

BEFORE THE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No: 1638/2022

Diary No. 4444

Syed waqar Ahmad SPST, GPS Saad-Ud-Din, Gumbat, District Mardan. Date: 17/3/2023

(Appellant)

Versus


The Secretary of (E & SE) Education, KPK Peshawar, & Others.

(Respondents)

INDEX

S.NO	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGES	
1.	Para wise comments along with affidavit & Authority		01	07
2.	Copy of Service Book	"A"	08	10
3	Copy of Instruction Letter	B	---	11

Respondent No 3


Sub-District Education Officer
Mardan (Male) Mardan

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No: 1638/2022

Syed waqar Ahmad SPST, GPS Saad-Ud-Din, Gumbat, District Mardan.

(Appellant)

Versus

The Secretary of (E & SE) Education, KPK Peshawar, & Others.

(Respondents)

Para Wise Comments On Respondents 1 to3

Respectfully Sheweth:

PRELIMINARY OBJECTIONS:

1. That the appellant has got no cause of action as well as locus standi to file the instant appeal.
2. That the instant appeal is badly time barred.
3. That the appellant has not come to this Honorable Tribunal with clean hands.
4. That the appellant has concealed the material facts from this Honorable Tribunal, hence the appeal is liable to be dismissed.
5. That appellant has not applied for NOC/Permission and the respondent department has not granted NOC for BSc admission.
6. That the appellant has kept in dark to the respondent department regarding his BSc admission, because the appellant is a teacher, and he is on duty as well as draw his salary.
7. That the University of Sargodha clearly mentioned its instructions for the Private Candidates ; in para No 07 stated that Only those candidates who has passed intermediate two years before, but the appellant has already well educated, which as under :

S. No	Roll No	Education	Marks	Total Marks	Year/Dated	Board/ University
1	39468	Matric	574	850	28-07-1996	Peshawar
2	153296	FSc	519	1100	05-10-1998	Peshawar
3	10242	B.A	222	550	28-04-2001	Peshawar
4	Q 607338	M.A	599	900	09-01-2006	AIOU Islamabad
5	0114	B.Ed	609	1000	07-03-2012	Abdul wali Khan
6	10552	M. Ed	542	800	-----	Peshawar
7	31915	Bsc	372	800	07-01-2020	Sargodha University

(Copies of Instruction Letter & Service Book is as Annexures -A & B)

8. That the appellant was get admission in B.ED, on the basis of his B.A, Degree, so the appellaht's B.Ed. Degree in Arts but the appellant concealed this facts and get admission in BSc and deprive the other Science teacher from their legal rights.
9. That the appellant is not eligible for SST(Science teacher) and the appellant is eligible for SST(General) on his own turn,as per rules Seniority-Cum-Fitness

FACTS:

1. Para No 1 Pertains to record, hence need no comments.
2. Para No 2 Pertains to record, hence need no comments.
3. Para No 3 is incorrect, baseless as the appellant has not applied for NOC/Permission and the respondent department has not granted NOC for BSc admission and the University of Sargodha clearly mentioned its instructions for the Private Candidates ; in Para No 07 stated that Only those candidates who has passed intermediate two years before, but the appellant has already well educated, which is explained in the preliminary objection Para No 7 of the comments, hence denied.
4. Para No 4 is incorrect, baseless as the appellant ^{is} has already well educated/Graduated in Arts and then the appellant got admission in BSc without NOC and the degree of BSc dated 07-01-2020 of the appellant, is after the M.A, B.Ed, furthermore the appellant obtained his B.Ed in Arts. The University of Sargodha clearly mentioned its instructions for the Private Candidates; in Para No 07 stated that Only those candidates who has passed intermediate two years before, but the appellant has already well educated, hence denied. **(Copies of Instruction Letter & Service Book is as Annexures -A & B)**
5. Para No 5 is incorrect, baseless as that the appellant is not eligible for SST (Science Teacher) and the appellant is enroll SST (General) due his previous qualification B.A, M.A , B.Ed and M.Ed and the appellant is also eligible for SST(General) on his own turn as per rules Seniority-Cum-Fitness, hence denied

The detail grounds as under:

GROUND:

- A. Para No A is incorrect, baseless as the respondents have treated the appellant in accordance with law, and has not violation of Articles 4&10-A of the Constitution of Islamic Republic of Pakistan, 1973 and consider him but found the above mentioned deficiency i-e already well educated before BSc degree. The respondent No 4 is fit for SST Promotion which is just, fair and sustainable in the eye of law, hence denied.
- B. Para B is incorrect, baseless as the promotion order is legal and sustainable in the eye of law and the appellant has already well educated/Graduated in Arts and then the appellant got admission in BSc without NOC and the degree of BSc dated 07-01-2020 of the appellant is after the M.A, B.Ed, furthermore the appellant obtained his B.Ed in Arts. The University of Sargodha clearly mentioned its instructions for the Private Candidates;

in Para No 07⁴ stated that Only those candidates who has passed intermediate two years before, but the appellant has already well educated, hence denied.

