

BEFORE THE HONOURABLE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 411/2020

Waseem Jan

Versus

Govt of Khyber Pakhtunkhwa and others

Khyber Pakhtunkhwa
Service Tribunal
Diary No. 5787
Dated 2/6/2020

REJOINDER ON BEHALF OF APPELLANT

Respectfully Sheweth:-

REPLY ON PRELIMINARY OBJECTIONS:-

1. Incorrect. The appellant being aggrieved person has clear cut cause of action and locus standi against the respondents, hence, the instant appeal is maintainable.
2. That the answering respondents have not explained that how the appellant deliberately concealed the material facts from this Honourable court, hence, this para is mis-formulated.
3. In correct and denied. Because the matter in question comes clearly within ambit of terms and conditions of services, hence, the instant appeal is legal one and the appellant in the attending circumstance is entitled for all the benefits under the prevailing laws.
4. Incorrect and denied. the answering respondents repeated the same para as ante para#2.
5. Incorrect. The answering respondents have not explained that how the appellant is estopped by his own conduct, hence, this para is mis-formulated.

OBJECTIONS ON FACTS:-

- 1) Admitted by the respondents, hence, needs no reply.

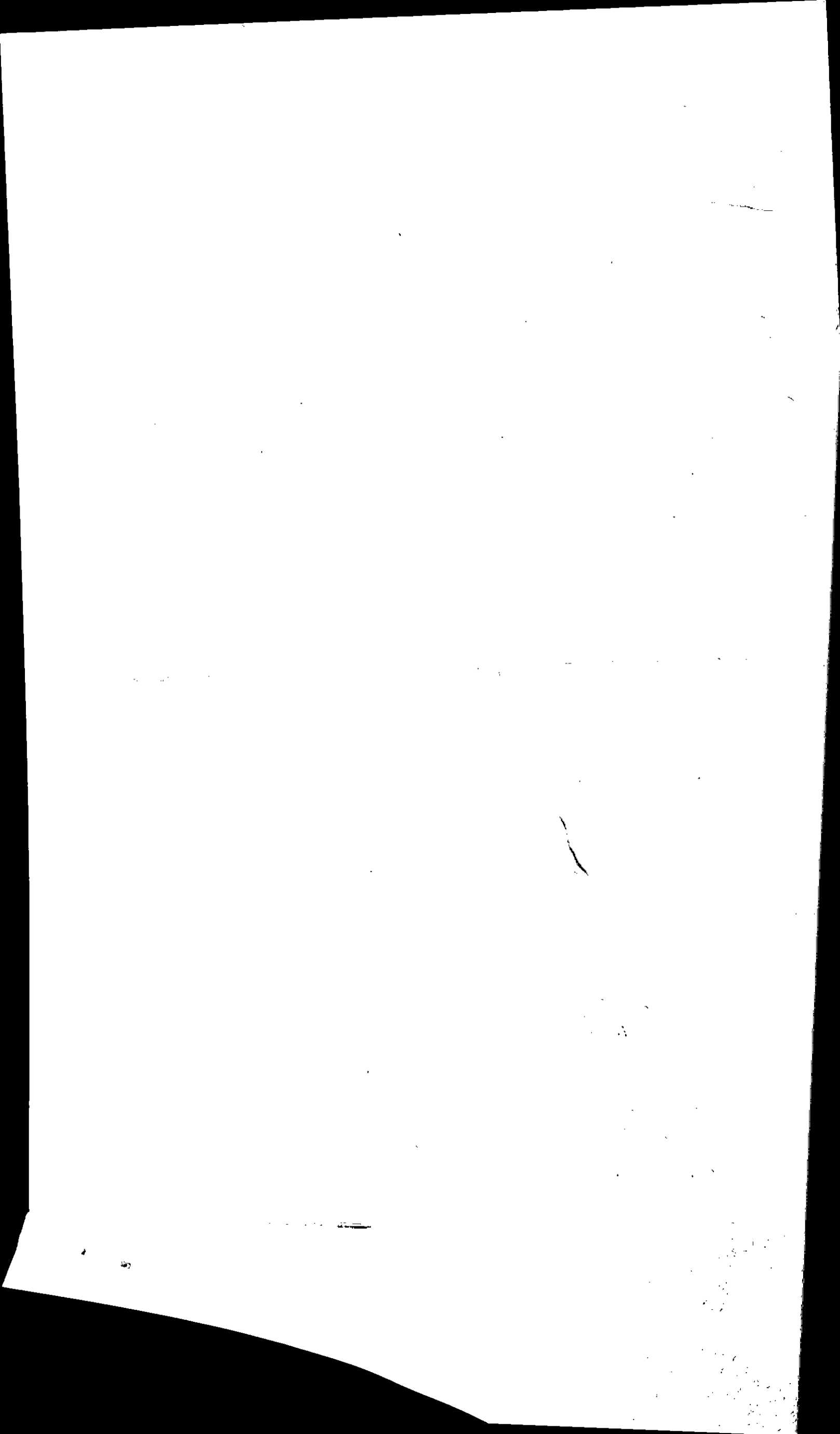
2) Para#2 (sub para#1) is admitted by the respondents, hence, needs no reply. However, in the light of instant para the appeal of the appellant is liable to be accepted. Moreover, due to oversight or inadvertently the appellant has not annexed the charge report with the main appeal, which was later on submitted through application, thus, the stance of answering respondents regarding not handing & taking of charge was misconceived. As actually stated above the appellant after receiving the appointment order got/submitted arrival report for duty on 12/08/2017.

