

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal# 1397/2022

Mst. Niaz Payo Jan.Appellant.

VERSUS

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

PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS NO. 01 & 02

Respectfully Sheweth,

Preliminary Objections

1. That the appellant has got no cause of action/locus standi to file the present appeal.
2. That the instant appeal is premature and liable to be dismissed.
3. That the appellant has concealed material facts from this Hon'ble Tribunal, hence instant appeal is liable to be dismissed on this score alone.
4. That the present appeal is liable to be dismissed for mis-joinder & non joinder of necessary parties.
5. That the appellant is estopped by her own conduct to file the instant appeal.
6. That the instant appeal is not maintainable in its present form and also in the present circumstances of the issue.
7. That the appellant is neither an aggrieved person nor having any locus- standi to file the instant appeal.
8. That the appellant is just wasting the previous time of this Honorable Tribunal has not come to this Honorable Tribunal with clean hands.


On Facts.

1. Pertains to record.
2. Pertains to record.
3. Pertains to record.
4. Para No.04 is correct.
5. Para No.05 is incorrect, and is strictly subject to prove. It is further submitted that the appellant was present on his previous post and through a corrigendum notification dated 15-06-2022, the appellant was retained on his previous post in the best public interest.
6. In reply of Para No. 06, it is submitted that the appellant has been retained on his previous post in best public interest.
7. Para No. 07 pertains to record. However, the transfer/posting order dated 15-06-2022 is in accordance with law in best public interest.
8. Para No. 08 is incorrect, false & baseless. Hence denied. The actual position is explained above.
9. Para No. 09 is incorrect. Detailed reply to be given.
10. Para No. 10 alongwith all grounds are incorrect, hence denied.

On Grounds

- A. Incorrect, the appellant is treated in accordance with law and no violation has been committed of Constitution of Islamic Republic of Pakistan.
- B. Incorrect, the transfer of appellant order is according to law.
- C. Incorrect, the transfer/posting order dated 15-06-2022 is issued by the competent authority under Section-10 of the Civil Servant Act-1973.
- D. Posting/Transfer is part of service and the appellant is duty bound to obey the orders of superiors in the best public interest.
- E. Incorrect, as stated in above para's.
- F. Incorrect, hence denied, no discrimination has been done with anyone by the respondent.
- G. Incorrect, hence denied.
- H. Pertains to record.
- I. Para-I is incorrect, and is subject to prove. Furthermore a public servant is bound to serve any where he might be given task.
- J. The Respondent will also seek permission for submission of additional grounds at the time of arguments.

It is therefore, most humbly prayed that an acceptance of the parawise comments and Service Appeal in hand may be dismissed with cost, please.


Secretary
E&SE Department
Respondent No. 01 & 02

BEFORE THE HON'BLE SERVICE TRIBUNAL PESHAWAR

Service Appeal # 1397/2022

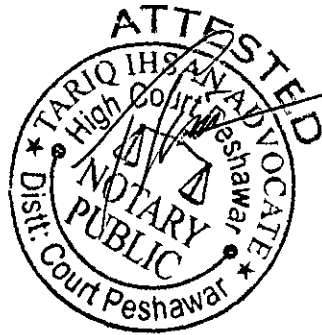
Niaz Payo Jan, HM, BS-17.....Petitioner

VERSUS

Govt. of Khyber Pakhtunkhwa & others.....Respondents

AFFIDAVIT

I, Syed Naseer Ud Din Shah, 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

Syed Naseer Ud Din Shah
Syed Naseer Ud Din Shah
Section Officer (Lit-II)
E&SE Department Peshawar