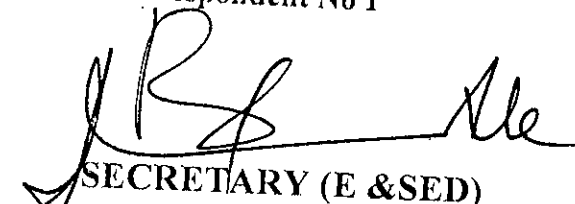
- C. Para C is incorrect, baseless as per Seniority-Cum-Fitness and his previous qualification is B.A & M.A and as per Previous qualification, the appellant is fit for SST(General) on his own turn and the appellant is not eligible for SST(Science Teacher), the Reliance judgment is not related to the instant appeal, hence denied.
- D. Para D is incorrect, baseless as the degree of BSc dated 07-01-2020 of the appellant is after the M.A, B. Ed, and the appellant obtained his B.Ed in Arts. The University of Sargodha clearly mentioned its instructions for the Private Candidates; in Para No 07 stated that only those candidates who has passed intermediate two years before, but the appellant has already well educated, which is concealed by the appellant, hence denied.

(Copies of Instruction Letter & Service Book is as Annexures -A & B)

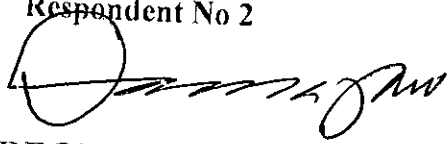
- E. Para E is incorrect, baseless as per Seniority-Cum-Fitness and his previous qualification is B.A & M.A and as per Previous qualification, the appellant is fit for SST(General) on his own turn and the appellant is not eligible for SST(Science Teacher), hence denied.
- F. Para F is incorrect, baseless as the respondent being a responsible Govt Officer acted according to law, the respondent No 4 is fit for SST Promotion which is just, fair and sustainable in the eye of law, hence denied.
- G. Para G is incorrect, baseless as, the degree of BSc dated 07-01-2020 of the appellant is after the M.A, B. Ed, and the appellant obtained his B.Ed in Arts, and as per Previous qualification, the appellant is fit for SST(General) on his own turn and the appellant is not eligible for SST(Science Teacher), hence denied.
- H. Para H Pertains to records, hence needs no comments.
- I. Para I needs no comments; the respondents seek permission to raise additional grounds at the time of arguments.

It is therefore humbly prayed that in the light of above facts,
the appeal may please be dismissed with cost.



Respondent No 1


SECRETARY (E & SED)
KPK, PESHAWAR

Respondent No 2


DIRECTOR OF (E & SED)
KPK, PESHAWAR

Respondent No 3


Sub-Divisional Education Officer
 (Male) Mardan

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No: 1638/2022

Syed waqar Ahmad SPST, GPS Saad-Ud-Din, Gumbat, District Mardan.

(Appellant)

Versus

The Secretary of (E & SE) Education, KPK Peshawar, & Others.

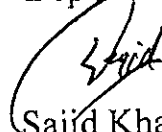
(Respondents)

AFFIDAVIT

I, Mr. Sajid Khan Legal Representative Education Department Mardan do hereby solemnly affirm and declare that the contents of Para Wise Comments submitted on behalf of respondents are true to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.



Deponent


Sajid Khan
16101-6005318-5

Note:— The entries in this page should be renewed or re-attested at least every five years and the Signature to lines 9 and 10 should be dated.

1. Name: Syed Wajid Ahmad

2. Race: Afghan

3. Residence: village of Pto Gumbat Tolo & Distt Mardan

4. Father's name and residence: Syed Ghulam Rabbi asabore

5. Date of birth by Christian era as nearly as can be ascertained: (01-04-1980) First April N.H. eighty-

6. Exact height by measurement: 5-5"


7. Personal marks for identification: Black mole on the left side of Neck

8. Left hand thumb and Finger impression of (Non-Gazetted) officer:

Little Finger:  Ring Finger: 

Middle Finger:  Fore Finger: 

Thumb: 

9. Signature of Government Servant: 

10. Signature and designation of the Head of the Office, or other Attesting Officer: 
DY: DISTRICT OFFICER (MALE) PRY: MARDAN
SDEO (M)
Garhi Kapoora Mardan

1	2	3	4	5	6	7	8
Name of post	Whether substantiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant
DST.		BPS No 7 @	Rs. 2555-	140-	6755		✓
IPS No Dhakki (Gummat)	Sub/off.		Rs. 2555/-			30 ¹² / ₀₆ FN.	The K.D.
do		BPS- No. 7 (Rs=2940-160-7740)	Rs=2940/-			01 ⁰⁷ / ₀₇	The K.D.
do			Rs=3100/-			01 ¹² / ₀₇	The K.D.
		BPS No 9 @	Rs. 3185-	190-	8885		
do	do		Rs. 3185/-			01 ¹⁰ / ₀₇	The K.D.
do	do	Revised P/scale w.e.f. 1-7-08	Rs. 3820/-			01 ¹⁷ / ₀₈	The K.D.
25-7 2940/0	R-9 3820/0						Pay at B-9 with next increment on 1-12-08
2007	OFFICE OF THE ACCOUNTANT GENERAL KHYBER PAKHTUNKHWA PESHAWAR PAY FIXED IN THE R.P.S. 2007		OF RS. 2940-160-2790 B-7	AT RS. 2940/- P.M.W.F.	1-07-2007	1-12-2007	
2008	OFFICE OF THE ACCOUNTANT GENERAL KHYBER PAKHTUNKHWA PESHAWAR PAY FIXED IN THE R.P.S. 2008		OF RS. 3820-230-10720 B-9	AT RS. 3820/- P.M.W.F.	1-07-2008	1-12-2008	
Accounts Officer Pay Fixation Party K Pakhtunkhwa Peshawar				Accounts Officer Pay Fixation Party K Pakhtunkhwa Peshawar			SDEO (M) Garni Kappora Mardan

