

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 7744/2021

Khyber Pakhtunkhwa
Service Tribunal

Registry No. 3181

Zubair Ali Haider.....Appellant 26-1-2023

Versus

Government of Khyber Pakhtunkhwa & others **Respondents**

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

SERVICE APPEAL NO. 7744 OF 2021

Zabair Ali Haider.....Appellant

VERSUS

Govt. of Khyber Pakhtunkhwa and others.....Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 01 TO 06

Respectfully Sheweth:

Preliminary Objections:-

1. That the appellant has got neither cause of action nor locus standi to file the instant appeal.
2. That the appellant has filed the instant appeal just to pressurize the respondents.
3. That the instant appeal is against the prevailing Law and Rules.
4. That the appeal is not maintainable in its present form and also in the present circumstances of the issue.
5. That the appellant has filed the instant appeal with mala-fide intention hence liable to be dismissed.
6. That the appellant has not come to this Honorable Tribunal with clean hands.
7. That the appeal is barred by law and limitation.
8. That the Honorable Tribunal has no Jurisdiction to adjudicate upon the matter.
9. That the instant appeal is bad for mis-joinder of unnecessary and non-joinder of necessary parties.

ON FACTS:

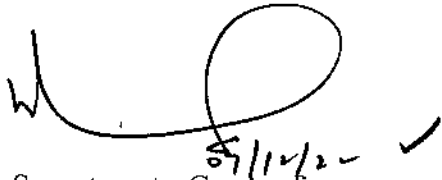
1. Pertains to record.
2. No comments. Pertains to his personal information.
3. Correct to the extent of notification dated 2-02-2007, however it is worth to mention that being ^{an} employee of the Health Directorate, the ~~above~~ mentioned rules are not applicable to the appellant.
4. Incorrect as already explained in para-3, the Khyber Pakhtunkhwa (Provincial Information Technology Group) Service rules-2006 are not applicable to the employees of attached departments, therefore the appellant was not entitled for promotion under the ibid Rules.
5. Pertains to record, however Service Rules for the cadre of the appellant ~~are~~ in process and after approval/due process of the Rules, the respondents will further proceed for the interest of the cadre.
6. No comments being legal, however the appellant is not an aggrieved person as no vested right of the appellant has been violated by the respondents

ON GROUNDS:

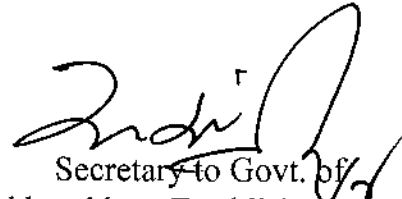
- A. Incorrect. Detailed reply has already been furnished in Para No. 5 of the Facts.
B. Incorrect. The appellant has been treated in accordance with Law & Rules.
C. Incorrect. The replying respondents have not violated fundamental rights of the appellant.
D. Incorrect. Already explained in para-B & C.
E. Incorrect. Already replied in para-5 of the facts.
F. Incorrect. Already explained above.
G. Incorrect. Already explained above.
H. Incorrect. Already explained above.
I. Incorrect. Already explained above.
J. Incorrect. Already explained above.
K. The answering respondents also seek prior permission of this Honorable Tribunal to adduce additional grounds at the time of arguments.

PRAYER:

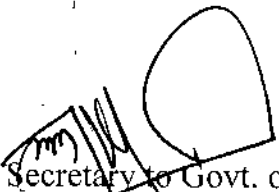
It is therefore humbly prayed that on acceptance of the comments, the instant appeal of the appellant may very graciously be dismissed with costs.



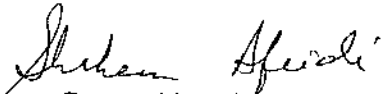
Secretary to Govt. of
Khyber Pakhtunkhwa Health Department
Respondent No. 01 & 04



Secretary to Govt. of
Khyber Pakhtunkhwa Establishment Department
Respondent No. 02



Secretary to Govt. of
Khyber Pakhtunkhwa Finance Department
Respondent No. 03



Director General Health Services
Khyber Pakhtunkhwa
Respondent No. 05



District Health Officer Charsadda
Respondent No. 06

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Affidavit

I, Laeeq Ahmad, Focal Person (Litigation) office of the Director General Health Services, Khyber Pakhtunkhwa, Peshawar, under the directions of the Competent Authority, do hereby solemnly affirm that the contents of the parawise Comments on behalf of Respondent are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'able Court.

Laeeq

Deponent



26-1-23