

Dist. Govt. NWFP-Provincial
District Accounts Office Bunair at Dagga
Monthly Salary Statement (November-2019)

Annex N3



37

Personal Information of Mr MAJID KHAN d/w/s of ARSALA KHAN
 Personnel Number: 00403345 CNIC: 1510159065429
 Date of Birth: 20.01.1983 Entry into Govt. Service: 20.10.2007

NTN:
 Length of Service: 12 Years 01 Months 012 Days

Employment Category: Active Permanent

Designation: CERTIFICATED TEACHER 80000639-DISTRICT GOVERNMENT KHYBE

DDO Code: BD6156-

Payroll Section: 001

GPF Section: 001

Cash Center: 08

GPF A/C No:

Interest Applied: Yes

GPF Balance:

228,222.00

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2017

Pay Scale Type: Civil

BPS: 15

Pay Stage: 7

Wage type		Amount	Wage type		Amount
0001	Basic Pay	25,430.00	1000	House Rent Allowance	2,349.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
1911	Compen Allow 20% (1-15)	1,000.00	2148	15% Adhoc Relief All-2013	475.00
2199	Adhoc Relief Allow @10%	308.00	2211	Adhoc Relief All 2016 10%	1,594.00
2224	Adhoc Relief All 2017 10%	2,543.00	2247	Adhoc Relief All 2018 10%	2,543.00
2264	Adhoc Relief All 2019 10%	2,543.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3015	GPF Subscription	-2,890.00	3501	Benevolent Fund	-600.00
3990	Emp.Edu. Fund KPK	-125.00	4004	R. Benefits & Death Comp:	-600.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 0.00 Recovered till NOV-2019: 0.00 Exmpted: 0.00 Recoverable: 0.00

Gross Pay (Rs.): 43,141.00 Deductions: (Rs.): -4,215.00 Net Pay: (Rs.): 38,926.00

Payee Name: MAJID KHAN

Account Number: 5421-9

Bank Details: HABIB BANK LIMITED, 221141 NAWAGAI, BUNER. NAWAGAI, BUNER., BUNER

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: NAWAGAI

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: majidkhanpstmmk@gmail.com

BEFORE THE KHYBER PUKHTOON KHWA SERVICE TRIBUNAL PESHAWAR

Rejoinder in Service Appeal No.162/2019

Javid Khan Vs D.E.O Male E & S Buner and others.

REJOINDER

INDEX

S.No	Description	Annexure	Page No.
1.	Memo of Rejoinder		1-5
			-
			-
			-

Javid

APPELLANT

Through Counsel

Rahim Khan

RAHIM KHAN

Adv; HIGH COURT

Office ; at dist; courts Daggar Buner

Cell = 03439049185

Dated, 02/04/2020.

BEFORE THE KHYBER PUKHTOON KHWA SERVICE TRIBUNAL PESHAWAR

Rejoinder in Service Appeal No.162/2019

Javid Khan Vs D.E.O Male E & S Buner and others.

REJOINDER

Respectfully Sheweth;

Reply to the Preliminary Objections

That the entire Preliminary objections from S.No.1 to 8 all are incorrect and baseless and have blindly framed hence are weightless and denied as a whole. While the instant service appeal is well in time because the Notification impugned dated 15/9/2018 had challenged by the appellant vide D/appeal dated 19/09/2018 well in time, hence the plea of time barred taken is also wrong.

REPLY TO THE OBJECTIONS ON FACTS

- a. That as per admitted the facts in Para "A" of the Facts in the service appeal of the appellant, by all the (Officials & Private) respondents in their comment .So as per standing principle and Qanoon shahadat that facts admitted needs not to be proved. The stance of the appellant remained no more disputed between the parties, hence no reply to the para No.1 of the comments of the entire respondents , however when the appellant was/ is senior to the private respondents No.4 to 6, the remaining stance of the appellant that fraudulently and wrongly the private respondents No.4 to 6 were promoted vide the Notification dated,15/9/2018, impugned, issued by the official respondent No.3, with collusion of the others, is also admitted and proved to be void and null in the eyes of law and is therefore not sustainable more but is liable to be set aside. So the appeal of the appellant is deserving, to be allowed as per pray, of the appellant in the service appeal, by allowing the entire relief sought therein in favour of the appellant. This fact is also admitted that basing the same seniority the appellant and the private respondents No.4 to 6 and other appellants Mr,Hakeem Gul and Tariq Ali concerned were promoted as SPST, which the private respondents concerned had not been challenged so far.

- b. That the stance of the appellant, though being admitted, by the entire, private and Official respondents, all, in their comments against para "a", of facts,filed, which is on record of this Honourable serice tribunal and similarly also admitted by the official respondents (1 to 3) in their joint comments, against Para "b" of facts, whom being custodian of the relevant record cannot be differed logically , need not to prove by the appellant, therefore no need to reply. However as for as the comments of private respondents No.4 to 6, against the Para "b" of facts, is concerned.

The same being contradictory to their own admitted stance, against Para "a" of the same comments of facts, is also not sustainable under the law as one is not allowed to blue and hot in a same breath, so is incorrect, un-reasonable and unlawful, because if any such reservation of the private respondents No.4 to 6, actually were there, they might have challenged the same before this Honourable Tribunal or any competent Forum but they have never challenged anything in this respect so far hence the situation is final. While it is also fact that fraudulent and wrong Notification dated 15/09/2018, issued by the official respondent No.3 with collusion of others, by virtue of which the private respondents No.1 to 3 concerned have wrongly and unlawfully with wrong reference of the Judgment of this Honourable Tribunal, announced, on dated, 06/09/2016, in the Service Appeals No.1151 & 1152 of Jehanzaib PST & Saleemullah PST, has been kept held in abeyance vide order dated, 19/9/2018, annexure, "C" and also cancelled vide order dated, 29/11/2018, annexure "D" of the comments of respondents NO.1 to 3. Hence denied.

- c. That the comments of the official respondents No.1 to 3 are positive and affirmative because the record concerned is according to the stance of the appellant so being admitted no reply thereon. However as for as the comments of the private respondents No.4 to 6 against para "c" of facts are concerned, the same is wrong and an ambiguous one because no appeal, departmental or service appeal in no shape or capacity were filed by them before any forum even before this Honourable Tribunal but fraudulently they (private respondents and official respondents jointly have wrongly taken and given the benefit of the apex Judgment announced by this Honourable Tribunal on, dated, 06/09/2016, in the Service Appeals No.1151 & 1152 of Jehanzaib PST & Saleemullah PST, which subsequently has been kept held in abeyance, vide order dated, 19/9/2018, annexure, "C" and also cancelled vide order dated, 29/11/2018, annexure "D" of the comments of respondents No.1 to 3. Hence denied. However by allowing the instant appeal of the appellant, this honourable Tribunal is also requested to refer the case to the Anticorruption Judge for proper trial against the entire Respondents even No.3 to 6 under sections 419, 420 PPC and other sections.
- d. That being no denial or rebuttal of the para "d" of the facts of service appeal of the appellant by the official respondent as evasive denial is tantamount to admission hence no reply being admitted. However the denial of the private respondents No.4 to 6 are strange that when they have no knowledge how? but beside the standing that evasive denial is admission.

- e. That as there is no any para "e" in the instant appeal of the appellant but showing the stander of attention of the private respondents towards an important task. However no reply as no claim against "E".

