

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 4713

Dated 4/4/2023

Service Appeal No. 1487/2022

Asadur Rehman S/O Abdul Khalaq. SST BPS-16, at GHS Shagram Tehsil
Mastuj , District Chitral Upper.

(Appellant)

Versus

1. Government of KPK, through Chief Secretary Khyber Pakhtunkhwa Peshawar
2. Government of KPK, through Secretary, Elementary and secondary Education Khyber Pakhtunkhwa Peshawar
3. Government of KPK through Accountant General (AG) Peshawar.
4. District Education Officer (M) Chitral Upper.
5. District Accounts Officer (DAO), Chitral.

(Respondents)

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District Education Officer Male
District Chitral Upper
Respondent No.4

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PARA WISE COMMENTS ON BEHALF OF RESPONDENT No. 1.2 & 4.

Respectfully sheweth:-

PRELIMINARY OBJECTIONS

1. That the Appellants are not the "aggrieved" person with the meaning of Article 212 of the Constitution of the Islamic Republic of Pakistan 1973.
2. That the Appellant have got no cause of action /locus standi to file this Service Appeal because the Appellant did not come on merit.
3. That the Appellant have not come to this Honorable tribunal with clean hands rather than the instant appeal is mainly based on malafide intentions just to put pressure on the respondent department for illegal increment.
4. That the Appellant are estopped by his own conduct.
6. That the instant Service Appeal suffers from laches, hence not maintainable in the present form.
7. That the petition in hand is barred by the relevant provision of Law/Rules/Policy in Field.

ON FACTS.

1. Para -1 of the facts pertains to the appellant academic record,
2. Para -2 of the facts pertains to record,
3. Para-03 of the facts pertains to respondent No. 3&5, who can better explain the facts in issue.
4. Para-04 of the facts pertains to record,
5. Para-05 of the facts is correct, that candidates who have not completed six months of service are not entitled for getting benefits of yearly increments. However to the extent of the appellant case, it is sated that vide annexure (E) available at Page 12 of the service appeal, the accountant General Khyber Pakhtunkhwa in his letter to The District Accounts Officer Upper Chitral dated 22-08-2022, has clarify that the said relaxation of rules is made for promotion in the year of Pay revision not for initial appointment of Government servants. Hence the said teachers are not entitled for annual increments due on 01/12/2007.
6. Para-06 of the facts pertains to record. However the facts in issue can better explain the issue as pertains to respondents No.3 &5.
7. Para-07 of the facts pertains to record, as complete record of the co appointees has not been attached.
8. Para-8 of the facts is correct to the extent of the departmental appeal filed before the respondent No.3, which is decided with the remarks that "the said relaxation of rules is made for promotion in the year of Pay revision not for initial appointment of Government servants. Hence the said teachers are not entitled for annual increments due on 01/12/2007".
9. Para-9 of the facts is correct needs no comments.

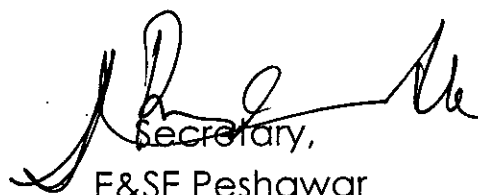
10. Para-10 is incorrect.


GROUND

- A) incorrect.
- B) Pertains to respondents No.3 & 5,
- C) Pertains to respondents No.3 & 5,
- D) Pertains to respondents No.3 & 5,
- E) Pertains to respondents No.3 & 5,
- F) Pertains to respondents No.3 & 5,
- G) Legal, however the respondents also seek permission for additional grounds during arguments.

It is, therefore, humbly prayed that on acceptance of the above submission, the instant Service Appeal may very graciously be dismissed in favor of the answering respondents with cost.

Secretary,
Syed Pulin Khan
Peshawar Respondent No.1


Secretary,
E&SE Peshawar
Respondent No.2


District Education Officer male
Chitral Upper
Respondent No.4

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(Respondents)

Affidavit

I, Rahmat Ali, ADEO o/o The DEO (M) Chitral Upper do hereby solemnly affirm and state on oath that the whole contents of this reply are true and correct to the best of my knowledge and belief and nothing has been concealed from this August court.




Deponent
Rahmat Ali


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AUTHORITY LETTER

Mr. **Rahmat Ali, ADEO o/o The DEO (M) Chitral Upper** is hereby authorized to submit the comments /reply in the Service Appeal No.1487 /2022.

Title: Asadur Rehman v/s Govt etc On behalf of the undersigned.

Secretary,
E&SE Peshawar
Respondent No.2


District Education Officer male
Chitral Upper
Respondent No.4