

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No. 1303/2022

Tahir Khan.....Appellant

VERSUS

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

REPLY ON BEHALF OF RESPONDENT NO. 4 & 5


INDEX

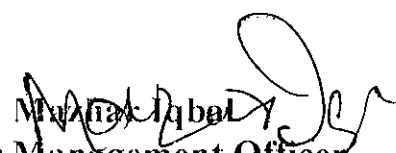
S.#	Description	Page Nos.	Annexure
1.	Reply alongwith affidavit	1 to 5	
2.	Copy of letter		"A"

...RESPONDENT NO. 4 & 5

Through;

Dated: 14/03/2023


Muhammad Atif
(AD Training)
Respondent NO 5


Muziaq Iqbal
Water Management Officer
Respondent No 4

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AFFIDAVIT

I, Muhammad Atif son of Hukam Dad, (Assistant Director Training Office of Deputy Director Training OFWM Training Center Hazara Division at Mansehra), do hereby affirm and declare that the contents of foregoing comments are true and correct to the best of my knowledge and belief and nothing has been suppressed therein.


DEPONENT

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Respectfully Sheweth; -

PRELIMINARY OBJECTION;

1. That the appellant has concealed material facts from this Honourable Tribunal because the degree of the appellant is fake and bogus.
2. That the appeal of the appellant is time barred and is liable to be set-aside.
3. That the appellant is not eligible to be promoted from BPS-16 to BPS-17 due to lack of qualification besides, the appellant is junior most employee of the department.
4. That the service appeal of the appellant is liable to be set-aside due to non-joinder and mis joinder of the proper parties.

5. That when degree of the appellant is fake, then he cannot be promoted from BPS-16 to 17 on the basis of seniority/ qualification and 20% quota does not apply to the appellant.

FACTUAL OBJECTIONS;

1. Para No.1 to the extent of joining of service of appellant is correct and rest of the para needs proof.
2. Para No. 2 is incorrect and denied.
3. In reply to para No.3 it is submitted that degree of B-Tech (Hons) of the appellant is fake as per department record, Therefore, he has no right for promotion from BPS-16 to BPS-17 against 20% quota due to lack of his requisite qualification.
4. Para No.4 is incorrect and denied. Reply has already been given in para No. 3 above.
5. In reply to para No. 5 it is submitted that B- Tech. Degree of appellant was got verified by the department it revealed that ticket No. 2248478 on the degree does not relate to the appellant. In this regard letter of HEC Ticket No. show 2248478 shown by the appellant in his favor in fact, relates to some one other person. Copy of letter is attached as Annexure "A".

6. That para No. 6 is incorrect and denied. In fact, before granting promotion, prior verification degrees was carried out which ultimately proved the degree as bogus.
7. Para No. 7 is incorrect and denied. Appeal of the appellant is miserably time barred and is not maintainable.

REPLY ON GROUNDS:-

- A. Para "a" of the grounds is incorrect, denied. Detailed reply had been given in the preceding paras.
- B. Para "b" of the appeal is incorrect and denied. Appellant has not requisite qualification for promotion from BPS-16 to BPS-17.
- C. Para "c" is denied and incorrect.
- D. Para "d" is denied and incorrect.
- E. In reply to para "e" it is humbly submitted that precedent case laws mentioned in Para "e" does not apply in the case of the appellant. However rest of the para is incorrect, hence denied.
- F. Para "f" is incorrect hence, denied. The case laws mentioned in para "f" is not applicable in the case of the appellant.
- G. Para "g" to the extent of legal proposition is correct. Rest of the para is incorrect.

H. In reply to para "h" it is submitted that the article of the Constitution and the case law mentioned in the Para "g" is not applicable in the case of the appeals.

I. Reply of Para "i" has already been given in Para "h".

J & K Reply of para "j" & "k" has already been given in the preceding paras.

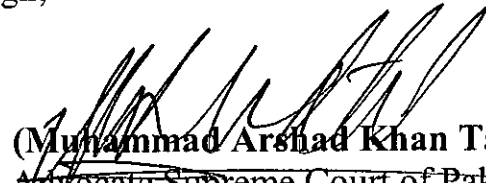
L Para "l" is legal.

In view of the above it is prayed that service appeal of the appellant may be dismissed with costs throughout.