Reply to the Comments on GROUNDS

1. That the comments against para No.1 of the Grounds taken in the service appeal of the appellant, filed, by both the official and private respondents, are against the facts and reality on the ground and record and also the documents annexed even by all the respondents themselves with their comments. For example the Notification dated 15/09/2018 impugned as annexure "B" is silent in this respect that the notification impugned was in consequence of any recommendation of any DPC (departmental promotion committee) because the same has been based to be issued in compliance to the apex Judgment of this Honourable Tribunal in connection of service appeals No.1151/2013 & 1152/2013, allowed and announced on dated 06/09/2016 while the annexure "A" which is so called Minutes is concerned, the same is of the date 14/09/2017 ie one year back, however the same is also fake and wrong because no representative of the Administrative Deptt; was not called for, however one Amani mulk shah ADEO Eabst; Female Buner shown has not signed over the same because the same has just now prepared bogus while the same amani mulk shah concerned has passed away a few months ago but only for the purpose of completion of formalities the same has been annexed . while on complaints filed by the appellant and his two colleagues also appellants in this Hon; Tribunal to the D.C Buner, other complaints against the same fake proceedings and promotion basing on fraud the official respondents has therefore;

 - a. Kept the same Notification impugned dated,15/09/2018 vide order dated, 19/08/2018 annexed by themselves /official respondents 1 to 3 as annexure "C" just to console fraudulently again the appellant but felling serious later on
 - b. Unavoidably just to escape themselves from expected proceedings and punishment or prosecuting, the official respondent, has Cancelled the same notification dt,15/09/2018 impugned on dated.29/11/2018 annexure, "D" with the comments. Which prove the same fact that the private respondents 4 to 6 were fraudulently and wrongly promoted being junior to the appellant. Hence denied.
 - c. That the stance of the private respondents No.4 to 6 are totally in correct and even their joint alleged departmental appeal was also incompetent which has recently drafted being not supported by the official respondents too.
2. That the comments of the official respondents NO.1 to 3 against para No.2 of the grounds of the s/appeal is also admission to the stance of

the appellant while the comments of the private respondents No.4 to 6 are totally against the law because the seniority list being gained finality, unchallenged even by the p/res; concerned for earlier promotion of the appellant while subsequently wrongly and fraudulently the same was ignored by the official and p/respondent while issuing the Notification impugned dated,15/09/2018, which has later on allegedly kept held in abeyance on dt.19/09/2018 and then cancelled on dated, 29/11/2018, which prove fully the stance and plea taken in the appeal of the appellant and his relief sought too. Hence the contradictive and difference defense comments are denied.

- 3. That the comments against the para 3 of the grounds are evasive denial and in an arrogant and a dictator manner which shows the rules and regulation and public interest are both are mere the subservient to the wish and whim of the official respondents. And they may be directed to fill long remaining vacant posts or at least to show the position of the same. However denied the stance being unreasonable one unlawful.
- 4. That the denial is evasive which is tantamount to admission. Hence no reply however the appeal is within time.
- 5. That the comments and even against para "a" of the facts even by the private respondent being admitted that the appellant is a senior to private respondents No.4 to 6 is enough to claim that the impugned 15/09/2018 was/is wrong and fraudulent while also cancellation of the same by the official respondents No.1 to 3 and non challenging by the private respondents No.4 to 6, all are supporting non rebutting facts in support of the appeal of the appellant to be allowed on the same however the appellant will more argue the same at the time of arguments with due permission of this Hon; Tribunal.

Therefore it is humbly prayed that on acceptance of this rejoinder, the service appeal of the appellant may be allowed as per pay in the service appeal of the appellant with further relief to which the appellant is otherwise entitle under the law, policy and rules exist, though not specifically prayed for in the instant appeal of the appellant, may also be allowed in favour of the appellant.

Jud
APPELLANT

Through Counsel

[Signature]
RAHIM KHAN

Adv; HIGH COURT

Office ; at dist; courts Daggar Buner

Cell = 03439049185

Dated, 02/04/2020.

CERTIFICATE

It is to certify that the entire contents of this rejoinder are true and correct and that no other rejoinder has earlier been filed before this Hon; Tribunal.

June
APPELLANT

BEFORE THE KHYBER PUKHTOON KHWA SERVICE TRIBUNAL PESHAWAR

Rejoinder in Service Appeal No.162/2019

Javid Khan Vs D.E.O Male E & S Buner and others.

REJOINDER

INDEX

S.No	Description	Annexure	Page No.
1.	Memo of Rejoinder		1-5
			-
			-
			-

Jual

APPELLANT

Through Counsel

Rahim Khan
RAHIM KHAN

Adv; HIGH COURT

Office ; at dist; courts Daggar Buner

Cell = 03439049185

Dated, 02/04/2020.

BEFORE THE KHYBER PUKHTOON KHWA SERVICE TRIBUNAL PESHAWAR

Rejoinder in Service Appeal No.162/2019

Javid Khan Vs D.E.O Male E & S Buner and others.

REJOINDER

Respectfully Sheweth;

Reply to the Preliminary Objections

That the entire Preliminary objections from S.No.1 to 8 all are incorrect and baseless and have blindly framed hence are weightless and denied as a whole. While the instant service appeal is well in time because the Notification impugned dated 15/9/2018 had challenged by the appellant vide D/appeal dated 19/09/2018 well in time, hence the plea of time barred taken is also wrong.

REPLY TO THE OBJECTIONS ON FACTS

- a. That as per admitted the facts in Para "A" of the Facts in the service appeal of the appellant, by all the (Officials & Private) respondents in their comment. So as per standing principle and Qanoon shahadat that facts admitted needs not to be proved. The stance of the appellant remained no more disputed between the parties, hence no reply to the para No.1 of the comments of the entire respondents, however when the appellant was/ is senior to the private respondents No.4 to 6, the remaining stance of the appellant that fraudulently and wrongly the private respondents No.4 to 6 were promoted vide the Notification dated,15/9/2018, impugned, issued by the official respondent No.3, with collusion of the others, is also admitted and proved to be void and null in the eyes of law and is therefore not sustainable more but is liable to be set aside. So the appeal of the appellant is deserving, to be allowed as per pray, of the appellant in the service appeal, by allowing the entire relief sought therein in favour of the appellant. This fact is also admitted that basing the same seniority the appellant and the private respondents No.4 to 6 and other appellants Mr,Hakeem Gul and Tariq Ali concerned were promoted as SPST, which the private respondents concerned had not been challenged so far.
- b. That the stance of the appellant, though being admitted, by the entire, private and Official respondents, all, in their comments against para "a", of facts,filed, which is on record of this Honourable serice tribunal and similarly also admitted by the official respondents (1 to 3) in their joint comments, against Para "b" of facts, whom being custodian of the relevant record cannot be differed logically, need not to prove by the appellant, therefore no need to reply. However as for as the comments of private respondents No.4 to 6, against the Para "b" of facts, is concerned.

