

1)

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

Service Appeal No.930/2022

Raes Muhammad S/O JehandarShah, Ex-PTC Teacher, R/O Barawal
Bar Kali, District Dir Upper

..... (Appellant)

Versus

1. District Education Officer (M) DIR Upper

2. Director, Elementary and secondary Education Khyber Pakhtunkhwa Peshawar

(Respondents)

Index:

S.No	Description	Annexure	Page
1	Para wise comments		1-3
2	Affidavit		4
3	Authority Letter		5
4	Letter Dated 22-09-2003	A	6
5	Letter 9023-24 Dated 19-05-2022.	B	7
6	Letter to FIA 3547/52 Dated 15/03/23	C	8

N.D- 13-06-23

Peshawar

**District Education officer (M)
District Dir Upper**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL PESHAWAR.

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No.930/2022

Diary No. 5938

Dated 12-06-23

Raees Muhammad S/O Jehandar Shah, Ex-PTC Teacher, R/O Barawal
Bar Kali, District Dir Upper

..... (Appellant)

Versus

1. District Education Officer (M) DIR Upper
 2. Director, Elementary and secondary Education Khyber Pakhtunkhwa Peshawar
- (Respondents)

PARA WISE REPLY ON BEHALF OF RESPONDENTS

No.1 &2.

Respectfully sheweth:-

PRELIMINARY OBJECTIONS.

1. That the Appellant is not an "aggrieved" persons within the meaning of Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974.
2. That the Appellant has got no cause of action /locus standi to file the instant appeal .
3. That the Appellant has not come to this Honorable court with clean hands.
4. That the Appellant is estopped by his own conduct.
5. That the instant service appeal is badly time barred.
6. That the appellant was absent from his duty without proper approval and remained abroad in connection with his business.

ON FACTS.

1. Para -1 of the facts pertains to record.
2. Para- 2 is incorrect. Although, the appellant was allowed on leave without pay vide letter Endst: No. 7443 dated 22-09-2003 the appellant was informed through DDO (Male) Dir Upper by the then Executive District Officer (Schools & Literacy) Dir Upper, that the appellant cannot avail further any more long leave, so the appellant did not join his duty. It is pertinent to mention here that the appellant did not perform his duty regularly and always remained absent, so appellant was not entitled for any remuneration.

3. Para-3 of the fact is incorrect, as stated in para No.2 the appellant did not perform his duty and remained absent vide order No. 7443 dated 22-09-2003 his claim for more long leave was rejected by the competent authority.
4. Para No. 4 the fact is incorrect. This office denied such allegations. It is further stated that the appellant has not mentioned any such reason in his leave application.
5. Para No. 5 of the facts is incorrect. The appellant was informed by the competent authority that he will not be granted any leave further.
6. Para No.6 of the facts is incorrect that the appellant was informed through letter No. 7433 dated 22-09-2003, that he is not entitled for any more leave. *(Copy of the letter dated 22-09-2003 is attached as Anex-A).*
7. Para No.7 is correct to the extent that the appellant submitted application for readjustment / reinstatement but it was rejected by the competent authority on the ground that such application is time barred due to late submission of appeal/application, after long absenteeism vide letter No: 9023-24 dated 19-05-2022. *(Copy of the letter dated 19-05-2022 is attached as Annex- B).*
8. Pertain to record.

GROUND.

A) In correct. The respondents always follow rules and policies consigned by government and the Appellant has been treated as per law rules and policies.

B.) Incorrect, hence denied in addition to the facts narrated is above, it is stated that the appellant was abroad and was busy in his a private business without proper approval from the competent authority. In this connection, Director FIA was approached through special messenger for the provision of brief travel history of the appellant through letter No. 3547-52 dated 12-05-2023 but the travel history of the appellant is still awaited and will be produce to the Honreable Court and when recived to the Department from Direcotr FIA. *(Copy of letter No: 3547-52 dated 12-05-2023 as Annex-C)*

C) Incorrect hence denied. Detail reply has been submitted in the above Para's.

D) Incorrect hence denied. Detail reply has been submitted in the above Para's.

E) Incorrect hence denied. The appellant did not submit detail of such issues in written form.


9)

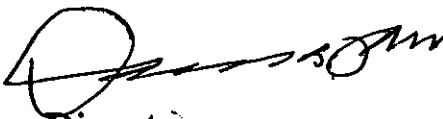
F) Incorrect hence denied. No such written record of the family members of the appellant are available in the office.

