

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 1433/2022

Engr. Fawad Khan S/O Minhaj ud Din, Assistant Professor
Govt College of Technology Peshawar

-----Appellant

VERSUS

1. Chief Secretary to Govt: of Khyber Pakhtunkhwa, Peshawar.
2. Secretary to Govt: of Khyber Pakhtunkhwa, Finance Department, Peshawar.
3. Secretary to Govt: of Khyber Pakhtunkhwa, Industries Commerce and Technical Education (IC&TE), Peshawar.
4. Director General, Technical Education and Manpower Training, KP, Peshawar.

-----Respondents.

INDEX

S.NO.	Description of documents	Annexure	Page No
1.	Comments Reply	--	1-2
2.	Affidavit	--	3
3.	Notification of Revised Four tier formulas	1	4-6
4.	Authority Letter	-	7

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 6108

Dated 20-06-23

Appeal No. 1433/2022.

Engr. Fawad Ahmad Khan S/O Minhaj ud Din, Assistant Professor
Govt College of Technology Peshawar

.....Appellant.

VERSUS

1. Chief Secretary to Govt : of Khyber Pakhtunkhwa, Peshawar
2. Secretary to Govt: of Khyber Pakhtunkhwa, Finance Department, Peshawar.
3. Secretary to Govt: of Khyber Pakhtunkhwa, Industries, Commerce, and Technical Education (IC&TE), Peshawar
4. Director General, Technical Education and Manpower Training, KP, Peshawar

..... Respondents.

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS 1 TO 4

PRELIMINARY OBJECTIONS:

THAT THE RESPONDENT SUBMIT AS UNDER

- A- That the Appeal is badly time barred.
- B- That the Appellant has no cause of action to file the instant appeal
- C- That the Appellant has got no locus standi.
- D- That the Appellant has not come to this honorable Tribunal with clean hands.
- E- That the Appellant has been estopped by his own conduct to file the present appeal.
- F- That the appeal is bad for mis-joinder and non-joinder of necessary parties.
- G- That the appeal is not maintainable in its present form.

Respectfully Sheweth:

1. Pertains to records.
2. Pertains to records.
3. Pertains to records.
4. It is incorrect. As a matter of fact, the Engineers working in the technical education department (KP-TEVTA) were already facilitated in terms of awarding them a speedy path of promotion in the shape of formula called four tier formulas whereby, they avail accelerated promotions from BPS-17 to BPS-20 in a very short span of service. Even this formula has been revised in the year 2014 (**Annexure-I**) for further acceleration of their promotions. Whereas, on the contrary, this kind of facility was not available for the

21

engineers working in C&W and other provincial departments. Hence no question of deprivation arises in awarding financial benefits to either department.

5. Pertains to records.
6. Pertains to records.
7. Pertains to records.

GROUND:

- a. It is incorrect. The treatment make to the appellant is according to the law, legal lawful and with lawful authority as evident from the facts mentioned in para-4 above.
- b. It is incorrect in view of afore mentioned position. Otherwise also allowing Technical Allowance to all categories of engineers of the Provincial Government would obviously be an exorbitant burden on provincial ex-chequer, especially when the appellant has already been similarly facilitated as stated in preceding para. Obviously affair of the state cannot be run through tranquil manner.
- c. It is incorrect in view of the afore-mentioned explained position.
- d. It is incorrect in view of the afore-mentioned paras.
- e. It is incorrect. The notification has been issued in accordance with the approval of the Provincial Cabinet meeting.
- f. It is incorrect in view of the afore-mentioned explained position.
- g. That the respondent craves permission of this honorable service tribunal to relies on other defiance at the time of arguments and produce any additional document if required in defiance of the instant appeal.

In view of the above, it is evident that the instant service appeal has no force of law and facts. It is, therefore, requested that the instant appeal may be dismissed with cost throughout.

Govt: of KPK through Chief Secretary,
Civil Secretariat, Peshawar.


