

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 863/2022

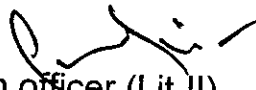
Dr. Aqeel Jan Bangash.....Appellant

Versus

Government of Khyber Pakhtunkhwa and others.....Respondent

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Section officer (Lit-II)
Govt: of Khyber Pakhtunkhwa
Health Department

21/6/23

Section Officer (Lit-II)
Health Department
Khyber Pakhtunkhwa

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA

SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 863 OF 2022

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 6409

Dated 12/7/23

Dr. Aqeel Jan Bangash Appellant

Versus

Govt. of Khyber Pakhtunkhwa and others..... Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 01 TO 03

Respectfully Sheweth, That the respondents submits as under:-

Preliminary Objections:-

1. That the appellant has got no cause of action or locus standi to file the instant appeal.
2. That the appellant has filed the instant appeal just to pressurize the respondents.
3. That the instant appeal is against the prevailing Law and Rules.
4. That the appeal is not maintainable in its present form and also in the present circumstances of the issue.
5. That the appellant has filed the instant appeal with mala-fide intention hence liable to be dismissed.
6. That the appellant has not come to this Honorable Tribunal with clean hands.
7. That the appeal is barred by law and limitation.
8. That the Honorable Tribunal has no Jurisdiction to adjudicate upon the matter.
9. That the instant appeal is bad for mis-joinder of unnecessary and non-joinder of necessary parties.
10. That the instant appeal is hit by section 4(b)(I) of the Khyber Pakhtunkhwa Service Tribunal Act 1974.

ON FACTS:

1. Pertains to record
2. Pertains to record however, before retirement of the appellant on 01/02/2022, the working paper for promotion to the post of member of Service BS-20 in respect of the appellant was sent to PSB on circulation basis dated 12.01.2022 but PSB returned the working paper due non-availability of approved Final Seniority List. The Final Seniority List was under process and the appellant was at S. No. 3 which

was approved on 17.03.2022. The appellant was retired from Govt. Service on attaining the age of superannuation on 01.02.2022 vide this Department's Notification dated: 15.02.2022. After retirement of the appellant, the PSB meeting was held on 07.04.2022 in which 28 doctors were promoted to the post of Member of Services BS-20 and the appellant was not considered due to retirement from service.

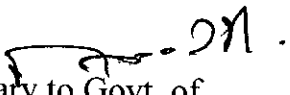
3. As explained in para-2 above.
4. Pertains to Court record however the appellant himself withdrawn the W.P No. 448-P/2022 as evident from the order/ judgment of Peshawar High Court dated 25-05-2022.
5. As per paras above. However, reply on the grounds is as under:

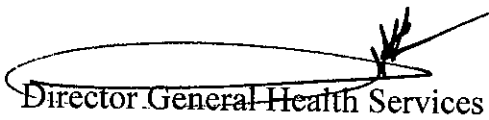
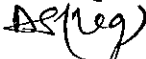

ON GROUNDS:

- A. Incorrect. The replying respondents acted as per law, rules and principle of natural justice.
- B. Incorrect. Already replied in para 2 of the facts.
- B1. As per Para A above.
- C. As per Para 2 of the facts.
- D. Incorrect. Already replied in para 2 of the facts.
- E. No comments. However, the replying respondents seek permission to adduce other grounds during final hearing of the case.

PRAYER:

It is therefore humbly prayed that on acceptance of the comments, the instant appeal of the appellant may very graciously be dismissed with costs.


Secretary to Govt. of
Khyber Pakhtunkhwa Health Department
Respondent No. 01 & 02


Director General Health Services
Khyber Pakhtunkhwa
Respondent No. 03
 

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 863/2022

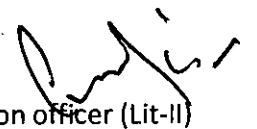
Dr. Aqeel Jan BangashAppellant

VERSUS

Government of Khyber Pakhtunkhwa and others.....Respondent

AFFIDAVIT

I Muhammad Tufail Section Officer (Lit-II) govt. of Khyber Pakhtunkhwa Health Department do hereby solemnly affirm and declare that the joint parawise comments in Service Appeal No.863/2022 is submitted on behalf of respondents is true and correct to the best of my knowledge, belief and that nothing has been concealed from this Hon'ble Court.


Section officer (Lit-II)
Govt: of Khyber Pakhtunkhwa
Health Department

21/6/23

Identified by:-

Section Officer (Lit-II),
Health Department
Khyber Pakhtunkhwa

Addl: Advocate General,
Khyber Pakhtunkhwa



**GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT**

AUTHORITY LETTER


Mr. Safi Ullah, Focal Person (Litigation-II), Health Department, Civil Secretariat is hereby authorized to attend/defend the Court Cases and file comments on behalf of Secretary Health Government of Khyber Pakhtunkhwa before the Service Tribunal and lower Courts.

(MAHMOOD ASLAM)
Secretary to Govt. of Khyber Pakhtunkhwa
Health Department
Secretary to Govt. of
Khyber Pakhtunkhwa
Health Department

9/15/23
A. H. S. /
Section Officer (Lit-II)
Health Department
Khyber Pakhtunkhwa

Cost of Rs. 2000/- received in Service Appeal No. 863/2022
Titled Dr. Ageel Jan Bangash vs. Health

in the office of Assistant Registrar, Dated: 12 / 07 / 2023.
vide order sheet dated: 06/05/23


12/07/23
Assistant Registrar
Khyber Pakhtunkhwa
Service Tribunal
Peshawar