

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.**

Appeal No. 1394/2022

3250

30-1-2023

Mr. Amanullah, District Comptroller of Accounts, BPS-19
Peshawar, the then DCA, D.I.Khan, (BPS-18).

.....*Appellant*

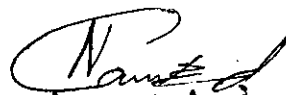
VERSUS

1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. The Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
3. The Secretary, Establishment, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
4. The Secretary, Finance Department, Khyber Pakhtunkhwa, Peshawar.
5. The Director, Treasuries & Accounts, Khyber Pakhtunkhwa, Peshawar.

.....*Respondents*

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**Assistant Accountant
District Comptroller of Accounts
Peshawar.**

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

APPEAL No. 1394/2022

Mr. Amanullah, District Comptroller of Accounts BPS-19 Peshawar, the then DCA, D.I Khan (BPS-18)

.....Appellant

VERSUS

1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. The Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
3. The Secretary Establishment, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
4. The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.
5. The Director Treasuries & Accounts, Khyber Pakhtunkhwa, Peshawar.

.....Respondents

JOINT PARA WISE COMMENTS ON BEHALF OF RESPONDENT NO. 1 to 5

RESPECTFULLY SHEWETH,

Preliminary Objections

- i. That the Appellant has got no cause of action.
- ii. That the Appellant has not come to this honorable court with clean hands.
- iii. That the Appellant has concealed the relevant facts of the case from this Honorable Court.
- iv. The instant appeal has got no merits but only filed to waste the precious time of this Honorable court.
- v. That the appeal is not maintainable in its present form.

FACTS

1. Correct.
2. Pertains to record.
3. Incorrect. The appellant was provided proper opportunity of personal hearing by the enquiry committee and the appellant failed to justify his actions, hence, the enquiry committee submitted its recommendations to the competent authority.
4. Pertains to record.
5. Correct to the extent that pay fixation of the officer was referred to various forums i.e. Finance Department, the Accountant General, Khyber Pakhtunkhwa, District Accounts Officers concerned and after fixation/re-fixation, the charges of irregular drawl of Rs.44894/- has been proved and the instant order passed by the competent authority.
6. Pertains to record.
7. The appellant has got no cause of action to file instant appeal.

GROUNDS:

- A. Incorrect. The appellant has been treated as per law, rules & policy in light of materials available on record.
- B. Incorrect. The appellant has been treated as per rules and regulations in vogue and proper procedure followed.
- C. Incorrect. The appellant was afforded proper opportunity of personal hearing by the competent authority.
- D. As per Para-B above.
- E. As replied in above paras.
- F. Incorrect. The delay was due to fixation/re-fixation of his pay and confirmations from various audit jurisdictions and the process was continued till final decision.
- G. Pertains to record.
- H. No comments.
- I. Incorrect. There is no such reflection of payment of Rs.130000/- as an amount of pay in the previous judgement of this honorable Tribunal and the appellant is claiming at his own such amount.
- J. Incorrect. Proper procedure has been adopted, in case of the appellant, by providing him the opportunity of personal hearing. Furthermore, the penalty in the impugned order is imposed upon him after fixation/re-fixation of his pay as per rules/policy.
- K. Incorrect. As replied above.
- L. The respondents seek leave to raise additional grounds at time of arguments.

It is, therefore, respectfully prayed for that the appeal, being devoid of merit and legal force, may kindly be dismissed with cost.

Director
Treasuries & Accounts
Khyber Pakhtunkhwa,
(Respondent No. 5)

Secretary to Government of
Khyber Pakhtunkhwa,
Finance Department
(Respondent No.4)

Secretary to Government of
Khyber Pakhtunkhwa,
Establishment Department
(Respondent No.3)

Chief Secretary
Government of Khyber Pakhtunkhwa
(Respondent No.2)

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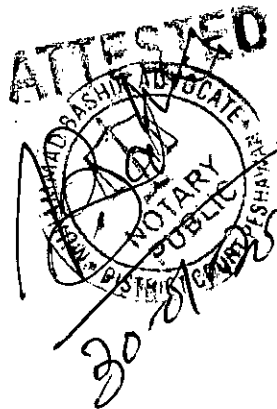
VERSUS

The Government of Khyber Pakhtunkhwa through Chief
Secretary, Khyber Pakhtunkhwa, Peshawar and others.

AFFIDAVIT

I, NAVEED KHAN, ASSISTANT ACCOUNTANT, OFFICE
OF DISTRICT COMPTROLLER OF ACCOUNTS,
PESHAWAR, do hereby solemnly affirm and declare on oath
that the contents of this petition are true and correct to the
best of my knowledge and belief and nothing has been
concealed from this Hon'ble Court.

Datd: 30/01/2023



Naveed Khan
DEPONENT

CNIC No: 17301-8165465-7