

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal # 7507/2021

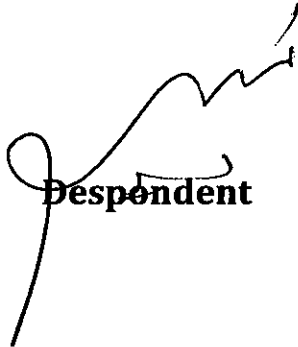
Mr. Bagh Zamin, Headmaster (BPS-17),.....Appellant.

VERSUS

Govt: of Khyber Pakhtunkhwa & others.....Respondents.

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Respondent

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BEFORE THE HON'BLE SERVICE TRIBUNAL PESHAWAR

Service Appeal # 7507/2021

Mr. Bagh Zamin, Headmaster (BPS-17).....Appellant

VERSUS


Govt. of Khyber Pakhtunkhwa & others..... Respondents

AFFIDAVIT

I, **Mr. Amjad Ali**, Section Officer (Litigation-II) Elementary & Secondary Education, Department do hereby solemnly affirm and declare that the contents of the accompanying para-wise comments, submitted by the respondents, are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

It is further, stated on oath that in this appeal the answering Respondents have neither been placed ex-parte nor has their defense been struck off.

DEPONENT)


Mr. Amjad Ali
Section Officer (Lit-II)
E&SE Department Peshawar

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GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Block "A" Civil Secretariat, Peshawar

Phone No. 091-9211128

AUTHORITY LETTER

It is certified that **Mr. Fahim, Focal person (Litigation-II)** Elementary & Secondary Education Department is hereby authorized to submit parawise comments on behalf of Secretary Elementary & Secondary Education Department Peshawar in **Service Appeal No. 7507/2021 Case Titled Mr. Bagh Zamin** vs Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Department Khyber Pakhtunkhwa, Peshawar.


2 **Mr. Amjad Ali**
Section Officer (Lit-II)
E&SE Department Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

In Service Appeal No. 7507/2021

Mr. Bagh Zamin, Headmaster.....Appellant.

VERSUS

Chief Secretary to Govt of KPK Peshawar..... Respondents.

PARAWISE COMMENTS ON BEHALF OF THE RESPONDENTS NOS. 1, 2 to 5.

Respectfully Sheweth,

Preliminary Objections:

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 6792

Dated 02/08/22

1. The appellant has not come to this Honorable Tribunal with clean hands.
2. The appellant is not an aggrieved person nor has any locus standi to file the present appeal.
3. That the appellant has concealed material facts from this Honorable Tribunal.
4. That the appellant is estopped by his own conduct to file the present appeal.
5. That the present appeal is against the prevailing law and rules.
6. That the appellant is not entitled for any relief, he has sought from this Honorable Tribunal.
7. That the present appeal is liable to be dismissed being devoid of any merits.
8. That the present appeal is barred by law and limitation.

On Facts

1. Pertains to record.
2. Incorrect and denied. The calculations by appellant are wrong and incorrect.
3. Incorrect hence denied. The appellant is not an aggrieved person and not entitled for any relief as prayed for.
4. Incorrect the appellant is not entitled for any relief he has sought in his appeal, as the appellant has by himself accepted the revised basic pay scales/pension/commutation scheme 2005. In case, he opted for retaining the basic pay scales, 2001 till retirement i.e 01-02-2006, then no question of differences in pension any benefit would be raised.
5. Para-5 alongwith grounds of appeal are incorrect and denied.

On Grounds:

- A. Incorrect hence denied. The appellant has been treated in accordance with law.
- B. Incorrect, the appellant is not an aggrieved person and taking his due and legal pension from the Government.
- C. Incorrect no discrimination has been done with the appellant.
- D. Incorrect hence denied. The appellant has accepted the revised basic pay scales & pension/commutation scheme, 2005 and now is not allowed or entitled for any relief what so ever is claimed.
- E. Para-E alongwith the alleged illegal and self-made calculation table are incorrect hence denied in toto.

(14)

- F. Para-F is incorrect, hence denied. The detail reply is given in above para.
- G. Incorrect and denied. There is no malafide on the part of the respondent.

It is therefore, most humbly requested that the appeal in hands being devoids of any merits may kindly be dismissed.



DIRECTOR
Elementary & Secondary Education,
(Respondent No.5)



SECRETARY

Elementary & Secondary Education,
Department (Respondent No. 1, 2)

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Annexure

C
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GOVT. OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

No. AO/E&SE/5-27/2021/PP/Nowshera
Dated Peshawar the January 27th, 2021

To

The Secretary to Govt. of Khyber Pakhtunkhwa,
Finance Department,
Peshawar.

Subject: ANOMALIES IN THE PENSION OF EMPLOYEES RETIRED
AFTER 01-07-2005 TO 30-06-2006.

