

**BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR**  
**CAMP COURT ABBOTTABAD.**

**Service Appeal No.806/2022**

Shahid Usman.....Appellant.

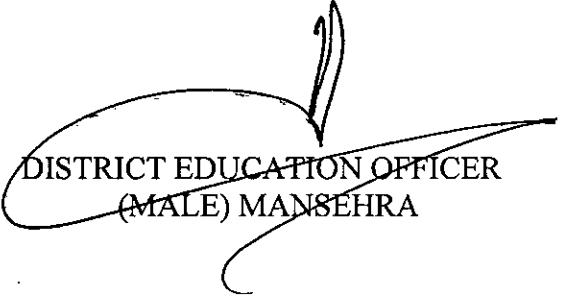
**VERSUS**

1. Secretary Elementary & Secondary Education KPK Peshawar.
2. Director Elementary & Secondary Education KPK Peshawar.
3. District Education Officer (Male) Mansehra.....Respondents.

**PARAWISE COMMENTS / WRITTEN REPLY ON BEHALF OF**  
**RESPONDENTS NO 01,02 & 03.**

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DISTRICT EDUCATION OFFICER  
(MALE) MANSEHRA

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**PREIMINARY OBJECTIONS:**

1. That the Appellant is not the "AGGRIEVED" person.
2. That the Appellant is estopped by his own conduct.
3. That the Appellant has not come to the Hon'ble Tribunal with clean hand.
4. That the Appellant has no cause of action/locus standi to file the instant appeal.
5. That instant Appeal is against the prevailing law and rules.
6. That the appeal is groundless and based on malafide ulterior motive, hence the same is liable to be dismissed.
7. The instant appeal is not maintainable in the present form and also in the present circumstances of the issue.
8. That the demand of the appellant is against the law and facts hence the appellant is not entitled for any relief and appeal is liable to be dismissed on this score alone.
9. That the impugned order passed by the respondent Department according to rules and Law, hence appeal is liable to be dismissed.
10. That the appellant is disobedient, non-cooperative and incompetent, hence the same is liable to be dismissed.

**FACTUAL OBJECTIONS:-**

1. Para No.1 is incorrect, that the appellant was appointed contrary to law and policy, then such irregularly appointees were later on declared illegal and were terminated.

2. Para No.02 is correct to the extent that the appellant was reinstated in service vide No.04-12-2017, as per direction of Honourable Peshawar High Court Abbottabad Bench vide his judgment dated 24-05-2016.
3. Para No.03 is correct, Need No Comments.
4. Para No.04 pertains to record.
5. Para No.05 pertains to record.
6. Para No.06 pertains to record.
7. Para No.07 pertains to record.
8. Para No.08 pertains to record.
9. Para No.09 is pertains to record.
10. Para No.10 is correct to the extent that the appellant filed departmental appeal before respondent No.02, which was rejected by respondent No.02.
11. Para No.11 is correct, Need no comments.
12. Para No.12 pertains to record.
13. That the appellant has no right to invoke the jurisdiction of this Hon'ble Tribunal. The Respondent seek the permission of this Honorable Tribunal to adduce more grounds, proofs and Explanation at the time of arguments.

**GROUND:-**

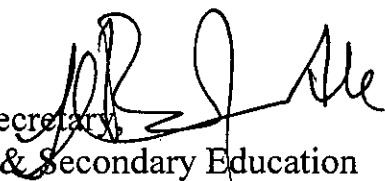
- A. Incorrect hence denied. As Replied in facts.
- B. Para b is correct to the extent that period from withdrawl order vide Endst No.12140-44 dated 25-08-2018 to again reinstatement order vide Endst No.1800-07 dated 21-02-2019 will be considered as Leave Without Pay. "No Work No Pay". As per Sacked Employee (Appointment) Act, 2012, under section 5, sacked Employee shall not be entitled to claim seniority and other back benefits: A sacked Employee appointed under section 3, shall not be entitled to claim seniority, promotion or other back benefits and his appointment shall be considered as fresh appointment, wherein the appellant is not entitled to any claim of the back benefits/pay fixation etc.
- C. Incorrect hence denied, As Replied above.
- D. Incorrect hence denied the working period w.e.f 06-12-2017 to 25-08-2018 is his legal right to claim salary if not taken salary from the department but the period withdrawl order w.e.f 25-08-2018 to again reinstatement order dated 21-02-2020 already considered as

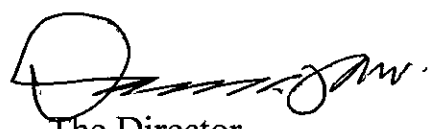
department but the period withdrawal order to again reinstatement order already considered as Leave without Pay. As per verdict of August Supreme Court Of Pakistan "No work no Pay" .

- e) Incorrect and denied, the appellant has been treated as per law and rules & ~~act~~, wherein no question of violation of law, rules & policy. The Respondents also seek the permission of this Honorable Tribunal to adduce more grounds, proofs and Explanation at the time of arguments.

**PRAYER:**

*It is therefore, humbly prayed that on acceptance of the above submissions, the instant appeal may very graciously be dismissed in the favour of the answering Respondents in the interest of the Justice.*

  
The Secretary,  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar

  
The Director,  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar.

  
The District Education Officer,  
(Male) Mansehra

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**AFFIDAVIT**

I, Mr. M Ishfaq Jadoon District Education Officer (M) Mansehra do, hereby solemnly affirm and declare that the Para wise comments of the Service Appeal No.806/2022 titled Shahid Usman versus Govt, is true to the best of my conviction and belief and nothing has been concealed from this Honourable Court.

DISTRICT EDUCATION OFFICER  
(MALE) MANSEHRA.

