

Reply

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.**

Service appeal NO. 1534/2022

Sumbal Riaz

VS

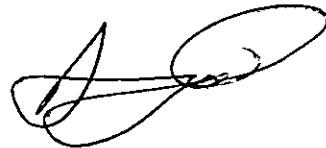
Director E&SE, Peshawar & 01 other

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RESPONDENTS

Through



AUTHORIZED REPRESENTATIVE

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
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VS

Director E&SE, Peshawar & 01 other

**PARAWISE COMMENTS ON BEHALF OF
RESPONDENT NO 1 & 2.**

RESPECTFULLY SHEWETH,

Respondent humbly submits as under.

Preliminary objections:

- 1) That the appellant has fraudulently availed the invalidated quota by concealing her brother being appointed under the same quota.
- 2) That the appellant has no cause of action/locus standi to file the instant Service Appeal.
- 3) That the appellant is concealing material facts from this honorable court.
- 4) That the present appeal is bad for mis-joinder and non-joinder of necessary parties.
- 5) That the appellant is estopped by his own conduct to file the instant appeal.
- 6) That the instant appeal is not maintainable in its present form.
- 7) That the present appeal is badly Time barred.

ON FACTS:

- 1) Para -01 is correct.
- 2) Para -02 is correct with the explanation that appellant's father namely Riaz ul Haq got retired from education department on medical ground and one of her brother namely Mr. Umar Khayam s/o Riaz ul Haq has already availed the invalidated quota by appointing as Junior Clerk under endst. No. 3552-59 dated 29-03-2022 in DEO(Male) Nowshera. However appellant malafidly kept this fact concealed from DEO (Female) Nowshera and fraudulently obtained appointment under invalidated quota already availed by her brother.
(copy of appointment order of the brother of appellant is annexed as annexure 'A')
- 3) Para -03 is subject to proof however joining and performance of duty based on fraudulently obtained appointment order does not establish any right of the appellant on the said post thus duly withdrawn.
- 4) Para-04 is incorrect hence denied. To substantiate her ill gotten fraudulent appointment order, appellant blames the department illogically rather the appellant himself making false statements as the civil suit lodged on dated 22/4/22 and withdrawn on 28/4/22 as mentioned on page 24 of appeal is clearly prayed for appointment on any post not for any rectification similarly the withdrawal application and court order are also having no such statement regarding rectification.
- 5) Para-05 is correct with the explanation that appellant was wrongly appointed on dated 7/4/2022 as she

malafidely concealed the quota already been observed by her brother so upon exposing so her appointment order was duly withdrawn/cancelled on dated 12/5/2022 in this regard all necessary notices were issued.

6) Para 6 is incorrect no departmental appeal has been filed.

7) Needs no comment.

ON GROUNDS:

A)Ground -A is incorrect, the appellant has fraudulently availed the invalidated quota by concealing her brother being appointed under the same quota hence her appointment order was liable to be withdrawn.

B)Ground -B is incorrect and based on false statements concealing the very basic fact of quota availing moreover the civil suit lodged on 22/4/22 and dismissed on 28/4/22 as was prayed for appointing the appellant and has no concern with rectification etc.

C)Ground -C is incorrect, appellant has committed fraud by concealing the quota already availed by her brother as expressed and proved from his appointment order, appellant was on probation and as admitted facts needs no enquiry hence her appointment order was withdrawan.

D)Ground -D is incorrect.

E)Ground -E is incorrect.

F)Ground -F is incorrect.

G)Ground -G is incorrect.

H) Ground _H is incorrect.

I) Ground -I is incorrect.

J) Ground -J is incorrect as proven facts needs no enquiry.

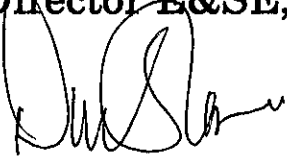
K) Ground -K is incorrect.

L) Respondents may also be permitted to raise other grounds in arguments.

It is therefore most humbly prayed that the instant appeal being meritless, vexatious, and erroneous may kindly be dismissed.

RESPONDANTS;


1) Director E&SE, KPK


2) DEO (F), Nowshera

*District Education Officer
(Female) Nowshera*

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TIRBUNAL PESHAWAR

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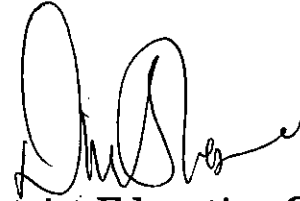
Mst.Sumbal Riaz..... Petitioner

VERSUS

Director E & S E KPK Peshawar & OthersRespondents

Authority Letter

I, Durre Shawa District Education Officer (F), Nowshera do hereby authorise **Mr.Amjid Ali (SS, BPS-17)** in the above mentioned writ petition to represent the undersigned Before the Hon'ble Khyber Pukhtunkhwa Service Tribunal Peshawar



District Education Officer (F)

Nowshera

**District Education Officer
(Female) Nowshera**

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AFFIDAVITE

I, Amjid Ali Litigation Officer, office of The District Education Officer (F) Nowshera, do solemnly affirm and declare on oath that the contents of Par wise comments on behalf of respondents are true and correct to the best of my knowledge and nothing has been concealed from this Honourable Tribunal.

Identified by




Deponent

Advocate General
Khyber Pakhtunkhwa
Peshawar