

BEFORE THE HONOURABLE SERVICE TRIBUNAL PESHAWAR.

SERVICES APPEAL NO.1493/2022

Abida Begum D/of Abdul Jan R/of Ahmedi Banda District Karak.

INDEX SHEET.

S:NO	Description of Documents	Annex	Page
1	Parawise Comments		1-3
2	Affidavit		4
3	Authority		5


DISTRICT EDUCATION OFFICER

(FEMALE) KARAK.

1

BEFORE THE KHYBER PAKHTUNKHAWA SERVICES TRIBUNAL PESHAWAR.

APPEAL NO. 1493/2022

1. Abida Begum D/of Abdul Jan R/of Ahmedi Banda
..... **APPELLANT.**

Versus

1. Government of Khyber Pakhtunkhawa through Chief Secretary Khyber Pakhtunkhawa Peshawar.
2. Secretary Elementary & Secondary Education Khyber Pakhtunkhawa.
3. Director Elementary and Secondary Education Khyber Pakhtunkhawa Peshawar,
4. District Education Officer (F) Karak.
5. Sub Divisional Education Officer (F) Banda Daud Shah.
6. District Accounts Officer Karak.
7. Head Clerk Banda Daud Shah (Female) Karak.

Khyber Pakhtunkhawa
Service Tribunal

Diary No. 6405

Dated 12/07/23

RESPONDENTS.

Para wise comments on behalf of the Respondent No .1 to 7.

RESPECTFULLY SHEWETH.

PRELIMINARY OBJECTION.

1. That the appellant has got no cause of action to file the instant appeal
2. That the appellant has not come to this Honourable Tribunal with clean hands.
3. That the appellant has concealed material facts from this Honourable Tribunal.
4. That the appellant is estopped by his own conduct to bring the present appeal.
5. That the appeal is bad due for misjoinder and non-Joinder of necessary parties.
6. That the appeal is barred by law and limitation No Departmental appeal has been filed to the competent authority against the impugned Order. Hence not maintainable under Section-4 of Service Tribunal Act.

Facts-

1. That Para I ,2,3 & 4 pertains to Record.
2. That Para 5 is incorrect and not admitted the appellant was absent from duty at GGPS Gurguri the school mentioned in Notification No.6897-6901 dated is GGPS Gurguri .
3. That Para No.6 is incorrect and not admitted the appellant was transferred from GGPS Gurguri to GGPS Mardan Khel as per service book and the appellant himself signed the Colmn: No.8 of the service book, the entry made at colmn: NO.1 by the appellant .

4. That Para No.7 is incorrect and not admitted, Proper inquiry was constituted against the appellant as per inquiry finding and recommendation her absent period w.e.f 1.9.1998 to 12.9.2001 is treated leave without pay vide DEO(F) Karak Endst:No.6897-6901 dated 11.4.2002. these entries were made in her Service Book and she signed column No.8 of the service book it means that the appellant is fully aware the fact. But she did not submit any kind of appeal against this order to the authority within the stipulated time. the pay fixation party fixed her pay @ Rs.2460/- PM on 1.12.2001 on page no.4 of the Service book.
5. That Para No.8 is incorrect and not admitted no appeal against the order passed by the respondent Department received to this Office.
6. That Para No.9 is incorrect and not admitted the leave without pay once sanctioned cannot be converted into any other leave nor any kind of earned leave at her credit , it further added that the appellant was absent from duty and it was proved in the inquiry so during extra Ordinary Leave the appellant is not entitled for Annual Increment, as maximum 6 months continued Service is mandatory for Annual Increment.
7. That Para -10 is incorrect and not admitted due to non-availability of teaching staff at GGPS Shaker Khel the appellant and other staff was directed to performing their duty on rotation just for teaching to the small kids but she did not obey the order of the competent authority, hence recovery made from the appellant is according to the law .
8. That Para -11 is incorrect and not admitted no appeal of the appellant received to the respondent Department.
9. Para No.12 ,As elucidated in Para Nos 7,9 & 10.

