

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

**Service Appeal No.** 3532/2021

**Badshah Rawan PST, GPS Gawardesh, Tehsil Samarbagh, District Dir Lower,**

(Appellant)

**Versus**

Khyber Pakhtunkhwa  
Service Tribunal

1. The Secretary Education (E&SE) KPK Civil Secretariat.
2. The Director (E&SE) Govt. of Khyber PakhtunKhwa Peshawar.
3. District Education Officer (M) Dir Lower.

Diary No. 5757

dated 1/6/2023

(Respondents)

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(Respondents)

**JOINT PARA WISE REPLY ON BEHALF OF THE RESPONDENTS No.1 to 3.**

**Respectfully sheweth:**

**Preliminary Objections:**

1. That the Appellant has got no cause of action to file the instant appeal.
2. That the instant appeal suffers from laches.
3. That the Appellant has concealed material facts from the honorable court, hence not entitled for any relief.
4. That the Appellant is estopped due to his own conduct to file the present appeal.
5. That the Appellant has got no locus standi to file the appeal.
6. That the appeal is not maintainable in the present ~~form~~.
7. That with same prayer/ relief W, P No. 227-M/2013 of the appellant has been dismissed.
8. That the instant service appeal is badly time barred and suffer from laches.

**On facts**

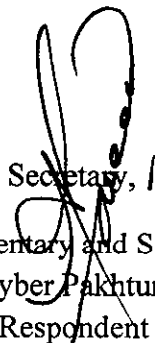
1. Para-1 of the facts pertains to record, needs no comments.
2. Para-2 of the facts pertains to record, needs no comments.
3. Para-3 of the facts also pertains to record, needs no comments.
4. Para-4 of the facts is incorrect, hence denied, and further stated that the appellant was not interested in his service, he had not submitted any application for leave due to dispute in the locality, furthermore the appellant had already approached for same relief to the Hon'ble Peshawar High Court Mingora Bench by filing W.P 327-M/2013, which was dismissed accordingly vide judgment dated 30-04-2014. (Copy of the Writ Petition along with Judgment dated 30-04-2014 is attached as "A").

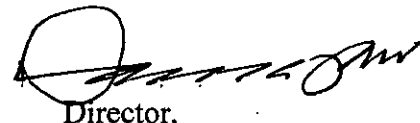
5. Para-5 of the facts is incorrect, and further stated that the official respondents have no any record, regarding the dispute or resolving of the matter , furthermore the appellant was will full absent from his duty since long.
6. Para- 6 of the facts is incorrect. Details have been submitted in the facts above.
7. Para-7 of the facts is Incorrect. The appellant does not come in the definition of the aggrieved person as there is no evidence on the record of this office about his migration, nor he informed the office about his dispute, hence denied.
8. Para- 8of the facts is also Incorrect. The Appellant failed to report his arrival to the department. however as per prayer of the appellant in the W,P 227-M/2013, He kept concealed the fact from the department and took the leave for domestic affairs while in the instant appeal he claim dispute in the locality. Furthermore After the expiry of leave (which also pertains to record), he could not report and his services were ceased automatically on the basis of his long absence.


## Grounds:

- A. Para-A of the grounds is incorrect. The official respondent always follows rules and policies in letter and spirit, however on the basis of his long and will full absence, his services ceased atomically and hence denied.
- B. Para- B of the Grounds is incorrect. Details have been submitted in the facts above.
- C. Para- B of the Grounds is incorrect. Details have been submitted in the facts above.
- D. Para- B of the Grounds is incorrect. Details have been submitted in the facts above.
- E. Legal: However the official respondent also seeks permission for additional grounds during argument on the date fixed.

