

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**

Service Appeal # 796/2022

Mr. Akhtar Zaib, IPE (BS-17).....Appellant.

VERSUS

Chief Secretary, Govt: of Khyber Pakhtunkhwa & others.....Respondents.

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19/7/2022  
Despondent

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR CAMP COURT ABBOTTABAD.**

**In Service Appeal No. 796/2022**

**Mr. Akhtar Zaib, IPE (BS-17).....Appellant.**

**VERSUS**

**Chief Secretary to Govt of KPK Peshawar..... Respondents.**

**PARAWISE COMMENTS ON BEHALF OF THE RESPONDENTS NO. 1, 2 & 3.**

**Respectfully Sheweth:**

Joint Para wise comments on behalf of respondents are submitted as under:

**Preliminary objections:-**

1. That the appellant has no cause of action to file the instant service appeal.
2. That the appellant has no locus standi to file the instant service appeal.
3. That the appellant did not come to this Honorable Tribunal with clean hands.
4. That the appellant concealed and distorted the material facts from this Honorable Tribunal.
5. That the present service appeal has been filed just to pressurize the respondents.
6. **That as per Section 10 of Civil Servant Act 1973, every civil servant shall be liable to serve anywhere within or outside the Province.**
7. That the departmental appeal of the appellant was rejected by the competent authority.
8. That the instant service appeal is not maintainable in its present form.
9. That Notification dated 18-01-2022 and dated 24-02-2022 issued by the competent authority as well as in best interest of the public service hence, same are liable to be maintained.
10. That all the proceedings have been done by the competent authority as per Rule & Law hence, the service appeal is liable to be dismissed without any further proceedings.

**Factual Objections:-**

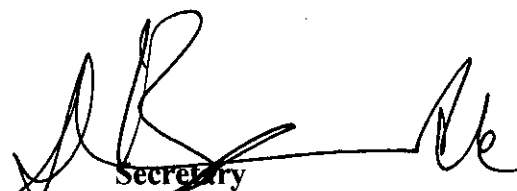
1. That Para No. 1, of the service appeal relates to appointment record of the appellant hence, need no comment.
2. That Para No. 2, of the instant service appeal is subject to the proof.
3. That Para No. 3, of the instant service appeal as composed is incorrect hence, denied and not admitted.
4. That Para No. 04, of the service appeal relates to record.
5. That Para No. 05, of the service appeal relates to record.
6. That the Para No. 06, of the service appeal is correct to the extent of issuance of Notification dated 13-01-2022 while rest of the Para as composed is incorrect hence, denied and not admitted. Copy of the Notification dated 13-01-2022 is annexed as Annexure "B" of the instant service appeal.
7. That the Para No. 07, of the service appeal relates to record.

8. That Para No. 08, of the service appeal is correct.
9. That the Para No. 09 of the appeal relates to record.
10. In reply to Para No. 10 of the instant appeal it is submitted that to opportunity of personal hearing was provided to appellant vide letter dated 01-02-2022 and copy of the letter is already annexed as Annexure "F" of the instant service appeal
11. That the Para No. 11 of the instant appeal is correct.

**GROUND:-**

- a. That ground a, of the instant appeal as composed is incorrect hence, denied and not admitted.
- b. That ground b, as composed is incorrect hence, denied and not admitted as per Section 10 of Civil Servant Act 1973, every Government Servant is bound to serve anywhere within the District in the best interest of public service without raising any objection in this regard.
- c. That ground c, of the instant appeal as composed is incorrect hence, denied and not admitted.
- d. That the ground d, as composed is incorrect hence, denied.
- e. That the ground e, as composed is incorrect hence, denied.
- f. That the ground f, as composed is incorrect hence, denied.
- g. That the ground g, as composed is incorrect hence, denied.
- h. That the ground h, as composed is incorrect hence, denied.
- i. That the ground i, as composed is incorrect hence, denied.
- j. That ground j, is subject to cogent proof.
- k. That the ground k, as composed is incorrect hence, denied.
- l. No comment.
- m. No comment.
- n. That the answering respondents seek permission of this Honorable Tribunal to advance further grounds/ points during the course of arguments.