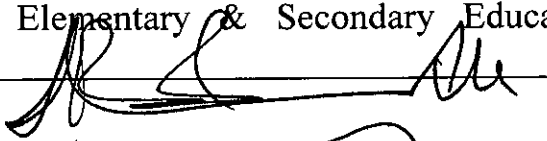
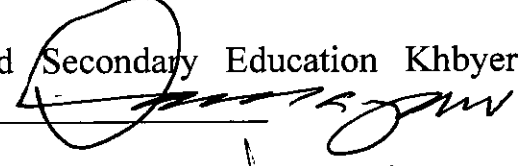
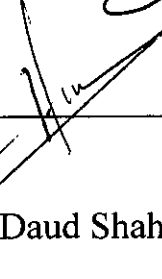


GROUNDS.

- A. **Incorrect and Denied**, the appellant is Absent from duty and after proper inquiry penalty was imposed against the appellant according to law.
- B. **Incorrect and Denied**, codal formalities have been observed under the law.
- C. **Incorrect and Denied**, the DEO(F) karak respondent No.4 is clearly shown in the order No.6897-6901 dated 11.4.2002 that the Executive District Officer Schools and Literacy Karak is agreed with the inquiry committee.
- D. **Incorrect and Denied**, the respondent No.4 & 5 passed legal order and according to the frame rules.
- E. **Incorrect and Denied**, the codal formalities under the rules have been observed.
- F. **Incorrect and Denied**, the order passed by the respondent Department is legal and according to law.

- G. Incorrect and Denied, the processes have been completed against the appellant under the Rules ~~_____~~
- H. No comments. However the Respondents are also seeking permission of the Honourable Tribunal to produce additional grounds and proofs at the time of Hearing.

Prayer:-

In the light of the above stated facts, it is requested to dismiss the case of the appellant.as the case of the appellant is badly time barred.

- 1. Secretary Elementary & Secondary Education Khyber Pakhtunkhawa Peshawar 
- 2. Director Elementary and Secondary Education Khbyer Pakhtunkhawa Peshawar, 
- 3. District Education Officer (F) Karak. 
- 5. Sub Divisional Education Officer (F) Banda Daud Shah. 
- 7. Head Clerk Banda Daud Shah (Female) Karak 

2

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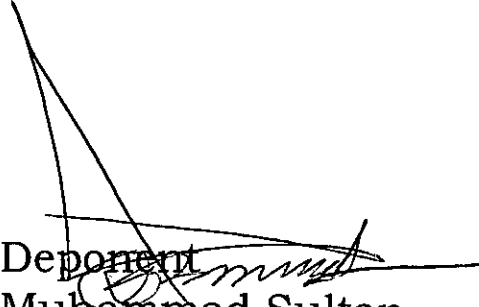
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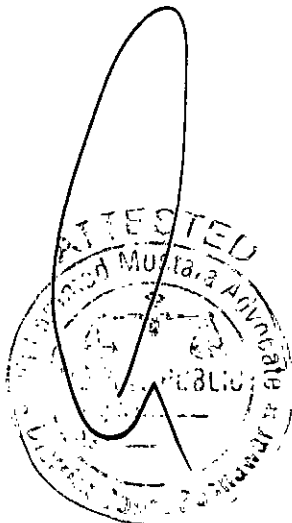
AFFIDAVIT

I, Muhammad Sultan, Budget & Accounts Officer BPS-17 in District Education Officer (Female), Karak do hereby solemnly affirm and declare on oath that all the contents of accompanying comments are true and correct as per record of the office and knowledge and belief, nothing is lie and nothing has been concealed from this honorable court.

Dated -----/0 /2023.

Identification.


Deponent
Muhammad Sultan
ID No. 14202-1347715-3



12/7/23

5

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE)
KARAK.

AUTHORITY.

Mr. Muhammad Sultan Budget & Accounts Officer Office of the District Education Officer (Female) Karak is hereby authorized to submit Para wise comments in the Honourable Service Tribunal in the Services Appeal No.1494/2022 titled Abida Begum vrs Govt:of Khyber Pakhtunkhawa & others. He is also authorized to attend the Hon:Tribunal on behalf of the undersigned.

~~DISTRICT EDUCATION OFFICER
(FEMALE) KARAK.~~