

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

S.A# 1646/2022

Mst. Najia Kausar, SS (Pashto).....Appellant

VERSUS

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

PARA-WISE COMMENTS ON BEHALF OF RESPONDENT

Respectfully Sheweth,

Preliminary Objections

1. That the appellant has got no cause of action nor has any locus standi to file the present appeal.
2. That the appellant has not come to this Honorable Tribunal with clean hands.
3. That the appeal in hand is not maintainable and is liable to be dismissed.
4. That the appeal is filed just to pressurized the Respondents for getting unfair benefits from the respondent department.
5. That the appellant is just wasting the precious time of this August Tribunal.
6. That Transfer and Posting is part of the Service and the appellant is bound by law to perform her duties everywhere she may be given the charge by the department.
7. That the appellant has been transferred in accordance with law in light of Section -10 of KP Civil Servant Act 1973.
8. The appeal is barred by law.
9. That the appeal is not maintainable in its present form.

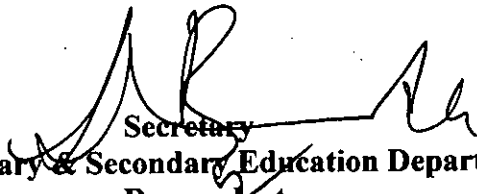
On Facts.

1. Pertains to record.
2. Pertains to service record.
3. Pertains to service record.
4. Pertains to record.
5. Incorrect, the appellant has not completed her statutory period on the previous post and is illegally demanding the new place of posting which is nor permissible under the law and cannot be allowed.
6. Incorrect, the transfer of the appellant is in accordance with law in the best public interest.
7. Incorrect, hence denied. No departmental representation has been mask to the department by the present appellant.

On Grounds

- A. Incorrect, the case of the appellant is totally different and her transfer is in the best of public interest, therefore the act of the respondent is in accordance with law.
- B. Para-b is not applicable to the appellant case and the transfer is in accordance with law.
- C. Incorrect, there is no discrimination in the past of Respondents in appellant case, furthermore the private respondent No. 5 has been transferred in place of appellant in the best of public interest.
- D. Incorrect, the appellant was transferred in the best public interest and in accordance with law.
- E. Incorrect, hence denied.
- F. Para-F is incorrect, and is strictly subject to prove.
- G. Para-G is incorrect, and a false story is narrated by the appellant.
- H. Para-H is incorrect, in sense of the present appeal.
- I. Para-I is incorrect, and not applicable to the present appeal.
- J. Para-J is incorrect, and no applicable in the appellant's case.

It is therefore, most humbly requested that the appeal in hand may kindly be dismissed with costs.


Secretary
Elementary & Secondary Education Department.
Respondent

BEFORE THE HON'BLE SERVICE TRIBUNAL PESHAWAR

Service Appeal # 1646/2022

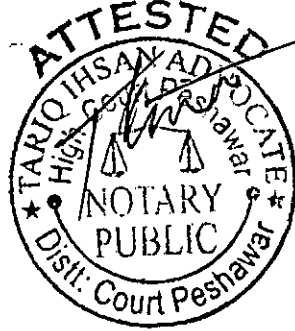
Najia Kausar, SS (Pashto) Petitioner

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

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