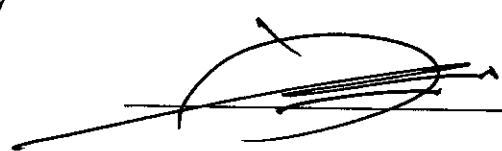
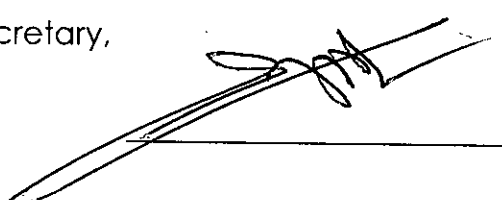
(Respondent No.1)

Govt: of KPK through Secretary
Finance, Peshawar.

(Respondent No.2)

Govt: of KPK through Secretary
Industries, Commerce and Technical
Education, Peshawar.

(Respondent No.3)



Secretary to
Govt. of Khyber Pakhtunkhwa,
Industries, Commerce &
Technical Education Dept.

IN THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR.

Service Appeal No. 1433/2022

Engr. Fawad Ahmad Khan S/O Minhaj ud Din, Assistant Professor Govt College of Technology Peshawar.

-----Appellant

VERSUS

- 1. Chief Secretary to Govt: of Khyber Pakhtunkhwa Peshawar.
- 2. Secretary to Govt: of Khyber Pakhtunkhwa Finance Department Peshawar.
- 3. Secretary to Govt: of Khyber Pakhtunkhwa Industries, Commerce and Technical Education Department Peshawar.
- 4. Director General, Technical Educational Manpower Training KP, Peshawar.

-----Respondents.

AFFIDAVIT

I, Ikram Ullah, Superintendent (Litigation), Industries, Commerce & Technical Education Department do hereby solemnly affirm and declare on oath that the contents of the parawise comments/reply on behalf of Respondents No.1, 2 & 3 are correct to the best of my knowledge and nothing has been concealed from this Hon'ble Court.

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

ATTESTED



Deponent

[Handwritten signature]

Identified by

Advocate General Khyber Pakhtunkhwa
Service Tribunal, Peshawar.

03449199012



GOVERNMENT OF KHYBER PAKHTUNKHWA,
INDUSTRIES, COMMERCE & TECHNICAL
EDUCATION DEPARTMENT.

Dated 07/09/2014.

NOTIFICATION:-

No.SO(III)IND/ The Competent Authority, is pleased to revise the four tier formula from 1:15:34:50 to 5:20:37:38 in favour of Teaching staff of Technical Education and Manpower Training Khyber Pakhtunkhwa and sanctioned upgradation of 1249 Posts at the revised ratio in BPS-17 and above with immediate effect as detailed below:-

Government Colleges of Technology/Polytechnic Institutes:-

GCT/GPI/ GTTC	Existing Position.					Revised Position					Total Addition.				
	B-20	B-19	B-18	B-17	Total	B-20	B-19	B-18	B-17	Total	B-20	B-19	B-18	B-17	Total
Technical Subjects (Male)	10	76	149	547	452	23	90	167	172	452	13	14	48	75	00
GPI(Female)	01	05	"	29	43	02	09	16	16	43	01	04	08	13	00
Basis Sciences & Humanities Subjects (Male)	01	20	"	56	146	07	29	54	56	146	06	09	15	30	00
GRAND TOTAL	12	101	166	362	641	32	128	237	244	641	20	27	71	118	00

In order to retain the revised ratio of 5:20:37:38 sanction is hereby accorded to the up-gradation of pots in BPS-18 and above by abolishing equal number of posts in BPS-17 as under:

- 09-Education Affairs and Services-
- 093-Tertiary Education Affairs and Services-
- 0931-Tertiary Education Affairs and Services-
- 093102 Professional/Technical Universities/Colleges/Institutes

	BPS:20	BPS:19	PS-18	Posts to be abolished in BPS-17
Technical Subject(Male)	13	14	48	75
Technical Subject(Female)	01	04	08	13
TOTAL	14	18	56	88
Basis Sciences & Humanities Subjects (Male)	06	09	15	30
TOTAL	06	09	15	30
GRAND TOTAL	20	27	71	118

The College/Institute-wise break up of the revised structure as Annexure-I & II.

