

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

SERVICE APPEAL No. 653/2023

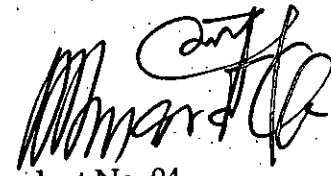
Hafiz Muhammad Aslam

VS

Government of KPK

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Respondent No. 04
District Education Officer
(Male) Dera Ismail Khan

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

SERVICE APPEAL No. 653/2023

Hafiz Muhammad Aslam

VS

Government of KPK

PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 1 to 6.

PRELIMINARY OBJECTIONS

1. That the appellant has got no cause of action / locus standi. To file instant appeal.
2. That the appellant has not come to the honorable tribunal with clean hands.
3. That the appellant has filed the service appeal on malafide objectives.
4. That the instant appeal is against the prevailing laws and rules.
5. That the appeal is barred by law/limitations.
6. That the instant appeal is illegal and against the facts.
7. That the service appeal is not maintainable in its present form.
8. That the appellant has concealed the material facts from the honorable tribunal.

Respectfully Sheweth, Reply on behalf of Respondents

Respected Sir, The respondents humbly submits as under

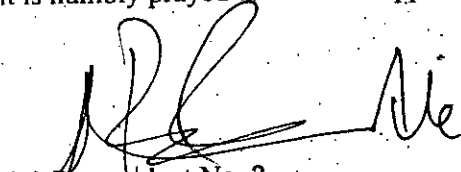
1. Para pertains to the PTC and Sanad of Hafiz-e-Quran of appellant.
2. Para is correct to the extent that appellant was appointed as a PTC Teacher on 16-10-2004 in GPS Shala Sharif Tehsil Parova District D.I.Khan. But the appellant has not taken the charge of PTC post on 16-10-2004. The appellant took the charge of PTC post in year 2007. The appellant has draw his first salary in the month of July 2007. Which is clear from his pay slip and school attendance register which are annexed with his service appeal. As the all record clearly mentioned by the appellant reflects that appellant has performed his duty in the year 2007. All the teachers who have taken the charge of different cadets w.e.f 01-01-2007 to 30-06-2008 were come in the range of EX 1613 case of removed teachers. So the appellant has got no cause of action and locus standi. Orders of tribunal annexed-A.
3. Incorrect / not admitted. As discussed in Para No. 2.
4. Para is correct to the extent that appellant was transferred to the GPS Kulachi Wala on 11-01-2008 but appellant comes in the domain of EX 1613 teachers.
5. Incorrect / not admitted. The appellant has not taken the charge of PST post in year 2004. The appellant has joined his duty in the year 2007. The appellant has draw his first salary in the month of July 2007.
6. Incorrect / not admitted. Para is strongly refuted and denied.
7. Para pertains to the application of appellant to the Commissioner D.I.Khan for redressal of grievances.
8. Para is correct to the extent that appellant was terminated along with all EX 1613 teachers.
9. Para pertains to the writ petition No. 56-D-2021 in Peshawar High Court which was converted to the departmental presentation of appellant.

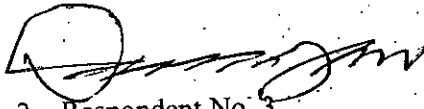
GROUND

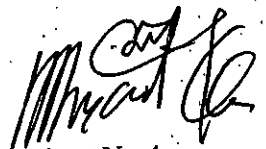
- a. Para pertains to the impugned order Dated 08-02-2019. All 1613 teachers were terminated from service. The removal orders of 1613 teachers was correct and according to law.
- b. Incorrect / not admitted. para is strongly rebutted.
- c. Incorrect / not admitted. The stoppage of pay and subsequent termination order were totally legal and according to the directions of superior Courts.
- d. Para pertains to the academic qualification of appellant.
- e. Para pertains to the service book of appellant.
- f. Para pertains to the termination of appellant as the appellant has taken the charge of PST Post in year 2007. The appellant draw his first salary in the month of July 2007. So the appellant is one of EX 1613 removed teachers.
- g. Para is correct to the extent that appellant was appointed on 16-10-2004. But the appellant has not joined his duty in the year 2004. He joined his duty in the year 2007 which is clear from his first pay slip and school attendance register which are annex with his service appeal.

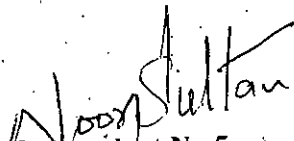
- h. Para is correct to the extent that other PST teachers were promoted to the BPS-14 who have joined there duty in the year 2004. As the appellant has joined his duty in month of July 2007. Appellant was terminated from service along with other EX 1613 teachers.
- i. Incorrect / not admitted. As replied above.
- j. Incorrect / not admitted. As discussed above.
- k. Para pertains to the removal of service of 1613 teachers which is discussed in detail above.
- l. Incorrect / not admitted. Para is correct to the extent that appellant is one of EX 1613 terminated teachers so he was removed from service.
- m. That the council for respondents may please be allowed to raised the additional grounds during the course of arguments.

So it is humbly prayed that service appeal of appellant may kindly be dismissed with cost.


1. Respondent No. 2
Secretary E&SE KP Peshawar.


2. Respondent No. 3
Director E&SE KP Peshawar.


Respondent No.4.
District Education Officer
(M) D. I. Khan


Respondent No.5.
SDEO (M) D. I. Khan

OFFICE OF THE EXECUTIVE DISTRICT OFFICER
ELEMENTARY & SECONDARY EDUCATION
DISTRICT DERA ISMAIL KHAN.

