

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR.**

**Service Appeal No: 1296/2023**


Sanober Khan, Junior Clerk District Kohat ..... Appellant

**VERSUS**

Government of, Khyber Pakhtunkhwa through the Secretary Higher  
Education & others..... Respondents

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**Assistant Director (Lit: II)**  
E&SE Khyber Pakhtunkhwa,  
Peshawar.

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**JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS No: 4 & 5.**

Respectfully Sheweth,  
The Respondents as under.

**PRELIMINARY OBJECTIONS.**

- 1 **That** the Appellant has got no cause of action and locus standi to file instant appeal.
- 2 **That** the appeal is not maintainable and incompetent in the eyes of law in the present form.
- 3 **That** the appellant is estopped due to his own conduct to file this appeal.
- 4 **That** the appellant is not an aggrieved person within the meaning of Article-212 of the constitution of Islamic Republic of Pakistan 1973.
- 5 **That** the appellant has not come to this Learned Tribunal with clean hands and has also concealed material facts from the ambit of this Learned Tribunal.
- 6 **That** the appeal is bad for mis-joinder and non-joinder of necessary parties.
- 7 **That** the appeal in hand is pre mature, hence, not maintainable.
- 8 **That** the Honorable Tribunal has no jurisdiction to entertain the instant appeal in its present form and even fact & circumstances.
- 9 **That** the appeal has been mis-oriented, mis-constructed and mistakenly drawn and is incompetent in its present frame and context.
- 10 **That** the impugned order dated 15-05-2023 is legal & liable to be maintained.

**ON FACTS.**

- 1 That Para-1 pertain to the residential record of the appellant.

- 2 That Para-2 is also pertains to the service record of the appellant against the junior clerk post inducted vide order dated 16-01-2010 in the offices of the respondents No. 1 & 2.
- 3 That para-3 is correct that vide order dated 25-01-2010 the appellant was transferred & adjusted as Junior Clerk at GHS Akor Wal F.R Kohat on stop gape arrangements of being a regular employee of higher education instead of the E & SED KP Peshawar.
- 4 That Para-4 is correct to the extent of the application dated 06-12-2021 to the DEO TSD FR Kohat for his re-adjustment as Junior Clerk in his parent Department of Higher Education Department which was forwarded to the Respondent No. 4 vide letter dated 15-12-2021.
- 5 That Para-5 is has already replied in para-4 by the Respondent Department.
- 6 That Para-6 is also correct to the extent of the Notification dated 25-03-2022 of the respondent No. 5 *attached as Annex-A*.
- 7 That Para-7 pertains to the office record of the Respondents No. 1 & 2 instead of the Respondents No. 4 & 5.
- 8 That Para-8 is also pertains to the office record of the Respondents No. 1 & 2 instead of the Respondents No. 4 & 5.
- 9 That Para-9 is pertains to the office record of the Respondents No. 1 & 2 instead of the Respondents No. 4 & 5 who are in a better position to reply the instant para.
- 10 That Para-10 is pertains to the office record of the Respondents No. 1 & 2 instead of the Respondents No. 4 & 5 who are in a better position to reply the instant para.
- 11 That para 11 pertains to the office record of the Respondents No. 1-3 who are in better position to reply the instant para before this Honorable Bench.
- 12 That para 12 is incorrect as no cogent record is available in support of the plea of the appellant, hence, the appeal in hand is liable to be dismissed on the following grounds inter alia: -

### ON GROUNDS.

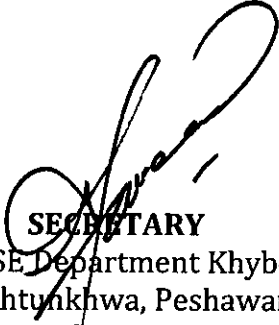
- A. Incorrect & not admitted, the appellant has been treated as per law by the respondents in the titled case.
- B. Incorrect & not admitted. The plea of the appellant is illegal & liable to be rejected.
- C. Incorrect & not admitted. Strongly denied. The Respondent Department has treated the appellant according to law, rule and policies of the Govt: in the titled case, whereas, rest of the para pertains to the record lies upon the shoulders of the appellant U/A-117 of the Qanoon-e-Shahadat order 1984.


