

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**

In S.A/No.1242/2022

Khyber Pakhtunkhwa  
Service Tribunal  
No. 3704  
Dated 22/2/2023

Mr. Alamzaib Khan SDEO (F) MC BPS 17).....Appellant.

VERSUS

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

**PARAWISE COMMENTS ON BEHALF OF THE RESPONDENTS NO 1 & 2.**

Respectfully Sheweth,

**Preliminary Objections:**

1. That the appellant has got no cause of action against the answering respondents.
2. That the appellant has not come to this tribunal with clean hands.
3. That the present appeal is based on mala fide intention just to put pressure on the respondents for the grant of illegal service benefit.
4. That the present appeal is against the law & facts and just a wastage of the precious time of this Honorable Tribunal.
5. That the appellant have conceded material facts from this Honorable Tribunal, therefore is not entitled for any relief.
6. That the appellant is stopped by his own conduct to file the present appeal.
7. That the present appeal is hopelessly time barred. Hence liable to be dismissed.
8. That the appeal is bad for mis-joinder of necessary parties.

**Reply on facts.**

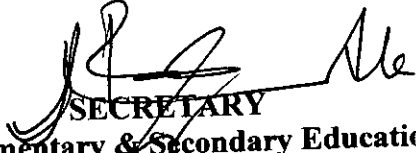
1. Pertains to record.
2. Pertains to record.
3. Pertains to record, hence no comments.
4. Correct to the extent that posting transfer is part of service, and Government Servant is required to serve anywhere against the post to which he is transferred.
5. Incorrect, there is no involvement of any political figure in the transfer of the appellant but the same was ordered due to public interest therefore the transfer order dated 29-04-2022 is in accordance with law and in the best public interest. Furthermore, posting transfer is a part of service and the appellant is required under Section 10 of the Khyber Pakhtunkhwa Civil Servant Act, 1973 to serve anywhere and comply to order.
6. In response of Para No. 6 it is stated that the appellant is not an aggressive person hence his appeal was regretted.
7. Incorrect, the appeal of the appellant has no legal ground.



**Reply on Grounds:**

- a. Incorrect, posting transfer order is according to law/rules.
- b. Incorrect, the real fact is that the transfer of the appellant was in accordance with law with the reason given above.
- c. Incorrect, there is no influence on the respondents.
- d. Incorrect, the appellant was proceeded against due to public interest.
- e. Incorrect, hence denied.
- f. Incorrect, the same was proceeded in accordance with law.
- g. Incorrect, the appellant has been dealt in accordance with law.
- h. Incorrect, as stated in para g above.
- i. Incorrect, no violation has been committed to the appellant as per Article 25 of the Constitution of the Islamic Republic of Pakistan.
- j. Incorrect, the action is according to the Constitution of the Islamic Republic of Pakistan and as per Civil Servant Act, 1973.
- k. Incorrect, the impugned order is accordance with law.
- l. Incorrect, no fundamental right of the appellant has been violated by the respondent. The same has been commented under section 10 of the KP Civil Servant Act, 1973.
- m. Incorrect, no violation has been commented to the appellant.
- n. Incorrect, as stated in preceding paras.
- o. Incorrect, the act of the respondent is according to law and the same is allowed as per Civil Service Act, 1973.
- p. Incorrect, the appellant is treated in accordance with law and no right has been violated of the appellant by the respondent.
- q. Incorrect.
- r. Incorrect, the respondent will also seek permission for submission of additional grounds at the time of arguments.

**In view of the above, the appeal of the appellant have no legal force and required to be dismissed with cost.**

  
**SECRETARY**  
**Elementary & Secondary Education,**  
**(Respondent No. 01 & 02)**

**BEFORE THE HON'BLE SERVICE TRIBUNAL PESHAWAR**

**Service Appeal # 1242/2022**

**Alamzeb Khan ..... Appellant**

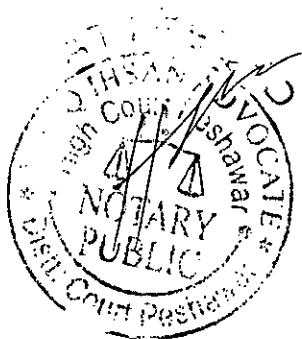
**VERSUS**

**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 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**



**Muhammad Imran Zaman**  
Section Officer (Lit-II)  
E&SE Department Peshawar