

**BEFORE THE HONORABLE KHYBER PAKHATUNKHWA  
SERVICE TRIBUNAL PESHAWAR.**

**Service Appeal No: 792/2023**


**Tahir Shah, PET GMS Sher Bahardar Kali District Bajour.....Appellant**

**VERSUS**

**Govt: of Khyber Pakhtunkhwa through Secretary E&SE Department Khyber  
Pakhtunkhwa & others.....Respondents**

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**District Education officer  
(Male) Bajour  
(Respondent No: 2)**

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

**Service Appeal No: 792/2023**

**Tahir Shah, PET GMS Sher Bahardar Kali District Bajour.....Appellant**

**Khyber Pakhtunkhwa  
Service Tribunal**

**VERSUS**

Diary No. 6172

Dated 23-06-23

**Govt; of Khyber Pakhtunkhwa through Secretary E&SE Department Khyber  
Pakhtunkhwa & others.....Respondents**

**JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENT No: 2.**

**Respectfully Sheweth,**

The Respondent submit as under: -

**PRELIMINARY OBJECTIONS.**

- 1 That the Appellant has got no cause of action/locus standi to file the instant appeal before this Honorable Tribunal.
- 2 That the appellant is not an aggrieved person within the meaning of Article 212 of the constitution of Islamic Republic of Pakistan.
- 3 That the appellant has concealed material facts from this Honorable Tribunal in the titled appeal.
- 4 That the Appellant has not come to this Honorable Tribunal with clean hands.
- 5 That the appeal is barred by law of limitation.
- 6 That the case is bad for mis-joinder and non-joinder of the necessary parties.
- 7 That the impugned order dated 27-12-2022 is within legal sphere and liable to be maintained in favor of the Respondents.
- 8 That no departmental appeal has been filed by the appellant against the order dated 27-12-2022.

**ON FACTS.**

- 1 That Para:1 pertains to the service record of the appellant against the PET post in the Respondent Department.
- 2 That Para:2 is incorrect and misleading on the grounds that the appellant has filed an application to the Respondent no.2 for his posting at GMS Mano Dheri District Bajour which was rejected by the competent authority & then the appellant namely Tahir Shah filed writ petition No. 397/2012 in the Honorable Peshawar High Court Peshawar which was remind to the Department for his grievances, hence, he was transferred to GMS mano Dherai on their own request.


- 3 That Para-3 is correct to the extent of the adjustment against the PET post at GMS Sher Bahadar Kali Bajour vide order dated 10-08-2022 that the appellant has concealed facts & gave an application to the Respondent No. 2, which was already occupied by the respondent No.3 who was further adjusted at GMS Bado Bajour, however, later on, the respondent No.3 has submit an application to the Department for his adjustment as PET at GMS Sher Bahadar Kali Bajour on spouse policy which was honored by the Respondent Department vide order dated 27-12-2022 attached as Annex-A.
- 4 That Para-4 is correct as explained in para-3 of the present reply by the Department.
- 5 That Para-5 is incorrect as no Departmental appeal has been filed by the appellant against order dated 27-12-2022, however, an application has been filed by the appellant for adjustment at GMS kolala which is already filled hence, got finality under Section-3 of Law of limitation Act 1908 against the appellant.
- 6 That Para-6 is also incorrect as the appellant is not an aggrieved person within the meaning of Article 212 of the constitution of Islamic Republic of Pakistan, hence, the appeal in hand is liable to be dismissed on the following grounds inter alia: -

#### ON GROUNDS.

- A. Incorrect & not admitted. the act of the Department with regard to the order dated 27-12-2022 is legal.
- B. Incorrect & not admitted. The order dated 27-12-2022 is within legal parameter.
- C. Incorrect & not admitted. That statement of the appellant is against the factual position of the case.
- D. Incorrect & not admitted. The plea of the appellant is illegal & even against the factual position of the case, hence, liable to be rejected.
- E. Incorrect & not admitted. The stands of the appellant is misleading on the grounds that no Departmental appeal against original order dated 27-12-2022 has been filed by the appellant till date to the appellate authority.
- F. Incorrect & not admitted. The stand of the appellant is illegal. Therefore, the Respondent also seek leave to this Honorable Tribunal to submit additional grounds record & case law at the time of arguments.


**PRAYER**

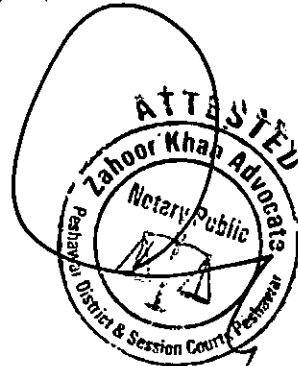
Therefore, in view of the above made submissions, it is most humbly prayed that on the acceptance of this reply, the appeal in hand may kindly be dismissed in favor of the Respondent Department in the interest of justice.

  
District Education officer  
(Male) Bajour  
(Respondent No: 2)

**AFFIDAVIT**

I Rehman Ullah ADEO at District Education Office Bajour do hereby solemnly affirm & declare on oath that the contents of the instant para wise Comments are true & correct to the best of my knowledge & belief.

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



23/6/23



**DISTRICT EDUCATION OFFICE MALE  
BAJAUR AT KHAR**

Email: [eebajaur@gmail.com](mailto:eebajaur@gmail.com) Voice & Fax: +92942220385

**OFFICE ORDER**

The following Teachers are hereby transferred to the schools noted against their names in the best interest of public service.

S#	Name	Designation	From	To	Remarks
1	Pervez Khan	PET	GMS Bado Arang	GMS Sher Bahadar Kalay	Vice S.No 2
2	Tahir Shah	PET	GMS Sher Bahadar Kalay	GMS Kohi Salarzai	AVP

**Note: -**

- 1- No TA / DA is allowed.
- 2- Charge report should be submitted to all concerned.

(Shiroun Zada)  
District Education Officer  
Bajaur  
Dated 27/12/2022

Encls: No. 12462-66  
Copy forwarded to the:

1. Director ESSE Khyber Pakhtunkhwa Peshawar.
2. District Accounts Officer Bajaur.
3. DMO EMA Bajaur.
4. ADEO/ASDEO Concerned.
5. HRMIS

  
District Education Officer  
Bajaur

AUTHORITY LETTER

Mr. *Rehman Ullah* (ADEO) District Education Office Bajour is hereby authorized to submit para wise comments in the case titled Tahir Shah PET GMS Sher Bahadar Kali District Bajour Service Appeal No. 792/2023 on behalf of Respondent No. 2 District Education Officer Bajour.

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 / lost.

District Education officer  
(Male) Bajour  
(Respondent No: 2)



23/6/23