

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

CAMP COURT ABBOTTABAD.

Appeal No. 1233/2022

Mst Qandeel Ayesha Waheed.....Appellant

VERSUS

Govt: of Khyber Pakhtunkhwa & Others.....Respondents

Joint Parawise Comments on behalf of Respondents

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 1233/2022

MST. QANDEEL AYESHA WAHEED, AD DCET BS-17Appellant

VERSUS

SECRETARY E&SE, GOVT: OF KHYBER PAKHTUNKHWA & OTHERS.....RESPONDENTS.

JOINT PARAWISE COMMENTS FOR & ON BEHALF OF THE RESPONDENTS NO 01/03.

Respectfully Sheweth,

Preliminary Objections

1. That the appellant has concealed material facts from this Hon'ble court hence is not entitled for any relief.
2. That the petition is neither maintainable in the eye of law nor the appellant has any locus standi to file the present appeal.
3. That appellant has not come to this Hon'ble court with clean hands.
4. That the appellant is just wasting the precious time of this Hon'ble court with malafide intention
5. That the instant appeal is against the prevailing laws and rules.
6. That the appellant is not aggrieved person and is bound to obey the lawful and legal order of the department.
7. That the respondents have not acted against the law & rules and performed every action in the best interest of public.
8. That the post of AD, DCT is management cadre while the appellant belongs to teaching cadre.

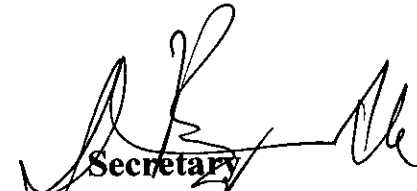
FACTS.

1. This para is concerned to the person of the appellant, hence need no comments.
2. Pertains to record.
3. Correct to the extent that the appellant was posted at DCTE, Abbottabad against the vacant post.
4. Incorrect, posting / transfer is the domain of the competent authority and the respondents have acted as per law and rules.
5. Para No. 5 is correct up to the withdrawal of transfer notification of the application/request of the appellant.
6. In response of para no. 6 it is stated that the respondent has acted in accordance with law & in the best interest of public.
7. Para No. 7 is incorrect, false and baseless hence denied .As explained above.
8. Para No. 8 is incorrect up to the extent of involvement of any political figure in the respondent's activities. Furthermore, the appellant belongs to teaching cadre while the post of AD DCTE is management cadre.
9. The departmental appeal has not been field in accordance with the mandatory requirement of KPK appeal Rules 1986, hence this appeals is incompetent and libel to be dismiss.

Reply on Grounds

- a Incorrect. The order dated 13.05.2022 is according to law/rules.
- b Incorrect. No right of the appellant has been violated by the respondent.
- c Incorrect. Posting & transfer is the part of service and can be anywhere by the approval of competent authority.
- d Incorrect as stated in above paras.
- e As stated above.
- f Incorrect. No violation has been committed by the respondent in the light of the judgment of Supreme Court of Pakistan.
- g No comments, hence denied.
- h The respondent will also seek submitted additional grounds at the time of arguments.

It is, therefore, most humbly prayed that the appeal of the appellant may kindly be dismissed with cost throughout.


Secretary
E&SE Department.
(Respondents No. 01 to 03)
CM/AM
15/12/22


Legal Advisor

BEFORE THE HON'BLE SERVICE TRIBUNAL PESHAWAR

Service Appeal #1233/2022

Qandel Ayesha Waheed... .. Petitioner

VERSUS

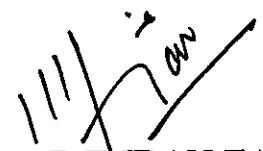
Govt. of Khyber Pakhtunkhwa & others... .. Respondents

AFFIDAVIT

I, Muhammad Imran Zaman, Section Officer (Litigation-II)

Elementary & Secondary Education, Department do hereby solemnly affirm and declare that the contents of the accompanying parawise comments, submitted by the respondents on stay application, are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable court.

DEPONENT



MUHAMMAD IMRAN ZAMAN
Section Officer (Lit-II)
E&SE PESHAWAR

