

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

SERVICE APPEAL No. 141 /2022

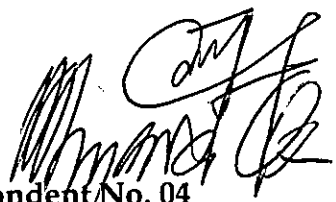
Saif Ur Rehman

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. 141 /2022

Saif Ur Rehman

VS

Government of KPK

COMMENTS ON BEHALF OF RESPONDENTS

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 3357

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 12-10-2007.
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 obeyance 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

12/10/22


the appellant and secured better marks in typing test as compare to the appellant. All recruitment process was observed by the clean and clear crystal manner. Moreover the remaining para related to the departmental appeal of appellant and hence no comments.

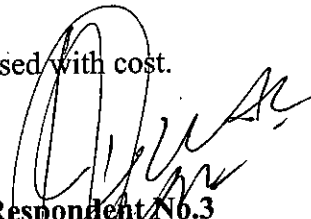
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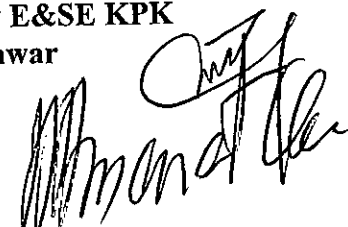
## Grounds

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 appellant 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 appellant 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

SERVICE APPEAL No. 141 /2022

Saif Ur Rehman

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**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.  
M. Kamran  
12-10-2022.

Vetted subject to necessary  
correction attachment of  
on the files and affidavit.

12/10/22  
Assistant Advocate General  
Khyber Pakhtunkhwa  
Services Tribunal Peshawar

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

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

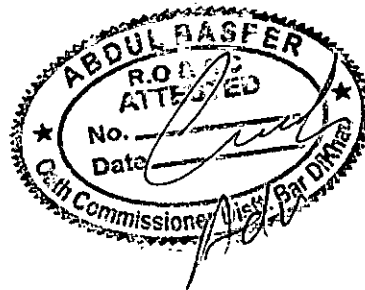
Saif Ur Rehman

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

6

B-6-



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

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

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 BPS-11 @ Rs. (12570-880-38970) plus all usual allowances under 40% promotion quota among Class-IV servants as admissible under with immediate effect.

Sr	Name, Designation & Present Posting	Father's Name	Date of Birth	Place of Posting
1	Mohammad Jahangir, Bahishti, GHSS Daraban Kalan	Nazir Muhammad	8/04/1973	GHS Kori Hote
2	S. Kifayat Hussain Shah, Lab/Attendant, GHS Kothi Gadh	S. Munawar Hussain Shah	01/04/1967	GHS Yari Khel
3	Sana Ullah, Mafi, GHSS Chaudhwan Kalan	Muhammad Abdullah	14/12/1971	GHSS Choudhwan
4	Muhammad Ali, Sweeper, GHS Kothi Gadh	Faiz Muhammad	07/03/1978	GHSS Kathgarh
5	Azhar Hussain Shah, Naib Qasid, GHS Malana	Ghulam Joolahi	10/07/1974	GHS Babar Kauda
6	Muhammad Akram, Chowkidar, GHS Khutaka	Ghulam Anwar	15/01/1973	GHS Zari Khel
7	Hidayat Ullah, Chowkidar GHS Khutaka Yusafzai	Niaz Muhammad	02/02/1983	GHS Talgi
8	Qasim Abbas, Naib Qasid, GHS No. 6 DUKhan	Muhammad Bukhsa	15/07/1975	GHS Diyol
9	Iqbal Ullah, Lab Attendant, GHS Rasi Khel	Sher Zaman	05/03/1988	GHS Wanda Kal
10	Muhammad Khalid, Bahishti, GHSS Sheikh Wasent	Allah Nawaz	05/05/1984	GHS Louni
11	Muhammad Amin, Naib Qasid, GHS Ghumra	Allah Nawaz	13/03/1984	GHS No. 1 Kohari
12	Muhammad Mubashir Waqas, Naib Qasid, GHS Kech	Abdur Rasheed Mughal	21/04/1993	GHS Ghulam Wada
13	Malik Shauq, Lab Attendant, GHSS Kaur	Malik Aalam	25/34/1991	GHS Qara Hayat
14	Muhammad Iqbal Shah, Chowkidar, GHS Kachi, Deoh	Akhtar Hussain Shah	01/04/1983	GHSS Koyai
15	Muhammad Ashraf, Chowkidar, GHS Kachi, Deoh	Allah Wasaya	09/03/1984	GHS Begl Quamr
16	Saeed ur Rahman, Lab Attendant, GHSS No. 4 DUKhan	Abdur Usheed	20/12/1971	GHSS No. 4 DUKhan
17	Abdul Jazir, Naib Qasid, GHSS Dhaski	Ghulam Akbar	12/09/1980	GHS Tirgarh
18	Atiq ur Rahman, Bahishti, O/o DEO (M) DUKhan	Sadat Dad	05/04/1983	O/o DEO (M) DUKhan
19	Muhammad Shafiq, Sweeper, GHS Wanda Kal	Sheh Zaman	05/06/1984	GHSS Wanda Lali

TERMS & CONDITIONS

1. No T.A/D.A 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.



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

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

7  
- 7 -

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 re 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

Undst. No. 18314-22

Dated DIKhan the 8/9 2021

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



8  
- 8 -  
.....BETTERCOPY.....

OFFICE OF THE DISTRICT EDUCATION OFFICER

(MALE) DERA ISMAIL KHAN

Tell: 09669280128 – 09669280131

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

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(MALE) DERA ISMAIL KHAN**

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

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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**

13

D-13

**OFFICE OF THE DISTRICT EDUCATION OFFICER  
(MALE), DERA ISMAIL KHAN**  
 TOLL: 0800220122, 0865220121  
 Email: omd@tdheandfmail.com

**OFFICE ORDER**

Consequent upon various appeals regarding seniority and multiplying post, the school staff issued vide this office Order No. D/13/14-22 dated 08/09/2012. In respect held in absence and further order.

Members of staffs concerned are directed to perform their duties as per usual.

Order No. 20240-18

*[Signature]*  
 District Education Officer  
 Male Dera Ismail Khan  
 Dated D/13/14-22 at 29/09/2021

**Copy forwarded to these:**

1. To Secretary, P.S. SEKINAR PATTUKLIW Peshawar
2. Director, P.W.E. Khyber Pakhtunkhwa Peshawar
3. Registrar P.W.E. Dera Ismail Khan
4. District Commissioner Accounts D/13/14-22
5. District Education Officer
6. Principals, Government SDOs concerned
7. Official concerned
8. Office record
9. P.A. to D/13/14-22

*[Signature]*  
 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**

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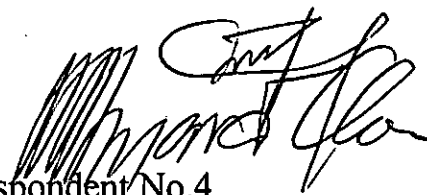
**Saif Ur Rehman**

**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