

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR

S.A No. 764/2022

Fakhar-ud-Din

versus

Secretary & Others

REJOINDER

Khyber Pakhtunkhwa
Service Tribunal

Darcy No. 6781

Dated 01-08-23

Respectfully Sheweth,

PRELIMINARY OBJECTION

All the 07 Preliminary Objections are illegal and incorrect. No reason in support of the same is ever given as to why appellant has got no locus standi, cause of action, appeal is barred by law, is not maintainable, estoppel, mis and none joinder of parties, and decision of COC.

ON FACTS

- 1-2. Admitted correct by the respondents.
3. Not correct. As the para of the appeal is not replied by the respondents to its contents. Appellant demands the benefit / perks and privileges as per the Notification dated 19-10-2018 of the department where no such classification was made in the same. Appellant is serving his official duties in the field having registered with Pakistan Engineering Council. He has requisite educational qualification of Bachelor of Science degree Agricultural Engineering.
4. Not correct. The para of the appeal is correct regarding Cabinet approval for the allowance. Even Finance department was directed to issue Notification of Technical Allowance to the Engineers.
5. Not correct. The law does not differentiate one class to other nor the service rules say so. All shall be dealt under the same umbrella and not to classify one from other.

Finance department is not empowered to classify one from other because the Cabinet has approved the allowance for all the Engineers and not for specific Engineers of the department.

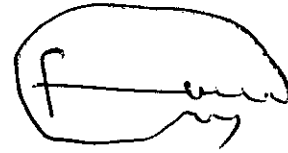
6. Not correct. The position has been explained in the paras above.

7-11. Not correct. The Government of Punjab and other Governments has made no classification in this respect.

G R O U N D S:

All the grounds of the appeal are legal and correct while that of the reply are illegal and incorrect. The same are re-affirmed once again.

It is, therefore, most humbly prayed that the appeal be accepted as prayed for.



Appellant

Through



Saadullah Khan Marwat

Advocate,

Dated: 01-08-2023