2

The same being contradictive to their own admitted stance, against Para "a" of the same comments of facts, is also not sustainable under the law as one is not allowed to be blue and hot in a same breath, so is incorrect, unreasonable and unlawful, because if any such reservation of the private respondents No.4 to 6, actually were there, they might have challenged the same before this Honourable Tribunal or any competent Forum but they have never challenged anything in this respect so far hence the situation is final. While it is also fact that fraudulent and wrong Notification dated 15/09/2018, issued by the official respondent No.3 with collusion of others, by virtue of which the private respondents No.1 to 3 concerned have wrongly and unlawfully with wrong reference of the Judgment of this Honourable Tribunal, announced, on dated, 06/09/2016, in the Service Appeals No.1151 & 1152 of Jehanzaib PST & Saleemullah PST, has been kept held in abeyance vide order dated, 19/9/2018, annexure, "C" and also cancelled vide order dated, 29/11/2018, annexure "D" of the comments of respondents NO.1 to 3. Hence denied.

- c. That the comments of the official respondents No.1 to 3 are positive and affirmative because the record concerned is according to the stance of the appellant so being admitted no reply thereon. However as for as the comments of the private respondents No.4 to 6 against para "c" of facts are concerned, the same is wrong and an ambiguous one because no appeal, departmental or service appeal in no shape or capacity were filed by them before any forum even before this Honourable Tribunal but fraudulently they (private respondents and official respondents jointly have wrongly taken and given the benefit of the apex Judgment announced by this Honourable Tribunal on, dated, 06/09/2016, in the Service Appeals No.1151 & 1152 of Jehanzaib PST & Saleemullah PST, which subsequently has been kept held in abeyance, vide order dated, 19/9/2018, annexure, "C" and also cancelled vide order dated, 29/11/2018, annexure "D" of the comments of respondents No.1 to 3. Hence denied. However by allowing the instant appeal of the appellant, this honourable Tribunal is also requested to refer the case to the Anticorruption Judge for proper trial against the entire Respondents even No.3 to 6 under sections 419, 420 PPC and other sections.
- d. That being no denial or rebuttal of the para "d" of the facts of service appeal of the appellant by the official respondent as evasive denial is tantamount to admission hence no reply being admitted. However the denial of the private respondents No.4 to 6 are strange that when they have no knowledge how? but beside the standing that evasive denial is admission.

- e. That as there is no any para "e" in the instant appeal of the appellant but showing the stander of attention of the private respondents towards an important task. However no reply as no claim against "E".

Reply to the Comments on GROUNDS

1. That the comments against para No.1 of the Grounds taken in the service appeal of the appellant, filed; by both the official and private respondents, are against the facts and reality on the ground and record and also the documents annexed even by all the respondents themselves with their comments. For example the Notification dated 15/09/2018 impugned as annexure "B" is silent in this respect that the notification impugned was in consequence of any recommendation of any DPC (departmental promotion committee) because the same has been based to be issued in compliance to the apex Judgment of this Honourable Tribunal in connection of service appeals No.1151/2013 & 1152/2013, allowed and announced on dated 06/09/2016 while the annexure "A" which is so called Minutes is concerned , the same is of the date 14/09/2017 ie one year back, however the same is also fake and wrong because no representative of the Administrative Deptt; was not called for, however one Amani mulk shah ADEO Eabst; Female Buner shown has not signed over the same because the same has just now prepared bogus while the same amani mulk shah concerned has passed away a few months ago but only for the purpose of completion of formalities the same has been annexed . while on complaints filed by the appellant and his two colleagues also appellants in this Hon; Tribunal to the D.C Buner, other complaints against the same fake proceedings and promotion basing on fraud the official respondents has therefore;

 - a. Kept the same Notification impugned dated,15/09/2018 vide order dated, 19/08/2018 annexed by themselves /official respondents 1 to 3 as annexure "C" just to console fraudulently again the appellant but felling serious later on
 - b. Unavoidably just to escape themselves from expected proceedings and punishment or prosecuting, the official respondent, has Cancelled the same notification dt,15/09/2018 impugned on dated.29/11/2018 annexure, "D" with the comments. Which prove the same fact that the private respondents 4 to 6 were fraudulently and wrongly promoted being junior to the appellant. Hence denied.
 - c. That the stance of the private respondents No.4 to 6 are totally in correct and even their joint alleged departmental appeal was also incompetent which has recently drafted being not supported by the official respondents too.
2. That the comments of the official respondents NO.1 to 3 against para No.2 of the grounds of the s/appeal is also admission to the stance of

the appellant while the comments of the private respondents No.4 to 6 are totally against the law because the seniority list being gained finality, unchallenged even by the p/res; concerned for earlier promotion of the appellant while subsequently wrongly and fraudulently the same was ignored by the official and p/respondent while issuing the Notification impugned dated,15/09/2018, which has later on allegedly kept held in abeyance on dt.19/09/2018 and then cancelled on dated, 29/11/2018, which prove fully the stance and plea taken in the appeal of the appellant and his relief sought too. Hence the contradictive and difference defense comments are denied.

- 3. That the comments against the para 3 of the grounds are evasive denial and in an arrogant, and a dictator manner which shows the rules and regulation and public interest are both are mere the subservient to the wish and whim of the official respondents. And they may be directed to fill long remaining vacant posts or at least to show the position of the same. However denied the stance being unreasonable one unlawful.
- 4. That the denial is evasive which is tantamount to admission. Hence no reply however the appeal is within time.
- 5. That the comments and even against para "a" of the facts even by the private respondent being admitted that the appellant is a senior to private respondents No.4 to 6 is enough to claim that the impugned 15/09/2018 was/is wrong and fraudulent while also cancellation of the same by the official respondents No.1 to 3 and non challenging by the private respondents No.4 to 6, all are supporting non rebutting facts in support of the appeal of the appellant to be allowed on the same however the appellant will more argue the same at the time of arguments with due permission of this Hon; Tribunal.

Therefore it is humbly prayed that on acceptance of this rejoinder, the service appeal of the appellant may be allowed as per pay in the service appeal of the appellant with further relief to which the appellant is otherwise entitle under the law, policy and rules exist, though not specifically prayed for in the instant appeal of the appellant, may also be allowed in favour of the appellant.

Javed
APPELLANT

Through Counsel

Rahim Khan
RAHIM KHAN

Adv; HIGH COURT

Office ; at dist; courts Daggar Buner

Cell = 03439049185

Dated, 02/04/2020.

5

CERTIFICATE

It is to certify that the entire contents of this rejoinder are true and correct and that no other rejoinder has earlier been filed before this Hon; Tribunal.

June

APPELLANT

BEFORE THE KHYBER PUKHTOON KHWA SERVICE TRIBUNAL PESHAWAR

Rejoinder in Service Appeal No.162/2019

Javid Khan Vs D.E.O Male E & S Buner and others.

REJOINDER

INDEX

S.No	Description	Annexure	Page No.
1.	Memo of Rejoinder		1-5
			-
			-
			-

Javid
APPELLANT

Through Counsel

Rahim Khan
RAHIM KHAN

Adv; HIGH COURT

Office ; at dist; courts Daggar Buner

Cell = 03439049185

Dated, 02/04/2020.

BEFORE THE KHYBER PUKHTOON KHWA SERVICE TRIBUNAL PESHAWAR

Rejoinder in Service Appeal No.162/2019

Javid Khan Vs D.E.O Male E & S Buner and others.

REJOINDER

Respectfully Sheweth;

Reply to the Preliminary Objections

That the entire Preliminary objections from S.No.1 to 8 all are incorrect and baseless and have blindly framed hence are weightless and denied as a whole. While the instant service appeal is well in time because the Notification impugned dated 15/9/2018 had challenged by the appellant vide D/appeal dated 19/09/2018 well in time, hence the plea of time barred taken is also wrong.

