

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

SERVICE APPEAL No. 14D/2022

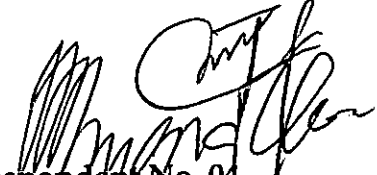
Syed Tassawar Abbas Shah

VS

Government of KPK

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Respondent No. 04  
District Education Officer  
(Male) Dera Ismail Khan

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

SERVICE APPEAL No. 140 /2022

Syed Tassawar Abbas Shah

VS

Government of KPK

COMMENTS ON BEHALF OF RESPONDENTS

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 3356

Dated 31-1-2023

Preliminary Objections

1. That the appellant has got no cause of action / locus standi.
2. that the appellant has not come to the honorable tribunal with clean hands.
3. That the appellant has filed the service appeal on malafide objectives.
4. that the instant appeal is against the prevailing laws and rules.
5. That the appeal is barred by the doctrine of laches.
6. That the instant appeal is illegal and against the facts.
7. That the service appeal is not maintainable in its present form.
8. That the appellant has concealed the material facts from the honorable tribunal.
9. That the service appeal is badly time barred.

Objection on Facts

The respondent No. 4 humbly submits as under

Respectfully Sheweth


1. Para pertains to the appointment of appellant of as a Class-IV on 31-08-2005. At GMS jhoke Mohana.
2. Para pertains to the promotion of Class-IVs to the post of Junior Clerks and typing test of appellants.
3. Para is correct to extent that respondent No. 4 has issued order on 08-09-2021 by Endst No. 18314-22 & promoted the 19 Class-IVs to the post of Junior Clerks which are respondent No. 5 to 23. But during the promotion process different appeals were pending regarding seniority list of Class-IVs of typing test. the appointment order issued by the respondent no. 4 Endst No: 18314-22 on 08-09-2021 were issued without of decision of departmental appeal. So the appointment order under Endst No: 18314-22 on 08-09-2021 Were held in obedience by the Endst No. 20290 dated 29-09-2021 by the respondent No. 4 & DEO (Male) D.I.Khan. Moreover all the official were directed to perform there duties at previous station. (Annexure-A)

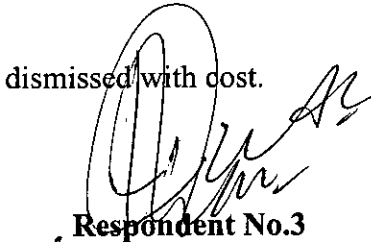
- 4. In correct/not admitted. The para is strongly denied. All the respondent No. 5 to 23 promoted as a Junior Clerks. the as the promoted Junior clerks were more qualified to the appellatant and secured better marks in typing test as compare to the appellatant. All recruitment process was observed by the clean and clear crystal manner. Moreover the remaining para related to the departmental appeal of appellatant and hence no comments.

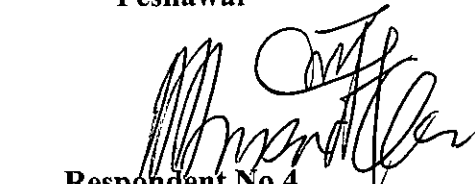
**Grounds**

- 1. In correct/not admitted. The para is strongly denied & refuted. The act of respondent No. 4 promotion of respondent No. 5 to 23 as a Junior Clerk by Notification Endst No. 20290 dated 29-09-2021 was legal according to the natural principal of justice, based on bonafide objectives & with law full authority.
- 2. incorrect / not admitted. As replied above.
- 3. In correct/not admitted. Para strongly rebutted. As discussed above.
- 4. No comments.
- 5. Para is related to the constitution of Islamic Republic of Pakistan.
- 6. In correct/not admitted. The appellatant was not victim of any un law full and illegal act of respondent.
- 7. That the counsel for respondents kindly be allowed to raise the additional grounds at the time of arguments.
- 8. Para pertain to the statutory period of service tribunal court and hence no comments.

So it is humbly prayed that appeal of appellatant may kindly be dismissed with cost.

  
 Respondent No.1  
 The Secretary E&SE KPK  
 Peshawar

  
 Respondent No.3  
 The Director E&SE KPK  
 Peshawar

  
 Respondent No.4.  
 District Education Officer  
 (M) D. I. Khan

Submitted for vetting. being same nature as a Saif-ur  
 M. Kamran. 12.10.2022. Rehman already vetted  
 and clubed with Saif-ur-Rehman S.A.

**BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR**

**SERVICE APPEAL No. \_\_\_\_\_/2022**

**Syed Tassarwar Abbas Shah**

**VS**

**Government of KPK**

**Affidavit**

I Mr: Muhammad Kamran Khan do solemnly affirm and declare on oath that contents of written reply are correct to the best of my knowledge and nothing has been concealed from this honorable Court

*M. Kamran Khan*  
Deponent

*M. Kamran Khan*  
Deponent

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BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

SERVICE APPEAL No. 140 /2022

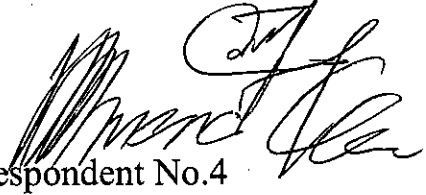
Syed Tassarwar Abbas Shah

VS

Government of KPK

**Authority**

I District Education Officer (M) D.I.Khan do hereby authorized Mr: Muhammad Kamran Khan to attend the honorable Service Tribunal KPK Peshawar on behalf of respondent in connection with submission para wise comments till the decision of service appeal.

  
Respondent No.4  
District Education Officer  
(M) D.I.Khan



**OFFICE OF THE DISTRICT EDUCATION OFFICER  
(MALE) DERA ISMAIL KHAN**

Toll: 09669280128-09669280131  
Email: emisdikhan@yahoo.com

B-6-

**OFFICE ORDER**

Consequent upon the recommendations/approval of the Departmental Promotion Committee, as contained in its minutes of the meeting, held on 12-07-2021 the undersigned is pleased to promote the following 19 candidates against the vacant post of Junior Clerk III'S-11 @ Rs. (12570-880-38970) plus all usual allowances under 40% promotion quota among Class-IV servants as admissible under with immediate effect.

Sl. No.	Name, Designation & Present Posting	Father's Name	Date of Birth	Place of Posting
1	Muhammad Jahangir, Deldishli, GHSS Daraban Kalan	Nazir Muhammad	8/04/1973	GHS Kori Kot
2	S. Khatyar Hussain Shah, Lab/Attendant, GHSS Kati Gah	S. Munavar Hussain Shah	01/04/1967	GHS Yari Khet
3	Sana Ullah, Mali, GHSS Daraban Kalan	Muhammad Abdullah	14/12/1971	GHSS Choudwan
4	Muhammad Ali, Sweeper, GHSS Kati Gah	Faiz Muhammad	07/02/1978	GHSS Kuthgerh
5	Azhar Hussain Shah, Naib Qasid, GHS Malana	Ghulam Jeehani	19/07/1974	GHS Babar Kacha
6	Muhammad Akram, Chowkidar, GHS Khulaka	Ghulam Anwar	15/01/1973	GHS Zari Khet
7	Tridayat Ullah, Chowkidar, GHS Khulaka Yastan	Niaz Muhammad	03/02/1983	GHS Telgi
8	Qasim Abbas, Naib Qasid, GHS No. 6 D.I.Khan	Muhammad Bukhar	15/07/1975	GHS Diyol
9	Imdad Ullah, Lab-Attendant, GHS Kati Khet	Sher Zaman	05/03/1988	GHS Wanda Kal
10	Muhammad Khalid, Deldishli, GHS Sheikh Yousaf	Allah Nawaz	05/05/1984	GHS Loral
11	Muhammad Farizan, Naib Qasid, GHS Humam	Allah Nawaz	13/03/1984	GHS No. 1 Kuchibi
12	Muhammad Mubashir Waqas, Naib Qasid, GHS Kach	Abdur Rasheed Mughal	21/04/1993	GHS Ghulam Wala
13	Muhammad, Lab-Attendant, GHSS Pano	Malik Aslam	23/04/1991	GHS Ora Hayat
14	Muhammad Imran Shah, Chowkidar, GHS Kach, Dandi	Akhtar Hussain Shah	01/04/1983	GHSS Kojpi
15	Muhammad Ashraf, Chowkidar, GHS Pano, Pano	Allah Waqas	09/03/1984	GHS Uagl Quamr
16	Saeed ur Rahman, Lab Attendant, GHSS No. 4 D.I.Khan	Abdur Rasheed	20/12/1971	GHSS No. 4 D.I.Khan
17	Abdul Jazir, Naib Qasid, GHSS Chacki	Ghulam Akbar	12/09/1980	GHS Tirgarh
18	Abdul Rahman, Bahishli, O/o DEO (M) D.I.Khan	Sadul Dad	05/04/1983	O/o DEO (M) D.I.Khan
19	Muhammad Gulain, Sweeper, GHS Wanda Kal	Sher Zaman	05/06/1994	GHSS Wanda Lali

**TERMS & CONDITIONS**

1. No TADA etc is allowed.
2. Charge reports should be submitted to all concerned in duplicate.
3. They will be on probation period for one year extendable another year.
4. Promotion is subject to the condition that the certificate / documents must be verified from the concerned authorities by the DDO concerned, and after verification of certificate / degree should be sent for pay release order, in case of fake / bogus certificate their promotion orders would be automatically cancelled from the date of promotion and will be reported to the law enforcing agencies for further action.
5. Their services are liable to terminate on one month's notice from either side. In case of resignation without notice their one-month pay / allowances shall be forfeited to the Government.
6. Pay will not be drawn until and unless a certificate regarding verification of their documents is issued by this office.