G) In correct hence denied.

H) Legal, However the official respondent also seeks permission for additional grounds during arguments.

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.


District Education officer (M)
District Dir Upper
Respondent No.1


Director,
E&SE Peshawar
Respondent No.2

5)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.

Service Appeal No.930/2022

Raees Muhammad S/O JehandarShah, Ex-PTC Teacher, R/O Barawal
Bar Kali, District Dir Upper

..... (Appellant)

Versus

1. District Education Officer (M) DIR Upper

2. Director, Elementary and secondary Education Khyber Pakhtunkhwa

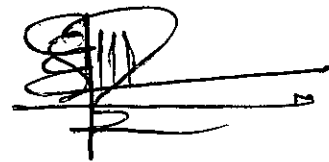
Peshawar

(Respondents)

Affidavit

I, **Syed Alamzeb Shah**, litigation officer Dir Upper 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.

*It is further stated on oath that in this appeal,
the answering respondents have neither been
placed ex-parte nor their defence has been struck off.*



Deponent
Syed Alamzeb Shah

1150
9/6/23

6)

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

Service Appeal No.930/2022

Raes Muhammad S/O JehandarShah, Ex-PTC Teacher, R/O Barawal
Bar Kali, District Dir Upper

..... (Appellant)

Versus

1. District Education Officer (M) DIR Upper

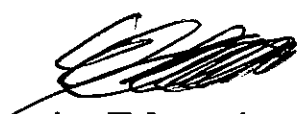
2. Director, Elementary and secondary Education Khyber Pakhtunkhwa Peshawar

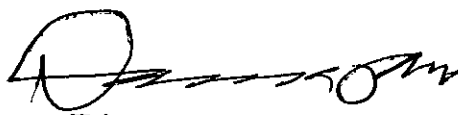
(Respondents)

AUTHORITY LETTER

Mr.Syed Alamzeb Shah, litigation Officer of the office of the
undersignedis hereby authorized to submit the comments /reply in the
service appeal No.930/2022

Title: Raees Muhammadv/s Govt: of KP on my behalf.


**District Education officer (M)
District Dir Upper
Respondent No. 1**


**Director,
E&SE Peshawar
Respondent No.2**

*Mr. D.S. 203
Pis of the teacher
may be stopped
with hold if not attended
done so...*

(A)

(11)

OFFICE OF THE
EXECUTIVE DISTRICT OFFICER
SCHOOLS & LITERACY DIR UPPER.

No. 7443 / F. 20 / EDO (S&L) / DO (M) /
ADO (Estt) Primary.

Dated Dir Upper the 29/9/2003.

To.

The D.D.O (M) Dir .

Subject:- LEAVE APPLICATIONS IN R/O RABBS MOHD; PTC GPS SRO LILLI
RISa.....

Memor-

The leave case along with S/Book in R/OMr, Raees Muhammad
PTC GPS Sro Killi Dir received in this office vide your memo; No. 1144
dated 19.09.2003 is returned here with the following remarks.

The teacher has returned from a leave of 2 years on 1/6/03
and adjusted at GPS Sro Killi vide this office Endst: No. 3465-66 dated
17/6/2003.

Now once again you submitted his application for the grant
of leave w.e.f 1/9/2003 to 30/11/2003. Why you have not mentioned the
facts in your memo: under reference. If the teacher does not want to
serve more in the department he should resign.

You are directed to examine such cases thoroughly before
submitting them to high ups, and not keep your superiors in dark.
I think it is not an act in the good order of public service *on your part.*

You are directed to inform the teacher that he could not
be granted any sort; of leave and direct him to ^{continue} ~~resume~~ his duties at
GPS Sro Killi. Other wise case of absentee may be sent to this office.

It is hoped that you will in form this office with in a
week from the steps taken by you positively.

[Signature]
EXECUTIVE DISTRICT OFFICER
SCHOOLS & LITERACY DIR UPPER.

