

original

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA

SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 2820 OF 2021

Khyber Pakhtunkhwa
Service Tribunal

Case No. 3752

Date 23/2/2023

Dr. Tahir Aziz.Appellant

Versus

Govt. of Khyber Pakhtunkhwa and others.....**Respondents**

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1 TO 4

Respectfully Sheweth:

Preliminary Objections:-

1. That the appellant has got neither cause of action nor did locus standi to file the instant appeal.
2. That the appellant has filed the instant appeal just to pressurize the respondents.
3. That the instant appeal is against the prevailing Law and Rules.
4. That the appeal is not maintainable in its present form and also in the present circumstances of the issue.
5. That the appellant has filed the instant appeal with mala-fide intention hence liable to be dismissed.
6. That the appellant has not come to this Honorable Tribunal with clean hands.
7. That the appeal is barred by law and limitation.
8. That the Honorable Tribunal has no Jurisdiction to adjudicate upon the matter.
9. That the instant appeal is bad for mis-joinder of unnecessary and non-joinder of necessary parties.

ON FACTS:

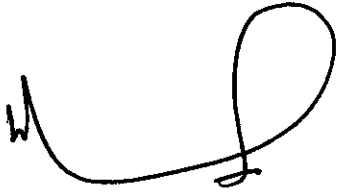
1. Pertains to record.
2. Correct.
3. Correct.
4. As per rules, contract service is not countable for the purpose of seniority.
5. As in preceding para.

ON GROUNDS:

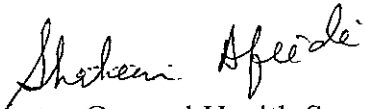
- A. Incorrect no illegal action has been taken.
- B. Incorrect. No violation of Law and rules has been done in the instant case.
- C. Pertains to record.
- D. Incorrect. Contract service is not countable for pension / pay protection.
- E. Already replied in preceding para.
- F. As in Para-D.
- G. Correct.
- H. Answering respondents also seek prior permission of this Honorable Court to adduce additional grounds at the time of arguments.

PRAYER:

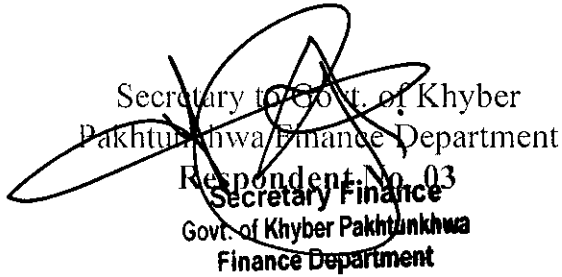
It is therefore humbly prayed that on acceptance of the comments, the instant appeal of the appellant may very graciously be dismissed with costs.



Secretary to Govt. of Khyber
Pakhtunkhwa Health Department
Respondent No. 01-04



Director General Health Services
Khyber Pakhtunkhwa
Respondent No. 02



Secretary to Govt. of Khyber
Pakhtunkhwa Finance Department
Respondent No. 03
Secretary Finance
Govt. of Khyber Pakhtunkhwa
Finance Department

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 2820 of 2021

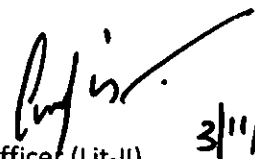
Dr. Tahir Aziz-----Appellant

VERSUS

Govt. of Khyber Pakhtunkhwa & Others-----Respondent

AFFIDAVIT.

I Mohammad Tufail Section Officer (Lit-II) govt. of Khyber Pakhtunkhwa Health Department do hereby solemnly affirm and declare that the implementation report in Service Appeal No.2820 of 2021 is submitted on behalf of respondents is true and correct to the best of my knowledge, belief and that nothing has been concealed from this Hon'ble Court.


Section officer (Lit-II)
Govt: of Khyber Pakhtunkhwa
Health Department

3/11/2022

Section Officer (Lit-II)
Health Department
Khyber Pakhtunkhwa