

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR**

Service Appeal No. 1913/2022

Mr. Luqman Muhammad.....Appellant

Vs

Secretary, Elementary & Secondary Education and others..... Respondents

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Assistant District Education Officer  
(Litigation) Male District Hangu

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICES  
TRIBUNAL PESHAWAR**

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SERVICE APPEAL No.1919/2022

MR. LUQMAN MUHMMAD CT, (BS-15).....APPELLANT.

VERSUS

1. The Secretary, Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
2. The Director, Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer, Male District Hangu.....Respondents.

**PARA WISE COMMENTS ON BAHALF OF RESPONDENTS NO. 01, 02 &  
03**

**That the Respondents submitted as under:-**

Khyber Pakhtunkhwa  
Service Tribunal

**Respectfully Sheweth**

Diary No. \_\_\_\_\_

**PRELIMINARY OBJECTIONS.**

Dated \_\_\_\_\_

- I. That the appellant has got no cause of action / locus standi to file the instant Service Appeal, because neither any wrong has been done nor any vested right of the appellant has been infringed.
- II. The appellant is estopped by his own conduct to file the instant Service Appeal.
- III. The appellant has not come to this Hon'ble Tribunal with clean hands and deliberately concealed material facts from this Hon'ble Tribunal, hence disentitled for any relief whatsoever.
- IV. That the appellant is not an aggrieved person within the meaning of Article 212 of the Constitution of Islamic Republic of Pakistan 1973.
- V. That the instant Service Appeal is based on mala-fide intentions just to get unlawful service benefits from the Answering Respondents.
- VI. The present Service Appeal has been filed to entangle the Department in unnecessary litigation and to pressurize the Answering Respondents as well as waste precious time of this Hon'ble Tribunal.
- VII. That the appeal barred by law and limitation.

**ON FACTS.**

1. That Para-01 pertains to record.
2. That Para-02 pertains to record.

3. That Para-03 is incorrect, not admitted, strongly denied. In this regard the appellant was directed vide letter dated. 08-09-2021 to provide No Object Certificate for additional subject regarding additional subjects along with classes / practical schedule attended during your post study counter signed by the Head of the University, but fail to do so till date. The appellant instead of providing the NOC approaches this Hon'ble Tribunal. (**Annex-A**)
4. That Para-04 is incorrect, not admitted, strongly denied and misleading. The District Education Officer (Male) Hangu forwarded a letter to Director General A&A Higher Education Commission, H-9 Islamabad vide letter dated. 08-09-2021 for guidance / clarification the relevant portion is reproduced, **“to clarify whether a candidate with graduation of Arts subject can legally appear for additional subject of science as a private candidate or otherwise”**. In this regard a letter was issued to Director Elementary & Secondary Education, Khyber Pakhtunkhwa on. 19-06-2023 as well as reminder on. 06-10-2023 for guidance. (**Annex-B & C**)
5. That Para-04 is incorrect / not admitted, strongly denied and misleading. That the matter of the appellant was under process and the appellant failed to provide No Objection Certificate (NOC) on the direction of the District Education Officer (Male) Hangu. The appellant filed Departmental Appeal just to provide legal cover to the Service Appeal in hand and all the misconduct is on part of appellant itself.
6. Incorrect, the appellant has been dealt an accordance with Law, Rules and laid down procedure, now at this bilateral stage the appellant have no right to approach this Hon'ble Tribunal. Hence, the instant Service Appeal is liable to be dismissed.

### **GROUND.**


- A. Incorrect, the statement of the Appellant is against the facts and circumstances of the case, as the appellant have been treated as per Law & Rules. As explained in Para-3 of the Reply on Facts.
- B. Incorrect & denied. That the appellant is not an aggrieved person within the meaning of Article 4 & 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C. Incorrect, that Para-C pertains to record. That what so ever has been done by the Department, was in accordance

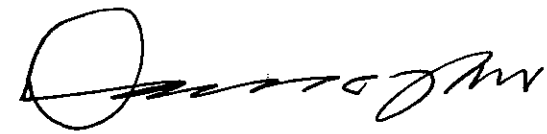
law, rules and policy and no vested right of the appellant is violated and fall the misconduct is on part of appellant itself as explained in Para-3 of the Reply on Facts.


