 5 to 9 nor cost was deposited on behalf of the said respondents. Therefore, right of respondents No.1, 4 and 5 to 9 for submission of reply is hereby struck off. To come up for arguments on 24.11.2022 before D.B at Camp Court, D.I.Khan.

(Rozina Rehman) Member (J) Camp Court, D.I.Khan 28/7/22

Due to summer voertien to come up 708 the same on 2/1/22

29.09.2022

Learned counsel for the appellant present, Mr. Muhammad Kamran, ADEO alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for official respondents No. 1 to 4 present.

Comments on behalf of official respondents No. 2 & 3 have already been submitted, while reply/comments on behalf of official respondents No. 1 & 4, as well as private respondents No. 5 to 9 are still awaited. Learned Additional Advocate General shall intimate official respondents No. 1 & 4 to positively submit reply/comments on the next date.

Previous date was changed on Reader Note, therefore, notice be issued to private respondents No. 5 to 9 for submission of reply/comments. Adjourned. To come up for submission of reply/comments on behalf of official respondents No. 1 & 4 as well as private respondents No. 5 to 9 and cost of Rs. 5000/on 27.10.2022 before the S.B at Camp Court D.I.Khan.

(Salah-Ud-Din)

Member (J)

Camp Court D.I.Khan

Tour is cancelled, therefore, case is adjourned to 26.05.2022 for the same as before.

X Réader.

25.05.2022

Nemo for the appellant. Mr. Muhammad Kamran, ADEO (Litigation) as representative on behalf of official respondents No. 2 & 3 alongwith Mr. Farhaj Sikandar, District Attorney present. None present on behalf of official respondents No. 1 & 4 as well as private respondents No. 5 to 9.

Reply/comments on behalf of official respondents No. 1 & 4 as well as private respondents No. 7 & 9 are still awaited.

Previous date was changed on Reader Note, therefore, notices be issued to official respondents No. 1 & 4 as well as private respondents No. 7 & 9 through registered post and last chance given for submission of reply/comments. In case the last chance as given is not availed, the next adjournment shall be subject to prior payment of cost of Rs. 5000/- to the appellant, failing which the case shall be fixed before D.B for arguments without reply/comments deeming the same as waived off by the respondents. Adjourned. To come up for submission of written reply/comments on behalf of official respondents No. 1 & 4 as well as private respondents No. 7 & 9 on 28.07.2022 before the S.B at Camp Court D.I.Khan.

Notice for prosecution of the appeal also be issued to the appellant as well as his counsel through registered post for the date fixed.

(Salah-Ud-Din) Member (J) Camp Court D.I.Khan 24.11.2021

Junior to counsel for the appellant Mr. Muhammad Rasheed, DDA alongwith Kamran, ADO (Litigaton) for respondent No. 2 & 3 present and reply/comments submitted which are placed on file. Respondents No. 5, 6 and 8 in person present and relied on the written reply of respondents No. 2 and 3. Respondents No. 4, 7 and 9 are not in attendance. Fresh notices be issued to them by way of last chance.

Last opportunity is granted to respondent No. 1, 4, 7 and 9 for submission of written reply/comments on 26.01,2022 before S.B at camp court, D.I.Khan.

In case the last chance as given above is not availed, the next adjournment shall be subject to prior payment of cost of Rs. 5000/- to the appellant failing which the case shall be fixed before D.B for arguments without reply/comments deeming the same as waived off by the said respondents.

Chairman Camp Court, D.I.Khan 28.09.2021

Nemo for the appellant. Mr. Usman Ghani, District Attorney for official respondents present.

Written reply/comments on behalf of official respondents No. 2 & 3 have already been submitted.

Previous date was changed on Reader Note, therefore, notice be issued to official respondents No.1 & 4 as well as private respondents No. 5 to 9 with the directions to furnish reply/comments within 10 days. In case the official respondents No. 1 & 4 as well as private respondent No. 5 to 9 failed to submit their reply/comments within stipulated time from today, they shall have to seek extension of time through written application citing sufficient reasons. Otherwise, their right for submission of reply/comments shall stand ceased. To come up for arguments before the D.B on 24.11.2021 at Camp Court D.I Khan.

Notice for prosecution of the appeal also be issued to appellant as well as his counsel for the date fixed.

ATIQ-UR-REHMAN WAZIR) MEMBER (EXECUTIVE) CAMP COUR D.I KHAN Muhammad Riaz Khan Paindakhel learned Asst. AG alongwith Muhammad Kamran Khan ADO for official respondents No. 2 & 3 present. None present on behalf of official respondent No. 3 to 9.

Written reply/comments on behalf of official respondents No. 2 & 3 submitted which is placed on file. Reply/comments on behalf of official respondents No. 4 and private respondent No. 5 to 9 not submitted, therefore, notice be issued to official respondents No. 4 and private respondents No. 5 to 9 for submission of reply/comments. To come up for reply/comments on behalf of official respondents No. 6 and private respondent No. 5 to 9 on 25.05.2021 before S.B at Camp Court D.I. Khan.

(Atiq ur Rehman Wazir)

Member (E)

Camp Court, D.I.Khan

Due to coviD, 19 therefore to come of for the same on 28/9/21

Readw

26.10.2020

Appellant is not present. Notice be issued to appellant as well as his respective counsel for 25.11.2020. File to come up for preliminary hearing before S.B at Camp Court, D.L.Khan.

