

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

In S.A/No.1255/2022

Mst. Shahida Parveen SDEO (F) MC BPS 17).....Appellant.

VERSUS

The Secretary E&SE & others..... Respondents.

PARAWISE COMMENTS ON BEHALF OF THE RESPONDENTS NO 1 to 03.

Respectfully Sheweth,

Preliminary Objections:

1. That the appellant has got no cause of action against the answering respondents.
2. That the present appeal is based on mala fide intention just to put pressure on the respondents for the grant of illegal service benefit.
3. That the present appeal is against the law & facts and just a wastage of the precious time of this Honorable Tribunal.
4. That the appellant has concealed material facts from this Honorable Tribunal, therefore is not entitled for any relief.
5. That at the time of meeting of provincial selection board, the appellant was under enquiry that is why she was not considered fit for promotion, but later on the inquiry was withdrawn.
6. That the appellant is estopped by her own conduct to file the present appeal.
7. That the present appeal is hopelessly time barred. Hence liable to be dismissed.

ON FACTS.

1. Pertains to the personal record of the appellant.
2. Correct, as admittedly written by the appellant.
3. Incorrect, it is pertinent to mention here that initially an enquiry was pending against the appellant as per rules & procedure. However, after withdrawal of the enquiry proceedings against the appellant, she was promoted with immediate effect on 17-08-2021.
4. Incorrect, at the time of pending enquiry she was not declared fit for promotion by the PSB. However as per Para-VI of the promotion policy 2009, "promotion shall always be notified with immediate effect".
5. Incorrect, the Departmental Representation was against law & rules hence was turned down.
6. Incorrect, hence denied in toto.
7. Totally incorrect and denied.
8. Incorrect, hence denied.
9. Incorrect, the appellant was well aware of the facts that her representation was regretted by competent authority.
10. Incorrect, appeal of the appellant was not maintainable.

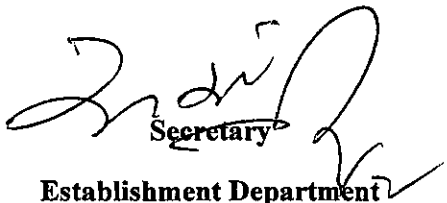
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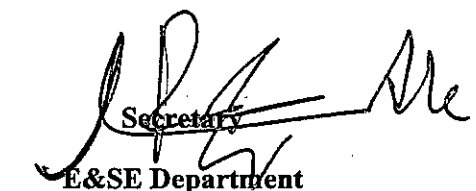
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ON GROUNDS

- i. Incorrect, all the proceedings have been carried out in accordance with law & rules.
- ii. Incorrect, reference to Section 8 of the Khyber Pakhtunkhwa Civil Servant Act, 1973 by the appellant is only to misguide this Honorable Tribunal.
- iii. Para III to V are incorrect, Section of laws discussed therein does not cover the case of the appellant.
- vi. Incorrect & hence not entitled to any relief.
- vii. Incorrect, the appellant have misinterpreted the office notification.
- viii. Incorrect hence denied.
- ix. Incorrect and denied in toto.
- x. As in Para 04 & 05 of the facts.

It is therefore, requested that the appeal having no weight may be dismissed with heavy costs.


Secretary
Establishment Department
(For Respondents No. 03)


Secretary
E&SE Department
(For Respondents 01 & 02)

**BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR**

Service Appeal No # 1255/2022

Shahida Parveen.....Appellant

Versus

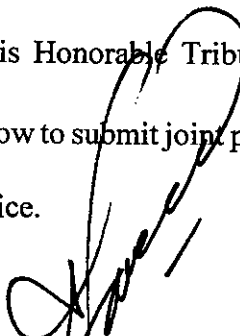
Secretary E&SE, Govt of Khyber Pakhtunkhwa & Other.....Respondent

APPLICATION FOR RESTORATION OF RESPONDENTS RIGHT OF DEFENSE

Respectfully Sheweth,

1. That the appellant had filed present service appeal before this Honorable Tribunal on 02-08-2022.
2. That the present service appeal was fixed before this Honorable Tribunal in the month of October, 2022 for Preliminary Hearing and this Honorable Tribunal was pleased to issue pre-admission notice to the appellant and also directed the respondents department to submit joint reply on next date of hearing.
3. That the present service appeal was fixed before this Honorable Tribunal on Monday on 16th January 2023, the Representative of the Respondents Department was present before the Tribunal to submit joint/parawise reply before this Honorable Tribunal, but this Honorable Tribunal was pleased to dismiss the defense of respondents vide order dated 16-01-2023 (copy enclosed).
4. That the respondents department has valuable rights involved with the present appeal, if the respondent department did not defend this service appeal then Government will take huge irreparable loss as the appellant seek illegal promotion to the post of DEO (MC BS-19).

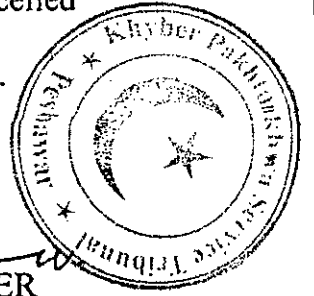
Pray It is therefore, humbly submitted before this Honorable Tribunal to restore the respondents right of defense and respondents may allow to submit joint parawise comments before this Honorable Tribunal in the interest of justice.


**Secretary
Elementary & Secondary Education,
Department Respondent No. 01 & 02**

Appeal No. 1255/2022
Shahida Parveen vs Govt

21.11.2022

Tour to camp court D.I Khan has been cancelled
therefore, the case is adjourned to 16.01.2023 for the same.



READER

16th Jan, 2023

Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Painsakhel, Assistant Advocate General for the respondents present.

There is nobody present on behalf of the respondents nor did they submit written reply/comments. The time provided in Rule-12 of the Khyber Pakhtunkhwa Service Tribunal Rules, 1974 for filing reply is seven days before the date fixed but despite providing opportunity the respondents have not filed the comments. They are thus placed ex-parte and their right to file reply stands struck off. The appeal is admitted to full hearing subject to all just and legal objections by the other side. The appellant is directed to deposit security fee within ten days. To come up for arguments on 13.02.2023 before D.B at camp court D.I Khan.

(Handwritten signature)

(Kalim Arshad Khan)

Chairman

Camp Court, D.I Khan

Date of Presentation of Application 07-2-23
Number of Pages 1
Copying Fee 5/-
Urgent 0/-
Total 10/-
Name of
Date of Completion of 07-2-23
Date of Delivery of Copy 07-2-23

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Khyber Pakhtunkhwa
Service Tribunal
Peshawar