In respect of para#2 (sub para#2) is denied in above terms and para#2 of the appeal is reiterated.

3) Para#3 is incorrect, hence, denied. actually the appellant was allowed to perform duties in the office of District Education Officer (Male) due to curtail circumstances of law and order because in the school of Momin Koruna there was a fight between the brothers and Illaqas on the post of Class-IV and in such like situation the appellant was constructively on duty with the DEO (M) and physically was not associated with duty because as mentioned above that there was a life threat to the appellant and important maxim is applied as *جان بچانا اولین فرض ہے*.

4) Incorrect and misconceived, hence, detailed reply is given in supra paras. Moreover, the appellant has always performed his duties in the office of DEO (M) upon the directions of high officials viz a viz delivery of different kinds of service including collecting photostate service, taking tea and other refreshment stuff for the officials after submissions of the medical certificate in the incumbency of DEO (M). Moreover, due to oversight or inadvertently the appellant has not annexed the charge report with the main appeal, which was later on submitted through application, thus, the stance of answering respondents regarding not handing & taking of charge was misconceived. As actually stated above the appellant after receiving the appointment order got/submitted arrival report for duty on 12/08/2017.

5) Para#5 is incorrect, hence, denied. this para of the answering respondent is contemptuous of the judgment of the Peshawar



High Court Bench Dera Ismail Khan and is clear cut contempt of the Peshawar High Court Bench Dera Ismail Khan for which the appellant has reserved the rights to approach for the same. Moreover, the answering respondents have not challenged the order/judgment of the Honourable Peshawar High Court Bench Dera Ismail Khan up till now, hence, the appellant is entitled to file the instant appeal.

6) Incorrect and misconceived.

OBJECTION ON GROUNDS:

1. Para#1 as admitted to the extent of seventy percent and the remaining para is denied in above terms, actually the appellant performed the duties as detailed given in supra paras.
2. Para#2 is denied. Actually the answering respondents thrown the appellant in the fight of two elephants and thus this was the mala-fide of the answering respondents. Moreover, the answering respondents are not obeying the orders of the Honourable Peshawar High Court in its true letter and spirit.
3. Para is incorrect, hence, denied, detailed answer is given in supra paras and the para#3 of the main appeal is reiterated. Moreover, due to oversight or inadvertently the appellant has not annexed the charge report with the main appeal, which was later on submitted through application, thus, the stance of answering respondents regarding not handing & taking of charge was misconceived. As actually stated above the appellant after receiving the appointment order got/submitted arrival report for duty on 12/08/2017.
4. That counsel for the appellant may also be allowed to raise additional grounds at the time of arguments.

It is therefore, humbly prayed that appeal of the appellant may kindly be accepted as prayed for in the head note of the main appeal.

Any other relief deems appropriate may please be given to the appellant.

Dated: 30/05/2023

Yours Humble Appellant

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Waseem Jan

Through Counsel

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Sheikh Iftikhar ul Haq

Advocate Supreme Court

BEFORE THE HONOURABLE SEREVICE TRIBUNAL
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REJOINDER ON BEHALF OF APPELLANT

AFFIDAVIT

I, **Waseem Jan**, the appellant, do hereby solemnly affirm and declare on Oath that contents of the Rejoinder are true and correct to the best of my knowledge and belief; and nothing has been deliberately concealed from this Honourble Court.

Dated: 30/05/2023

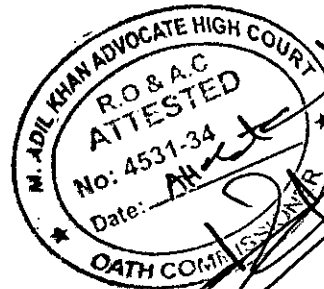
DEPONENT

Waseem Jan

Identified by:

Sheikh Iftikhar ul Haq

Sheikh Iftikhar ul Haq
Advocate Supreme Court



30/5/23