

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

APPLICATION FOR SUBMISSION OF COMMENTS IN SERVICE APPEAL
NO.1075/22 TITLED AS MR. NASIB KHAN VS GOVT. OF KPK & OTHERS

Respected Sir,

1. It is humbly stated joint comments in respect of the above case have to submit to the Service Tribunal Camp Court DIKhan.
2. The honorable Court has struck off the case on dated 18-01-2023.
3. It is therefore, most humbly requested that defense struck off may kindly be review and Respondents through representative may be allow to submit comments in aforesaid case.

Respondent No.01, 03 & 04
Through Representative



**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 1075/2022

Naseeb Khan

VERSUS

Government of KPK & Others

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Dated:- 07-11-2022

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**BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR**

Service Appeal No. 1075/2022

Naseeb Khan

VS

Govt. of KPK & Others

PARA WISE REPLIES ON BEHALF OF RESPONDENTS NO. 01, 03, 04

RESPECTFULLY SHEWETH:

1. That the appellant has got no cause of action and locus standi to file the Instant appeal.
2. That the appellant deliberately concealed the material facts from this honorable Tribunal.
3. That the appeal in hand is a weak case and has no legal force.
4. That the appeal does not come to this Honorable Tribunal with clean hands.
5. That the appellant is estopped by his own conduct to file this appeal.

OBJECTIONS ON FACTS:

1. That Para No.01 pertains to record.
2. That Para No.02 pertains to record.
3. That Para No.03 is correct to the extent that the appellant was transferred/posted at his nearer home station i.e GHS Gara Shahbaz Tank vide impugned order No. 891-96/F.No.4-2/EB/Transfer/Distt: Cadre dated 31.01.2020 on his plea that he cannot perform duties at GHS Toran Tank due to medical complications. (Copy of transfer order is annexed as "A").
4. That Para No.04 is incorrect and denied. Since the aforesaid transfer/adjustment order was among Mr. Naseeb Khan SCT/Appellant and Mr. Kifayat Ullah SCT (Private respondent). However, this office was informed by Mr. Kifayat Ullah that his one

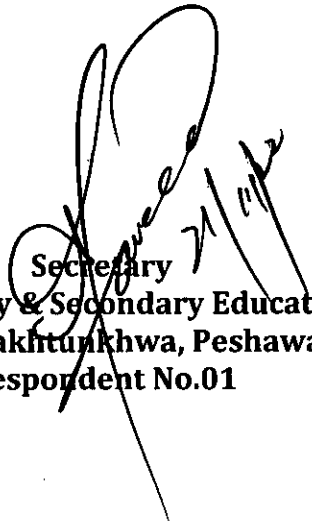
sided leg is fractured and the Doctor has refrained him from travelling far away. Therefore, the appellant was directed to resume duties at GHS Toran Nau Tank through transfer/adjustment order No. 1074-1079/F.No.4-2/EB/Transfer dated 04.02.2022 (Copy of the order is annexed as "B")

5. That Para No.05 is strongly denied. Since the transfer/adjustment orders of the District Cadre Staff is the competency of the DEO. Therefore challenging transfer/adjustment by appellant without any legal grounds is against rules/policy in vogue.

Grounds:

- A. This Para is incorrect and not admitted. No malafide is committed by the Respondents. Transfer/adjustment order of appellant was cancelled by the competent authority under rules/policy.
- B. This Para is denied. Since Mr. Kifayat Ullah SCT (Private Respondent) was more prone in the health conditions and was direly needed to be retained at his original duty station. Therefore, appellant was transferred/posted to his original station to avoid any kind of complication.
- C. This Para is incorrect & denied. The appellant merely relied on assumptions, employees cannot be willfully transferred/adjusted. Mr. Kifayat Ullah SCT (Private Respondent) has more health complications as compared to the appellant. Therefore, his order was cancelled/withdrawn according to the rules/policy.
- D. This Para is incorrect & not admitted. The appellant wants transfer/posting to the school on his own will without consideration of the public interest and future of the students. It is the competency of the DEO to transfer/post District cadre employees on need & rationalization basis.
- E. This Para is denied. No appeal of the appellant from the concerned forum is received to the undersigned.
- F. The counsel for official Respondents may kindly be allowed to raise additional grounds at the time of arguments.

