

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

SERVICE APPEAL No. ¹⁹⁷⁸ /2023

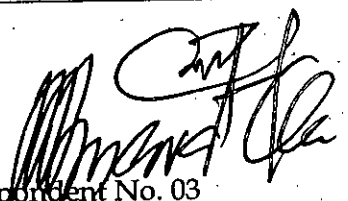
Liaqat Ullah

VS

Government of KPK

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Respondent No. 03
District Education Officer
(Male) Dera Ismail Khan

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

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PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 1 TO 3

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 and limitations.
6. That the instant appeal is illegal and against the facts.
7. That the appellant has concealed the material facts from the honorable tribunal.
8. That the appeal is badly time barred.
9. That the appeal is bad for mis joinder and non joinder of necessary parties.

Respectfully Sheweth, Reply on behalf of Respondents

Respected Sir, The respondents humbly submits as under

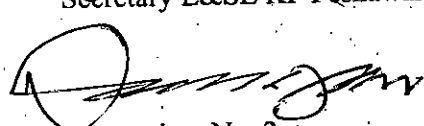
1. Para pertains to the appointment of appellant as a Chowkidar on contract basis in Govt. Primary School Gara Qalandar Tehsil and District D.I.Khan vide Endst No. 6093-46 dated 15-03-2007. As all appointment orders issued by respondent No. 3 vide order dated from 01-01-2007 to 30-06-2008 were removed by the Endst No. 1288 dated 04-09-2009 by the Executive District Officer Male E&SE D.I.Khan. so the appellant has got no cause of action and locus standi Annex-A.
2. Para is correct to extend the petitioner was promoted to the post of PST Teacher at GPS Naser Bagh Tehsil and District DIKhan. But appellant is one of the 1613 terminated teachers. The appellant was removed from service along with other 1613 teachers.
3. Para is related to the inquiry committee of regarding the stoppage of salary of appellant.
4. Para is correct to the extent that appellant was initially appointed as a Chowkidar letter on he was promoted to the post of PST Teacher, but he is one of the terminated Ex 1613 teachers.
5. Para pertains to the direction of Hon'ble Service Tribunal in which all the 1613 teachers and Class-IVs were removed from service.
6. Para pertains to the departmental appeal of appellant which is badly time bard.
7. Para pertains to the present appeal of the appellant.

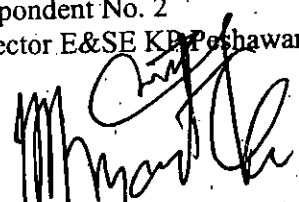
GROUND

1. Incorrect / not admitted. The appellant was treated with law and action of response was not malafided to appellant.
2. Incorrect / not admitted. Para strongly denied. As the appellant was among one of the removed EX 1613 teachers his 1st appointment ordered as Chowkidar was issued on 15-03-2007. So, appellant come in domain of removed teachers.
3. Incorrect / not admitted. para strongly negated the appellant was penalized with legal justification.
4. Incorrect / not admitted. As replied and discussed above.
5. Incorrect / not admitted. The appellant was removed from service due to illegal appointment orders.
6. The respondents may produce further record at time of arguments.
7. That the council for respondents may kindly be allow the further grounds during the time of hearing appeal.

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

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

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


Respondent No.3.
Executive Education Officer
(M) D. I. Khan

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

4

No. 10238

Dated DIKhan the 04/09/2009

To

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

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

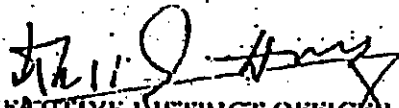
Memo

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/DCCO (Edu) dated 04-09-2009. This all is the compliance & implementation of Standing Committee Provincial Assembly NWFP & the Govt. of NWFP I & S.E. Department letter No. SO(AIB) I & S.E/D/10-11 STI dated 26-08-2009 & 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.

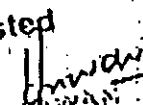

1. No. of existing Vacant posts (Category Wise, HPS I-15)
2. Resultant Vacant posts if all category after implementing the District Coordination Officer order, reference above.
3. No of vacant posts in all Cadres due to superannuation Retirement/Retirement/Death etc.


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

NO 10238 - 10239
Encl No. 10239

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. Mukhtar 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. A. KHAN
Advocate

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

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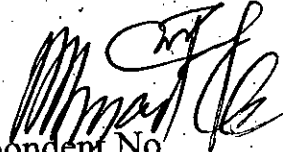
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Authority

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.
District Education Officer
(M) D.I.Khan

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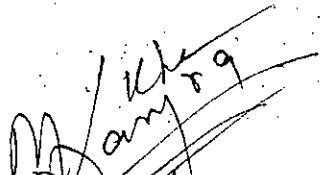
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Affidavit

I Mr: Muhammad Kamran Khan Legal Representative of DEO (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