

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 1294/2023.

Mr. NawabAppellant.

VER SUS

Govt: of KPK through Chief Secretary Khyber Pakhtunkhwa, Peshawar and
others Respondents.

INDEX

S.No	Description of documents	Annex	Page No
1.	Comments Reply	--	1-2
2.	Affidavit along with Authority letter	--	3-4

Respondents

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

No. 6640

Date 21/07/23

Appeal No. 1294/2023.

Mr. NawabAppellant.

VER S U S

1. Govt: of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat Peshawar.
2. Govt: of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE), Peshawar.
3. Managing Director, KP-TEVTA, Peshawar.
4. Director Human Resource Khyber Pakhtunkhwa, Peshawar

..... Respondents.

REPLY ON BEHALF OF RESPONDENT 1, 3 AND 4

PRELIMINARY OBJECTIONS:

- A- That the Appeal is badly time barred.
- B- That the Appellant has no cause of action.
- C- That the Appellant has got no locus standi.
- D- That the Appellant has not come to this Honorable Tribunal with clean hands.
- E- That the Appellant has been estopped by his own conduct to file the present appeal.
- F- That the appeal is bad for mis-joinder and non-joinder of necessary parties.
- G- That the appeal is not maintainable in its present form.

Respectfully Sheweth:

- A. Pertains to record.
- B. Pertains to record.
- C. Pertains to record.
- D. It is incorrect. The appellant remained posted at Govt: College of Technology, Swabi. However, being the resident of Gadoon Amazai, the appellant was temporary deputed to look after the administrative affairs of Govt: Technical & Vocational Centre (B) Gadoon Amazai, Swabi.
- E. It is correct with further clarification that a brand-new bus was parked in open sky at GTVC (B) Gadoon from the last so many years. There was no proper use and parking facility available for the said bus. Obviously, the condition of the bus was deteriorating day by day. On the other hand, a conveyance was urgently required to GPI (W), Hayatabad, Peshawar for the pick and drop of Girls students. The administrative Authority, therefore, decided for shifting of the said bus from Swabi to Peshawar for its optimal utilization. The appellant, being employee of KP-TEVTA instead of facilitating the transfer/shifting of said bus and compliance of the legal orders of

the Competent Authority, instigated the locals of the areas to stop the said / process. In defiance the legal and valid orders through his tactics, the Competent Authority was constrained to issue transfer order of the appellant.

It is pertinent to mention that after his relieving from GCT, Swabi, the appellant has not reported for duty till date. Necessary disciplinary action is, therefore, being taken against the appellant for his willful absence from duty.

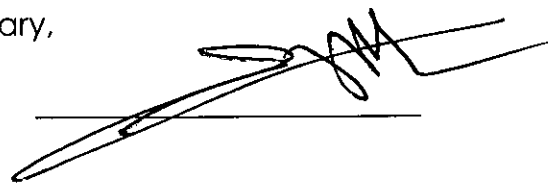
- F. It is incorrect and false as elaborately explained in the preceding para.
- G. It is incorrect. As a matter of fact, as thoroughly probed into, the appellant hatched a conspiracy /plan for the stoppage of process of shifting of bus.
- H. It is correct in view of aforementioned comprehensive reply.
- I. The appeal of the appellant was devoid of facts. The same was, therefore, not entertained.
- J. It is incorrect as comprehensively explained in the preceding paras.

GROUND:

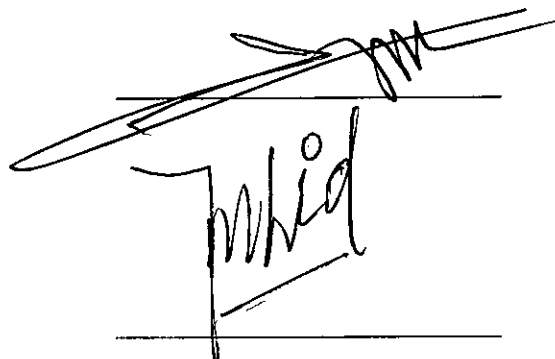
- 1. It is incorrect. The appellant has been rightly treated in accordance with law and constitution.
- 2. It is incorrect. The transfer in question is a legal and valid order.
- 3. It is incorrect as explained in the preceding paras.
- 4. It is incorrect in view of aforementioned explained position.
- 5. It is incorrect in view of aforementioned explained position.
- 6. The respondent may also be allowed to take defense on other grounds at the time of hearing.

In view of the above, it is evident that the instant service appeal has no force of law and facts. It is, therefore, requested that the instant appeal may be dismissed with cost throughout.

Govt: of KPK through Chief Secretary,
Civil Secretariat, Peshawar.
(Respondent No.1)



Managing Director,
KP-TEVTA, Peshawar.
(Respondent No.3)



Director (Admin & HR),
KP-TEVTA, Peshawar.
(Respondent No.4)

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 1294/2023.

Mr. NawabAppellant.

VERSUS

Govt: of KPK through Chief Secretary Khyber Pakhtunkhwa, Peshawar and others Respondents.

AFFIDAVIT

I, Shahabuddin Khattak, Legal Consultant, of KP-TEVTA Head Office, Peshawar solemnly affirm and confirm that the contents of the accompanying parawise comments in the instant Writ Petition are true and correct to the best of my knowledge and belief and that nothing has been concealed therein from this august court.

it is further stated on oath that answering respondents have neither been placed Ex-Parte nor their defence has been struck off.

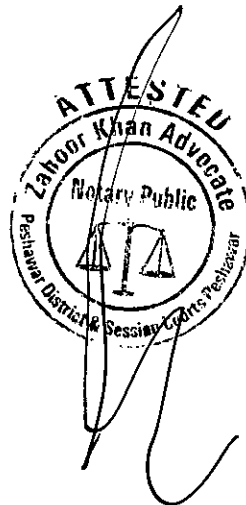

DEPONENT

17301-6527091-5
0334 9199058

Identified by

Advocate General

Khyber Pakhtunkhwa.





Khyber Pakhtunkhwa
Technical Education & Vocational Training
Authority KP TEVTA
Old Bara Road, University Town
Peshawar

TEVTA
KHYBER PAKHTUNKHWA

AUTHORITY LETTER

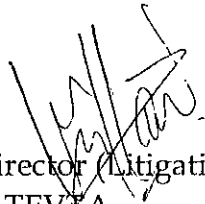
Due to My/our business in administrative responsibilities and smooth running of departmental activities of Technical & Vocational Training Authority (TEVTA), in order to facilitate the court proceedings, I/ we hereby authorized:-

Mr. Shahab-ud-Din Khattak S/O Lal Jan Khattak CNIC No. 17301-6527091-5 legal consultant of this department to perform the acts of (i) signing of affidavits on behalf of Tevta, Record Statements, Represent the department on my/our behalf before the Honorable Peshawar High Court Peshawar, in the case titled:

Muhammad Nawab S-A 1294/023

Vs

Govt of KP & Sers


Deputy Director (Litigation)
KP-TEVTA
Deputy Director (Litigation)
KP-TEVTA Head Office Peshawar