**It is, therefore, very humbly prayed that in the light of forgoing comments the service appeal in hand may graciously be dismissed with cost throughout.**

  
Secretary  
E&SED Khyber Pakhtunkhwa Peshawar  
(Respondents No. 1, 2 & 3)

**BEFORE THE HON'BLE SERVICE TRIBUNAL PESHAWAR**

**Service Appeal # 796/2022**

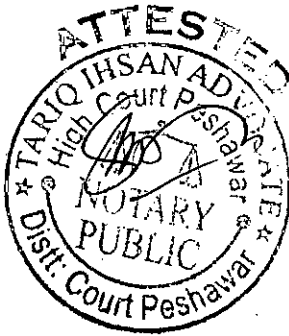
**Mr. Akhtar Zaib, (IPE), BS-17.....Petitioner**

**VERSUS**

**Govt. of Khyber Pakhtunkhwa & others.....Respondents**

**AFFIDAVIT**

I, **Muhammad Imran Zaman**, Section Officer (Litigation-II) Elementary & Secondary Education, Department do hereby solemnly affirm and declare that the contents of the accompanying para-wise comments, submitted by the respondents, are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.



**DEPONENT**

*/// / is / aw*  
**Muhammad Imran Zaman**  
Section Officer (Lit-II)  
E&SE Department Peshawar

**BEFORE THE HON'ABLE SERVICE TRIBUNAL, PESHAWAR.**

**In Service Appeal # 796/2022**

**Akhtar Zaib, IPE (BS-17) ..... Appellant.**

**VERSUS**

**The Secretary E&SE & others..... Respondents.**


**APPLICATION FOR EXEMPTION OF COST OF RS 5000 VIDE ORDER DATED  
26-04-2023**

**Respectfully sheweth:**

**The respondents most humbly submitted as under:**

1. That the above titled appeal is pending before this Hon'ble Court for submission of parawise comments.
2. That on the previous date of hearing the respondent department was imposed Rs. 5000/- fine by this Hon'able Tribunal for not submission of comments.
3. That this Hon'able Tribunal directed the respondents to submit parawise comments on next date of hearing in the instant case.
4. That the respondents were not in the knowledge of the Service Appeal and because of the same reason a fine was imported which needs to be remit.
5. That in compliance to this Hon'ble Tribunal the requisite parawise are submitted before Hon'ble Tribunal.

**In view of the above submission it is most humbly requested that this Hon'able Court to kindly remit the cost of Rs. 5000/- against the respondent and the order sheet dated 26-04-2023 may kindly be review/withdrawn, please.**

  
**SECRETARY**  
**Elementary & Secondary Education,**  
**Department Khyber Pakhtunkhwa.**



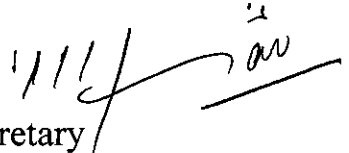
GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Block "A" Civil Secretariat, Peshawar

Phone No. 091-9211128

**AUTHORITY LETTER**

It is certified that Mr. Fahim Ullah, Focal Person Elementary & Secondary Education Department is hereby authorized to submit parawise comments on behalf of Secretary Elementary & Secondary Education Department Peshawar in Service Appeal No. 796/2022 case title Akhtar Zaib Vs Government of Khyber Pakhtunkhwa & Others.

  
Secretary

Elementary & Secondary Education,  
Department.



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ANNEX  
D.