> (MUHAMMAD JAMAL KHAN) MEMBER CAMP COURT D.I.KHAN

25.11.2020

Appellant present through counsel. **Preliminary** arguments heard. File perused.

Points raised need consideration. Admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to respondents for written reply/comments. To come up for written reply/comments on 26.01.2021 before S.B at Camp Court, D.I.Khan.

Appellant Deposited

(Rozina Rehman) Member (J) Camp Court, D.I.Khan

2601.2021 Due to Covid-19, case 18
adjourned to 24.02.2621 for
the same as before

30.01.2020

Clerk of counsel for the appellant present and requested for adjournment on the ground that learned counsel for the appellant is not available today due to general strike of Khyber Pakhtunkhwa Bar Council. Adjourned to 27.02.2020 for preliminary arguments before S.B at Camp Court D.I.Khan.

(M. Amin Khan Kundi) Member Camp Court D.I.Khan

27.02.2020

None present on behalf of the appellant. Notices be issued to appellant and his counsel for attendance and preliminary hearing for 25.03.2020 before S.B at Camp Court D.I.Khan.

(M. Amin Khan Kundi) Member Camp Court D.I.Khan

Due to coops, 19 to come of For the same on 26-10-2020

Rodn

Form- A

FORM OF ORDER SHEET

Court of			
Case No	1303/ 2019		
Case 1401-	1303/2013	<u> </u>	_

S.No.	Date of order	Order or other proceedings with signature of judge
•	proceedings	
1	2	3
	00/10/2010	The appeal of Mr. Saif-ud-Din received today by post through
1-	09/10/2019	Akhunzada Muhammad Aamir Khan Babar Advocate may be entered in the
	· .	Institution Register and put up to the Worthy Chairman for proper order
:		please.
.		REGISTRAR
2-	15-11-2019	This case is entrusted to touring S. Bench at D.I.Khan for
		preliminary hearing to be put up there on 28. 11. 2019
		Wm'.
`	• .	CHAIRMĂN
28.1	1.2019	None present on behalf of the appellant. Notice be issued
	to	appellant and his counsel for attendance and preliminary
į	a	rguments for 30.01.2020 before S.B at Camp Court D.I.Khan.
	•	MA
ال ا		(Muhammad Amin Khan Kundi)
,		Member Camp Court D.I.Khan
:	,	Camp Court B.I.Ithan
: '	•	
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	,	

The Registrar,
Service Tribunal Khyber Pakhtunkhwa,
Peshawar.

Saif ud Din Versus

Govt. of KPK etc

SERVICE APPEAL

Respected Sir,

Reference to objection dated 27/09/2019 received on 02/10/2019.

- In respect of 1st objection, it is stated that the copy of CNIC of appellant (Annexure-A) and copy of service card of Appellant (Annexure-B) are annexed herewith.
- 2. Two more sets of appeal are also annexed herewith.

Objection has been removed accordingly and service appeal mentioned above is hereby resubmitted for further necessary action please.

Dated: 08/10/2019

Yours' Sincerely

Akhunzada Muhammad Aamir Khan Babar

Advocate High Court

stationed at Dera Ismail Khan

*

The appeal of Mr. Saif-ud-Din son of Islam-ud-Din Class-iv GHSS Daraban Kalan, District Dera Ismail Khan received today i.e. on 25.09.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures-A & B of the appeal are missing.
- 2- Two more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1647 /S.T.

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA

PESHAWAR.

Akhunzada Muhammad Aamir Khan Babar Advocate, High Court D.I.Khan.

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

In Service Appeal No. 1303 /2019

Saif ud Din (<u>Appellant</u>)

Versus

Govt. Of KPK, etc (Respondents)

INDEX

S:#	Description of document	Annexure	TPages.
1.	Service Appeal with affidavit		1006
2.	Copies of service card and ONIC	A & B	7-8
3.	Copy of the impugned notification dated 24/04/2019	С.	9
4.	Copy of departmental appeal along with postal receipts	D	10-11.
5.	Wakalatnama		13

Your humble appellant,

Saif ud Din

Through counsel:-

Advocate High Court

BEFORE THE KHYBER PAKHTUNKHWA SERVICES

TRIBUNAL PESHAWAR

Khyber Pakhtukhwa Service Tribunul

Service Appeal No. 1305

Biary No. 1305

Dared 25/9/2019

Saif ud Din son of Islam ud Din r/o Tehsil Daraban Kalan, District Dera Ismail Khan. Presently posted as PBS-04 at GHSS Daraban Kalan, Tehsil Daraban District Dera Ismail Khan.

....(APPELLANT)

VERSUS

- 1. Government of Khyber Pakhtunkhwa, Through Secretary Elementary & Secondary Education Peshawar
- 2. The Director (E&S) Education Department Khyber Pakhtunkhwa Peshawar.
- 3. District Education Officer (Male) District Dera Ismail Khan.
- 4. District Accounts Officer, Dera Ismail Khan.
- 5. Abdul Hafeez, presently promoted as Junior Clerk at GHS Hafizabad, Dera Ismail Khan.

Filedto-day 6.

Haji Gul Nawaz, presently promoted as Junior Clerk at GHS Mithapur, Dera Ismail Khan.

Registrar

7. Khizar Hayat, presently promoted as Junior Clerk at GHSS Daraban Kalan, Dera Ismail Khan.

Re-submitted to -day

Samiullah, presently promoted as Junior Clerk at GHS Bahadari, Dera Ismail Khan.