REPLY TO THE OBJECTIONS ON FACTS

- a. That as per admitted the facts in Para "A" of the Facts in the service appeal of the appellant, by all the (Officials & Private) respondents in their comment . So as per standing principle and Qanoon shahadat that facts admitted needs not to be proved. The stance of the appellant remained no more disputed between the parties, hence no reply to the para No.1 of the comments of the entire respondents , however when the appellant was/ is senior to the private respondents No.4 to 6, the remaining stance of the appellant that fraudulently and wrongly the private respondents No.4 to 6 were promoted vide the Notification dated,15/9/2018, impugned, issued by the official respondent No.3, with collusion of the others, is also admitted and proved to be void and null in the eyes of law and is therefore not sustainable more but is liable to be set aside. So the appeal of the appellant is deserving, to be allowed as per pray, of the appellant in the service appeal, by allowing the entire relief sought therein in favour of the appellant. This fact is also admitted that basing the same seniority the appellant and the private respondents No.4 to 6 and other appellants Mr,Hakeem Gul and Tariq Ali concerned were promoted as SPST, which the private respondents concerned had not been challenged so far.
- b. That the stance of the appellant, though being admitted, by the entire, private and Official respondents, all, in their comments against para "a", of facts, filed, which is on record of this Honourable serice tribunal and similarly also admitted by the official respondents (1 to 3) in their joint comments, against Para "b" of facts, whom being custodian of the relevant record cannot be differed logically , need not to prove by the appellant, therefore no need to reply. However as for as the comments of private respondents No.4 to 6, against the Para "b" of facts, is concerned.

2

The same being contradictive to their own admitted stance, against Para "a" of the same comments of facts, is also not sustainable under the law as one is not allowed to blue and hot in a same breath, so is incorrect, un reasonable and unlawful, because if any such reservation of the private respondents No.4 to 6, actually were there, they might have challenged the same before this Honourable Tribunal or any competent Forum but they have never challenged anything in this respect so far hence the situation is final. While it is also fact that fraudulent and wrong Notification dated 15/09/2018, issued by the official respondent No.3 with collusion of others, by virtue of which the private respondents No.1 to 3 concerned have wrongly and unlawfully with wrong reference of the Judgment of this Honourable Tribunal, announced, on dated, 06/09/2016, in the Service Appeals No.1151 & 1152 of Jehanzaib PST & Saleemullah PST, has been kept held in abeyance vide order dated, 19/9/2018, annexure, "C" and also cancelled vide order dated, 29/11/2018, annexure "D" of the comments of respondents NO.1 to 3. Hence denied.

- c. That the comments of the official respondents No.1 to 3 are positive and affirmative because the record concerned is according to the stance of the appellant so being admitted no reply thereon. However as for as the comments of the private respondents No.4 to 6 against para "c" of facts are concerned, the same is wrong and an ambiguous one because no appeal, departmental or service appeal in no shape or capacity were filed by them before any forum even before this Honourable Tribunal but fraudulently they (private respondents and official respondents jointly have wrongly taken and given the benefit of the apex Judgment announced by this Honourable Tribunal on, dated, 06/09/2016, in the Service Appeals No.1151 & 1152 of Jehanzaib PST & Saleemullah PST, which subsequently has been kept held in abeyance, vide order dated, 19/9/2018, annexure, "C" and also cancelled vide order dated, 29/11/2018, annexure "D" of the comments of respondents No.1 to 3. Hence denied. However by allowing the instant appeal of the appellant, this honourable Tribunal is also requested to refer the case to the Anticorruption Judge for proper trial against the entire Respondents even No.3 to 6 under sections 419, 420 PPC and other sections.
- d. That being no denial or rebuttal of the para "d" of the facts of service appeal of the appellant by the official respondent as evasive denial is tantamount to admission hence no reply being admitted. However the denial of the private respondents No.4 to 6 are strange that when they have no knowledge how? but beside the standing that evasive denial is admission.

- e. That as there is no any para "e" in the instant appeal of the appellant but showing the stander of attention of the private respondents towards an important task. However no reply as no claim against "E".

Reply to the Comments on GROUNDS

1. That the comments against para No.1 of the Grounds taken in the service appeal of the appellant, filed, by both the official and private respondents, are against the facts and reality on the ground and record and also the documents annexed even by all the respondents themselves with their comments. For example the Notification dated 15/09/2018 impugned as annexure "B" is silent in this respect that the notification impugned was in consequence of any recommendation of any DPC (departmental promotion committee) because the same has been based to be issued in compliance to the apex Judgment of this Honourable Tribunal in connection of service appeals No.1151/2013 & 1152/2013, allowed and announced on dated 06/09/2016 while the annexure "A" which is so called Minutes is concerned, the same is of the date 14/09/2017 ie one year back, however the same is also fake and wrong because no representative of the Administrative Deptt; was not called for, however one Amani mulk shah ADEO Eabst; Female Buner shown has not signed over the same because the same has just now prepared bogus while the same amani mulk shah concerned has passed away a few months ago but only for the purpose of completion of formalities the same has been annexed . while on complaints filed by the appellant and his two colleagues also appellants in this Hon; Tribunal to the D.C Buner, other complaints against the same fake proceedings and promotion basing on fraud the official respondents has therefore;

 - a. Kept the same Notification impugned dated,15/09/2018 vide order dated, 19/08/2018 annexed by themselves /official respondents 1 to 3 as annexure "C" just to console fraudulently again the appellant but felling serious later on
 - b. Unavoidably just to escape themselves from expected proceedings and punishment or prosecuting, the official respondent, has Cancelled the same notification dt,15/09/2018 impugned on dated.29/11/2018 annexure, "D" with the comments. Which prove the same fact that the private respondents 4 to 6 were fraudulently and wrongly promoted being junior to the appellant. Hence denied.
 - c. That the stance of the private respondents No.4 to 6 are totally in correct and even their joint alleged departmental appeal was also incompetent which has recently drafted being not supported by the official respondents too.

2. That the comments of the official respondents NO.1 to 3 against para No.2 of the grounds of the s/appeal is also admission to the stance of

the appellant while the comments of the private respondents No.4 to 6 are totally against the law because the seniority list being gained finality, unchallenged even by the p/res; concerned for earlier promotion of the appellant while subsequently wrongly and fraudulently the same was ignored by the official and p/respondent while issuing the Notification impugned dated,15/09/2018, which has later on allegedly kept held in abeyance on dt.19/09/2018 and then cancelled on dated, 29/11/2018, which prove fully the stance and plea taken in the appeal of the appellant and his relief sought too. Hence the contradictive and difference defense comments are denied.

- 3. That the comments against the para 3 of the grounds are evasive denial and in an arrogant and a dictator manner which shows the rules and regulation and public interest are both are mere the subservient to the wish and whim of the official respondents. And they may be directed to fill long remaining vacant posts or at least to show the position of the same. However denied the stance being unreasonable one unlawful.
- 4. That the denial is evasive which is tantamount to admission. Hence no reply however the appeal is within time.
- 5. That the comments and even against para "a" of the facts even by the private respondent being admitted that the appellant is a senior to private respondents No.4 to 6 is enough to claim that the impugned 15/09/2018 was/is wrong and fraudulent while also cancellation of the same by the official respondents No.1 to 3 and non challenging by the private respondents No.4 to 6, all are supporting non rebutting facts in support of the appeal of the appellant to be allowed on the same however the appellant will more argue the same at the time of arguments with due permission of this Hon; Tribunal.

