

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

SCANNED
KPST
Peshawar

Service appeal NO. 750/2023

Khyber Pakhtunkhwa
Service Tribunal

Diary No. _____

Mst. Nighat Ara

Dated _____

VS

The Secretary E&SE, KPK, Peshawar & Others

INDEX

S.No	Documents	Annexure	Page No
1.	Para wise Comments	_____	01-03
2	Affidavit	_____	04
3	Authority letter	_____	05
2.	Copy of appeal acceptance	B	06

RESPONDENTS

Through

AUTHORIZED REPRESENTATIVE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service appeal NO. 750/2023

Mst. Nighat Ara

VS

The Secretary E&SE, KPK, Peshawar & Others

Khyber Pakhtunkhwa
Service Tribunal
7369
06/09/23

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS

RESPECTFULLY SHEWETH:

Respondent humbly submits as under.

Preliminary objections:

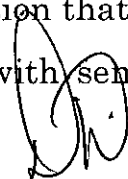
- 1) That the appellant will be promoted to SST (Bio-Chemistry) in the upcoming DPC according to ~~his~~ seniority cum fitness position subject to the availability of vacant seat.
- 2) That the appellant has no cause of action/locus standi to file the instant Service Appeal.
- 3) That the appellant is concealing material facts from this honorable court.
- 4) That the present appeal is bad for mis-joinder and non-joinder of necessary parties.
- 5) That the appellant is estopped by his own conduct to file the instant appeal.
- 6) That the instant appeal is not maintainable in its present form.
- 7) That the present appeal is badly Time barred.

ON FACTS:

- 1) That Para -01 is correct.
- 2) That Para -02 is correct to the extent that documents were asked to fill out the ~~available~~ available vacant seats through departmental promotion and accordingly the the seats were filled out.

- 3) Para -03 incorrect, the mentioned appointments are duly made under 25% of appointment quota against promotions ordered in 2021 thus 75% promotion quota has been properly maintained. Furthermore the departmental appeal of the appellant has been accepted with the terms that appellant will be considered in the upcoming DPC and will be promoted according to her seniority cum fitness position subject to the availability of seats.
- 4) Para-04 is incorrect and false appellant is malafidely making wrong statements to misguide the Honorable court as Notification dated 02-12-2022 is regarding the regularization of all the adhoc contract appointment since 2018 till 2022 there is no fresh or additional appointment therein. Similarly in notification dated 01-12-2022 the share of promotion quota was only 01 seat which was filled as mentioned so no vacant seat has been left there for promotion.
- 5) Para-05 is correct.
- 6) Para 6 is partially correct to the extent that departmental appeal of the appellant was accepted with the terms that appellant will be considered in the next DPC subject to the availability of seats and the COC of the appellant was accordingly disposed off. However rest of the Para is denied as till now no DPC has been constituted.

ON GROUNDS:

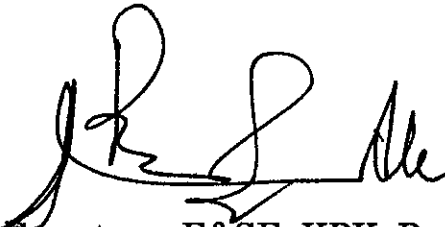
- A) Ground -A is incorrect; the appellant has just been treated according to law, rules and policy. Similarly all quotas have been duly observed.
- B) Ground -B is correct, with the explanation that according to rules all such promotions are conditioned with seniority cum fitness subject to the availability of seat. 
- C) Ground -C is correct with the explanation that preference is already given to the promotion followed by afterward appointment according to specified proportion.
- D) Ground -D is incorrect as explained above.
- E) Ground -E is incorrect as explained above.
- F) Ground -F is incorrect as explained above.
- G) Ground -G is incorrect as notification dated 15-07-2022 is related to District Mardan whereby available vacant number of seats were more, so according to SPST shares 1 person was promoted there, while in appellant's case there was only 01 seat available

for promotion upon which one CT cadre was promoted as per there 40% share.

- H) Ground _H is incorrect. Appellant will be promoted to SST (Bio-Chemistry) in the upcoming DPC according to his seniority cum fitness position subject to the availability of vacant seat.
- I) Respondents may also be permitted to raise other grounds in arguments.

It is therefore most humbly prayed that the instant appeal being meritless, vexatious, and erroneous may kindly be dismissed with cost.

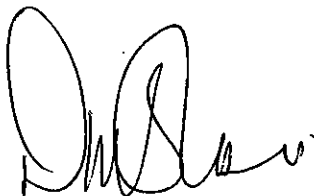
RESPONDENTS:



- 1) Secretary, E&SE, KPK, Peshawar
Respondents No.1



- 2) Director E&SE, KPK, Peshawar
Respondents No.2



- 3) District Education Officer (F), Nowshera
Respondents No.3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Service appeal NO. 750/2023

Mst. Nighat Ara

VS

The Secretary E&SE, KPK, Peshawar & Others

AFFIDAVITE

I, Sajida Bano Litigation Officer, office of The District Education Officer (F) Nowshera, do solemnly affirm and declare on oath that the contents of Par wise comments on behalf of respondents are true and correct to the best of my knowledge and nothing has been

concealed from this Honourable Tribunal.

It is further stated on oath that in this appeal the answering respondents have neither been placed Identified by *ex Party* nor their defense has been struck off

Sajida Bano
Deponent

Advocate General
Khyber Pakhtunkhwa
Peshawar

ATTESTED

[Signature]
06/09/2023

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

Service appeal NO. 750/2023

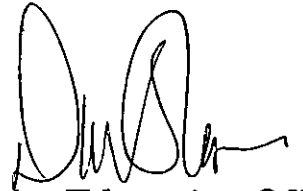
Mst. Nighat Ara

VS

Chief Secretary Govt; of KPK, Peshawar & others

Authority Letter

I, Durre Shamar District Education Officer (F), Nowshera do hereby authorise **Mst. Sajida Bano (HM, BPS-17)** in the above mentioned writ petition to represent the undersigned Before the Hon'ble Peshawar High Court Peshawar.



District Education Officer (F)

Nowshera