SECRETARY
INDUSTRIES, COMMERCE & TECHNICAL
EDUCATION DEPARTMENT
GOVERNMENT OF KHYBER PAKHTUNKHWA.

Endst:No. & date as above.

Copy forwarded to:-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. All District Accounts Officers in Khyber Pakhtunkhwa.

SECTION OFFICER(FR)
FINANCE DEPARTMENT.

ATTESTED

Endst:No.& Date as above.

Copy forwarded to:-

1. The Director General, Technical Education & Manpower Training, Khyber Pakhtunkhwa, Peshawar.
2. The Budget Officer-VIII, Finance Department, Khyber Pakhtunkhwa, Peshawar.

Attested
muhammad

SECTION OFFICER-III
Industries, Commerce & Technical
Education Department, Khyber Pakhtunkhwa.

ASSISTANT DIRECTOR (ESTM)
Khyber Pakhtunkhwa Technical Education
Vocational Training Authority, Peshawar

DEPUTY DIRECTOR

(Admin & HR)

Khyber Pakhtunkhwa TEVTA

NUMBER OF POSTS AS PER REVISED STRUCTURE OF 5:20:37:38 FOR
 GOVERNMENT COLLEGES OF TECHNOLOGIES/GOVERNMENT
 POLYTECHNIC INSTITUTES MALE/FEMALE OF TECHNICAL EDUCATION
 DEPARTMENT, KHYBER PAKHTUNKHWA.

A-Technical Subjects.

S.#	Name of College/Institute.	BPS-20	BPS-19	BPS-18	BPS-17	Total
01	Government College of Technology, Peshawar	03	15	30	23	72
02	Government College of Technology, Tangi(Charsadda)	01	06	07	07	21
03	Government College of Technology, Novshera.	01	08	13	19	41
04	Government College of Technology, Swabi.	01	05	08	12	26
05	Government College of Technology, Kohat.	01	06	12	05	24
06	Government College of Technology, Abbottabad.	01	08	12	06	27
07	Government College of Technology, Bannu.	01	06	12	22	41
08	Government College of Technology, Dera Ismail Khan.	01	07	15	13	36
09	Government College of Technology, Mingora (Swat)	01	07	16	10	34
10	Government College of Technology, Timergara(D/Lower)	01	05	08	16	30
11	Government Polytechnic Institute, Haripur.	01	05	10	07	23
12	Government Polytechnic Institute, Takti Bhai(Mardan)	01	03	05	05	14
13	Government Polytechnic Institute, Karak.	01	01	03	04	09
14	Government Polytechnic Institute, Manshra.	01	01	01	01	04
15	Government Polytechnic Institute, Lakki Marwat	01	01	03	03	08
16	Government Polytechnic Institute, Buncr.	01	01	03	06	11
17	Government Polytechnic Institute, Warai(Upper Dir)	01	01	02	03	07
18	Government Polytechnic Institute, Mardan	01	01	01	02	05
19	Government Polytechnic Institute, Batkhela(Malakand).	01	01	01	02	05
20	Government Polytechnic Institute, Sardar Ghari, Peshawar	01	01	01	02	05
21	Government Technical Teachers Training College, Peshawar	01	01	03	04	09
	TOTAL	23	90	167	172	452
	FEMALE POLYTECHNIC INSTITUTES.					
01	Government Polytechnic Institute(Women), Peshawar.	01	06	10	09	26
02	Government Polytechnic Institute (Women), Dera Ismail Khan.	01	03	06	07	17
	TOTAL	02	09	16	16	43
	GRAND TOTAL	25	99	182	188	495

28/11
 DIRECTOR GENERAL,
 TECHNICAL EDUCATION & MANPOWER
 TRAINING, KHYBER PAKHTUNKHWA
 PESHAWAR.

