

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 1094/2022

Malaika Sultana -----Appellant

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Health

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

Section Officer (Lit-II)
Health Department
Khyber Pakhtunkhwa

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA

SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 1094 OF 2022

Malaika Sultana..... Appellant

Versus

Through Chief Secretary & others Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 01 AND 02

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 appellant is an employee of the Medical Teaching Institution hence jurisdiction of the honorable Tribunal has been barred by section 16A of the Khyber Pakhtunkhwa Medical and Teaching Institution Reforms Act 2015.
10. That the instant appeal is bad for misjoinder of unnecessary and non-joinder of necessary parties.
11. That the appeal is badly barred by law and limitation.

ON FACTS


1. Pertains to record, however it is evident from her appointment order dated 21-01-2020 that the appellant is not a civil servant as she has been appointed by respondent No. 05 in the MTI HMC which is an autonomous body under Khyber Pakhtunkhwa Medical and Teaching Institution Reforms Act 2015 wherein the replying respondents have no role in its affairs under the Act.
2. Related to respondents No. 03 to 06.

3. Related to respondents No. 03 to 06.
4. Subject to proof.
5. Related to respondents No. 03 to 06.
6. Related to respondents No. 03 to 06. However, it is worth to mention that the replying respondents have not violated any vested right of the appellant.

ON GROUNDS.

- A. Related to respondents No. 03 to 06.
- B. Related to respondents No. 03 to 06.
- C. Related to respondents No. 03 to 06.
- D. Related to respondents No. 03 to 06. However, it is worth to mention that the replying respondents have not violated any vested right of the appellant.
- E. Incorrect. Proper forum for the employees of MTI under the Khyber Pakhtunkhwa Medical and Teaching Institution Reforms Act 2015 is the MTI Appellate Tribunal hence the honorable Tribunal has no jurisdiction to adjudicate the matter.
- F. Related to respondents No. 03 to 06.
- G. Related to respondents No. 03 to 06.
- H. Answering respondents also seek prior permission of this Honorable Court to adduce any other grounds during final hearing of the case.

It is therefore humbly prayed that on acceptance of the instant comments the appeal of the appellant may dismissed with cost.


Secretary to Govt. of Khyber Pakhtunkhwa
Health Department
Respondent No. 01 & 02

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 1094/2022

Malaika Sultana -----Appellant

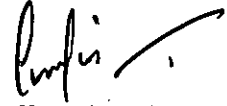
VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary & others

-----Respondent

AFFIDAVIT.

I Mohammad Tufail Section Officer (Lit-II) govt. of Khyber Pakhtunkhwa Health Department do hereby solemnly affirm and declare that the joint Para-wise comments in Service Appeal No. 1094/2022 at Page-1-2 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
Section Officer (Lit-II)
Health Department
Khyber Pakhtunkhwa

Identified by:-

Addl: Advocate General,
Khyber Pakhtunkhwa
