

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR CAMP COURT ABBOTTABAD.**

**Appeal No. 341/2022**

**Muhammad Noor.....Appellant**

**VERSUS**


**Govt: of Khyber Pakhtunkhwa & Others.....Respondents**

**Join Parawise Comments on behalf of Respondents**

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1.	Comments alongwith Affidavit		

Dated: 12/12/2022

  
**District Education Officer (M)**  
**Kolai Palas Kohistan**  
**(Respondent No.4)**

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**JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS**

**RESPECTFULLY SHEWETH:-**

Comments on behalf of respondents are submitted as under:-

**Preliminary Objections:-**

1. That the appellant has no cause of action to file the instant service appeal.
2. That the instant appeal is not maintainable in its present form.
3. That the appellant has no locus standi to file instant appeal.
4. That as per reported judgment **1982 PLC (CS) 784** untrained period cannot be counted in seniority.
5. That the instant service appeal is hopelessly **time barred** as appellant cannot challenge the seniority list at this belated stage.
6. That the appellant has filed the present appeal just to pressurize the respondents.
7. That the instant service appeal is not maintainable in its present form as there is no final order.
8. That the appellant has not come to this Honorable Tribunal with clean hands. Hence, not entitled for any relief.
9. That the appellant was appointed as Primary school Teacher (Untrained) in 1992 whereas he acquired mandatory professional training of Primary

Teacher certificate in 2013. As per APT Rules 1989 Seniority shall be reckoned from the date of regular appointment i.e 2013.

**10. That this Honorable Tribunal has already dismissed the identical Service Appeal No. 950/2016 dated 19-12-2018. Hence, instant Service Appeal is liable to be dismissed on the principle of consistency.**

11. That the appellant is estopped to sue due to his own conduct.

12. That the instant appeal is not maintainable due to non-joinder and mis-joinder of necessary parties.

13. That the instant appeal is against the Rules and Policy of the Government.

14. That the appellant has suppressed the material facts from this Honorable Tribunal, hence, not entitled for any relief and appeal is liable to be dismissed without any further proceeding.

15. That as per **1993 SCMR 1119** seniority in a particular grade is reckoned from date of regular appointment i.e from the date of passing of professional examination (PTC).

**Factual objections:-**

1. That the Para No. 1 of the instant service appeal relates to service record.
2. That Para No. 2 of the instant service appeal is relates to service record.
3. That the Para No. 3 of the instant service appeal pertains to record.
4. That Para No.4 of the instant service appeal relates to record.
5. That according to para 1&2 of appeal the appellant was appointed as Primary school Teacher (Untrained) whereas he acquired mandatory professional training of Primary Teacher certificate on 2013. As per APT Rules 1989 Seniority may be reckoned from the date of regular appointment i.e 2013.

**This Honorable Tribunal has already dismissed the identical Service Appeal No. 950/2016 dated 19-12-2018. Hence, instant Service Appeal is liable to be dismissed on the principle of consistency.**

In this regard it is submitted that appellant has passed the professional training of PTC in 2013 thereafter considered him as regular employée and was included in seniority list and was promoted the post he currently holds.

6. That the Para No.6 is incorrect as the appellant was rightly considered included in seniority list after his regularization in service.

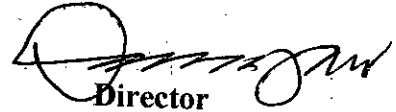
7. That the Para.7 of the instant appeal is incorrect hence denied as the increments for untrained period were granted whereas seniority is subject to regularization in service hence appellant is not an aggrieved person and was treated by the respondent. according to the law.

### **Grounds:-**

- A. That the ground a, as composed is incorrect hence, denied as the reply already given in para No. 5 of facts.
- B. That the ground b, as composed is incorrect hence, denied and not admitted as seniority for untrained period is not allowed by the apex court of Pakistan.
- C. That the ground c, as composed is incorrect hence, denied and not admitted detail reply has been given in facts.
- D. That the ground d, as composed is incorrect hence, denied reply given in above para.
- E. That the ground e, as composed is incorrect hence, denied and not admitted. Comprehensive reply has already been given in Para No. 04 of the Facts.
- F. That the ground f, as composed is incorrect hence, denied and not admitted as reply and facts
- G. That the ground g, as composed is incorrect hence, denied and impugned act of the respondent is purely according to law.

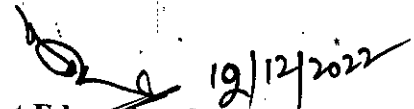
h. That answering respondents seek leave of this Honorable Tribunal to raise additional grounds/ points during the course of arguments.

Under the circumstances it is humbly requested that in the light of above referred facts Service Appeal in hand may please be dismissed with cost.



Director

Elementary & Secondary Education  
Khyber Pakhtunkhwa  
(Respondent No. 02)



19/12/2022  
District Education Officer (M)  
Kohai Palas Kohistan  
(Respondent No. 3)

**Before the Honorable Khyber Pakhtunkhwa Service Tribunal**  
**Peshawar Camp Court Abbottabad.**

**Appeal No. 341/2022**

**Muhammad Noor.....Appellant**

**VERSUS**

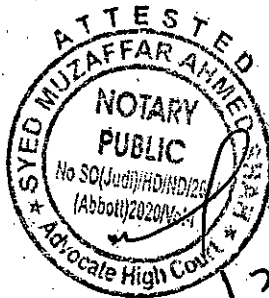
**Govt: of Khyber Pakhtunkhwa & Others.....Respondents**

**JOIN PARAWISE COMMENTS ON BEHALF OF RESPONDENTS**

**AFFIDAVIT**

*Idrees representative*

I, Mr. Muhammad Umar Zaman, District Education Officer (M) Kolai Palas Kohistan, do hereby affirm and declare on oath that contents of forgoing comments are correct and true according to the best of my knowledge and belief and nothing has been suppressed from this Honorable Tribunal.



13/12/22

*[Handwritten Signature]*  
**DEPONENT**