

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA
PESHAWAR

Service Appeal No. 746/2023

Malang Jan Senior Scale Stenographer, Anti Terrorism Court-II, Peshawar.

.....Appellant

~~Khyber Pakhtunkhwa~~
Service Tribunal

Diary No. 6068

Dated 16-06-23

Versus

Hon'ble Administrative Judge Anti Terrorism Court-II, Peshawar.

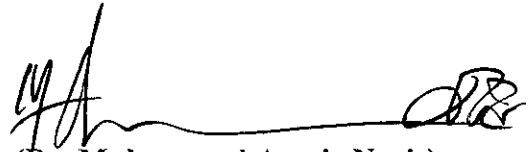
..... Respondent.

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Peshawar, dated

16-06-2023


(Dr. Muhammad Aamir Nazir)

Administrative Judge ATC-II, Peshawar

Administrative Judge
Anti Terrorism Courts
Peshawar Division Peshawar

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BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR.

Appeal No. ~~7~~46 /2023

Malang Jan

Senior Scale Stenographer, Anti Terrorism Court-II, Peshawar..... Appellant

Versus

Administrative Judge Anti Terrorism Court-II, Khyber Pakhtunkhwa Judicial Complex, Peshawar.....Respondent

Subject:- Written Reply on behalf of Respondent.

Respectfully sheweth:-

Factual Objections:-

1. Para-1 is correct to the extent of appointment of appellant however his services delivery is average and average below.
2. Para-2 is correct as it pertains to record.
3. That the Competent Authority complied the judgment of worthy Tribunal in letter and spirit.
4. Para-4 is correct as it pertains to record.
5. Para-5 is correct to the extent that during the pay calculation the annual increment falling on 01 December 2016 was not entitled to the official because the official was reinstated 03-06-2016 and the official did not complete pay period of 06 months which is essential for entitlement of Annual Increment, so for the reason stated the Competent Authority did not allowed annual increment of 2016.
6. Para -6 is correct as it pertains to record.

Grounds:-

- a. No Comment.
- b. The appellant is not entitled for annual increment for the year 2016 as the paragraph of the judgment dated 03-06-2016 by Hon'ble Khyber Pakhtunkhwa Service Tribunal is reproduce as under:

"The Appellant is reinstated in service and the intervening period he remained out of service since is removal is treated as leave of due kind".

In compliance of leave of due kind the Competent Authority bisect the

intervening period of 379 days in which the appellant remained out of service into two kinds; first, 248 days (21-05-2015 to 23-01-2016) leave on full pay and second 131 days (24-01-2016 to 02-06-2016) leave with out pay. Since during pay calculation the annual increment falling on 01 December 2016 was not entitled to the official because the official was reinstated 03-06-2016 and the official did not complete pay period of 06 months which is essential for entitlement of Annual Increment, hence for the reason stated above the Competent Authority did not allowed annual increment for the year of 2016.

- c. That no fundamental right of appellant is violated in this case.
- d. That there is no case of extraordinary leave, the competent authority only invoke the relief granted to Appellant i.e *leave of due kind*.
- e. Para-f is not correct in view of explanation given in Para-b above.
- f. Needs no comments, appellant is dealt in accordance with law.

Prayers:-

In light of aforesaid, appeal of the appellant is without legal justification and not warranted in law and may please be dismissed at the earliest.

Dated:- 06-05-2023

Respondent



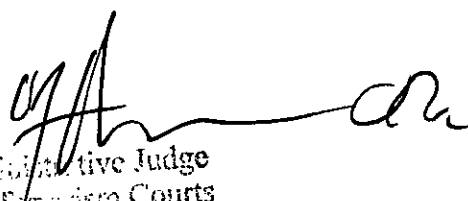
**Administrative Judge ATCs, Peshawar/
Presiding Officer Judge, ATC-II, Peshawar.**

Administrative Judge
Anti Terrorism Courts
Peshawar Division Peshawar

Affidavit

I, Dr. Muhammad Aamir Nazir, Judge Anti Terrorism Court-II, Peshawar do hereby confirm on oath that contents of written reply is correct to the best of my knowledge and belief. It is further stated on oath that in this appeal the answering respondent has neither been placed ex parte nor defense has been struck off.

Respondent.


Administrative Judge
Anti Terrorism Courts
Peshawar Division Peshawar



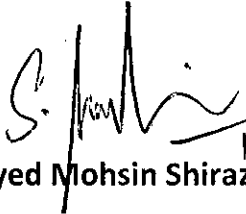
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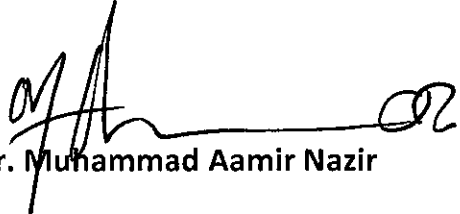
OFFICE OF THE
ADMINISTRATIVE JUDGE ANTI-TERRORISM COURTS,
PESHAWAR.

Old Judicial Complex, Khyber Road, Peshawar. Phone / Fax # 091-9211047

AUTHORITY LETTER

I Dr. Muhammad Aamir Nazir, Administrative Judge Anti Terrorism Court-II, Peshawar as respondent in Service Appeal No. 746/2023 do hereby authorize Mr. Syed Mohsin Shiraz, Superintendent (BPS-17) to submit replies on my behalf and also declared as representative in the said service appeal.


16-6-2023
Syed Mohsin Shiraz
Superintendent ATC, Peshawar


Dr. Muhammad Aamir Nazir
Administrative Judge, ATC, Peshawar

Administrative Judge
Anti Terrorism Courts
Peshawar Division Peshawar