Registral 6

Muhammad Bilal, presently promoted as Junior Clerk at GHS Ghandi Ashiq, Dera Ismail Khan.

........ (<u>RESPONDENTS</u>)

APPEAL UNDER SECTION 4 OF THE NWFP SERVICES TRIBUNAL ACT, 1974.



PRAYER

On acceptance of this appeal the impugned notification#10457-65 dated 24/04/2019 issued by respondent#3 may please be declared as null and void ab initio, hence, liable to be set aside and the respondents may kindly be directed to promote the petitioner according to 33% quota reserved for promotion of Class-IV to Junior Clerk.

Respected Sir,

Appellant humbly submits as under;

- 1. That the appellant joined the Education Department Khyber Pakhtunkhwa as Class-IV employee and presently posted at Govt. High School Daraban Kalan, Tehsil Daraban District Dera Ismail Khan. Copies of CNIC & Service card of appellant are annexed as **Annexure-A & B**.
- That after the appointment the petitioner served the department with the entire satisfaction of his high-ups and left no stone unturned during his whole service and nothing a single departmental inquiry was conducted against appellant petitioner in mentioned period.
- 3. That appellant, being fully qualified, is entitled for promotion Class-IV employee to Junior Clerk according to Rules and Regulations dated 07/11/2018 of the Education Department regarding 33% quota reserved for promotion of Class-IV to Junior Clerk.
- 4. That although the appellant fulfills the criteria of promotion from Class-IV employee to Junior clerk according to notification dated 07/11/2018 but the respondent#3 issued the impugned notification#10457-65 dated 24/04/2019 vide which the private respondents were promoted from Class-IV employee to Junior clerk despite the fact that they are not only juniors to the appellant but do not fulfill the criteria of 33% quota reserved for promotion due to not having the typing skills & computer knowledge etc. Copy of the

JUS



impugned notification dated 24/04/2019 is annexed as **Annexure-C**.

- 5. That appellant being senior employee than the private respondents and also having typing skill along with basic computer knowledge is entitled to be promoted as Junior Clerk but the respondents did not promote the petitioner which is gross injustice and needs serious interference of this honourable Tribunal.
- 6. That feeling aggrieved by the impugned notification#10457-65 dated 24/04/2019, the appellant moved a departmental appeal to the respondent#2 for his promotion against the post of Junior Clerk but the respondents did not pay any heed to the appeal of the appellant which cause huge loss to the appellant to the effect the salaries, allowance and on the future of petitioner's service and petitioner's pension. Copy of departmental appeal is enclosed as **Annexure-D**.
- 7. That refusal of the departmental appeal of the appellant, the appellant is being challenged by way of instant appeal, on inter alia the following grounds:-

GROUNDS

- a. That the impugned notification dated 24/04/2019 is against law, Rules & regulations and departmental policy, hence, the same is liable to be cancelled and the appellant is entitled to be promoted as Junior Clerk according to Rules and Regulations dated 07/11/2018 of the Education Department.
- **b.** That in view of the qualification and skills of appellant, his hard work and better performance in Education Department as also in view of his laudable and favourable and be treated on equality.

ONZ

c. That non awarding promotion to the appellant as Junior Clerk cast an adverse effect upon his entire service career which badly resulted his expected ancillary benefits thereon.

d. That non-promotion of the appellant despite fulfilling the criteria has brought a bleak disaster not only to his impeccable career but also has financially straightened.

e. That appellant fulfil the criteria of promotion as Junior Clerk in Education Department but the respondents are intending to deprive the appellant from his valuable rights which is clear violation of the policy of Government.

f. That the appellant has been discriminated in the matter of promotion and as the said discrimination smacks of malafides, the impugned act of respondents is merit annulment.

g. That this honourable Tribunal has got vast and ample powers to entertain the instant appeal.

h. That counsel for the appellant may graciously be allowed to raise additional grounds at the time of arguments.

For the afore-stated grounds, this appeal may please be allowed as prayed above.

Dated 23_/09/2019

Your humble appellant,

Saif ud Din

Through counsel:-

Advocate High Court

(5)

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

In Service Appeal No	/2019
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Saif ur Din (Appellant)

Versus

Govt. Of KPK, etc (Respondents)

en Commissioner

AFFIDAVIT

I, **Saif ud Din** son of Islam ud Din r/o Tehsil Daraban Kalan, District Dera Ismail Khan, appellant herein, do hereby solemnly affirm on oath that all para-wise contents of the accompanying appeal are true and correct to the best of my knowledge, belief and information; that nothing has been concealed or kept secret from this worthy Tribunal, nor anything contained therein is based on exaggeration or distortion of facts.

Dated **23**/09/2019

Deponent

VERIFICATION

Verified on oath at DIKhan, this <u>J.3</u> day of September, 2019, that all contents of the above appeal are true and correct.

Dated <u>23</u> /09/2019

2) Appellant



In Servi	ce Appeal	No	/2019
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Saif ud Din (Appellant)

Versus

Govt. Of KPK, etc (Respondents)

ADDRESSES OF PARTIES

Saif ud Din son of Islam ud Din r/o Tehsil Daraban Kalan, District Dera Ismail Khan. Presently posted as PBS-04 at GHS Daraban Kalan, Tehsil Daraban District Dera Ismail Khan.

