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

Service Appeal No. 1147/2022

Khyber Pakhtunkhwa  
Service Tribunal

Mr. Nisar Ahmad, .....Appellant 3201

VERSUS

Dated 27-1-2023

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

**PARAWISE COMMENTS ON BEHALF OF THE RESPONDENTS NO 01 to 03.**

**Respectfully Sheweth,**

**Preliminary Objections**

1. That the appellant has got no cause of action against the answering respondent.
2. That no wrong has been done to the appellant which accrue any locus standi to the appellant.
3. That the present appeal is just wastage of the precious time of this Hon'ble Court, hence liable to be dismissed summarily.
4. That the appellant has not approached this Honble Tribunal with clean hands.
5. That the transfer and posting is the Administrative fuction of the department and not the choice of the appellant.
6. That the respondent has acted as per law and rules and no irregularity is there in the function of the authority concern.
7. That the applicant like every civil servant has to obey the orders of the department concern and without any wrong the appellant cannot knock the door of this Honble Tribunal.
8. That the present appeal is filed with malafide intention just to pressurize the respondent.
9. That the appeal in hand is bad in its present form and is liable to be dismissed.
10. That as per the Section 10 of Civil Servant Act, 1973 every civil servants shall be liable to serve anywhere within or outside the Province.


**REPLY ON FACTS.**

1. Pertains to the record.
2. Correct to the extent that promotion always as per seniority cum fitness.
3. Pertains to the concern school record, however, it does not amount to any specific right that by performing official duty in good manner the appellant will not be transferred or disturbed from any specific post. It is very important to mention here that it is the prerogative of the respondent to transfer the staff throughout the province where ever necessary in the best interest of public.
4. Incorrect, the appellant remained for a very long term on the previous post and as per policy of the Government, the appellant was transferred and it is obligatory on the appellant to follow the directions of the Government.
5. Incorrect, the appellant has got no cause of action against the respondents and the appellants transfer is in accordance with law and nothing illegal and unjust has been done to the appellant.
6. Incorrect, hence denied in toto. It is pertinent to mention here that there is no political influence in the order dated 15-04-2022. The appellant has already completed his tenue on the same post.

**Reply on Grounds**

1. Incorrect, the impugned order is legal according to law and as per approval of the competent authority.
2. Incorrect, posting transfer is the part of service and can be made any time by the Competent Authority in public interest as per Section 10 of Civil Servant Act, 1973.
3. Incorrect, hence denied in toto.
4. Incorrect, as stated above paras.
5. Incorrect, hence denied. The tenure of the appelland was completed and his transfer was in accordance with law.
6. Incorrect, the respondents have proceeded in accordance with law.
7. Incorrect, the appelland by himself is not the authority to make or point out any desired post for himself.
8. Incorrect, as stated an para 4 of the facts

**It is, therefore, most humbly prayed that on acceptance of these parawise comments, the appeal in hand may kindly be dismissed.**

  
Secretary  
**Elementary & Secondary Education Department.**  
**Respondent No. 01 to 03**

**BEFORE THE HON'BLE SERVICE TRIBUNAL PESHAWAR**

**Service Appeal # 1147/2022**

**Mr.Nisar Ahmad..... 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

