

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal # 1545/2022

Muhammad Usman.....Appellant.

VERSUS

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

Respectfully Sheweth,

PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 1.

Preliminary Objections

1. The appeal in hand is against the law and facts, hence liable to be dismissed.
2. That the appellant has not come to the Tribunal with clean hands.
3. That the Respondents have acted in accordance with law and rules and there is no illegality or irregularity in the act of the Respondents.
4. That the appellant has got no cause of action against the Respondents.
5. That the appellant is not an aggrieved person nor has any locus standi to file the present appeal.
6. That the instant appeal is against the law and prevailing rules.
7. That the appellant is not entitled for any relief from this Tribunal.
8. That the appeal in hand is liable to be dismissed being devoid of any merits.
9. That the appellant has already completed his statutory period on the previous post and the competent authority has rightly acted u/s 10 of the Civil Servant Act, 1973.
10. The appeal is liable to be summarily dismissed with cost.

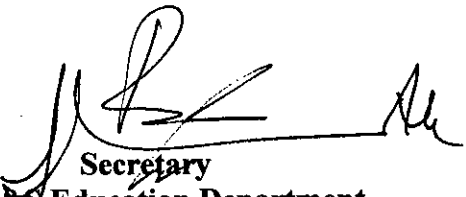
On Facts.

1. Pertains to record.
2. Pertains to record.
3. Incorrect, posting and transfer of the appellant was made with the approval of the competent authority strictly in accordance to law/rules and a Civil Servant is bound to serve anywhere in the Province as per Section-10 of the Civil Servants Act, 1973.
4. Subject to proof, however it is also pertinent to mention here that in law there is no discrimination for an individual to remain forever on a post of his choice, furthermore posting and transfer is part of service and the appellant must have to obey the orders of the competent authority.
5. Incorrect, the plea of the appellant is against the law and rules, hence has no right to appeal.
6. Incorrect, the present appeal is liable to be dismissed summarily being devoid of any merits.

Grounds

- A. Incorrect, the notification dated 06-07-2022 is in accordance with law/rules.
- B. Incorrect, the appellant has been treated in accordance with law/rules and there is no violation of the Article-04 & 25 of the Constitution of the Islamic Republic of Pakistan.
- C. Incorrect, the appellant is a Civil Servant and its a duty of every Civil Servant to serve anywhere in the province.
- D. Incorrect, hence denied the detail reply has been given above.
- E. Incorrect, as stated in above paras.
- F. Incorrect and denied the appellant is not an aggrieved person nor any of his right has been infringed.
- G. Incorrect, all Government Officials are required to Act under the parameters of their job description according to law/rules to comply with the orders of the competent authority.
- H. Incorrect, the Respondent is not bound to obey the appellant or act on the wishes of the appellant. But it is the appellant to obey his competent authority.
- I. The Respondent will also seek permission for submission for additional ground the stage of the arguments.

It is therefore, requested to this Honorable Tribunal that keeping in consideration the parawise comments of the respondents, the appeal in hand may kindly be dismissed with cost.


Secretary
E&S Education Department.
Respondent No. 01

BEFORE THE HON'BLE SERVICE TRIBUNAL PESHAWAR

Service Appeal # 1545/2022

Muhammad Usman..... Petitioner

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