~~DH~~

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No. 10238

Dated DIKhan the 04/09/2009

To

- 1-2 The District Officer (Male/Female) I. & SE, DIKhan
3-10 All the Deputy District Officer (Male/Female) Primary, DIKhan District.
11-130 All the Principals/Headmasters/Headmistresses (Male/Female)
GHSS/GHSS/GCIHS/GHIS/GGIS of DIKhan District.

Subject: ILLEGAL/IRREGULAR APPOINTMENTS IN ELEMENTARY &
SECONDARY EDUCATION DEPARTMENT DIKHAN

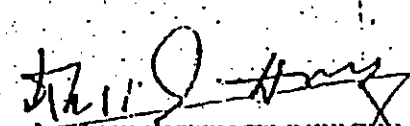
Memo

In continuation of this letter No. 10238 dated 04-08-2009.

The District Coordination Officer, DIKhan has terminated the services of all those candidates of DIKhan District whose appointments were made w.e from 01-01-2007 to 30-06-2008 vide his office order No. 8021/DCO (1:du) dated 04-09-2009. This all is the compliance & implementation of Standing Committee Provincial Assembly NWFP & the Govt. of NWFP I & SE Department letter No. SO(AD) E & SED/10-11 STS dated 26-02-2009 & Writ Petition of 252/2009 dated 11-06-2009 in the Honourable High Court Bench of DIKhan by Hassan Ara etc.

You are therefore directed to enforce/implement the said order of District Coordination Officer, DIKhan & furnish the following information.

1. No. of existing Vacant posts (Category Wise, BPS 1-12)
2. Resultant Vacant posts of all category after implementing the District Coordination Officer order, reference above.
3. No of vacant posts in all Cadres due to superannuation/Retirement/Retirement/Death etc.


EXECUTIVE DISTRICT OFFICER
ELEMENTARY AND SECONDARY
EDUCATION, D. I. KHAN

NO 10239
Endst No. 10238

Copy of the above forwarded for information to the:-

1. PS to Chief Minister, NWFP, Peshawar.
2. PS to Chief Secretary, NWFP, Peshawar
3. PS to Minister for Education, NWFP, Peshawar
4. Mr. Mukhtair Ali Khan Advocate MPA, Chairman Standing Committee No. 26, Provincial Assembly NWFP, Peshawar.
5. PS to Secretary for Education, NWFP, Peshawar
6. PS to Director for Education, NWFP, Peshawar
7. All MPA's in DIKhan District
8. District Accounts Officer, DIKhan
9. All concerned.

Attested


M. ADWAN
Advocate


EXECUTIVE DISTRICT OFFICER
ELEMENTARY AND SECONDARY
EDUCATION, D. I. KHAN

Beitel copy (28)

D. I. Khan

P Sec: 002 Month: July 2007
DI6119 -DY: D O (N) PRY DIK
Min: Education Schools
NTN:
GPF #:
Old #:

1
Pers #: 00362289 Buckle:
Name: MUHAMMAD ASLAM
Dsg.: PRIMARY SCHOOL TEACHER
NIC No.: 1210109408327
CPF Interest Free

07 Regular / Contract
PAYS AND ALLOWANCES:
0001-Basic Pay
1000-House Rent Allowance
1300-Medical Allowance
1830-Special Relief All(2005)
1831-Adhoc Relief (2005)
1872-Earnes Allowance-EEGRP09

DI6119 -
3,100.00
882.00
425.00
404.00
404.00
404.00

Gross Pay and Allowances
DEDUCTIONS:

5,619.00

3501-Benevolent Fund
3511-Addl Group Insurance
3604-Group Insurance
3640-Exp. Edu. Fund

Subrc:
35.00
5.00
44.00
4.00

Total Deductions

89.00
5,530.00

D.O.B
01.06.1969
02 Years 09 Months 017 Days

LFP Quota:
N. B. P. TIGARAT GANJ DN. B. P. TIGARAT GANJ D
PLS-2789-6

Allohd

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روزنامه حاضرین در کارگاه (November 1957)

نام: ...
 شماره: ...
 تاریخ: ...

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| روز | شنبه | یکشنبه | دوشنبه | سه شنبه | چهارشنبه | پنجشنبه | جمعه | شنبه |
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دستیار: ...

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

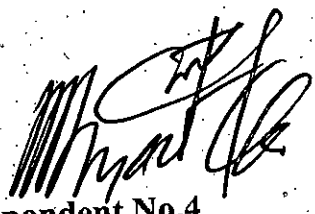
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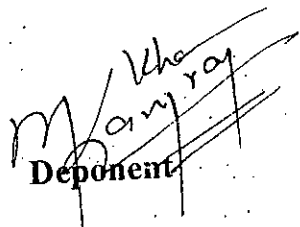
Authority

I District Education Officer (M) D.I.Khan do hereby authorized Mr: Muhammad Kamran Khan to attend the honorable Service Tribunal KPK Peshawar on behalf of respondent in connection with submission para wise comments till the decision of service appeal.


Respondent No.4
District Education Officer
(M) D.I.Khan

Affidavit

I Mr: Muhammad Kamran Khan ADEO (M) D.I.Khan do solemnly affirm and declare on oath that contents of written reply are correct to the best of my knowledge and nothing has been concealed from this honorable Court. It is further stated that on oath in this appeal the answering respondents have been neither placed ex-parte nor their defense has been struck off.


Deponent