.(<u>APPELLANT</u>)

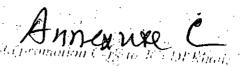
VERSUS

- 1. Government of Khyber Pakhtunkhwa, Through Secretary Elementary & Secondary Education Peshawar
- 2. The Director (E&S) Education Department Khyber `Pakhtunkhwa Peshawar.
- 3. District Education Officer (Male) District Dera Ismail Khan.
- 4. District Accounts Officer, Dera Ismail Khan.
- 5. Abdul Hafeez, presently promoted as Junior Clerk at GHS Hafizabad, Dera Ismail Khan.
- 6. Haji Gul Nawaz, presently promoted as Junior Clerk at GHS Mithapur, Dera Ismail Khan.
- 7. Khizar Hayat, presently promoted as Junior Clerk at GHSS Daraban Kalan, Dera Ismail Khan.
- 8. Samiullah, presently promoted as Junior Clerk at GHS Bahadari, Dera Ismail Khan.
- 9. Muhammad Bilal, presently promoted as Junior Clerk at GHS Ghandi Ashiq, Dera Ismail Khan.

..... (<u>RESPONDENTS</u>)

Appellant's counsel







EDUCATION OFFICER DERA ISMAIL KHAN

101 - 0966-9280134/9280128 Mour emisdikhan@yahoo. om

NOTIFICATION.

Consequent upon the recommendations of the Departmental Promotion Committee, the following Class IV servants working in and under the Etementary & Secondary Education Department District DIKhan are hereby promoted as Junior Clerk in BPS-11 on regular basis (under 33% quota promotion of Class IV to Junior Clerk) in the interest of public service with immediate effect in

Sr. No	Seniority No.	Name	Place of posting as Naib CNIC	Place of posting	Typing Speed
i	1156-A	Abdul Hafeez	Naib Qasid GMS Chali 12103-1497976 Lang wala	-5 GHS Hatiz Abad	per minute 28.8
3-	621	Haji Gul Nawaz	Chowkidar GPS Faqir 1210.1-5487347-	5 GHS Mithapu,	26.6
3.	996	Khizar Hayat	Naib Qasid GHSS 12104-3359430- Daraban Kalan	9 GHSS Darabar, Kalan	26.6
1-	1038	Samiullah	Naib Qasid GHS Paniala 12103 6342796-5	GHS Bahadri	25.0
		Muhammad Bilat	Cook GHSS No.2 1201-0966068-5	GHS Gandi Ashiq 2	5.2

TERMS & CONDITIONS

The appointee will get salary against the sanctioned post in the budget.

They are required to join the post within \$15 days, failing which the promotion order will stand automatically

Their Promotion Order will be treated as cancelled if the said quota has already been ayniled. Their pay may not be drawn till the verification of certificate Adocuments from the concerned Board/University by this office: If any certificate/documents found bogus will be reported to the law enforcing agencies for further action and Promotion Order will be automatically treated as cancelled.

Their documents may be checked by the DDO concerned once again before handing over the charge, if he has not the required relevant qualification as per rules he may not be handed over the charge of the post. Charge reports should be submitted to all concerned.

---Sd---

District Education Officer (Male) Dera Ismail Khan

Endst No. 10157765

Copy forwarded to:

- The PS to the Secretary to Govil Khyber Pakhtunkhwa F&SE Department. 2.
- The Director E&SE Khyber Pakhtunkhwa, Peshawar !! 3.
- The Deputy Commissioner, DI Khan,
- The District Comptroller of Accounts, DI Khan
- The DMO (IMU) D.I.Khan 5.
- The Principal concerned,
- The Headmaster concerned. 7.
- The Official concerned.
- The PA to DEO (M) DIKhan

מו**ווננונו**נו fration Officer. (Male) Defa Ismail Khan

بخدمت جناب ڈائر یکٹر E&S ایجو کیشن خیبر پختونخواہ پیٹاور

<u>محکمانه ایل</u>

Through Proper Channel

ے۔ Annexure-D

D.E.O (Male) Dera Ismail Khan

جناب عالی! سائل حسب ذیل عرض رساں ہے۔

۔۔ یہ کہ من سائل محکمہ تعلیم ڈیرہ اساعیل خان میں بطور درجہ چہارم ملازم (BPS-4) اپنے فرائف منھبی سرانجام دے رہا ہے اور گورنمنٹ ہائر سیکنڈری سکول درابن کلاں میں تعینات ہے۔ نقل شناختی کارڈوسروس کارڈ سائل لف ہیں۔ B & Annexure میں سرانجام دیئے ہیں اور افسران بالا کو بھی بھی ۔۔۔ یہ کہ من سائل نے ہمیشہ پوری ایما نداری اور جانفشانی کیساتھ اپنے فرائف منھبی سرانجام دیئے ہیں اور افسران بالا کو بھی بھی شکایت کا موقع نہیں دیا ہے اس نسبت سائل کا سروس ریکارڈواضح ہے۔

۵۔ سیکرسائل ایک غریب درجہ چہارم ملازم ہے جس کا کوئی اثر رسوخ وغیرہ نہیں ہے جس کی وجہ سے سائل کو فیمتی حقوق سے محروم رکھا جا رہا ہے اس لئے سائل آپ جناب سے دست بستہ استدعا کرتا ہے کہ سائل کی دادری فرماتے ہوئے سائل کو جونیر کلرک کے عہدے پرتر فی دی جائے۔