Endst: No. _____

Copy to the:-

- 1- The Director Schools & Literacy NWFP Peshawar.
- 2- The District Co-ordination Officer Dir Upper,
Exec. Dir. Literacy Dir U.
- 3- *Ho. of the office.*

*Attested
ADEO
DEO (M)
DH (U)*
[Signature]

(B)

18



GOVERNMENT OF KHYBER PAKHTUNKHWA
OFFICE OF THE DISTRICT EDUCATION OFFICER
MALE DIR UPPER

No. 0944-881400 E-mail: deomdirupper@gmail.com



To,

The Sub: Divisional Education Office
(Male) Barawal Dir upper

Subject: Appeal/Application
Memo


Reference on subject cited above. It is stated that a written appeal/application received from your office on 24-4-2022 the case thoroughly checked & found time bared due to late submission of appeal /application, after long absenceism.

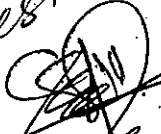
In the light of above facts the appeal is here by rejected and returned to your office record.

NO 3023-24 /F.81 ADO(P) DEO (M) Dir upper 19/05 /2022
DISTRICT EDUCATION OFFICER
DIR UPPER

Copy to :-

1:- Teacher Concerned :


- DISTRICT EDUCATION OFFICER
DIR UPPER
17-5-22

Attested




**GOVERNMENT OF KHYBER PAKHTUNKHWA
OFFICE OF THE DISTRICT EDUCATION OFFICER
MALE DIR UPPER.**



PH No. 0944-881400

E-mail: deomdirupper@gmail.com

No 3547-52 /F.No.18

Dated 15/03/2023

To

The Director General FIA
Khyber Pakhtun Khwa Peshawar.

Subject:

**REQUEST FOR THE GRANT OF TRAVEL HISTORY IN R/O OF RAEES
MUHAMMAD BEARING CNIC NO: 15704-2458075-9 PASSPORT NO: RV0150752.**

Memo:

I am directed to refer to service appeal No: 930/2022 Title: Races Muhammad Vs Government of Khyber pukhtunkhwa Peshawar fixed for reply in the service tribunal on 16 03-2023 & next date, behalf of Elementary and secondary Education Khybor Pukhtunkhwa for his reinstatement in service as PST.along with back benefit by taking the shelter of leave without pay / EOL. Ex-Pakistan leave with no formal sanction from the competent authority. In this regard the office of the undersigned sent a letter to Director Immigration and passport Khyber Pakhtunkhwa Hayalabad Peshawar vide DEO Male Endstt; No. 3060-64 dated 21-02-2023 & his letter No.14(1)2021/Dir(KPK)-1218 dated 07.03.2023, which states that travel history of the individuals travelling abroad is being maintained with FIA.

Therefore, it is requested that complete travel history of the appellant to undersigned for draft of reply to the Honorable court service tribunal Khyber Pakhtunkhwa Peshawar may please be provided.


DISTRICT EDUCATION OFFICER
MALE DIR UPPER

Even No & dated
Copy Forwarded to the:-

1. Registrar Service Tribunal Peshawar
2. AAG Service Tribunal Peshawar
3. SO Litigation-II (E&SE) Khyber Pakhtunkhwa Peshawar.
4. AD Litigation-II (E&SE) Khyber Pakhtunkhwa Peshawar.
5. PS to Secretary Elementary & Secondary Education Khyber Pakhtun khwa Peshawar
6. PA to Director Elementary & Secondary Education Khyber Pakhtun khwa Peshawar.

Attested



DISTRICT EDUCATION OFFICER
MALE DIR UPPER

Mr. A.S. Zaidi
Pis of the teacher
must be stopped
with hold of not allowed
alone too...

(A)

(11)

OFFICE OF THE
EXECUTIVE DISTRICT OFFICER
SCHOOLS & LITERACY DIR UPPER.

No. 7443 / F. No / EDO (S&L) / DO (M) /
ADO (Eatt) Primary.

Dated Dir Upper the 22/9/2003.

To.
The D.D.O (M) Dir .

Subject:- LEAVE APPLICATIONS IN R/O RAJES MOHD; PTC GPS SRO LILLI
DIBA.....

Memo:-
The leave case along with S/Book in R/OMr, Rajes Muhammad
PTC GPS Sro Killi Dir received in this office vide your memo; No. 1144
dated 19.09.2003 is returned here with the following remarks.

The teacher has returned from a leave of 2 years on 1/6/03
and adjusted at GPS Sro Killi vide this office Endst: No. 3465-66 dated
17/6/2003.