Dear Sir,

I am directed to refer to the subject noted above and enclose herewith a copy of self-explanatory application received from Mr. Bagh Zamin, Ex-Headmaster, R/O Mohallah Rasheed Khel, V.P.O Spin Khak, R/S Pabbi Cherat Road, Nowshera for consideration as per rules/ policy, please.

Yours Faithfully,

Encl: as above:

(ABDUL GHAFFAR)
SECTION OFFICER (ACCOUNTS)

Endst: of even No. & date:

Copy forwarded to:

1. Mr. Bagh Zamin, Ex-Headmaster, R/O Mohallah Rasheed Khel, V.P.O Spin Khak, R/S Pabbi Cherat Road, Nowshera.

Abdul Ghaffar
Abdul Ghaffar
Section Officer (Accounts),
Elementary & Secondary Edu. Deptt
Govt. of Khyber Pakhtunkhwa

Abdul Ghaffar
SECTION OFFICER (ACCOUNTS)

ATTESTED

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Annexure 'E'



GOVT. OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

No. AO/E&SE/5-27/2021/PP/Nowshera
Dated Peshawar the March 3rd, 2021

To

Mr. Bagh Zamin, Ex-Headmaster,
R/O Mohellah Rasheed Khel, V.P.O Spin Khak, R/S Pabbi Cherat Road,
Nowshera.

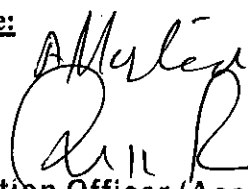
Subject: ANOMALIES IN THE PENSION OF EMPLOYEES RETIRED
AFTER 01-07-2005 TO 30-06-2006.

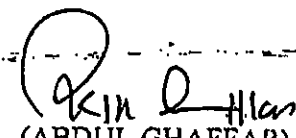
Dear Sir,

I am directed to refer to your application dated 12-01-2021, on the subject noted above and to enclose herewith a copy of Finance Department letter No. FD/SOSR-II/4-36/2019/54, dated 18-02-2021, for provision of the requisite documents, please.

Yours Faithfully,

Encl: as above:


Section Officer (Accounts)
Elementary & Secondary Edu. Deptt.
Govt. of Khyber Pakhtunkhwa


(ABDUL GHAFFAR)
SECTION OFFICER (ACCOUNTS)

ATTESTED

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Annexure "H"



GOVT. OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

No. AO/E&SE/5-27/2021/PP/Nowshera
Dated Peshawar the June 12th, 2021

To

The Secretary to Govt. of Khyber Pakhtunkhwa,
Finance Department,
Peshawar.

Attention: Section Officer (SR-II)

Subject: ANOMALIES IN THE PENSION OF EMPLOYEES RETIRED
AFTER 01-07-2005 TO 30-06-2006.

Dear Sir,

I am directed to refer to Finance Department letter No.FD/SOSR-II/4-36/2019/54,
dated 18-02-2021 on the subject noted above and to enclose herewith the requisite documents for
proceeding further into the matter, please.

Yours Faithfully,

Encl: as above:

(ABDUL GHAFFAR)
SECTION OFFICER (ACCOUNTS)

Endst: of even No. & date:

Copy forwarded to:

1. Mr. Bagh Zamin, Ex-Headmaster, R/O Mohallah Rasheed Khel, V.P.O Spin Khak, R/S
Pabbi Cherat Road, Nowshera.

Attended
[Signature]
Section Officer (Accounts)
Elementary & Secondary Edu. Deptt
Govt. of Khyber Pakhtunkhwa

[Signature]
SECTION OFFICER (ACCOUNTS)

ATTENDED

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16 Annexure "I"



GOVT. OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

No. AO/E&SE/5-27/2021/PP/Nowshera
Dated Peshawar the July 5th, 2021

To

Mr. Bagh Zamin, Ex-Headmaster,
R/O Mohallah Rasheed Khel, V.P.O Spin Khak, R/S Pabbi Cherat Road,
Nowshera.

**Subject: ANOMALIES IN THE PENSION OF EMPLOYEES RETIRED
AFTER 01-07-2005 TO 30-06-2006.**

Dear Sir,

I am directed to refer to your application dated 12-01-2021, on the subject noted above and to enclose herewith a copy of Finance Department letter No. SOSR-II/FD/4-36/2019/54, dated 30-06-2021, for information, please.

Yours Faithfully,

Encl: as above:

Attested
[Signature]
Section Officer (Accounts)
Elementary & Secondary Edu: Deptt
Govt. of Khyber Pakhtunkhwa

[Signature]
(ABDUL GHAFFAR)
SECTION OFFICER (ACCOUNTS)

~~ATTESTED~~

Cost of Rs. 5000/- received in Service Appeal No. 7507/2021,

Titled Bagh Zamin vs. Secretary Education etc

in the office of Assistant Registrar, Dated: 02/08/2023.



Assistant Registrar
Khyber Pakhtunkhwa
Registrar
Service Tribunal
Khyber Pakhtunkhwa
Peshawar
Service Tribunal
Peshawar