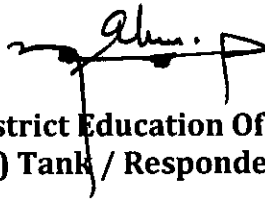
It is therefore, most humbly prayed that on the acceptance of this Para wise comments, the above service appeal may graciously be dismissed with costs.



Secretary
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar /
Respondent No.01



Director
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar
Respondent No.03



District Education Officer
(Male) Tank / Respondent No.04

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) TANK

AUTHORITY LETTER

Mr. Rasool Khan Assistant District Education Officer Office of the DEO (Male) Tank is hereby authorized to attend the Honorable Khyber Pakhtunkhwa Service Tribunal in Service Appeal No. 1075-D/2022 Titled as "Naseeb Khan Vs Govt. of KPK & Others" on behalf of the undersigned.



**District Education Officer
(Male) Tank/ Respondent No. 04**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
D.IKHAN BENCH**

Service Appeal No. 1075-D/2022

Naseeb Khan

Vs

Govt. of Khyber Pakhtunkhwa etc

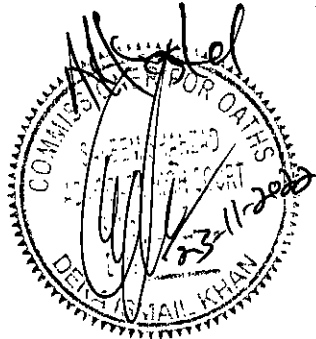
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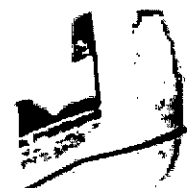
I, Rasool Khan Assistant District Education Officer, Office of the District Education Officer (Male) Tank do hereby solemnly affirm and declared on the oath that the para wise replies to the above service appeal are true and correct to the best of my knowledge and belief that nothing has been concealed from this Honorable Tribunal.



DEPONENT

Mr. Rasool Khan
ADEO (Litigation)
o/o DEO (M) Tank
12201-2053380-3





Annex: "A" (6)
**OFFICE OF THE DISTRICT EDUCATION
OFFICER (MALE) TANK** 177

OFFICE ORDER:

In pursuance of relaxation of ban on posting / transfer of teachers/officials (mutual / rationalization / general) issued by the Government of Khyber Pakhtunkhwa Elementary & Secondary Education Department vide No. SO(SM)E&SED/7-1/2021/PT/General Dated: 01-01-2022, the following teachers are hereby transferred in the best interest of public service with immediate effect.

S#	Name & Desig:	From	To	Remarks
1.	Mr. Naseeb Khan SCT	GHS Toran Nau	GHS Gara Shahbaz	Vice S.No. 2
2.	Mr. Kifayat Ullah SCT	GHS Gara Shahbaz	GHS Toran Nau	Vice S.No. 1

Note: (1) No TA/DA is allowed.
(2) Charge report should be submitted to all concerned.

--SD--
(UMAR KHAN)
District Education Officer
(Male) Tank
Dated Tank the 31/01/2022

Endst. No. 891-96 / F.No. 4-2/EB/Transfer/Dist: Cadre

Copy of the above is forwarded for info: & n/action to the:

1. District Accounts Officer, Tank.
2. District Monitoring Officer (EMA) Tank.
3. Dy. District Education Officer (Male) Local Office.
4. Principal / Headmasters Schools Concerned.
5. Teachers Concerned.
6. Office File.

District Education Officer
(Male) Tank

Annex: "B"

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(6) (7)



**OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE), TANK**

Cancellation Order.

The office order issued vide this office Endst No. 891-96/F.No.4-2/E.B/Transfer /Distt: Cadre Dated 31-01-2022 in r/o Mr. Naseeb Khan SCT and Kifayat Ullah SCT are hereby cancelled, due to disability having fracture in leg not able to travelling of Mr. Kifayat Ullah SCT GHS Gara Shahbaz in the best interest of public service with immediate effect.

- Note:** 1. No TA/DA is Allowed
2. Charge report should be submitted to all concerned.

--- sd ---

**District Education Officer
(Male) Tank.**

Endst:No. 1074-1079 F.No.4-2/E.B/Transfer /CT,DM,PET Dated Tank 04/02/2022

Copy of the above is forwarded for information & n/action to the :

1. District Accounts officer Tank
2. District Monitoring Officer (EMA) Tank
3. Dy: District Education Officer (M) Local Office
4. Principal /Headmaster Concerned .
5. Teacher concerned.
6. Office file


**District Education Officer
(Male) Tank.**