- D. Incorrect, that whatsoever has been done by the Department, was in accordance with law, rules and policy and no vested right of the appellant is violated.
- E. Incorrect and denied. As explained in Para-3 and 4 of the Reply on Facts. Respondent Departments have fully complied with the Policy/ Law.
- F. That the respondents also seek permission to raise additional grounds at the time of arguments.

**In view the above made submission, it is therefore, most humbly prayed that this Hon'able Tribunal may very graciously be pleased to dismiss the instant Service Appeal.**

**RESPONDENTS**

  
1. The Secretary,  
Elementary and Secondary Education  
Department, Khyber Pakhtunkhwa,  
Peshawar.

  
2. The Director,  
Elementary and Secondary Education  
Department, Khyber Pakhtunkhwa,  
Peshawar.

  
3. The District Education Officer,  
Male District Hangu

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S.A. No. 1913/2022

Mr. Luqman Muhammad.....Petitioner

Vs

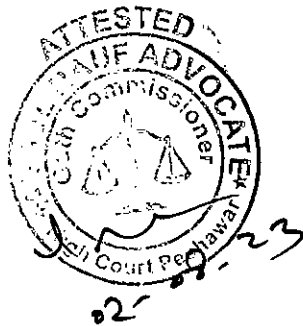
The Director, Elementary and Secondary Education KPK and others.....Respondents

**AFFIDAVIT**

I, Mr. Muhammad Nawaz ADEO(Lit) BPS-17 Hangu on behalf of respondent No. 2 & 3 do hereby solemnly affirm and declare on oath that the contents of the accompanying **Comments** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'able Service Tribunal. It is further stated on oath that in this appeal the answering respondents have neither been place ex-parte nor their defense has been struck off. ~~Cost~~

DEPONENT:-

CNIC#: 14101-6348419-7  
Cell No. 0332-9615220



(5)

**Office Of The District Education Officer (M)  
District Hangu**

No. 9059

Dated 08/09/2021

Annex A

1. Mr. Naheed ur Rehman CT GMS Saro Khel
2. Mr. Luqman Muhammad CT GMS Khaisari Banda

Subject:  
Memo

**PROVISION OF NOCS FOR ADDITIONAL SUBJECTS**

1. You both are directed to provide NOC regarding additional science subject at bachelor level dully signed by competent authority.
2. Provide classes / practical schedule attended during your course study counter signed by the head of the university.

Further more you both are directed to provide the above mentioned documents through proper channel to the office of undersigned within three (03) positively in order to proceed further in the matter.

*A* 8/9/2021  
District Education Officer  
(Male) Hangu

Endst No 9058  
Copy to the:

Dated \_\_\_\_\_/2021

1. Deputy District Education Officer (M) Hangu for information.
2. Office copy.

*A*  
District Education Officer  
(Male) Hangu

Attested by  
*[Signature]*

ADEO (Litigation)  
DEO (M)  
Hangu ✓

(6)

Annex-B



**Office Of The District Education Officer**  
**(Male) District Hangu**

Dated. 14/06/2023

No. 1743

To  
The Director,  
Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar.

Subject: **GUIDANCE**  
Memo

Refer to the mentioned subject Mr. Luqman Muhammad GMS Khaisari Banda Hangu was promoted from CT to SST (B/C) BPS-16 having qualification BA with two additional subjects, through your good office Notification No.5046-52/File No.5/Promotion of SST(B/C) BPS-16 Dated Peshawar the 29/10/2021, item No.3-B Serial No.1 and his service was placed at he disposal of DEO (M) Hangu for adjustment against the post of SST (B/C) BPS-16 on regular basis.(Annex-A).

However, the then DEO (M) Hangu did not issue his placement order because of BA with two additional subjects, the then DEO (M) Hangu addressed the Director General A & A Higher Education Commission H-9, Islamabad and copied you for guidance /clarification vide Endst No.9056 Dated 08/09/2021. (Annex-B).

