

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
Amendment Service Appeal in Service Appeal No. 7205/2021

Case No. 3199
Dated 27-1-2023

Mr. Fazal Mabood, SS BS-17.....Appellant

VERSUS

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

PARAWISE COMMENTS ON BEHALF OF THE RESPONDENTS NO. 01 & 02

Respectfully Sheweth,

Preliminary Objections

1. That the instant appeal is hopelessly time barred and is not maintainable.
2. That the appellant enjoyed other business/jobs for a long time and did not bother to return to his duty after his approved leave and remained absent for more than ten years and now when he is no more a civil servant and he was terminated accordingly as per rules he knocked the door of this Hon'ble Tribunal malafide with any justification and without any cause of action.
3. That the appellant is not in any legal position nor has any locus standi to file the instant appeal.
4. That the appellant has concealed material facts from this Hon'ble Tribunal.
5. That the appellant is estopped by his own conduct to file the present appeal.
6. That the appellant has not come to this Tribunal with clean hands.
7. That the instant appeal is against the prevailing law and rules.
8. That the appellant is not entitled for any relief he has sought from this Hon'ble Tribunal.
9. That the appellant is not an aggrieved person.
10. That the appeal being devoid of any merit is liable to be dismissed with heavy cost.

ON FACTS.

1. Needs no comment appellant shall provide documentary evidence.
2. Pertains to record, needs no comments.
3. Pertains to record.
4. Correct, up to the extent of the grant of leave. However later on the appellant was willfully remained absent from his duties which resulted in his termination, which he has impugned before this Tribunal.
5. Incorrect, misleading and denied. After expiry of leave up to 31-08-2008, neither the appellant assumed the charge nor made any contact with department and remained absent from duty.
6. Incorrect, proper inquiry was conducted against the appellant as a result of inquiry report, the competent authority imposed major penalty upon the appellant.

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7. Incorrect, misleading and denied.
 8. Incorrect, the appellant is a civil servant having the knowledge of service. He was required to submit written arrival for duty before the competent authority but he failed. Therefore, the appellant has been terminated from service after fulfill meat of all codal formalities.


On Grounds

- i. Incorrect, all proceedings have been carried out according to law/rules.
- ii. Incorrect, the appellant has been treated in according to law/rules.
- iii. Incorrect, no violation of the Constitution of Islamic Republic of Pakistan has been committed.
- iv. Incorrect, the appellant has been removed from service on the basis of recommendation of the inquiry officer by the competent authority.
- v. Incorrect, the appellant remained absent from duty for a long period and resultantly removed from service.
- vi. The respondent will also raise additional grounds at the time of arguments.

It is therefore, requested, that the appeal in hand is hopelessly time barred, meritless and based on malafide, intention therefore, may very kindly be dismissed with heavy cost.


Director

**E&SE Department
(Respondent No. 02)**


**Secretary
E&SE Department.
(Respondents No.01)**

BEFORE THE HON'BLE SERVICE TRIBUNAL PESHAWAR

Service Appeal # 7205/2021

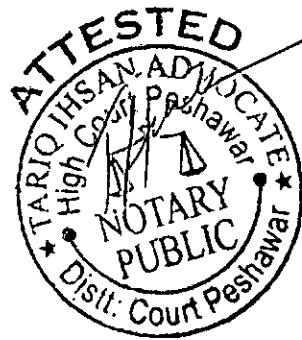
Fazal Mabood, SS BS-17.....Petitioner

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