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
Phone No. 091-9223533

Dated Peshawar the January 13, 2022

**NOTIFICATION**

**NO.SO(SM)E&SED/7-1/2022/ PT/G/IPE.**

The Competent Authority is pleased to cancel this Department Notification of even number dated 13-01-2022 in respect of Mr. Akhtar Zeb, IPE (BS-17) Govt. Centennial Model Higher Secondary School District Battagram with immediate effect, in the best public interest.

**SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA  
E&SE DEPARTMENT**

Endst: of even No. & Date

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male) Battagram.
4. District Account Officers, Battagram.
5. Director, EMIS E&SE Department.
6. PS to Minister for E&SE Department.
7. PS to Secretary E&SE Department.
8. PA to Deputy Secretary (Admn) E&SE Department.
9. Mr. Akhtar Zeb, IPE, Govt. Centennial Model Higher Secondary School District Battagram.
10. Office order file.

Attested

11/4/22

(HAFEEZ UR REHMAN SHAH)  
SECTION OFFICER (SCHOOLS MA

15  
ANNEX  
B

TO BE SUBSTITUTED BEARING SAME NO & DATE.



**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
Phone No. 091-9223533

Dated Peshawar the January 13, 2022

NOTIFICATION

NO.SO(SM)E&SED/7-1/2022/ PT/G/IPE. The Competent Authority is pleased to order the transfer of Mr. Akhtar Zeb, IPE (BS-17) GHSS Thatkot District Battagram and post him as IPE (BS-17) at Govt. Centennial Model Higher Secondary School District Battagram against the vacant post, in the best public interest, with immediate effect.

**SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA**  
**E&SE DEPARTMENT**

Endst: of even No. & Date

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male) Battagram.
4. District Account Officers, Battagram.
5. Director, EMIS E&SE Department.
6. PS to Minister for E&SE Department.
7. PS to Secretary E&SE Department.
8. PA to Deputy Secretary (Admn) E&SE Department.
9. Mr. Akhtar Zeb, IPE, Govt. Centennial Model Higher Secondary School District Battagram.
10. Office order file.

(HAFEEZ UR REHMAN SHAH)  
SECTION OFFICER (SCHOOLS MALE)

*Attended*  
*11/1/22*





GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
Phone No. 091-9223533

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ANSEX  
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No.SO(SM)E&SED/5-17/2022/PT/General  
Dated Peshawar the February, 24 2022

To

Mr. Akhtar Zeb, IPE (BS-17)  
GCMHSS Battagram.

**SUBJECT: APPEAL FOR RESTORATION OF PREVIOUS TRANSFER.**

I am directed to refer to your appeal dated 19-01-2022 on the subject noted above and to state that the Competent Authority has regretted your appeal regarding restoration of previous transfer dated 13-01-2022.

*f. airas*  
*24-02*  
(SYEDA ZAINAB NAQVI)  
SECTION OFFICER (SCHOOLS MALE)

Copy of the above is forwarded to:-

1. Director E&SE Khyer Pakhtunkhwa Peshawar.
2. PS to Secretary, E&SE Department.

*f. airas*  
*24-02-22*  
SECTION OFFICER (SCHOOLS MALE)

*19/1/22*  
*aw*

A-116-798/23  
Arhtar Zeb

26<sup>th</sup> April, 2023

1. Appellant alongwith his counsel present. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Mr. Sohail Ahmad Zeb, Assistant for the respondents present.
2. Written reply has not been submitted. Representative of the respondents seeks some time to submit the same on the next date. Last chance is given to the respondents on payment of cost of Rs. 5000/-. To come up for written reply on 24.04.2023 before S.B at camp court Abbottabad. P.P given to the parties.

(Kalim Arshad Khan)  
Chairman  
Camp Court Abbottabad

\*Adnan Shah, P.A\*

Date of Presentation of Application 19/04/23  
Number of Writs 5/1  
Copying 5/1  
Urgent 5/1  
Total 5/1  
Name Arhtar Zeb  
Date 19/04/23  
Date of Delivery of copies 19/04/23

Certified  
  
re copy  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar