

BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR.

MST. Rawasia

Service Appeal No. 909/2022

District Accounts Officer, Malakand.

Khyber Pakhtunkhwa
Service Tribunal

Disary No. 3043

Dated 18-1-2023

Appellant

Respondent

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BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR.

Service Appeal No. 909/2022

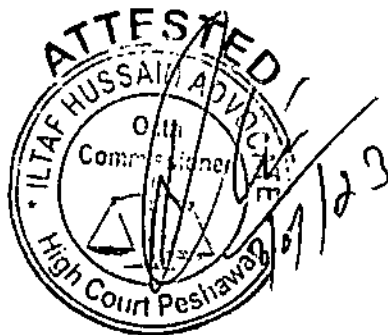
Mst. Rawasia ----- Appellant

VERSUS

District Accounts Officer, Malakand.----- Repondent No: 05

AFFIDIVATE

I Sultan Hussain, Senior Auditor Govt. of Khyber Pakhtunkhwa District Accounts Officer, Malakand do hereby solemnly affirm and declare on oath that the contents of Para-wise comments in Service Appeal No. 909/2022 is true and correct to the best of my knowledge and belief and that nothing has been concealed from the Honourable Tribunal.



Sultan Hussain
Deponent.

Appeal No. 909/2022

Mst. Rawasia (Appellant)

VS

The Government of Khyber Pakhtunkhwa Health Department through Secretary Civil Secretariat Peshawar and others.....(Respondents)

Reply / Objections

Respectfully Sheweth:-

Reply on behalf of Respondent No. 05 is as under:-

Preliminaries objections:-

- 1). That the appellant has got no cause of action against the Respondent No. 05.
- 2). That the appellant has estopped to sue against the Respondent No. 05 due his own act and conduct.
- 3). That the appeal is not maintainable due to mis-joinder and non-joinder of necessary parties.
- 4). That the appellant has no locus standie.
- 5). That the appellant has not come to this honouorable tribunal with clean hands.
- 6). That the appeal of the appellant is barred by law and limitation.
- 7). That the appeal is bad for mis-joinder and non-joinder of necessary only parties.

Facts :-

- 1). Pertains to record.
- 2). Related with the respondent No. 1 and No.02.
- 3). Pertains to record.
- 4). Pertains to record.
- 5). Pertains to record, however related with respondent No. 01 and 02.
- 6). Related with the respondent No. 01 and 02.
- 7). Related with the respondent No. 01 and 02.
- 8). Related with the respondent No. 01 and 02.
- 9). Related with the respondent No. 01 and 02.
- 10). Related with the respondent No. 01 and 02.
- 11). That the appeal of the appellant is based on malafide intention only to indulge / presurize the respondent No.05 for the release of her salary for the period in which she remained absent from duty. It is worth mentioning here that the respondent No. 05 only entertain the record of the appellant which are submitted in the shape of source for the release/ stoppage of pay and allowances through respondent No. 03. Beside it's the respondent No. 05 is no concern with the grounds of appeal of the appellant as narrated. That the appellant remained absent from the duty, which she received a huge amount from the Government treasury, which is recoverable from her. It is worth mentioning that the inquiry committee also recommended recovery of salary which received by the appellant from May, 2009 upto year, 2017.
- 12). Related with the respondent No. 01 and 02.
- 13). Related with the respondent No. 01 and 02.
- 14). Pertains to record.
- 15). Pertains to record.
- 16). Pertains to record.
- 17). Pertains to record.
- 18). Pertains to record.
- 19). Related with the respondent No. 01 and 02.
- 20). Needs no comments.

Grounds:-

- A. Related with the respondent No. 01 and 02.
- B. Pertains to record.
- C. Related with the respondent No. 01 and 02.
- D. Pertains to record.
- E. Related with the respondent No. 01 and 02.
- F. Related with the respondent No. 01 and 02.
- G. Related with the respondent No. 01 and 02.
- H. That the respondent also seek permission to raise further points at the time of arguments.

It is therefore humbly prayed that on acceptance of the written comments the name of respondent No. 05 may please deleted and the appeal in hand may please be dismissed with cost.

~~Respondent No. 05~~
~~District Accounts Officer, Malakand~~