Therefore it is humbly prayed that on acceptance of this rejoinder, the service appeal of the appellant may be allowed as per pay in the service appeal of the appellant with further relief to which the appellant is otherwise entitle under the law, policy and rules exist, though not specifically prayed for in the instant appeal of the appellant, may also be allowed in favour of the appellant.

Javed
APPELLANT

Through Counsel

Rahim Khan
RAHIM KHAN

Adv; HIGH COURT

Office ; at dist; courts Daggar Buner

Cell = 03439049185

Dated, 02/04/2020.

CERTIFICATE

It is to certify that the entire contents of this rejoinder are true and correct and that no other rejoinder has earlier been filed before this Hon; Tribunal.

Jinal
APPELLANT

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTOON KHWA, PESHAWAR

Service Appeal No. 1157 of 2013

JEHAN ZAIB PST Govt; primary School Ambella Dara-District Buner.

(Appellants)



VERSUS

- 1. Govt of K.P.K, through Secretary Elementary & Secondary Education Peshawar.
- 2. Director Schools Elementary & Secondary Education K.P.K Peshawar.
- 3. District Education Officer (E & S) District Buner at Dagger.
- 4. Ayeem Khan S/O Marwat Khan PST Badair Buner.
- 5. Shamsur Rahman S/O Malak Zai PST G.P.S Nawagai No. 4 Buner.
- 6. Bakht Zarin Shah S/O Mirza Shah PST G.P.S Ambella Buner.
- 7. Naseeb Zada S/O Alif Shah PST G.P.S Bagra Buner.
- 8. Naeem Ahmad S/O Hafiz Muhammad PST G.P.S Bagh Totalai Buner.
- 9. Bakht Karim S/O Fazal Karim PST G.P.S Shapool Buner.
- 10. Majeedullah S/O Nimatullah PST G.P.S Barjo Biamdara Buner.
- 11. Sadiq Ali Shah S/O Abdul Khaliq PST G.P.S Ghurghushtoo Buner.

Stamp: N.W.F. Province, No. 1119, 10-7-13

Handwritten notes: No. 7210, 10/7/13, etc.

(Respondents)

Appeal Under Section No. 4 of the N.W.F.P Service Tribunal Act 1974, against the impugned Notification Endmost: No. 12859-64 Dated 01-03-2013, issued by the Respondent No. 3 by virtue of which the Respondents No.4 & 11, have unlawfully been promoted as Senior PST BPS-14, who falls junior and less deserving for the said promotion than the appellant.

Pray in appeal

With the acceptance of this appeal, the respondents, especially at S. No. 3, may kindly be directed to modify the impugned Notification duly endorsed by the respondent No.3, vide No.12859-64 dated 01-03-2013, by eliminating and draping one junior most respondent among the S.No.4 to 11 and to promote the appellant as senior PST, B-14 w.e. from 01-03-2013, with all back benefits like other deserving officials/respondents.

Any other Relief which this august and competent tribunal deems appropriate, for which has not specifically been prayed in this appeal may graciously be awarded to the appellant.

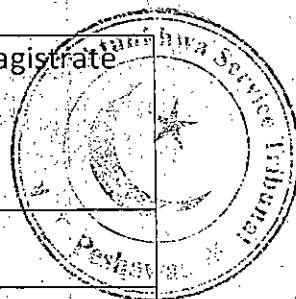
ATTESTED

Signature and Stamp of the Tribunal Member

to-submitted to and filed.

Handwritten signature and date: 10/7/13

S.No.	Date of Order or proceedings.	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	06.09.2016	<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u> CAMP COURT SWAT</p> <p style="text-align: center;">1. Service Appeal No. 1151/2013, Jehanzeb and 2. Service Appeal No. 1152/2013, Saleemullah Versus Govt. of Khyber Pakhtunkhwa through Secretary, E&SE Peshawar etc.</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:</u></p> <p>Appellants with counsel and Mr. Ubaidur Rahman, ADO alongwith Mr. Muhammad Zubair, Senior Government Pleader for respondents present.</p> <p>2. This judgment shall dispose of the instant service appeal No. 1151/2013, Jehanzaib and service appeal No. 1152/2013 Saleemullah Versus Government of Khyber Pakhtunkhwa through Secretary, Elementary & Secondary Education, Peshawar and others as identical questions of facts and law are involved in both the appeals.</p> <p>3. Brief facts of the case of appellants are that they were appointed as PST (PTC) vide order dated 26.3.2004. That the appellants were having higher merit than the private respondents but vide impugned order dated 01.03.2013 appellants were ignored despite their higher merit and private respondents were</p>



ATTESTED

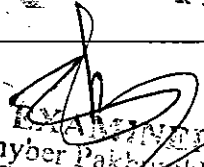
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

promoted. That no proper seniority list was ever maintained by the department. That the departmental appeals of the appellants saleemullah dated 13.3.13 and that of Jehanzaib dated 15.3.13 were not responded and hence the instant service appeals on 10.07.2013.

4. Learned counsel for the appellants has argued that no seniority list in the mode and manners prescribed by rules was ever maintained by the department. That according rule-17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 the department was obliged to have followed the order of merit assigned by the Departmental Selection Committee according to which the appellants were senior and entitled to promotion at the relevant date in preference to other similarly placed employees including private respondents. That the impugned order dated 1.03.2013 promoting the private respondents is against facts and law and liable to be set aside.

5. Learned Senior Government Pleader has argued that all the private respondents were not junior to the appellants. That the department has followed the seniority of the appellants and other similarly placed employees from the date of arrival and as such the impugned order of promotion of private respondents warrants no interference.

ATTESTED


Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

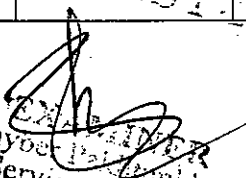
6. We have heard arguments of learned counsel for the parties and perused the record.

7. Perusal of office order dated 26.03.2014 issued by the District Coordination Officer, Buner at Daggar would suggest that numerous PST (PTC) candidates were appointed on the recommendations of Departmental Selection Committee wherein selected candidates were assigned the score for the purpose of ascertaining their order of merit. According to record placed before us the department has maintained no seniority list as prescribed by rules and promotions were made on the basis of considering the date of assumption of charge.

8. According to Rule 17 of APT Rules in case of persons appointed by initial recruitment, the seniority inter-se of such civil servants is to be determined in accordance with order of merit assigned by the Departmental Selection Committee. In the cases in hand the order of merit assigned by the Departmental Selection Committee was ignored and date of assumption of charge was considered as basis for the purpose of determining inter-se seniority.

9. In the light of the above, we hold that the impugned order dated 01.3.2013 regarding promotion of the PSTs (BPS-12) to the post of SPST (BPS-14) on the basis of earlier assumption of charge is against facts and law and liable to modification. We are

ATTESTED


CHANDLER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

therefore constrained to accept the instant service appeal. I hereby direct that the appellants and similarly placed employees be considered for promotion in the prescribed manner by taking into account the order of merits assigned to them by the Departmental Selection Committee instead of date of assumption of charge. In case the appellants and any other similarly placed employee is found entitled to promotion on the date of impugned notification then they shall be accordingly promoted and their inter-se seniority be determined accordingly. Parties are left to bear their own costs. File be consigned to the record room.