...RESPONDENT NO. 4 & 5

Through;

Dated: 14/08/2023


(Muhammad Arshad Khan Tanoli)
Advocate Supreme Court of Pakistan,
At Abbottabad

HIGHER EDUCATION COMMISSION

Sector H-9, Islamabad (PAKISTAN)
Telephone: 0092 51 90400900, Fax: 0092 51 90400902
URL: <http://www.hec.gov.pk>

Ref. 5-3/SAD (Att. Cell)/ HEC/2021
January 07, 2022

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The Director General,
On Farm Water Management,
Khyber Pakhtun Khwa, Peshawar

Subject: **VERIFICATION OF B.SC ENGINEERING / B. TECH (HONS) DEGREES**

With reference to your letter No. 4099/DG/OFWM dated 02.12.2021 regarding confirmation of HEC's attestation; the cases have been examined and remarks are as under:

S No.	Name of degree holder & CNIC No.	Degree Program	Stamp No	University	Remarks
I.	Mr. Muhammad Riaz 1730115318385	B.Sc (Engineering) (Degree)	560190 (Original)	CECOS University of Information Technology and Emerging Sciences, Peshawar	Attested
II.	Mr. Tahir Khan	B.Tech (Hons) (Degree)	2248478 (Original)	Al-Khair University (AJK)	Bachelor of Technology (Hons) degree of Mr. Tahir Khan from Al-Khair University, AJK is not attested by HEC against Attestation Ticket Number 2248478 and said ticket is allotted to someone else as per record of this Commission. However, please arrange to provide legible/ readable Copy of degree (Showing Complete Registration Number) to further examine the case in detail.
III.	Mr. Mazhar Iqbal 1420320552353	B.Tech (Hons) (Degree)	478325 (Original)	Sarhad University of Science & Information Technology, Peshawar	Aplicant is required to visit HEC along with copy of CNIC and original HEC attested degree for correction of degree holder name in HEC's database.

HIGHER EDUCATION COMMISSION

Sector H-9, Islamabad (PAKISTAN)

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Ref. 5-3/SAD (Att. Cell)/HEC/2021

IV.	Mr. Muhammad Atif 1310178802901	Bachelor of Technology (Civil) (Degree)	1714012 (Photocopy)	Sarhad University of Science and Information Technology, Peshawar	Attested
V.	Mr. Muneer Iqbal 1620232919197	Bachelor of Technology (Honours) in Civil Technology (Degree)	2353690 (Original)	Preston University, Kohat	Attested
VI.	Mr. Asghar Ali 1610238269789	Bachelor of Technology (Honours) in Civil Technology (Degree)	2353633 (Original)	Preston University, Kohat	Attested
VII.	Mr. Muhammad Shuaib 1540266148843	B.Tech (Hons) (Degree)	632527 (Original)	Preston University, Kohat	Attested
VIII.	Mr. Asad Ali 1540130094269	Bachelor of Technology (Honours) in Civil Technology (Degree)	2353635 (Original)	Preston University, Kohat	Attested
IX.	Mr. Sami Ullah 1120167412317	Bachelor of Civil Technology (Degree)	2428158 (Original)	N.W.F.P University of Engineering & Technology, Peshawar	Attested.



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X.	Mr. Habib Ullah 1560272875955	B.Tech (Hons) (Degree)	954501 (Original)	Preston University, Kohat	Attested
XI.	Mr. Iqbal Muhammad 1560204535681	B.Tech (Hons) (Degree)	823793 (Original)	Preston University, Kohat	Attested
XII.	Mr. FARHAD ALI KHAN 1560212931109	B.Tech (Hons) (Degree)	1059141 (Original)	Preston University, Kohat	Attested
XIII.	Mr. Mazhar Iqbal 1350306387997	Bachelor of Technology (Honours) in Civil technology (Degree)	2353672 (Original)	Preston University, Kohat	Attested
XIV.	Mr. Anwar Ali 1560202674007	Bachelor of Technology (Honours) in Civil Technology (Degree)	2353805 (Original)	Preston University, Kohat	Attested
XV.	Mr. Naser Khan	B.Tech (Hons)	-	Preston University, Kohat	Please arrange to provide HEC's attested photocopies (Front & Back) of degree & transcript alongwith copy of CNIC of degree holder enabling this office to proceed further in the matter.

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This issues with the approval of Competent Authority.


Assistant Director
(Student Affairs Division)