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, I  
Elementary and Secondary  
Khyber Pakhtunkhwa  
Respondent No.1

  
Director,  
Elementary and Secondary  
Khyber Pakhtunkhwa  
Respondent No.2

  
District Education officer (M)  
Dir Lower (R-403)

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

**Service Appeal No.**

**Badshah Rawan PST, GPS Gawardesh, Tehsil Samarbagh, District Dir Lower.**

**(Appellant)**

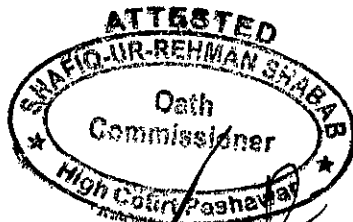
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2. The Director (E&SE) Govt. of Khyber PakhtunKhwa Peshawar.
3. District Education Officer (M) Dir Lower.

**(Respondents)**

**Affidavit**

I, Muhammad Shahab School Leader/ Litigation Officer o/o the DEO (Male) Dir Lower 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.



*Signature of Oath Commissioner*

01/06/23.

*Signature of Deponent*  
**Deponent**

**Muhammad Shahab**  
**Dir Lower**

## AUTHORITY LETTER

Mr. Muhammad Shahab School Leader/ Litigation Officer o/o the DEO (Male) Dir Lower is hereby authorized to submit the comments /reply in the Service Appeal No 3532/2021.

Title: Badshah Rawan VS. The Govt. of KP and others on behalf of the under signed,

Secretary,

Elementary and Secondary  
Khyber Pakhtunkhwa  
Respondent No.1

Director,

Elementary and Secondary  
Khyber Pakhtunkhwa  
Respondent No.2

District Education officer (M)  
Dir Lower  
Respondent No.3

(16) (51) (33)

**PESHAWAR HIGH COURT, MINGORA BENCH (DAR-UL-QAZA), SWAT**

**FORM OF ORDER SHEET**

Court of .....

Case No..... of.....

Serial No. of order or proceeding	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge and that of parties or counsel where necessary.
1	2	3
	30.4.2014	<p><b><u>W.P No. 227-M/2013</u></b></p> <p><b>Present:</b> Mr. Sultan Ali Shah, Advocate for the petitioner.</p> <p style="text-align: center;">***</p> <p><b><u>ABDUL LATIF KHAN, J:</u></b> Through the instant writ petition, the petitioner has prayed this Court for directing the respondents to adjust him as P.S.T (Teacher) anywhere in District Dir Lower.</p> <p><u>2.</u> Brief facts leading to the instant petition are that the petitioner was appointed as primary school teacher on 01/12/1996 and performed his duty but due to the prevailing militancy in the area and dispute in neighbourhood, he forwarded an application to the high-ups of the Education Department for leave which was sanctioned w.e.f 01.10.2000 to 31.12.2004 and the petitioner migrated to Kashmir alongwith his family. On the expiry of such leave, the petitioner sent another application on 20.12.2004 by post for extension in leave</p>

back to his hometown and submitted application on 20.6.2012 to respondents for his adjustment as PST but respondent No. 4 failed to do so, hence the instant writ petition.

3. Arguments heard and record gone through.

4. Perusal of the case record would reveal that leave granted to the petitioner had expired on 31.12.2004 whereafter the petitioner sent application for extension of leave. It is strange that the petitioner did not bother to enquire about the fate of his such application and later on submitted application for his adjustment in the year 2012 i.e after lapse of about eight years and during that period the petitioner remained absent from his duty. Such delay has not been explained by the petitioner. When learned counsel for the petitioner was confronted with the situation, he could not satisfy us in this regard. In this view, the instant petition is hit by the principle of laches and as such, is not maintainable. Perusal of the record further reveals that no serious and timely efforts have been made by the petitioner for saving his service and has applied for his adjustment after keeping mum for a considerable



63 53 55

service no plausible explanation has been given and so, the petitioner has failed to advance any reasonable ground for maintainability of the instant writ petition.

In wake of the above, the instant writ petition, being bereft of any force, is hereby dismissed in *limine*.

Announced  
30.4.2014

*[Signature]*  
JUDGE

*[Signature]*  
JUDGE



Cost of Rs. 11,000/- received in Service  
Appeal No. 3532/2021, titled Badshah Rawan-RS-  
Edu on 01/06/2023 in the office of  
Assistant Registrar