Announced
06.09.2016

Sd/- M. Azim Khan Afandi
Chairman
Comp Cost Swat

Sd/- Abdul Latif
Member

Certified to be true copy

Engr. M. Azim Khan Afandi
Khyber Pakhtunkhwa
Service Journal
Peshawar

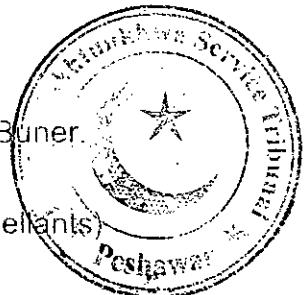
Date of Presentation of Application 18-4-18
 Number of Words 2000
 Copying Fee 12/-
 Urgent 1
 Total 12/-
 Name of Copyist AA
 Date of Completion of Copy 25-4-18
 Date of Delivery of Copy 25-4-18

①

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTOON KHWA, PESHAWAR

Service Appeal No. 1182 of 2013

Mr. Saleemullah PST Govt primary School Wahid Abad Nawagai, District Buner.



(Appellants)

VERSUS

1. Govt of K.P.K, through Secretary Elementary & Secondary Education Peshawar.
2. Director Schools Elementary & Secondary Education K.P.K Peshawar.
3. District Education Officer (E & S) District Buner at Dagger.
4. Ayeem Khan S/O Marwat Khan PST Badair Buner.
5. Shamsur Rahman S/O Malak Zai PST G.P.S Nawagai No. 4 Buner.
6. Bakht Zarin Shah S/O Mirza Shah PST G.P.S Ambella Buner.
7. Naseeb Zada S/O Alif Shah PST G.P.S Bagra Buner.
8. Naeem Ahmad S/O Hafiz Muhammad PST G.P.S Bagh Totalai Buner.
9. Bakht Karim S/O Fazal Karim PST G.P.S Shapool Buner.
10. Majeedullah S/O Nimatullah PST G.P.S Barjo Biamdara Buner.
11. Sadiq Ali Shah S/O Abdul Khaliq PST G.P.S Ghurghushtoo Buner.

N.W.F. PROVINCE
1182
10-7-13

(Respondents)

Appeal Under Section No. 4 of the N.W.F.P Service Tribunal Act 1974, against the impugned office order Endmost: No. 12859-64 Dated 01-03-2013, issued by the Respondent No. 3 by virtue of which the Respondents No.4 & 11, have unlawfully been promoted as Senior PST BPS-14, who falls junior and less deserving for the said promotion than the appellant.

Pray in appeal

With the acceptance of this appeal, the respondents, especially at S.No. 3, may kindly be directed to modify the impugned Notification duly endorsed by the respondent No.3, vide No. 12859-64 dated 01-03-2013, by eliminating and draping one junior most respondent among the S.No.4 to 11 and to promote the appellant as senior PST B-14 w.e. from 01-03-2013, with all back benefits like other deserving officials/respondents.

Any other Relief which this august and competent tribunal deems appropriate, for which has not specifically been prayed in this appeal, may also graciously be awarded to the appellant.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

submitted to
filed.
10/7/13

Appeal No. 1152/2013
Saleemullah vs Govt



06.09.2016

Appellant with counsel and Mr. Ubaidur Rahman, ADO
alongwith Mr. Muhammad Zubair, Sr.GP for the respondents
present. Arguments heard and record perused.

Vide our detailed judgment of to-day in connected Service
Appeal No. 1151/2013 titled "Jehanzeb Versus Government of
Khyber Pakhtunkhwa through Secretary, E&SE, Peshawar etc.";
this appeal is also accepted as per detailed judgment. Parties are left
to bear their own costs. File be consigned to the record room.

Men
ANNOUNCED
06.09.2016

sd/- M. Azim Khan Afzidi,
Chairman
and Court Swa #16

sd/- Abdul Latif,
Member

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

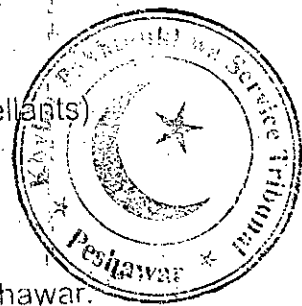
Date of Presentation of Application 18-4-18
Number of Words 800
Copying Fee 600
Urgent _____
Total 600
Name of Copyist [Signature]
Date of Completion of Copy 25-4-18
Date of Delivery of Copy 25-4-18

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTOON KHWA, PESHAWAR

Service Appeal No. 1157 of 2013

JEHAN ZAIB PST Govt; primary School Ambella Dara District Buner.

(Appellants)



VERSUS

1. Govt of K.P.K, through Secretary Elementary & Secondary Education Peshawar.

2. Director Schools Elementary & Secondary Education K.P.K Peshawar.

3. District Education Officer (E & S) District Buner at Dagger.

4. Ayeem Khan S/O Marwat Khan PST Badair Buner.

5. Shamsur Rahman S/O Malak Zai PST G.P.S Nawagai No. 4 Buner.

6. Bakht Zarin Shah S/O Mirza Shah PST G.P.S Ambella Buner.

7. Naseeb Zada S/O Alif Shah PST G.P.S Bagra Buner.

8. Naeem Ahmad S/O Hafiz Muhammad PST G.P.S Bagh Totalai Buner.

9. Bakht Karim S/O Fazal Karim PST G.P.S Shapool Buner.

10. Majeedullah S/O Nimatullah PST G.P.S Barjo Biamdara Buner.

11. Sadiq Ali Shah S/O Abdul Khaliq PST G.P.S Ghurghushtoo Buner.

(Respondents)

N.W.F.P. Province
Case No. 1119
10-7-13

Recd No. 72/B
10/7/13

Appeal Under Section No. 4 of the N.W.F.P Service Tribunal Act 1974, against the impugned Notification Endmost: No. 12859-64 Dated 01-03-2013, issued by the Respondent No. 3 by virtue of which the Respondents No.4 & 11, have unlawfully been promoted as Senior PST BPS-14, who falls junior and less deserving for the said promotion than the appellant.

Pray in appeal

With the acceptance of this appeal, the respondents, especially at S. No. 3, may kindly be directed to modify the impugned Notification duly endorsed by the respondent No.3, vide No. 12859-64 dated 01-03-2013, by eliminating and draping one junior most respondent among the S.No.4 to 11 and to promote the appellant as senior PST B-14 w.e. from 01-03-2013, with all back benefits like other deserving officials/respondents. Any other Relief which this august and competent tribunal deems appropriate, for which has not specifically been prayed in this appeal, may

graciously be awarded to the appellant.

ATTESTED

re-submitted to
and filed.

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

10/7/13

own costs. File be consigned to the record room.

