

**BEFORE THE KHYBER PAKHTUNKHAWA SERVICE**

**TRIBUNAL PESHAWAR**

Service Appeal NO. 1568/2022

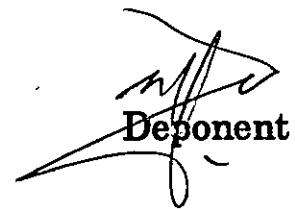
**Qamar Ul Islam**

**VS**

**District Education Officer Nowshera & Others**

**INDEX**

S.No	Documents	Annexure	Page No
1.	Para wise Comments	_____	01-04
2.	Affidavit	_____	05

  
Deponent

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**VS**

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**Para wise Comments On Behalf Of Respondents;**

**Respectfully Sheweth:**

Respondents humbly submit as under.

**Preliminary objections:**

- 1) That the appellant is estopped by his own conduct to file the instant appeal.
- 2) That the instant appeal is not maintainable in its present form.
- 3) That the appellants are concealing material facts from this Hon,ble court.
- 4) That the appeal is barred by law and limitation.

**REPLY ON FACTS:-**

- 1) Para -01 pertains to record.
- 2) Para -02 pertains to record.
- 3) Para -03 pertains to record.
- 4) Para-04 correct.

- 5) Para-05 is incorrect PSHT is a district cadre seat and can be adjusted anywhere in the district by the competent authority however GPS Sheenbagh where appellant seeks his adjustment while he has been adjusted in GPS No.1 Masam Khel both the Schools are within 03 km distance to the appellant i.e. there is no hardship or difficulty of any far away distance or conveyance he just want to perform duty only in the school of his wishes and desire.
- 6) Para-06 is incorrect, there is no such policy PSHT is a district cadre seat and will perform duty where needed by competent authority however appellant has been adjusted in one of near most school of his locality.
- 7) Para 07 is incorrect as explained above.
- 8) Para 08 is incorrect, hence denied. Corrigendum is made in any order where necessary. The one Abdul Basit respondent no.05 who has been objected by the appellant is also the resident of the said locality, he is also PSHT and senior than the appellant has served his tenure of PSHT in a far away school of about 40 km for more than 3 years so he was transferred consequentially in promotion order of 18-05-2022 in a more farther school then his present school so upon his appeal when his grievances and suffering came to the notice of competent authority he was also adjusted in a near school i.e. GPS, Sheenbagh in the corrigendum order of 20-05-2022 while on the other side appellant has served his whole service tenure in his own village and now upon his promotion he has been adjusted in one of his near most school within only 03 km distance.

- 9) Para 09 pertains to record.
- 10) Para 10 pertains to record.
- 11) Para 11 is incorrect appellant is not an aggrieved person having no cause of action to file the instant service appeal.

**REPLY ON GROUNDS:**

- A) Ground -A is incorrect. Section 03 of the said act is concerned only with Primary School Teachers (PST) which are UC based seats, while the appellant was a Senior Primary School Teacher (SPST) promoted to PSHT which is a district cadre seat.
- B) Ground -B is incorrect. There is no such departmental policy as stated by the appellant rather it was just a guideline letter issued than just after the up gradation of all teaching cadres including the creation of new cadres of SPST and PSHT as it was a huge overall re-shuffling and rationalization so these were the guidelines for the accommodation and convenience of the then rationalization and up gradation otherwise SPST and PSHT are district cadre seats and can be posted and adjusted anywhere in the district under the discretionary powers of the competent authority. However appellant is not affected at all as he has been posted in one of the nearest school situated in the locality of his residence.
- C) Ground -C is incorrect, as PSHT is a district cadre seat and can be adjusted anywhere in the district hence no violation to rules has been made.

- D) Ground -D is incorrect as stated in the above paras PSHT is a district cadre seat and can be adjusted anywhere in the district including their own UCs and villages where needed as evident from all the promotion orders including the present impugned order as annexed by the appellant in which except few most of the PSHTs has been adjusted in far away schools even up to 50 km away.
- E) Ground -E is incorrect, as explained above.
- F) Ground -F is incorrect as explained above.

*It is therefore most humbly prayed that the instant appeal being vexatious, erroneous and meritless may kindly be dismissed.*

**RESPONDANTS;**

1. The District Education Officer (M)

Nowshera

2. The Secretary E&SE, KPK

Peshawar

3. The Director E&S, KPK,

Peshawar

5

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**AFFIDAVITE**

I, Irfan ul Haq Litigation Officer BPS-17, office of The District Education Officer (M) Nowshera, do solemnly affirm and declare on oath that the contents of Par wise comments on behalf of respondents are true and correct to the best of my knowledge and nothing has been concealed from this Honourable Tribunal.



20-2-25

Deponent



*[Handwritten scribbles and lines, possibly initials or a signature, extending from the seal to the right.]*