

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No. 1065/2022

Mr Ali Rehman, (PSHT BPS-1) GPS KATTAN Bala Dir Upper,
under transfer to GPS Mahen Banda, Dir Upper.
.....(APPELLANT)


Versus

1. Director Elementary and secondary Education Khyber
Pakhtunkhwa Peshawar
2. District Education Officer (M) Dir Upper. And others
.....(RESPONDENTS)

JOINT PARA WISE COMMENTS ON & for BEHALF OF RESPONDENT NO: 2 & Other

Index:

S.No	Description	Page
1	Para wise Reply	1-2-3-4
2	Affidavit	5
3	Authority Letter	6


District Education officer (M)
District Dir Upper
Respondent No. 3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No: 1065/2022

1. Mr. Ali Rehman, PSHT (BPS-15), GPS KATTAN Bala Dir Upper,
 under transfer to GPS Mahen Banda, Dir Upper.
 (Appellant)

Versus

1. The Secretary, (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
 2. Director Elementary and secondary Education Khyber Pakhtunkhwa
 Peshawar
 3. District Education Officer (M) Dir Upper. And others
 (Respondents)

PARA WISE REPLY ON & FOR BEHALF OF RESPONDENTS, No.1 to 3.

Respectfully sheweth:-

PRELIMINARY OBJECTIONS.

1. That the Appellant is not the "aggrieved" persons with the meaning of Article 212 of the Constitution of the Islamic Republic of Pakistan 1973.
2. That the Appellant has got no cause of action /locus standi.
3. That the Appellant has not come to this Honorable court with clean hands.
4. That the Appellant is estopped by his own conduct.
6. That the instant service appeal suffers from laches, hence not maintainable in the present form.
7. That the instant appeal is liable to be dismissed for mis-joinder of unnecessary and non-joinder of necessary parties.
8. That the transfer order dated 07-12-2021 was issued on the basis of fake NOC regarding Ban relaxation for transfer that's why the transfer order of the appellant was withdrawn vide order dated 16-06-2022.

ON FACTS

1. Para-1 of the facts pertains to appellant service records hence need no comments.
2. Para-2 of the facts pertains to record hence need no comments.
3. Para-3 of the facts is correct regarding the representation for transfer to GPS Kattan Bala, which was refused to the appellant due to ban on every kind of transfer. Later on, the appellant filed an application for relaxation of ban on transfer to the Department, and on production of relaxation of ban by appellant, he was transferred to GPS Kattan Bala. Later on the ibid Ban relaxation was declared fake and his transfer order dated 07-12-2021 was withdrawn vide order dated 16-06-2022.
4. Para-4 of the facts is incorrect and further stated that on the basis of the Ban Relaxation (although the ban relaxation was fake) the appellant was transferred from GPS Dagor to GPS Kattan Bala , meanwhile the respondent No.4 file an application against the ibid transfer with the remarks that the ibid Ban relaxation is fake, so an enquiry was conducted and it was sought out that the ban relaxation from the department is fake, hence the transfer order dated 07-12-2021 of the appellant was withdrawn while the respondents No.4, being resident of the union council where the school is situated was transferred vide order dated 16-06-2022.
5. Para-5 of the facts is incorrect hence denied. And it is further stated that being a civil servant, the respondents No.4, filed an appeal /application against the transfer order 07-12-2021, as per law, so through a proper mechanism an inquiry was conducted and the transfer order dated 07-12-2021, which was issued on the basis of fake and bogus Ban Relaxation was withdrawn vide order dated 16-06-2022.
6. Para-6 of the facts is Incorrect hence denied details have been submitted in the facts above.

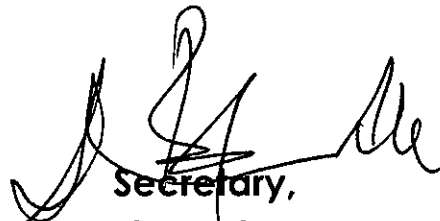
7. Para-7 of the facts is correct, and further stated that the transfer order dated 07-12-2021 was issued on fake letter that's why the said order was withdrawn as per law.
8. Para-8 The appellant has not filed representation against impugned order as such, the present appeal is incompetent.

GROUNDS


- A. Incorrect, the transfer order dated 16-06-2022, is made in good faith and as per rules and law.
- B. Incorrect, and further stated that the appellant has been treated as per law and rules and no illegality has been done by the respondents Department.
- C. In correct hence denied. The transfer order dated 16-06-2022 has been made in public interest, as the appellant provided fake and bogus letter from the department.
- D. Incorrect, the adjustment order dated 16-06-2022 is made in good faith and as per rules and law.
- E. In correct. Details reply has been submitted in the above Para's.
- F. In correct hence denied and further stated that the respondent department always follow rules and policies consigned by high ups in letter and spirit.
- G. Incorrect hence denied. Details have been submitted in the facts above.
- H. Incorrect hence denied. Detail has been submitted in the facts above.

- I. That the respondents seek leave to raise additional grounds at the time of arguments.


It is, therefore, humbly prayed that on acceptance of the above submission, the instant Service Appeal may very graciously be dismissed in favor of the answering respondents with cost.



**Secretary,
E&SE Peshawar.
Respondent No.1**



**Director,
E&SE Peshawar.
Respondent No.2**



**District Education officer (M)
Dir Upper
Respondent No.3**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No. 1065/2022

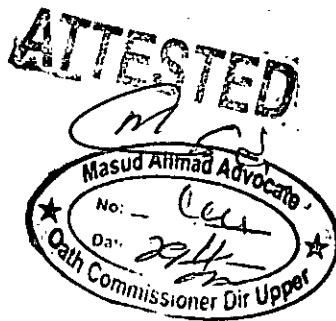
1. Mr. Ali Rehman, PSHT (BPS-15), GPS KATTAN Bala Dir Upper,
under transfer to GPS Mahen Banda, Dir Upper.
(Appellant)

Versus

1. The Secretary, (E&SE) Department, Khyber Pakhtunkhwa,
Peshawar.
2. Director Elementary and secondary Education Khyber
Pakhtunkhwa Peshawar
3. District Education Officer (M) Dir Upper. And others
(Respondents)

Affidavit

I, Syed Alam Zeb Shah (Litigation Officer) O/O the DEO(M) Dir Upper do hereby solemnly affirm and state on oath that the whole contents of this reply are true and correct to the best of my knowledge and belief and nothing has been concealed from this August court.



Deponent

Syed Alam Zeb Shah

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No. 1065/2022

**Mr Ali Rehman, (PSHT BPS-1) GPS KATTAN Bala Dir Upper,
 under transfer to GPS Mahen Banda, Dir Upper.**

.....(APPELLANT)

Versus

**1. Director Elementary and secondary Education Khyber
 Pakhtunkhwa Peshawar**

2. District Education Officer (M) Dir Upper. And others

.....(RESPONDENTS)

JOINT PARA WISE COMMENTS ON & for BEHALF OF RESPONDENT NO: 2 & Other

AUTHORITY LETTER

Mr. Syed Alam Zeb Shah (Litigation Officer) O/O the DEO (M) Dir Upper is hereby authorized to submit the comments /reply in the Service Appeal No.1065 of 2022.

Title: Ali Rehman v/s Secretary, E&SE Khyber Pakhtun Khwa and others on behalf of the under signed,



**District Education officer (M)
 Dir Upper
 Respondent No.3**