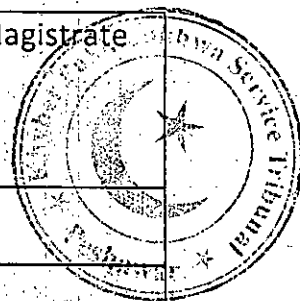
seniority be determined accordingly. Parties are left to bear their
 then they shall be accordingly promoted and their inter-
 found entitled to promotion on the date of impugned notification
 case the appellants and any other similarly placed employee is
 Selection Committee instead of date of assumption of charge. In
 account the order of merits assigned to them by the Departmental
 considered for promotion in the prescribed manner by taking into
 direct that the appellants and similarly placed employees be
 therefore constrained to accept the instant service appears and

of-od-1010
Amended
Prof. M. Arjun Kumar
Chairman
Appellate Tribunal

Date of Birth: 18-11-18
 Number of ...
 Total: 10
 Name of ...
 Date of ...
 2-11-18

Control
1010
1010

S.No.	Date of Order or proceedings.	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	06.09.2016	<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u> CAMP COURT SWAT</p> <p style="text-align: center;">1. Service Appeal No. 1151/2013, Jehanzeb and 2. Service Appeal No. 1152/2013, Saleemullah Versus Govt. of Khyber Pakhtunkhwa through Secretary, E&SE Peshawar etc.</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:</u></p> <p>Appellants with counsel and Mr. Ubaidur Rahman, ADO alongwith Mr. Muhammad Zubair, Senior Government Pleader for respondents present.</p> <p>2. This judgment shall dispose of the instant service appeal No. 1151/2013, Jehanzaib and service appeal No. 1152/2013 Saleemullah Versus Government of Khyber Pakhtunkhwa through Secretary, Elementary & Secondary Education, Peshawar and others as identical questions of facts and law are involved in both the appeals.</p> <p>3. Brief facts of the case of appellants are that they were appointed as PST (PTC) vide order dated 26.3.2004. That the appellants were having higher merit than the private respondents but vide impugned order dated 01.03.2013 appellants were ignored despite their higher merit and private respondents were</p>



ATTESTED

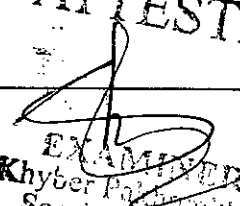
[Signature]
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

promoted. That no proper seniority list was ever maintained by the department. That the departmental appeals of the appellants saleemullah dated 13.3.13 and that of Jehanzaib dated 15.3.13 were not responded and hence the instant service appeals on 10.07.2013.

4. Learned counsel for the appellants has argued that no seniority list in the mode and manners prescribed by rules was ever maintained by the department. That according rule-17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 the department was obliged to have followed the order of merit assigned by the Departmental Selection Committee according to which the appellants were senior and entitled to promotion at the relevant date in preference to other similarly placed employees including private respondents. That the impugned order dated 1.03.2013 promoting the private respondents is against facts and law and liable to be set aside.


5. Learned Senior Government Pleader has argued that all the private respondents were not junior to the appellants. That the department has followed the seniority of the appellants and other similarly placed employees from the date of arrival and as such the impugned order of promotion of private respondents warrants no interference.

ATTESTED


EXAMINED
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

6. We have heard arguments of learned counsel for the parties and perused the record.
7. Perusal of office order dated 26.03.2014 issued by the District Coordination Officer, Buner at Daggar would suggest that numerous PST (PTC) candidates were appointed on the recommendations of Departmental Selection Committee wherein selected candidates were assigned the score for the purpose of ascertaining their order of merit. According to record placed before us the department has maintained no seniority list as prescribed by rules and promotions were made on the basis of considering the date of assumption of charge.
8. According to Rule 17 of APT Rules in case of persons appointed by initial recruitment, the seniority inter-se of such civil servants is to be determined in accordance with order of merit assigned by the Departmental Selection Committee. In the cases in hand the order of merit assigned by the Departmental Selection Committee was ignored and date of assumption of charge was considered as basis for the purpose of determining inter-se seniority.
9. In the light of the above, we hold that the impugned order dated 01.3.2013 regarding promotion of the PSTs (BPS-12) to the post of SPST (BPS-14) on the basis of earlier assumption of charge is against facts and law and liable to modification. We are

ATTESTED


Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

therefore constrained to accept the instant service appeals and direct that the appellants and similarly placed employees be considered for promotion in the prescribed manner by taking into account the order of merits assigned to them by the Departmental Selection Committee instead of date of assumption of charge. In case the appellants and any other similarly placed employee is found entitled to promotion on the date of impugned notification then they shall be accordingly promoted and their inter-se seniority be determined accordingly. Parties are left to bear their own costs. File be consigned to the record room.

Announced 06-09-2018
 s/d M. Azim Khan Afzali
 Chairman
 Const. Serv. Bd.
 s/d Abdullah Mauder

Certified to be true copy
 Khyber Pakhtunkhwa
 Ser. Inv. Journal
 Peslawar

Date of Presentation of original 18-4-18
 Number of Words 1600
 Copying Fee 10-
 Urgent -
 Total 10-
 Name of Copy
 Date of Completion of Copy 25-4-18
 Date of Delivery of Copy 25-4-18

BEFORE THE KHYBER PUKHTOON KHWA SERVICE TRIBUNAL PESHAWAR

Rejoinder in Service Appeal No.162/2019

Javid Khan Vs D.E.O Male E & S Buner and others.



REJOINDER

INDEX

S.No	Description	Annexure	Page No.
1.	Memo of Rejoinder		1-5
			-
			-
			-

Jual
APPELLANT

Through Counsel

[Signature]
RAHIM KHAN

Adv; HIGH COURT

Office ; at dist; courts Daggar Buner

Cell = 03439049185

Dated, 02/04/2020.

BEFORE THE KHYBER PUKHTOON KHWA SERVICE TRIBUNAL PESHAWAR

Rejoinder in Service Appeal No.162/2019

Javid Khan Vs D.E.O Male E & S Buner and others.

REJOINDER

Respectfully Sheweth;

Reply to the Preliminary Objections

That the entire Preliminary objections from S.No.1 to 8 all are incorrect and baseless and have blindly framed hence are weightless and denied as a whole. While the instant service appeal is well in time because the Notification impugned dated 15/9/2018 had challenged by the appellant vide D/appeal dated 19/09/2018 well in time, hence the plea of time barred taken is also wrong.

REPLY TO THE OBJECTIONS ON FACTS

- a. That as per admitted the facts in Para "A" of the Facts in the service appeal of the appellant, by all the (Officials & Private) respondents in their comment. So as per standing principle and Qanoon shahadat that facts admitted needs not to be proved. The stance of the appellant remained no more disputed between the parties, hence no reply to the para No.1 of the comments of the entire respondents, however when the appellant was/ is senior to the private respondents No.4 to 6, the remaining stance of the appellant that fraudulently and wrongly the private respondents No.4 to 6 were promoted vide the Notification dated, 15/9/2018, impugned, issued by the official respondent No.3, with collusion of the others, is also admitted and proved to be void and null in the eyes of law and is therefore not sustainable more but is liable to be set aside. So the appeal of the appellant is deserving, to be allowed as per pray, of the appellant in the service appeal, by allowing the entire relief sought therein in favour of the appellant. This fact is also admitted that basing the same seniority the appellant and the private respondents No.4 to 6 and other appellants Mr, Hakeem Gul and Tariq Ali concerned were promoted as SPST, which the private respondents concerned had not been challenged so far.
- b. That the stance of the appellant, though being admitted, by the entire, private and Official respondents, all, in their comments against para "a", of facts, filed, which is on record of this Honourable service tribunal and similarly also admitted by the official respondents (1 to 3) in their joint comments, against Para "b" of facts, whom being custodian of the relevant record cannot be differed logically, need not to prove by the appellant, therefore no need to reply. However as for as the comments of private respondents No.4 to 6, against the Para "b" of facts, is concerned.

