

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

Khyber Pakhtunkhwa  
Service Tribunal

Service Appeal No. 649/2022

Diary No. 4084

Muhammad Ismail.....

Appellant. 7/3/2023

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary and others  
.....Respondents.

**INDEX**

S. No.	Documents	Page No.	Annexure
1	Joint Parawise Comments	1-2	
2	Affidavit	3	
3	Promotion Polickey	4-6	



**MUHAMMAD ISMAIL**

Superintendent (Lit)

Law Department

NIC No. 17301-0876331-9

Cell# 03459782603

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**IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No.649/2022.**

Muhammad Ismail, Assistant (BPS-16).

.....Appellant

VERSUS

Government of Khyber Pakhtunkhwa through the Chief Secretary, Govt. of Khyber  
Pakhtunkhwa, Peshawar & others.

.....Respondents.

**JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO.01-04.**

**Respectfully Sheweth.**

**PRELIMINARY OBJECTIONS:**

1. That no cause of action or locus standi lies with appellant for filing of the Appeal, therefore, appeal may be dismissed.
2. That the instant appeal is not maintainable in its present form.
3. That the present appeal is not maintainable due to non-joinder and mis-joinder of necessary parties.
4. That the appellant has concealed the material facts from this Hon'ble Tribunal.
5. That this Hon'ble Tribunal has got no jurisdiction to entertain the instant appeal.
6. That the appellant is estopped by his own conduct to file the subject service appeal.
7. The appeal of the appellant is barred by time.
8. The appellant filed Writ Petition No.2430-P/2017 in the Peshawar High Court, Peshawar which was decided on 19.11.2019 in terms that the Respondent/Department shall strictly adhere to the rules and quota reserved to be filed through promotion shall not be disturbed and the Respondent/Department shall consider the Petitioner strictly in accordance with Law & Rules on the subject, therefore, in compliance whereof the appellant, has been promoted with immediate effect as Para-VI of the Promotion Policy states that promotion shall always be with immediate effect (**Annex-A**).

**On facts:**

1. Pertains to record.
2. Pertains to record.
3. Pertains to record.
4. Pertains to record.
5. Pertains to record.
6. Pertains to record. However, detail reply has been given in above paras.
7. Incorrect, the Notification dated 10.12.2020 has been issued with immediate effect as promotion is always with immediate effect. As per Para-VI of the Promotion Policy, promotion will always be notified with immediate effect (**Annex-A**).
8. Pertains to record.
9. Incorrect. No grievance has been disclosed by the Appellant as per law.

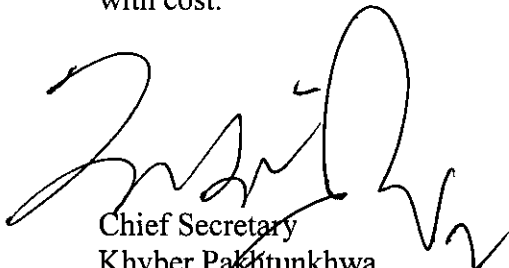
2

**Grounds:**

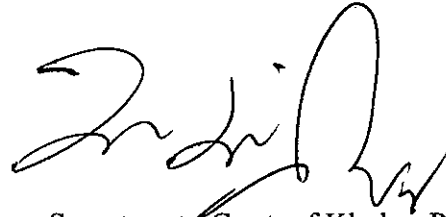
- A) Incorrect, hence denied. As stated in above paras, the promotion is always with immediate effect under the Promotion Policy of Provincial Government in vogue.
- B) Denied. No discrimination or injustice has been done against the appellant nor any provision of constitution has been violated.
- C) Incorrect, hence denied. The detail reply has been given in above paras.
- D) Incorrect, hence denied. The detail reply has been given in above paras.
- E) Denied. No discrimination or injustice has been done against the appellant nor any provision of constitution has been violated.
- F) Incorrect, hence denied.
- G) Legal, no comments. However, the detail reply has been given in above paras.
- H) Incorrect, hence, denied. The appellant has no solid ground and proof in support of his claim.

**Prayer:**


It is, therefore, most humbly prayed that on acceptance of this Parawise comments, the Appeal being devoid of legal footings and merits, may graciously be dismissed with cost.




Chief Secretary  
Khyber Pakhtunkhwa  
Respondent No.01



Secretary to Govt. of Khyber Pakhtunkhwa  
Establishment Department.  
Respondent No.02



Secretary to Govt. of Khyber Pakhtunkhwa  
Law Department.  
Respondents No.03



Director General,  
Law & Human Rights Khyber Pakhtunkhwa  
Respondent No.04

Director General  
Law & Human Rights  
Khyber Pakhtunkhwa

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL.**

Service Appeal No. 649/2022

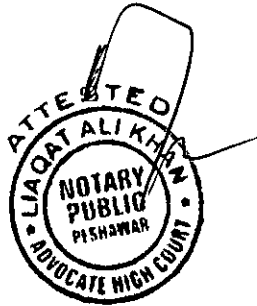
Muhammad Ismail.....Appellant.

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary and others  
.....Respondents.

**AFFIDAVIT**

I, Muhammad Ismail Khalil, Superintendent (Lit) (BPS-17), Law Department, do hereby solemnly affirm and declare on oath that contents of Parawise Comments on behalf of Respondents No. 1-4 are true to the best of my knowledge and belief that nothing has been concealed from this Hon'ble Tribunal.



07 MAR 2023

Deponent

NIC No. 17301-0876331-9  
Cell# 03459782603