- D. **Incorrect & not admitted.** The plea of the appellant is illegal & liable to be rejected as the act of the Department is in accordance with the provision of the Article-04 of the constitution of 1973.
- E. **Incorrect & not admitted,** The stand of the appellant is directly relates to the office record of the respondents No. 1-3 instead of the respondents No. 4 & 5 in the titled case.
- F. **Legal.** However, the Respondent also seek leave of this Honorable bench to submit additional grounds record & case law at the time of arguments on the date fixed in the titled case.

**PRAYER**

In view of the above made submission it is requested that this Tribunal may very graciously be pleased to dismiss the instant service appeal with cost in favor of the Respondents No. 4 & 5 in the interest of justice please.

Dated \_\_\_/\_\_\_/2023

  
**SECRETARY**  
E&SE Department Khyber  
Pakhtunkhwa, Peshawar.  
(Respondent No: 4)

  
**DIRECTOR**  
E&SE Department Khyber  
Pakhtunkhwa, Peshawar.  
(Respondent No: 5)

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**AFFIDAVIT**

**I, Dr. Hayat Khan Assistant Director (Litigation-II) E&SE  
Department Khyber Pakhtunkhwa, do hereby solemnly affirm & declare on  
oath that the contents of the instant para wise Comments are true & correct  
to the best of my knowledge & belief.**

**It is further stated on oath that in this appeal the answering Respondents  
have neither been placed Ex-Parte nor their defense has been struck off/cost.**

*[Handwritten Signature]*  
**Deponent**

**ATTESTE**

*[Notary Seal]*  
**Notary Public**  
*[Handwritten Signature]*  
**1296 - 2023**



NOTIFICATION.

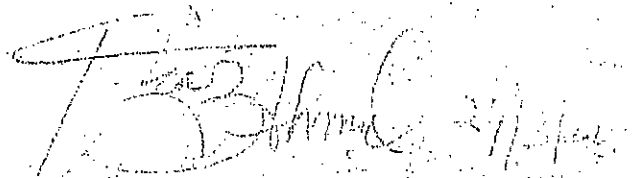
The Competent Authority is pleased to relieve Mr. Sanobar Khan (Junior Clerk GHS Shapalkiwai SD Kohat being College Cadre employee and further placed his services at the disposal of Director Higher Education Khyber Pakhtunkhwa Peshawar for adjustment against any vacant post.

Addl: Director (Estab.)  
Merged Areas Peshawar

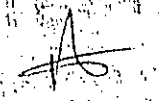
Endst: No. 3402-06 /E-4/ Local Directorate Dated 25/3 /2022.

Copy of the above is forwarded to the:-

1. Director Higher Education, Khyber Pakhtunkhwa Peshawar.
2. District Education Officer (M) Kohat w/r to his letter No. 7432 dated 15-12-2021 please.
3. Headmaster GHS Shpalkiwai TSD Darra Kohat.
4. PA to Director (E&SE) Khyber Pakhtunkhwa Peshawar.
5. PA to Addl: Director (Estab.) Merged Areas Peshawar.

  
Assistant Director (Admn.)

~~File~~  
Attended

REGISTERED  
  
ADMISSION



**DIRECTORATE ELEMENTARY & SECONDARY  
EDUCATION KHYBER PAKHTUNKHWA, PESHAWAR.**

**AUTHORITY LETTER**

I Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar do hereby authorize Mr. Mr. Tufail Assistant (Litigation) of this Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar to attend the Khyber Pakhtunkhwa Service Tribunal in connection with filing of para wise comments in Service Appeal No. 1296 / 2023 Titled Saboor Khan

  
Director

Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar.