

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

S.A.# 1413/2022

Mst. NeelamAppellant.

VERSUS

Secretary E&SE, Govt: of Khyber Pakhtunkhwa & others..... Respondents.

Para-wise comments on behalf of Respondents No. 1 to 3

Khyber Pakhtunkhwa
Service Tribunal

Diary No 2467

Dated 23/12/22

Respectfully Sheweth,

Preliminary Objections

1. That the appellant has got no cause of action nor has any locus standi to file the present appeal.
2. That the appellant has not come to the Tribunal with clean hands.
3. That the appeal in hand is not maintainable is liable to be dismissed.
4. That the appeal is filed just to pressurized the Respondents for getting unfair benefits from the respondent department.
5. That the appellant is just wasting the precious time of this August Tribunal.
6. That Transfer and Posting is part of the Service and the appellant is bound by law to perform his duties everywhere she may be given the charge.
7. That the appellant has been transferred in accordance with law in light of Section -10 of KP Civil Servant Act 1973.
8. The appeal is barred by law.
9. That the appeal is not maintainable in its present form.

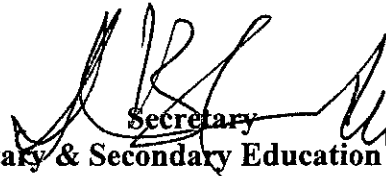
Reply on Facts.

1. Pertains to record.
2. Correct to the extent that the appellant was transferred from GGHS Dab Kor Mohmand to GGHS Subhan Khwar Mohmand.
3. Correct to the extent that the transfer of appellant is correct and the authority has acted in accordance with law and in the best public interest. Furthermore, posting/transfer is the part of service and can any time be made by the competent authority as required under Rule 10 of KP Civil Servant Act, 1973.
4. Incorrect, the departmental appeal of the appellant was having no force, therefore the same was dismissed (attach order).

Reply on Grounds

- a. Incorrect, the case of the appellant is totally different and the transfer of appellant was in the best of public interest, therefore the act of the respondent was in accordance with law.
- b. Para-b is not applicable to the appellant case and the transfer in accordance with law.
- c. Incorrect, there is no involvement of political pressure in appellant case, furthermore the private respondent No. 5 has been transferred in place of appellant in the best of public interest.
- d. Incorrect, the appellant was transferred in the best public interest and in accordance with law.
- e. Incorrect, the respondent will also seek permission for submission of additional grounds at the time of arguments.

It is therefore, most humbly requested that the appeal in hand may kindly be dismissed with costs.



**Secretary
Elementary & Secondary Education Department.
Respondent No. 01, 02**



**Director,
Elementary & Secondary Education Department.
Respondent No. 03**

BEFORE THE HON'BLE SERVICE TRIBUNAL PESHAWAR

Service Appeal # 1413/2022

Mst. NeelamAppellant

VERSUS

Govt. of Khyber Pakhtunkhwa & others..... Respondents

AFFIDAVIT

I, **Muhammad Imran Zaman**, Section Officer (Litigation-II) Elementary & Secondary Education, Department do hereby solemnly affirm and declare that the contents of the accompanying para-wise comments, submitted by the respondents, are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable court.



DEPONENT

**Muhammad Imran Zaman
Section Officer (Lit-II)
E&SE Department Peshawar**