

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

SERVICE APPEAL NO. 1571/2022

Diary No. **4634**

Khalida Yasmeen.....Appellant

Dated **30/3/2023**

Versus

Government of Khyber Pakhtunkhwa & othersRespondents

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SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 1571 OF 2022

Khalidā Yasmin.....Appellant

Versus

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

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 02 & 04

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 instant appeal is bad for mis-joinder of unnecessary and non-joinder of necessary parties.

ON FACTS:

1. Correct.
2. Correct.
3. Correct. The appellant was initially appointed as Charge Nurse on 02/02/1985 on regular basis.
4. Correct.
5. Correct to the extent that the appellant has performed duty in HMC Peshawar till 01/03/2022 and drawn salaries but she attained the age of superannuation on 15/01/2021.

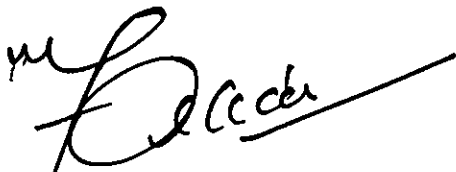
6. Correct.
7. Incorrect. The appellant has performed duty for 14 months after attaining the age of superannuation on her own will and not applied for retirement from service on due date.
8. Not related with the answering respondents.
9. Correct. No Civil Servant can draw salary beyond 60 years of age.
10. Over paid salaries of 14 months has been deducted from the appellant because no Civil Servant can draw salary from Govt. Treasury beyond 60 years of age.
11. Pertains to record.
12. Needs no comments being formal.
13. The appellant has got no cause of action to file instant appeal.

ON GROUNDS:

- A. As per law over payment can be recovered from a Civil Servant.
- B. The appellant is a BPS-16 officer and did not apply for retirement after attaining the age of 60 and perform duty on her own will.
- C. As in preceding para.
- D. Incorrect. On attaining the age of superannuation, it is responsibility of a Civil Servant to apply for retirement from service.
- E. The respondents have acted as per law/rules.
- F. As in Para-B.
- G. Irrelevant, needs no reply.
- H. Answering respondents also seek prior permission of this Honorable Tribunal to adduce additional grounds at the time of arguments.


PRAYER:

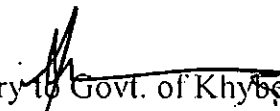
It is therefore humbly prayed that on acceptance of the comments, the instant appeal of the appellant may very graciously be dismissed with costs.



Director General Health Services Khyber
Pakhtunkhwa Peshawar

Respondent No. 02

DD(N) 



Secretary to Govt. of Khyber
Pakhtunkhwa Health Department
Respondent No. 04

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Affidavit

I, Laeeq Ahmad, Focal Person (Litigation) office of the Director General Health Services, Khyber Pakhtunkhwa, Peshawar, under the directions of the Competent Authority, do hereby solemnly affirm that the contents of the parawise Comments on behalf of Respondent are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'able Court.

Laeeq
Deponent

ATTESTED
Abdur Rashid Advocate
NOTARY
PUBLIC
Peshawar KPK, Pak.

30/3/2023



**GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT**

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AUTHORITY LETTER

Mr. Liaq Ahmad Focal Person Health Department ^{D.G.H.S}
is hereby authorized to submit joint parawise comment in
Service Appeal No.1571/2022 Khalida Yasmeen, Charge Nurse
versus Director HMC/MTI through Secretary Health
Department.

Amir / 30/3/23

**Section Officer (Lit-II)
Section Officer (Lit-II)
Health Department
Khyber Pakhtunkhwa**