Now once again you submitted his application for the grant
of leave w.e.f 1/9/2003 to 30/11/2003. Why you have not mentioned the
facts in your memo: under reference. If the teacher does not want to
serve more in the department he should resign.

You are directed to examine such cases thoroughly before
submitting them to high ups, and not keep your superiors in dark.
I think it is not an act in the good order of public service on your part.

You are directed to inform the teacher that he could not
be granted any sort of leave and direct him to ^{continue} resume his duties at
GPS Sro Killi, Other wise case of absentee may be sent to this office.

It is hoped that you will in form this office with in a
week from the steps taken by you positively.

[Signature]
EXECUTIVE DISTRICT OFFICER
SCHOOLS & LITERACY DIR UPF.

Endst: No. _____

- Copy to the:-
- 1- The Director Schools & Literacy NWFP Peshawar.
 2. The District Co-ordination Officer Dir Upper.
Exec: *[Signature]*
Literacy
Dir U.
 3. *ht. of the officer.*

Attested
A.D.O
D.E.O (M)
D.H (U)

[Signature]

(B)

18



GOVERNMENT OF KHYBER PAKHTUNKHWA
OFFICE OF THE DISTRICT EDUCATION OFFICER
MALE DIR UPPER

No. 0944-881400 E-mail: deomdirupper@gmail.com



To,

The Sub: Divisional Education Office
(Male) Barawal Dir upper

Subject: Appeal/Application
Memo

Reference on subject cited above. It is stated that a written appeal/application received from your office on 24-4-2022 the case thoroughly checked & found time bared due to late submission of appeal /application, after long absenteeism.

In the light of above facts the appeal is here by rejected and returned to your office record.

NO 9023-24 /F.81 ADO(P) DEO (M) Dir upper 19/05 /2022

sd
DISTRICT EDUCATION OFFICER
DIR UPPER.

Copy to :-

1:- Teacher Concerned :

DISTRICT EDUCATION OFFICER
DIR UPPER.

17-5-22

Attested



GOVERNMENT OF KHYBER PAKHTUNKHWA
OFFICE OF THE DISTRICT EDUCATION OFFICER
MALE DIR UPPER.



PH No. 0944-881400

E-mail: deomdirupper@gmail.com

No 3547-52 /F.No.18

Dated 15/03/2023

To

The Director General FIA
Khyber Pakhtun Khwa Peshawar.

Subject:

REQUEST FOR THE GRANT OF TRAVEL HISTORY IN R/O OF RAEES
MUHAMMAD BEARING CNIC NO: 15704-2458075-9 PASSPORT NO: RV0150752.

Memo:

I am directed to refer to service appeal No: 930/2022 Title: Raees Muhammad Vs Government of Khyber pukhtunkhwa Peshawar fixed for reply in the service tribunal on 16-03-2023 & next date, behalf of Elementary and secondary Education Khybor Pukhtunkhwa for his reinstatement in service as PST.along with back benefit by taking the shelter of leave without pay / EOI. Ex-Pakistan leave with no formal sanction from the competent authority. In this regard the office of the undersigned sent a letter to Director Immigration and passport Khyber Pakhtunkhwa Hayatabad Peshawar vide DCO Male Endstt; No. 3060-64 dated 21-02-2023 & his letter No.14(1)2021/Dir(KPK)-1218 dated 07.03.2023, which states that travel history of the individuals travelling abroad is being maintained with FIA.

Therefore, it is requested that complete travel history of the appellant to undersigned for draft of reply to the Honorable court service tribunal Khyber Pakhtunkhwa Peshawar may please be provided.

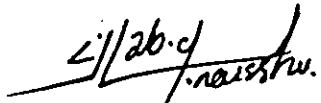

DISTRICT EDUCATION OFFICER
MALE DIR UPPER

Even No & dated

Copy Forwarded to the:-

1. Registrar Service Tribunal Peshawar
2. AAG Service Tribunal Peshawar
3. SO Litigation-II (E&SE) Khyber Pakhtunkhwa Peshawar.
4. AD Litigation-II (E&SE) Khyber Pakhtunkhwa Peshawar.
5. PS to Secretary Elementary & Secondary Education Khyber Pakhtun khwa Peshawar
6. PA to Director Elementary & Secondary Education Khyber Pakhtun khwa Peshawar.

Attested



DISTRICT EDUCATION OFFICER
MALE DIR UPPER