لہندااستدعاہے کہ بمنظوری اپل ہنداسائل کودرجہ چہارم ملازم سے جونیئر کلرک کے عہدے پرتر تی دی جاکرسائل کی دادری فرمائی جائے۔ مورخہ 05/2019

> سیف الدین ولداسلام الدین سکنه و ان کنانه درابن کلان شلع و سره اساعیل خان حال تعینات بطور BPS-04 محرز نمنث ما ئیرسیکنڈری سکول درابن کلان و سره اساعیل خان

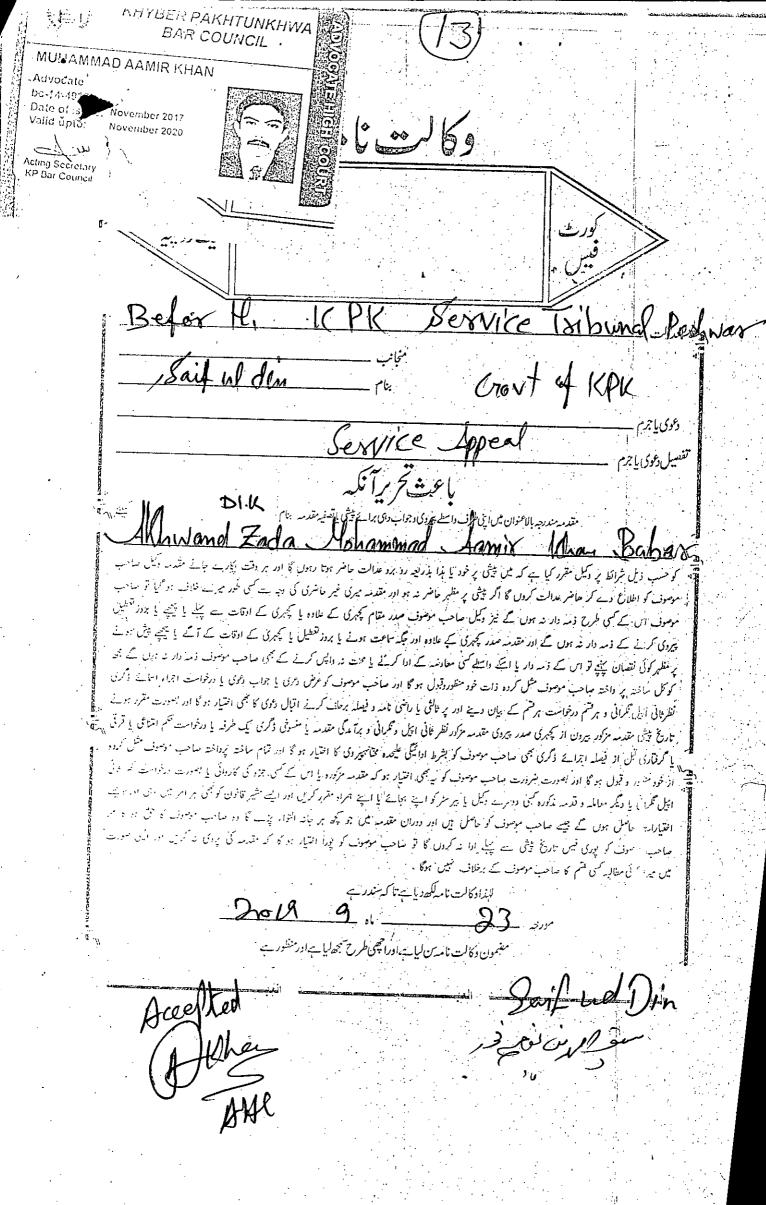
> > - Jell in







رق الرقط المراق 11 جوری کو ہائیسکنڈری سکول قبیر 4 کسا مسموماتیں سم ميمه ما كون ميم -م من من المستدال الم



BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

SERVICE APPEAL No. 1303/2109

Saifuddin

VS

Government of KPK

<u>Index</u>

S No.	Description of documents	Description of annuexure	Page No.
01	Reply of service appeal		
02	Affidavit		
03	Annexture		
04	Authority		

Respondent No.0

District Education Office (Male) Dera Ismail Khan

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

SERVICE APPEAL No. 1303/2109

Saifuddin

VS

Government of KPK

COMMENTS ON BEHALF OF RESPONDENTS.

Preliminary Objections

- 1. THAT THE APPELLANT WAS ABSENT IN THE TYPING TEST.
- 2. That the appellant has got no cause of action / locus standi.
- 3. that the appellant has not come to the honorable tribunal with clean hands.
- 4. That the appellant has filed the service appeal on malafide objectives.
- 5. that the instant appeal is against the prevailing laws and rules.
- 6. That the appeal is barred by the doctorine of leeches.
- 7. That the instant appeal is illegal and against the facts.
- 8. That the service appeal is not maintainable in its present form.
- 9. That the appellant has concealed the material facts from the honorable tribunal.
- 10. That the appeal is badly time barred.

