

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

**SERVICE APPEAL NO 2034/2020**

Mst. Amber Nawaz

Versus

Govt. of Khyber Pakhtunkhwa & Others

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 5/69

Dated 8/5/2023

**REJOINDER FOR AND ON BEHALF OF THE APPELLANT**

**Respectfully Sheweth**

**PRELIMINARY OBJECTIONS:**

1. Incorrect, because the appellant is a Civil Servant and an employee of Education Department. She has been deprived of genuine and legal rights of promotion without assigning any reason.
2. That appellant has not concealed any material fact from this Honourable Tribunal.
3. The appellant has come to this Honourable Tribunal with clean hands.
4. The appellant case is not time barred and is not hit by Principal of laches.
5. That the appeal is not time barred and even the representation dated 14-11-2019 filed with the Director Elementary & Secondary Education is yet to be responded the representation has been attached with the appeal at page No.23.
6. That the appellant has seventeen (17) years teaching service which she rendered from assuming charge on 05-09-2005 till date. If other Primary School Teachers entitled for promotion to the post of PSHT (BPS-15), then why the appellant is not entitled to the same.
7. The Notification dated 17-10-2019 is partially legal and partially illegal because Sadia, PST stands senior to the appellant while Zeenat Begum, PST stands junior to the appellant. As regards, the Notification dated 18-10-2019 it is wholly/entirely illegal/un-lawful because the Notification dated 17-10-2019 has set the condition of probation for the promoted teacher which is mandatory, since they have not completed the probation period and given promotion to the next scale/post of PSHT (BPS-15), therefore, the Notification dated 18-10-2019 is totally illegal.

SIKANDAR RASHID  
Advocate  
Supreme Court Of Pakistan

8. That the appellant possessed the qualification of BA at the time of issuance of the final seniority list and at the time of DPC which can be checked and verified from the service book of the appellant.

### **ON FACTS**

1. Not contested.
2. Not contested.
3. The statement of the appellant is correct / legal as the name of the appellant is present at serial no. 101 and 94 in seniority list already attached with the appeal and the impression of over written is inappropriate. It is further stated that the seniority list provided by the respondent with reply shows the name of the appellant at serial no. 14. The subject of the list shows the date of 31-12-2018 while the list has been signed by the Education Officer on 07-12-2022. Furthermore, the sequence of the names of promoted teachers in notification dated 17-10-2019 and appellant is the same in above all quoted list. First Sadia D/o Muhammad Inam, Second Amber Nawaz (Appellant) and third Zeenat Begum (copy attached). If the list has been prepared in 2018 than it should have been signed of the Education Officer in 2018 also.
4. As explained in Para. 7 above "Preliminary objections".
5. Correct departmental appeal was made to the Director Elementary & Secondary Education, KPK Peshawar, the reply of which is still awaited. Already annexed with appeal.

### **GROUND**

- A. The act of the respondent with regard to Notifications is not legal and the respondent did not follow existing rules and policies.
- B. Correct that the appellant qualify / qualified the policy of the department.
- C. Correct that the act of the department is not legal and not liable to be maintained.
- D. Correct that the appellant qualified / qualify the policy of the department in terms of the prescribed qualification and criteria because the appellant has seventeen (17) years teaching service and also graduate etc.

Dated: 02.02.23

Through |

Appellant

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