5

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OFFICE OF THE DISTRICT EDUCATION OFFICER  
(MALE) DERA ISMAIL KHAN

Tel: 09669280120- 09669280131  
Email: emisdikhan@yahoo.com

7. They should join their post within 30 days of the issuance of this notification. In case of failure to join the post within stipulated period, their promotion will stand expired automatically and subsequent i.e appeal etc shall be entertained.
8. They will be governed by such rules and regulations as may be issued from time to time by the Govt. of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
9. The promotion is made subject to the condition that the candidate is permanent Domicile holder of District DIKhan.
10. Before handing over charge, once again their documents may be checked by the DDO concerned, if they have not the required relevant qualifications as per rules they may not be handed over charge of the post.

Sd/-  
District Education Officer  
(Male) DIKhan

Dated DIKhan the 8/9 2021

Hadst. No. 19314-22

Copies forwarded for information & necessary action to:-

1. The Director E & SE Department Khyber Pakhtunkhwa, Peshawar.
2. The PS to Secretary E & SE Department Khyber Pakhtunkhwa, Peshawar.
3. The Deputy Commissioner DIKhan.
4. The District Monitoring Officer (JMU) DIKhan.
5. The District Comptroller of Accounts Officer, DIKhan.
6. The Dy. District Education Officer (Male) DIKhan.
7. The Principals/Headmasters concerned.
8. The Official Concerned.
9. Office file.

*Handwritten signature*  
District Education Officer  
(Male) Dera Ismail Khan

*Handwritten signature*  
District Education Officer  
(Male) DIKhan

BETTERCOPY

OFFICE OF THE DISTRICT EDUCATION OFFICER  
(MALE) DERA ISMAIL KHAN

Tell: 09669280128 – 09669280131

Email: [emisdkhan@yahoo.com](mailto:emisdkhan@yahoo.com)

OFFICE ORDER

Consequent upon the recommendations/approval of the Department Promotion Committee, as Contained in its minutes of the meeting, held on 12/07/2021 the undersigned is pleased to promote the following 19 candidates against the vacant post of Junior Clerk BPS-11 @ Rs. (12570-880-38970) plus all usual allowances under 40% promotion quota among Class-IV servants as admissible under with immediate effects

Sr.	Name Designation & Present Posting	Father's Name	Date of Birth	Place of Posting
1	Muhammad Jahangir, Bahishti, GHSS Daraban kalan	Nazir Muhammad	08/04/1973	GHS Kori Hote
2	S.Kifayat Hussain Shah, Lab/Attendent, GHS Kath Garh	S. Munawar Hussain Shah	01/04/1967	GHS Yari Khel
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5	Azhar Hussain Shah, Naib Qasid, GHS Malana	Ghulam Jeelani	10/07/1974	GHS Baber Kacha
6	Muhammad Akram, Chowkidar, GPS Khudaka	Ghulam Anwar	15/01/1973	GHS Zarni Khel
7	Hidayat Ullah, Chowkidar, GPS Khaika Pasinzar	Niaz Muhammad	02/02/1983	GHS Talgi
8	Qamar Abbas, Naib Qasid, GHS, No.6 DIKhan	Muhanamad Bakhsh	15/07/1975	GHS Diyal
9	Imdad Ullah, Lab Attendent, GHS Rodi Khel	Sher Zaman	05/03/1988	GHS Wanda Kall
10	Muhammad Khalid, Bahishti, GMS Sheikh Yousaf	Allah Nawaz	05/05/1984	GHA Looni
11	Muhammad Ramzan, Naib Qasid, GMS Himmatt	Allah Nawaz	15/03/1984	GHS No.1 Kulachi
12	Muhammad Mudasir Waqas, Naib Qasid, GMS kech	Abdur Rasheed Mughal	21/04/1993	GHS Ghulame Wala
13	Malik Shoab, Lab Attendent, GHSS Kural	Malik Aslam	25/04/1991	GHS Gara Hayat
14	Muhammad Imran Shah, Chowkidar, GPS Kach Bagh	Akhter Hussain Shah	01/04/1983	GHSS Kotjai
15	Muhammad Ashraf, Chowkidar, GPS Basti Ustrana	Allah Wasaya	09/03/1984	GHS Bagi Qamai
16	Saeed Ur Rehman, Lab Attendent, GHSS No.4 DIKhan	Abdur Rasheed	20/12/1971	GHSS No.4 DIKhan
17	Abdul Qalzar, Naib Qasid, GHSS Dhakki	Ghulam Akbar	12/09/1930	GHS Tirgarh
18	Attiq Ur Rehman, Bahishti, O/o DEO(M) DIKhan	Sadal Dad	05/04/1983	O/o DEO (M) DIKhan
19	Muhammad Saqlain, Sweeper, GHS Wanda Sher Ali	Sher Zaman	05/05/1984	GHSS Wanda Lali

