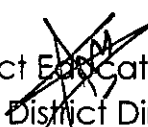


## **AUTHORITY LETTER**

Mr. Shahid Anwar ADEO (Male) Dir Lower is hereby authorized to submit the comments /reply in the Service Appeal No.3299/2021.

Title: Salim Mehmood v/s Govt of KP and others On behalf of the under signed,

  
✓ District Education officer (M)  
District Dir Lower  
Respondent No.3

**BEFORE THE KHYBER PAKHTUN KHWASERVICE TRIBUNAL,**  
**PESHAWAR**

**Service Appeal No .3299/2021**

1. Saleem Mehmood District Dir Lower

(Appellant)

**Versus**

1. Government of Khyber Pakhtunkhwa through Secretary Elementary and secondary Education Khyber Pakhtunkhwa Peshawar

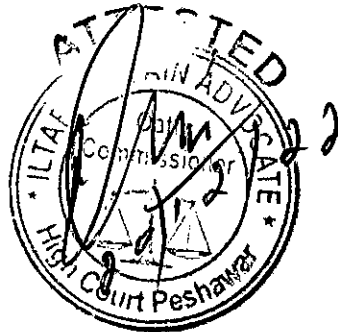
2. Director Elementary and secondary Education Khyber Pakhtunkhwa Peshawar.

3. District Education Officer (M) Dir Lower at Timergara. And others

(RESPONDENTS)

**Affidavit**

**I Mr. Shahid Anwar ADEO (Male) Dir Lower do hereby solemnly affirm and state on oath that the whole contents of this reply are true and correct to the best of my knowledge and belief and nothing has been concealed from this August court.**



**Deponent**

*Shahid Anwar*  
**Shahid anwar**  
**ADEO (Male) Dir Lower**

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service appeal being badly time barred is not maintainable on the ground inter alia:


## GROUNDS

- A. Incorrect, the Appellant will be promoted on the basis of Seniority cum fitness and no illegality has been done by the official respondents.
- B. Incorrect, and further stated that the appellant has been treated as per Law rule and policies.
- C. Incorrect, hence denied detail has been submitted in the facts above.
- D. Incorrect, hence denied detail has been submitted in the facts above.
- E. In correct detailed reply has been submitted in the Facts above.
- F. In correct detailed reply has been submitted in the Facts above.
- G. In correct detailed reply has been submitted in the Facts above.
- H. Need No comments.
- I. That the respondents also seek leave to raise additional grounds at the time of arguments.

It is, therefore, humbly prayed that on acceptance of the above submission, the instant Service Appeal may very graciously be dismissed in favor of the answering respondents with cost.

  
Director

Elementary & Secondary Education  
Khyber Pakhtunkhwa- (2)

  
Secretary  
Elementary & Secondary Education  
Khyber Pakhtunkhwa- (1)



District Education Officer (Female)  
District Lower Dir - (3)

- (7)
3. Para-3 of the facts regarding application to the said post pertains to record, whereas the post ibid were advertised on adhoc/contract period and in service teacher were not allowed to apply to the said posts as per advertisement.
  4. Para-4 of the facts is correct to the extent of the appointments made on adhoc/contract basis for a stipulated period whereas the appellant was at liberty to challenge the vires of the advertisement after making departmental appeal /representation before the competent authority within stipulated period . But the appellant fails to do so now he awake after a deep slumber to get undue advantages of the regularization Act, 2009.
  5. Para-5 of the facts is also correct Regarding the regularization Act 2009 , whereas the Act ibid were passed for the interest of public in large , hence the appellant has no locus standi to file the instant time barred appeal.
  6. Para-6 of the Facts is correct and further stated that the others colleagues of the appellant filed writ petition No. 2905/2009 which was allowed in favor of the Appellant later on they filed COC for implementation which was decide on 08-11-2018 with the recommendation that the backlog of the promotion is washed out and the promotion quota was fully exhausted as per Judgment of the Peshawar High Court.
  7. Para-7 is need no comments.
  8. Para-8 of the facts pertains to record to the extent of the eligibility for promotion to the post of (SST BPS16).
  9. Para- 9 of the facts may be considered as Para-6 of the facts above.
  10. Incorrect hence denied and further stated that the Appellant does not come in the ambit of the aggrieved person as the, the appeal annexed as "K" which is also pertain to record has been filed after laps of more than about 9 years, hence the instant

**BEFORE THE KHYBER PAKHTOON KHWA**

**SERVICE TRIBUNAL, PESHAWAR**

SERVICE APPEAL No. 3299 /2021

1. SALEEM MEHMOOD SDM, District Dir Lower.

(Appellant)

**Versus**

1. The Secretary Elementary and secondary Education Khyber Pakhtunkhwa Peshawar
2. The Director Elementary and secondary Education Khyber Pakhtunkhwa Peshawar
3. The District Education Officer (M) Dir Lower at Timergara. And others

(RESPONDENTS)

**PARA WISE COMMENTS ON BEHALF OF RESPONDENTS, No.1 to 3.**

**Respectfully sheweth:-**

**PRELIMINARY OBJECTIONS.**

1. That the Appellant is not the "aggrieved" persons with the meaning of Article 112 of the Constitution of the Islamic Republic of Pakistan 1973.
2. That the Appellant has got no cause of action /locus standi..
3. That the Appellant has not come to this Honorable court with clean hands.
4. That the Appellant is estopped by his own conduct.
6. That the instant service appeal suffers from laches, hence not maintainable in the present form.

**ON FACTS**

1. Para-1 of the facts pertains to records hence need no comments.
2. Para-2 of the facts also pertains to record, furthermore it is stated that the appellant was appointed as D.M and later on promoted to the post S.D.M (BPS16) as per policy and will be promoted to the post of SST (BPS 16) on seniority- cum -fitness .whereas it is correct that the posts of SST were advertised on adhoc/contract basis for a specific period with the term and condition inter alia that the permanent employees /in service teachers are not allowed meaning there by that the appellant and other colleagues of the appellant were not oblivious of the situation given in the advertisement. Hence, no vested right of the appellant has been infringed.

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**BEFORE THE KHYBER PAKHTOON KHWA**  
**SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No 3299/2021

1. Saleem Mehmood , District Dir Lower

(Appellant)

**Versus**

1. The Secretary Elementary and secondary Education Khyber Pakhtunkhwa Peshawar
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(RESPONDENTS)

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~~XXXXX~~  
District Education officer (M)  
District Dir Lower  
Respondent No.3