

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

In Re:

Service Appeal No.1437/2023

Engr. Mian Gul Khan,
Executive Engineer, PHE Division, Tank.**APPELLANT**

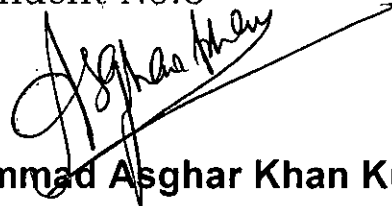
VERSUS

Govt. of Khyber Pakhtunkhwa etc.**RESPONDENTS**

I N D E X

S.No.	Description of Documents	Annex	Pages
1.	Parawise Comments with Affidavit		1-4
2.	Copy of the Charge Assumption Report	A	5

Through Respondent No.5



Muhammad Asghar Khan Kundi
Advocate Supreme Court
Cell: 0333-9127288

Dated: 31.07.2023

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

In Re:

Diary No. 6753

Service Appeal No.1437/2023

Dated 31/07/23

Engr. Mian Gul Khan,
Executive Engineer, PHE Division, Tank. **APPELLANT**

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. Secretary to Govt. of Khyber Pakhtunkhwa, Public Health Engineering Department, Peshawar.
3. Chief Engineer (South), Public Health Engineering Department, Khyber Pakhtunkhwa, Peshawar.
4. Superintending Engineer, Public Health Engineering Department, D.I Khan Circle, D.I Khan.
5. Abdur Rehman, SDO Public Health Engineering Department, Sub-Division Tank. **RESPONDENTS**

PARAWISE COMMENTS ON BEHALF OF
RESPONDENT NO.5

Respectfully Sheweth:

Preliminary Objections:

- a. The appellant neither has any cause of action nor locus standi.
- b. The appellant has not come to the court with clean hands.
- c. The present appeal is liable to be dismissed for mis-joinder/non-joinder of necessary parties.

- d. The appellant has filed the instant appeal on mala-fide motives.
- e. The instant appeal is against the prevailing laws and rules.
- f. The appellant is estopped by his own conduct to file the present petition.
- g. The instant appeal is not maintainable in the present form and also in the present circumstances of the issue.
- h. The present appeal is badly time barred.

ON FACTS:

- 1. Pertains to record. Hence no comment.
- 2. Pertains to record. Hence no comment.
- 3. Pertains to record. Hence no comment.
- 4. Pertains to record, needs no comments.
- 5. Incorrect and misconceived. It is clarified that the appellant on administrative grounds was transferred from PHE Division, Tank to Deputy Director Lab/ Projects PHED Peshawar. It is also worth to mention here that the appellant has acted upon the transfer/posting and relinquished his charge as Executive Engineer, PHE Division, Tank. The answering respondent has also assumed the charge (copy of the charge assumption report is annexed).
- 6. Incorrect.

7. Pertains to record.
8. The appellant has got no cause of action to file instant appeal.

ON GROUNDS:

- i. Incorrect and misconceived.
- ii. Incorrect and misconceived. The appellant has been transferred on administrative grounds. No political interference is apparent from the record. The case law mentioned in the appeal is inapplicable to the facts of the present case.
- iii. Incorrect and misconceived. As discussed in preceding paras.
- iv. Incorrect and misconceived. Being a civil servant as per section 10 of the Khyber Pakhtunkhwa Civil Servant Act, the appellant is bound to serve where he is posted.
- v. Incorrect and misconceived. As discussed in preceding paras.
- vi. Incorrect and misconceived. As discussed in preceding paras.
- vii. Incorrect and misconceived. As discussed in preceding paras.
- viii. The answering respondent seeks permission of this Hon'ble Tribunal to raise additional grounds at the time of arguments.

Keeping in view the above facts, it is, therefore, requested before this Hon'ble Tribunal that the instant Service Appeal being vexatious and devoid of merit, may please be dismissed with cost.

Respondent No.5

Through

Asghar
Muhammad Asghar Khan Kundi
 Advocate Supreme Court

Dated: 31.07.2023

AFFIDAVIT

It is stated on oath that the contents of the **Comments** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble

Tribunal. *It is further stated on oath that in this Appeal the answering responses have neither been placed Ex-Parte nor parte nor*




Muhammad
 DEPONENT

Amir A


CHARGE ASSUMPTION REPORT

In Compliance with the Secretary to Government of Khyber Pakhtunkhwa Public Health Engineer Department Peshawar, Notification No. So (ESTT) PHED/1-45/2022 Dated, Peshawar 27.03.2023, I Mr. Abdur Rehman (BPS-17) SDO PHE Sub Division Tank is hereby assumed the charge of Executive Engineer, Public Health Engineering Division Tank today on dated 28.03.2023 (F.N).


Abdur Rehman,
Executive Engineer,
Public Health Engg: Division
Tank

Endst: No. 01-11/E-01 / Dated Tank the, 28 / 03 / 2023
Copy forwarded for information to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Chief Engineer (South) PHE Khyber Pakhtunkhwa Peshawar.
3. Superintending Engineer PHE Circle D.I.Khan.
4. District Account Officer Tank.
5. PS to Minister, PHE Department Khyber Pakhtunkhwa Peshawar.
6. PS to Secretary PHE Department Khyber Pakhtunkhwa Peshawar.
7. PA to Additional Secretary PHE Department Khyber Pakhtunkhwa Peshawar.
8. Manger National Bank Tank.
9. Officer Concerned.
10. Office Order / Personal File.
11. Manager Bank Al-Habib Tank.



Abdur Rehman,
Executive Engineer,
Public Health Engg: Division
Tank