OBJECTION ON FACTS

Respected Sir, The respondents humbly submits as under

- 1. Para pertains to the residential address of appellant hence no comments.
- 2. Para pertains to the performance of duty of appellant hence no comments.
- 3. Para pertains to the promotion of the appellant from post of class iv to junior clerk on 33% quota hence no comments.
- 4. That the appellant as got no cause of action. That the appellant was not appeared in the typing test held in GHSS No.4 D.I.Khan on 10/01/2019. Para is correct to the extent that respondent No. 3 issued to the notification No.10457 65 dated 24/04/2019 of promotion from class iv to the junior clerks on 33 % reserved quota. The basic criteria for promotion class iv to junior clerk is FA along with 25 words per minute typing skill and computer knowledge. The five private respondent which fulfill the typing / computer test on 10/01/2019, at GHSS NO. 4.D.I.Khan where record is given below:

S.No	Name	F/Name	Designation	School	Typing Speed	Qualification
1	Haji Gul Nawaz	Imam Bakhsh	Chowkidar	GPS Faqir abad	26.6	MA
2	M. Bilal	Abdur Rehman	Cook	GHSS No.2	25.2	BA
3	Sami Ullah	Saad Ullah	NQ	GHS Panyal	25.0	BA
4	Khizar Hayat	Umer Daraz	NQ	GHSS Daraban Kalan	26.6	MA
5	Abdul Hafiz	Mureed Khan	NQ	GMS Chah Lal Wala	28,8	FA

- 5. Incorrect / Not admitted strongly denied. As discussed in para No. 4.
- 6. Para pertains to the departmental appeal of appellant to the respondent No.2 hence no comments.
- 7. No comments.

Grounds

- a. Incorrect / Not admitted the para is refuted. The notification No. 10457 65 dated 24/04/2019 was according to law, Rules and regulation so is not liable to the cancelled. As the appellant was absent in the typing test so appellant for promotion from the post of class -iv to junior clerk.
- b. No comments.
- c. Incorrect / Not admitted. The promotion of respondent from post of class iv to junior clerk based on policy of Government with plausible justification.
- d. Incorrect / Not admitted. Para is totally false and frivolous.
- e. Para is strongly denied. The appellant was deprived from promotion as not fulfilling the basic criteria of promotion from post of class iv to junior clerk. As he was absent in the typing test.
- f. Incorrect / Not admitted. As discussed in para No.E.
- g. No comments.
- h. That the counsel for respondent may be graciously be allowed to raise additional grounds at the time of the arguments.

Respondent No.1
The Secretary E&SE KPK
Peshawar

Respondent No.2
The Director & SE KPK

Respondent No.3.

District Education Officer
(M) D. I. Khan

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

SERVICE APPEAL No. 1303/2109

Saifuddin

·VS

Government of KPK

Affidavit

I Mr: Muhammad Kamran Khan ADEO Litigation (M) D.I.Khan do solemnly affirm and declare on oath that contents of written reply are correct to the best of my knowledge and nothing has been concealed from this honorable Court

Deponent Deponent

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

SERVICE APPEAL No. 1303/2109

Saifuddin

VS

Government of KPK

Authority

I District Education Officer (M) D.I.Khan do hereby authorized Mr: Muhammad Kamran Khan to attend the honorable Service Tribunal KPK Peshawar on behalf of respondent in connection with submission para wise comments till the decision of service appeal.

Respondent No.3

District Education Officer

(M) D.I.Khan

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		PESHAWAR.	7	图
No.	APPEAL No	1303 ud Din	of 20 ¹⁷ .	
		Versus		nt/Petitioner
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Registrar, Khyber Pakhtunkhwa\Service Tribunal, Peshawar.

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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR. JUDICIAL COMPLEX (OLD), KHYBER ROAD,

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Khyber Pakhtunkhwa Service Tribunal, Peshawan

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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR.

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You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

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Khyber Pakhtunkhwa Service Tribunal, Peshawar.

Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR. JUDICIAL COMPLEX (OLD), KHYBER ROAD.

PESHAWAR. No. APPEAL No..... Saif uct Din Apellant/Petitioner Versus livoug RESPONDENT(S) Notice to Appellant/Petitioner Desa Ismail kho Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on d) 5-2020 at 9:00 AM You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing

which your appeal shall be liable to be dismissed in default.

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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR.

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Notice to App	pellant/Petitioner.	14 K hava	d Lalle	Muham	mad
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M Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

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Notice to A	opellant/Petitioner.	Saif ud R/o Tehsil	Din S/o /me	lam uc
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Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on at

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You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

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Khyber Pakhtunkhwa Service Tribunal, Peshawar.

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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR. JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR.

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Appeal No
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Versus Versus Versus Versus Versus
Respondent No
Notice 10: - Dist. Education offices (Male) Dist. D. 1. Khan.
Distt. D.1. Kelian.
WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in
the above case by the petitioner in this Court and notice has been ordered to issue. You are
*on
appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any
Advocate, duly supported by your power of Attorney. You are, therefore, required to file in
this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in
default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.
Notice of any alteration in the date fixed for hearing of this appeal/petition will be
given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the
address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of
this appeal/petition.
Copy of appeal is attached. Copy of appeal has already been sent to you vide this
office Notice Nodateddated
Given under my hand and the seal of this Court, at Peshawar this
Day of
at Camp Court D. 1. Kelson Juste.
t tegistrar,
Khyber Pakhtunkhwa Service Tribunal, Peshawar.

The hours of attendance in the court are the same that of the High Court except Sunday and Gazeffed Holidays.

Always quote Case No. While making any correspondence.

Note:

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR. JUDICIAL COMPLEX (OLD), KHYBER ROAD,

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The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays. Always quote Case No. While making any correspondence.