On the same day Mr.Luqman Muhammad CT GMS Khaisari Banda Hangu was directed to provide NOC for additional subject vide Endst No.9058 Dated 08/09/2021. (Annex-C). Furthermore your good office had directed the then DEO (M) Hangu for submission of compliance report regarding adjustment of SST (M) 2021 vide Endst No.5553/12 SST (M) Promotion Hangu Dated 26/9/2022, but vain.

In addition, the undersigned has requested for guidance having BA with additional subject (Annex- D).

Meanwhile, your good office has issued a Notification No.9226-30/File No.1/Promotion of SST (BPS-16) 2022 Dated Peshawar 15/3/2023 in which teachers having BA with additional subject are promoted to SST (B/C) (Annex-E), and the undersigned has placed them against the vacant post in District Hangu. (Annex-F).

Now, therefore, it is requested to guide the undersigned whether Mr. Luqman Muhammad CT GMS Khaisari Banda Hangu may be adjusted against the vacant post in District Hangu or otherwise. If adjusted, how and from which date his salary will be disbursed. - taking over change.

Your early guidance will be highly appreciated. when form?

Attested by

ADEO (Litigation)  
DEO (M)  
Hangu

District Education Officer  
(Male) Hangu 14/06/2023

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NOTICE

**OFFICE OF THE DISTRICT EDUCATION OFFICER  
(M) DISTRICT HANGU**

Dated 16/10/2023

No. 9739



**Reminder-I**

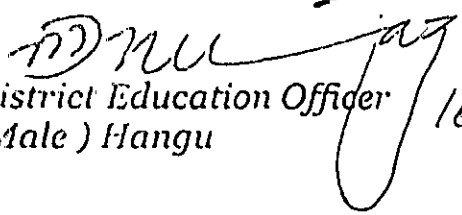
To,

The Director General  
A&A Higher Education Commission  
H-9 Islamabad.

Subject:  
Memo

**GUIDANCE / CLARIFICATION**

Reference this office letter No.9055 dated 08/09/2021  
(Copy attached alongwith annexures) for want of clarification.  
It is requested that the required information /guidance  
may kindly be provided to this office in order to decide the pending  
promotion cases well in time.  
Your early reply in this regard will be high appreciated.

  
District Education Officer  
(Male) Hangu 16/10/23

Attested by



ADEO (Litigation)  
DEO (M)  
Hangu



(8)

Annex C

**OFFICE OF THE DISTRICT EDUCATION OFFICER  
(M) DISTRICT HANGU**

No. 9055

Dated 08/09/2021

To

The Director General  
A&A Higher Education Commission  
H-9 Islamabad.

Subject: **GUIDANCE / CLARIFICATION**  
Memo

It is stated that Mr. Naheed ur Rehman CT GMS Saro khel and Mr. Luqman Muhammad CT GMS Khaisari Banda having simple BA (degree/DMC Copies attached) appeared / applied for additional subject of Botany/Chemistry from University of Lakki Marwat and passed the additional subjects.

It is therefore requested to clarify that whether a candidate with graduation of Arts subject can legally appear for additional subject of science as a private candidate or otherwise.

The matter may kindly be treated as most urgent as it is the question of true meritorious.

Your early response in this regard will be highly appreciated. (Copies of additional subject transcripts are enclosed).

District Education Officer  
(Male) Hangu

Endst No. 9056  
Copy to the

Dated 8-9 /2021

1. Director Ele & Sec: Education KPK Peshawar.
2. Office Copy

*[Signature]*  
District Education Officer  
(Male) Hangu

Attested by

*[Signature]*

**ADEO (Litigation)  
DEO (M)  
Hangu**


*[Signature]*  
8/9/21

## AUTHORITY

Mr. Muhammad Nawaz ADEO(Lit) of this office is hereby authorized to attend the court of Hon'able Service Tribunal, Peshawar in connection with

Lugman Muhammad vs Govt. of KP

on dated 02/08/2023 on behalf of undersigned.

  
District Education Officer  
(Male) District Hangu  
D.E.O (M)  
Hangu