TERMS & CONDITIONS

1. No. TA/DA etc is allowed.
2. Charge reports should be submitted to all concerned in duplicate.
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.....BETTERCOPY.....

**OFFICE OF THE DISTRICT EDUCATION OFFICER  
(MALE) DERA ISMAIL KHAN**

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9. The Promotion is made Subject to the condition that the candidate is permanent Domicile holder of District DIKhan.
10. Before handing over charge, once again their documents may be checked by the DDO concerned, if they have not the required relevant qualifications as per rules they may not be handed over charge of the post.

Sd/-

District Education Officer

(Male) DIKhan

Endst: No. 18314-22

Dated D I Khan the 08/09/2021

Copy forwarded for information & necessary action to:-

1. The Director E & SE Department Khyber Pakhtunkhwa, Peshawar.
2. The PS to Secretary E & SE Department Khyber Pakhtunkhwa, Peshawar.
3. The Deputy Commissioner DIKhan.
4. The District Monitoring Officer (IMU) DIKhan.
5. The District Comptroller of Accounts Officer, DIKhan.
6. The Dy, District Education Officer (Male) DIKhan.
7. The Principals/Headmasters concerned.
8. The Official Concerned.
9. Office File.

District Education Officer

(Male) D I Khan

D-13

**OFFICE OF THE DISTRICT EDUCATION OFFICER  
(MALE), DERA ISMAIL KHAN**

Tel: 09689280128, 09689280194  
Email: emisdikhan@gmail.com

OFFICE ORDER:

Consistent upon various appeals regarding seniority list and typing test, the office order issued by this office E.O. No. 1334-21 dated 08/09/2021 is hereby held in abeyance till further orders.

Moreover, officials concerned are directed to perform their duties at normal pace.

Yours

  
DISTRICT EDUCATION OFFICER  
(MALE) DERA ISMAIL KHAN

Encls: No. 20270-88

Dated Dikhan the 21/09/2021

Copy forwarded to the:

- 1- PS to Secretary R & SE Khyber Pakhtunkhwa Peshawar
- 2- Director F.A. Khyber Pakhtunkhwa Peshawar
- 3- Registrar JMC Dikhan Banch
- 4- District Controller Accounts Dikhan
- 5- DNO/ENIA Dikhan
- 6- Principal / Headmaster / DDO / SDEO's concerned
- 7- Official concerned
- 8- Office record
- 9- P.A. to DNO/ENIA Dikhan

  
DISTRICT EDUCATION OFFICER  
(MALE) DERA ISMAIL KHAN

.....BETTERCOPY.....

**OFFICE OF THE DISTRICT EDUCATION OFFICER  
(MALE), DERA ISMAIL KHAN  
Tel: 09669280128 – 039669280131**

**Email: [emishdikhan@gmail.com](mailto:emishdikhan@gmail.com)**

**OFFICE ORDER:**

Consequent upon various appeals regarding seniority lists and typing test, the office order issued vide this office Endst: No. 18314-22 dated 08-09-2021 is hereby held in obeyance adjusted till further order.

Moreover officials concerned are directed to perform their duties at previous stations.

**DISTRICT EDUCATION OFFICER  
(MALE) DERA ISMAIL KHAN**

Endst: No. 20290

dated D I Khan the 29-09-2021

**Copy forwarded to the:-**

1. PS to Secretary E&SE Khyber Pakhtunkhwa Peshawar.
2. Director E&SE Khyber Pakhtunkhwa Peshawar.
3. Registrar PHC DIKhan Bench.
4. District Comptroller Accounts DIKhan.
5. DMO (EMA) DIKhan.
6. Principal / Head Master DDEO SDEO's concerned.
7. Official Concerned.
8. Office record.
9. PA to DEO (Male) DIKhan.

**DISTRICT EDUCATION OFFICER  
(MALE) DERA ISMAIL KHAN**