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR. JUDICIAL COMPLEX (OLD), KHYBER ROAD,

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Notice to: —	T/C at G	45, Hafi	3 beloca	D.1.61
Province Service the above case by hereby informed *on	an appeal/petition under Tribunal Act, 1974, has been the petitioner in this Court that the said appeal/petition	een presented/regint and notice has bestion is fixed for had a so on the date fixed on or by authorised Attorney. You are, to date of hearing 4 coich you rely. Pleasized and in the manyour absence. Sixed for hearing or do inform the Reging your address contained to be your	stered for conseen ordered to earing before urge anything d, or any other d representate therefore, requestioned in this appeal/pestrar of any clined in this not correct addresses	sideration, in issue. You are the Tribunal g against the day to which ive or by any lired to file in en statement actice that in entioned, the etition will be hange in your tice which the ss, and further
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The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays. Always quote Case No. While making any correspondence.

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR. JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR.

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WHEREAS an appe	eal/petition under the provision o	of the North-West Frontier
	l Act, 1974, has been presented/regi tioner in this Court and notice has be	•
hereby informed that the	e said appeal/petition is fixed for h	earing before the Tribunal
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the case may be postpone	ed either in person or by authorise	ed representative or by any
	by your power of Attorney. You are, to days before the date of hearing 4 of	— — — — — — — — — — — — — — — — — — —
alongwith any other doc	uments upon which you rely. Plea	se also take notice that in
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	771 1 - D 11	Registrar,
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Note: 1. The hours of attendance in	n the court are the same that of the High Court except Sunda	

Always quote Case No. While making any correspondence.

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR. JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR.

No.	1/3
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mough Soul	Edri, Artespondept & Sh.
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Notice to: - Khizar Hayat	Presently fromoted
A as The but G	HS Mithabur D. I Kha
WHEREAS an appeal/petition under t	he provision of the North-West Frontier
Province Service Tribunal Act, 1974, has been	
the above case by the petitioner in this Court as hereby informed that the said appeal/petition	
*onat 8.00 A.M. appellent/petitioner you are at liberty to do so	If you wish to urge anything against the
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Advocate, duly supported by your power of Att	
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Given under my hand and the seal of the	his Court, at Peshawar this
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The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays. Always quote Case No. While making any correspondence.

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR. JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR.

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Notice to: - AS J/C at G/HS Baldaclari Kalari
WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on
Copy of appeal is attached. Copy of appeal has already been sent to you vide this
office Notice Nodated
Given under my hand and the seal of this Court, at Peshewar this
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The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.

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2. Always quote Case No. While making any correspondence.

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR. JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR.

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The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays. Always quote Case No. While making any correspondence.

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR. JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR.

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Always quote Case No. While making any correspondence.

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR. JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR.

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WHEREAS	an appeal/petition un	der the provision o	f the North-We	st Frontier
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Note: 1. The hours of	of attendance in the court are the same t	hat of the High Court except Sunda	v and Gazetted Holidays.	

KIIYBER PAKITUNKHWA SERVICE TRIBUNAL, PESHAWAR. JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR.

No.				18
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WHERE	AS an appeal/pet	tition under the p	provision of the Kl	nyber Pakhtunkhwa
Province Serve the above case hereby information	tice Tribunal Act, by the petitioner of that the said tioner you are at less to postponed citly supported by you least seven days least seven document appearance on will be heard and of any alteration if any alteration if all to furnish such as the seven days least le	1974, has been proint this Court and appeal/petition is appeal/petition is appeal/petition is appeal/petition is appeal/petition is appeal/petition and so on the first of the date of the date of the date fixed and decided in your adding the date fixed for the date fixed fixed for the date fixed for the date fixed fixed for the date fixed	esented/registered for tice has been order fixed for hearing you wish to urge a he date fixed, or any authorised reproducey. You are, therefor hearing 4 copies ou rely. Please also do in the manner a bsence. The Registrar of dress contained in the	for consideration, in ered to issue. You are before the Tribunal mything against the yother day to which esentative or by any re, required to file in if written statement take notice that in aforementioned, the expeal/petition will be any change in your this notice which the
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The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.

^{2.} Always quote Case No. While making any correspondence.

KIIYBER PAKITUNKHWA SERVICE TRIBUNAL, PESHAWAR. JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR.

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No. 1303
Appeat No of 20 ?
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Appellant/Fellioner
Through Sery! Edn: 14 Ple Promoudous
Respondent
Respondent No.
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WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa
Province Service Tribunal Act, 1974, has been presented/registered for consideration, in
the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal
"onat 8.00 A.M. If you wish to urge anything against the
appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which
the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in
this Court at least seven days before the date of hearing 4 copies of written statement
alongwith any other documents upon which you rely. Please also take notice that in
default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.
Notice of any alteration in the date fixed for hearing of this appeal/petition will be
given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the
address given in the appeal/petition will be deemed to be your correct address, and further
notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.
tins appear/petition.
Copy of appeal is attached. Copy of appeal has already been sent to you vide this
office Notice Nodated
Given under my hand and the seal of this Court, at Peshawar this.
Day of March 202/
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L P D Cneest D. I lebran
at Camp Court D. 1. Kelian
N Registrar,

2. Always quote Case No. While making any correspondence.

^{1.} The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.

KIIYBER PAKIITUNKHWA SERVICE TRIBUNAL, PESHAWAR. JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR.

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KIIYBER PAKITUNKHWA SERVICE TRIBUNAL, PESHAWAR. JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR.

PESHAWAR. 73
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the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal
onat 8.00 A.M. If you wish to urge anything against the
appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any
Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement
alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the
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Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your
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at Camp Court D. 1. Khan

Khyber Pakhtunkhwa Service Tribunal,

2. Always quote Case No. While making any correspondence.

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KIIYBER PAKIITUNKHWA SERVICE TRIBUNAL, PESHAWAR. JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR. 73

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2. Always quote Case No. While making any correspondence.

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR. JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR.

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2. Always quote Case No. While making any correspondence.

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The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.

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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR. JUDICIAL COMPLEX (OLD), KHYBER ROAD,

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You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

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Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR.

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Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

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Khyber Pakhtunkhwa Service Tribunal,

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The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays. Always quote Case No. While making any correspondence.

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR. JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR.

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Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR. JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR.

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Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR. JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR.

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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR. JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR.

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Khyber Pakhtunkhwa Service Tribunal, Peshawar.

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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR. JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR.

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Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

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BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

SERVICE APPEAL No. 1303/2109

Saifuddin

VS

Government of KPK

<u>Index</u>

S No.	Description of documents	Description of annuexure	Page No.
01	Reply of serviceappeal		
02	Affidavit		
03	Annexture		
04	Authority	,	: :

Respondent No 03

District Education Officer (Male) Dera Ismail Khan

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

SERVICE APPEAL No. 1303/2109

Saifuddin

VS

Government of KPK

COMMENTS ON BEHALF OF RESPONDENTS.

Preliminary Objections

- 1. THAT THE APPELLANT WAS ABSENT IN THE TYPING TEST.
- 2. That the appellant has got no cause of action / locus standi.
- 3. that the appellant has not come to the honorable tribunal with clean hands.
- 4. That the appellant has filed the service appeal on malafide objectives.
- 5. that the instant appeal is against the prevailing laws and rules.
- 6. That the appeal is barred by the doctorine of leeches.
- 7. That the instant appeal is illegal and against the facts.
- 8. Tthat the service appeal is not maintainable in its present form.
- 9. That the appellant has concealed the material facts from the honorable tribunal
- 10. That the appeal is badly time barred.

OBJECTION ON FACTS

Respected Sir, The respondents humbly submits as under

- 1. Para pertains to the residential address of appellant hence no comments.
- 2. Para pertains to the performance of duty of appellant hence no comments.
- 3. Para pertains to the promotion of the appellant from post of class iv to junior clerk on 33% quota hence no comments.
- 4. That the appellant as got no cause of action. That the appellant was not appeared in the typing test held in GHSS No.4 D.I.Khan on 10/01/2019. Para is correct to the extent that respondent No. 3 issued to the notification No.10457 65 dated 24/04/2019 of promotion from class iv to the junior clerks on 33 % reserved quota. The basic criteria for promotion class iv to junior clerk is FA along with 25 words per minute typing skill and computer knowledge. The five private respondent which fulfill the typing / computer test on 10/01/2019, at GHSS NO. 4.D.I.Khan where record is given below:

S.No	Name	F/Name	Designation	School	Typing Speed	Qualification
1	Haji Gul Nawaz	Imam Bakhsh	Chowkidar	GPS Fagir abad	26.6	MA
2	M. Bilal	Abdur Rehman	Cook	GHSS No.2	25.2	BA
3	Sami Ullah	Saad Ullah	NQ	GHS Panyal	25.0	BA
4	Khizar Hayat	Umer Daraz	NQ	GHSS Daraban Kalan	26.6	MA
5	Abdul Hafiz	Mureed Khan	NQ	GMS Chah Lal Wala	- 28.8	FA

- 5. Incorrect / Not admitted strongly denied. As discussed in para No. 4.
- 6. Para pertains to the departmental appeal of appellant to the respondent No.2 hence no comments.
- 7. No comments.

Grounds

- a. Incorrect / Not admitted, the para is refuted. The notification No.10457 65 dated 24/04/2019 was according to law, Rules and regulation so is not liable to the cancelled. As the appellant was absent in the typing test so appellant for promotion from the post of class -iv to junior clerk.
- b. No comments.
- c. Incorrect / Not admitted. The promotion of respondent from post of class iv to junior clerk based on policy of Government with plausible justification.
- d. Incorrect / Not admitted. Para is totally false and frivolous.
- e. Para is strongly denied. The appellant was deprived from promotion as not fulfilling the basic criteria of promotion from post of class iv to junior clerk. As he was absent in the typing test.
- f. Incorrect / Not admitted. As discussed in para No.E.
- g. No comments.
- h. That the counsel for respondent may be graciously be allowed to raise additional grounds at the time of the arguments.

Respondent No.1
The Secretary E&SE KPK
Peshawar

Respondent No.2
The Director E&SE KPK
Pesbawar

Responded No.3.

District Education Officer

(M) D. I. Khan

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

SERVICE APPEAL No. 1303/2109

Saifuddin

VS

Government of KPK

Affidavit

I Mr. Muhammad Kamran Khan ADEO Litigation (M) D.I.Khan do solemnly affirm and declare on oath that contents of written reply are correct to the best of my knowledge and nothing has been concealed from this honorable Court

Deponent Deponent

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

SERVICE APPEAL No. 1303/2109

Saifuddin

VS

Wall Ages

Government of KPK

Authority

I District Education Officer (M) D.I.Khan do hereby authorized Mr: Muhammad Kamran Khan to attend the honorable Service Tribunal KPK Peshawar on behalf of respondent in connection with submission para wise comments till the decision of service appeal.

Respondent No.3

District Education Officer

(M) D.I.Khan