Attested
ruheed
 DEPUTY DIRECTOR
 (Admin & HR)
 Khyber Pakhtunkhwa TEVTA

SECTION OFFICER-III
 INDUSTRIES/COMMERCE
 & TECHNICAL EDUCATION DEPTT.
 28/11

[Signature]
 ASSISTANT DIRECTOR (ECT)
 Khyber Pakhtunkhwa Technical Education
 Vocational Training Authority, Peshawar

Annexure-II

NUMBER OF POSTS AS PER REVISED STRUCTURE OF 5:20:37:38 FOR GOVERNMENT COLLEGES OF TECHNOLOGIES/GOVERNMENT PLOYTECHNIC INSTITUTES MALE/FEMALE OF TECHNICAL EDUCATION DEPARTMENT, KHYBER PAKHTUNKHWA.

B-Basic Sciences & Humanities Subject (Male)

S.#	Name of College/Institute.	BPS-20	BPS-19	BPS-18	BPS-17	Total:
01	Government College of Technology, Peshawar	01	05	08	02	16
02	Government College of Technology, Tangi(Charsadda)	0	03	03	02	08
03	Government College of Technology, Nowshera.	01	03	05	04	13
04	Government College of Technology, Swabi.	0	03	03	04	10
05	Government College of Technology, Kohat.	01	02	04	02	09
06	Government College of Technology, Abbottabad.	01	03	04	03	11
07	Government College of Technology, Bannu.	01	03	04	04	12
08	Government College of Technology, Dera Ismail Khan.	01	02	04	05	12
09	Government College of Technology, Mingora (Swat)	01	02	04	03	10
10	Government College of Technology, Timergara(D/Lower)	0	02	02	06	10
11	Government Polytechnic Institute, Haripur.	0	01	04	02	07
12	Government Polytechnic Institute, Takht Bhai(Mardan)	0	0	02	02	04
13	Government Polytechnic Institute, Karak.	0	0	02	03	05
14	Government Polytechnic Institute, Manshra.	0	0	0	02	02
15	Government Polytechnic Institute, Lakki Marwat	0	0	02	01	03
16	Government Polytechnic Institute, Buner.	0	0	02	03	05
17	Government Polytechnic Institute, Warai(Upper Dir)	0	0	01	03	04
18	Government Polytechnic Institute, Mardan	0	0	0	01	01
19	Government Polytechnic Institute, Batkhela(Matakand)	0	0	0	01	01
20	Government Polytechnic Institute, Sardar Ghari, Peshawar	0	0	0	02	02
21	Government Technical Teachers Training College, Peshawar	0	0	0	01	01
	Grand Total:	7	29	54	56	146

DIRECTOR GENERAL,
TECHNICAL EDUCATION & MANPOWER
TRAINING, KHYBER PAKHTUNKHWA
PESHAWAR.

SECTION OFFICER-III
INDUSTRIES/COMMERCE
& TECHNICAL EDUCATION DEPTT.

31/1

Attested
Subid
DEPUTY DIRECTOR
(Admin & HR)
Khyber Pakhtunkhwa TEVTA

ATTESIED

[Signature]
ASSISTANT DIRECTOR (ESTT)
Khyber Pakhtunkhwa Technical Education
Vocational Training Authority, Peshawar

7

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1433/2022.

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..... **Appellant.**

V E R S U S

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2. Secretary to Govt: of Khyber Pakhtunkhwa, Finance Department, Peshawar.
3. Secretary to Govt: of Khyber Pakhtunkhwa, Industries, Commerce, and Technical Education (IC&TE), Peshawar
4. Director General, Technical Education and Manpower Training, KP, Peshawar

..... **Respondents.**

AUTHORITY LETTER

Mr. Ikram Ullah, Superintendent (Litigation), Industries, Commerce & Technical Education Department is hereby authorized to submit the requisite reply in the above mentioned Service Appeal in the Khyber Pakhtunkhwa Service Tribunal Peshawar on behalf of the Secretary, industries, Commerce & Technical Education Department.


Secretary,

Industries, Commerce & Technical Education Department

(Respondent No.3)