The same being contradictory to their own admitted stance, against Para "a" of the same comments of facts, is also not sustainable under the law as one is not allowed to blue and hot in a same breath, so is incorrect, unreasonable and unlawful, because if any such reservation of the private respondents No.4 to 6, actually were there, they might have challenged the same before this Honourable Tribunal or any competent Forum but they have never challenged anything in this respect so far hence the situation is final. While it is also fact that fraudulent and wrong Notification dated 15/09/2018, issued by the official respondent No.3 with collusion of others, by virtue of which the private respondents No.1 to 3 concerned have wrongly and unlawfully with wrong reference of the Judgment of this Honourable Tribunal, announced, on dated, 06/09/2016, in the Service Appeals No.1151 & 1152 of Jehanzaib PST & Saleemullah PST, has been kept held in abeyance vide order dated, 19/9/2018, annexure, "C" and also cancelled vide order dated, 29/11/2018, annexure "D" of the comments of respondents NO.1 to 3. Hence denied.

- c. That the comments of the official respondents No.1 to 3 are positive and affirmative because the record concerned is according to the stance of the appellant so being admitted no reply thereon. However as for as the comments of the private respondents No.4 to 6 against para "c" of facts are concerned, the same is wrong and an ambiguous one because no appeal, departmental or service appeal in no shape or capacity were filed by them before any forum even before this Honourable Tribunal but fraudulently they (private respondents and official respondents jointly have wrongly taken and given the benefit of the apex Judgment announced by this Honourable Tribunal on, dated, 06/09/2016, in the Service Appeals No.1151 & 1152 of Jehanzaib PST & Saleemullah PST, which subsequently has been kept held in abeyance, vide order dated, 19/9/2018, annexure, "C" and also cancelled vide order dated, 29/11/2018, annexure "D" of the comments of respondents No.1 to 3. Hence denied. However by allowing the instant appeal of the appellant, this honourable Tribunal is also requested to refer the case to the Anticorruption Judge for proper trial against the entire Respondents even No.3 to 6 under sections 419, 420 PPC and other sections.
- d. That being no denial or rebuttal of the para "d" of the facts of service appeal of the appellant by the official respondent as evasive denial is tantamount to admission hence no reply being admitted. However the denial of the private respondents No.4 to 6 are strange that when they have no knowledge how? but beside the standing that evasive denial is admission.

- e. That as there is no any para "e" in the instant appeal of the appellant but showing the stander of attention of the private respondents towards an important task. However no reply as no claim against "E".

Reply to the Comments on GROUNDS

1. That the comments against para No.1 of the Grounds taken in the service appeal of the appellant, filed, by both the official and private respondents, are against the facts and reality on the ground and record and also the documents annexed even by all the respondents themselves with their comments. For example the Notification dated 15/09/2018 impugned as annexure "B" is silent in this respect that the notification impugned was in consequence of any recommendation of any DPC (departmental promotion committee) because the same has been based to be issued in compliance to the apex Judgment of this Honourable Tribunal in connection of service appeals No.1151/2013 & 1152/2013, allowed and announced on dated 06/09/2016 while the annexure "A" which is so called Minutes is concerned, the same is of the date 14/09/2017 ie one year back, however the same is also fake and wrong because no representative of the Administrative Deptt; was not called for, however one Amani mulk shah ADEO Eabst; Female Buner shown has not signed over the same because the same has just now prepared bogus while the same amani mulk shah concerned has passed away a few months ago but only for the purpose of completion of formalities the same has been annexed. while on complaints filed by the appellant and his two colleagues also appellants in this Hon; Tribunal to the D.C Buner, other complaints against the same fake proceedings and promotion basing on fraud the official respondents has therefore;

 - a. Kept the same Notification impugned dated, 15/09/2018 vide order dated, 19/08/2018 annexed by themselves /official respondents 1 to 3 as annexure "C" just to console fraudulently again the appellant but felling serious later on
 - b. Unavoidably just to escape themselves from expected proceedings and punishment or prosecuting, the official respondent, has Cancelled the same notification dt, 15/09/2018 impugned on dated. 29/11/2018 annexure, "D" with the comments. Which prove the same fact that the private respondents 4 to 6 were fraudulently and wrongly promoted being junior to the appellant. Hence denied.
 - c. That the stance of the private respondents No.4 to 6 are totally in correct and even their joint alleged departmental appeal was also incompetent which has recently drafted being not supported by the official respondents too.

2. That the comments of the official respondents NO.1 to 3 against para No.2 of the grounds of the s/appeal is also admission to the stance of

the appellant while the comments of the private respondents No.4 to 6 are totally against the law because the seniority list being gained finality, unchallenged even by the p/res; concerned for earlier promotion of the appellant while subsequently wrongly and fraudulently the same was ignored by the official and p/respondent while issuing the Notification impugned dated,15/09/2018, which has later on allegedly kept held in abeyance on dt.19/09/2018 and then cancelled on dated, 29/11/2018, which prove fully the stance and plea taken in the appeal of the appellant and his relief sought too. Hence the contradictive and difference defense comments are denied.

3. That the comments against the para 3 of the grounds are evasive denial and in an arrogant and a dictator manner which shows the rules and regulation and public interest are both are mere the subservient to the wish and whim of the official respondents. And they may be directed to fill long remaining vacant posts or at least to show the position of the same. However denied the stance being unreasonable one unlawful.
4. That the denial is evasive which is tantamount to admission. Hence no reply however the appeal is within time.
5. That the comments and even against para "a" of the facts even by the private respondent being admitted that the appellant is a senior to private respondents No.4 to 6 is enough to claim that the impugned 15/09/2018 was/is wrong and fraudulent while also cancellation of the same by the official respondents No.1 to 3 and non challenging by the private respondents No.4 to 6, all are supporting non rebutting facts in support of the appeal of the appellant to be allowed on the same however the appellant will more argue the same at the time of arguments with due permission of this Hon; Tribunal.

Therefore it is humbly prayed that on acceptance of this rejoinder, the service appeal of the appellant may be allowed as per pay in the service appeal of the appellant with further relief to which the appellant is otherwise entitle under the law, policy and rules exist, though not specifically prayed for in the instant appeal of the appellant, may also be allowed in favour of the appellant.


APPELLANT

Through Counsel


RAHIM KHAN

Adv; HIGH COURT

Office ; at dist; courts Daggar Buner

Cell = 03439049185

Dated, 02/04/2020.

5

CERTIFICATE

It is to certify that the entire contents of this rejoinder are true and correct and that no other rejoinder has earlier been filed before this Hon; Tribunal.

Jamal

APPELLANT

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

Resd

TB Swat

No.

162, 163

APPEAL No..... of 2019.

Javed Khan, Hakim Gul

Appellant/Petitioner

Versus

Secy: (E8SE)

RESPONDENT(S)

Counsel

Rahim Khan (Advocate)

Notice to Appellant/Petitioner

High Court Peshawar

office DISTT Court Daggay Buner

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 9-6-22 at 8:00 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.

at camp court

Swat

[Signature]

[Signature]
Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

along with another connected

APP. is also attached.

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Resd JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR. TB Swat

No. -

APPEAL No. 162, 163 of 20 19

Faved Khan, Hakim Khan

Appellant/Petitioner

Versus

Secy: (CEBSE) Pesh:

RESPONDENT(S)

Notice to Appellant/Petitioner Javed Khan s/o
Azmat Ullah Khan SPST Govt Primary
School Sura No 3 Distt Buner

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 9-6-22 at 8:00 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.

at camp court

Swat

along with another connected
APP: is also attached.

Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.