

(D)

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

Service Appeal No: 7400/2021

Inam Gul S/O Hamish Gul Tehsil Katlang, District, Mardan.

(Appellant)

Versus


Govt of KPK Through Secretary (Elementary and Secondary) &
Others.

(Respondents)

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Respondent


District Education Officer
(Male) Mardan

②

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

Service Appeal No: 7400/2021

Khy. Serv. Tribunal
Service Tribunal

Entry No. 7389

Date: 07/09/23

Inam Gul S/O Hamish Gul Tehsil Katlang, District, Mardan.

(Appellant)

Versus

Govt of KPK Through Secretary (Elementary and Secondary) &
Others.

(Respondents)

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS No: 1 to 3.

Respectfully Sheweth,

PRELIMINARY OBJECTIONS :

- 1 That the Appellant has got no cause of action/locus standai to file the instant appeal before this Honorable Tribunal.
- 2 That the appellant has concealed material facts from this Honorable Tribunal in the titled appeal.
- 3 That the Appellant has not come to this Honorable Tribunal with clean hands.
- 4 That the case is bad for miss-joinder and non-joinder of the necessary parties.
- 5 That the appeal is time barred by law of limitation Act.

ON FACT:

1. Para No 1 is correct.
2. Para No 2 is correct.
3. Para No 3 is correct.
4. Para No 4 is correct.
5. Para No 5 is correct.
6. Para No 6 is correct.
7. Para No 7 is correct.
8. Para No 8 is correct.
9. Para No 9 is correct.
10. Para No 10 is correct.
11. Para No 11 is correct.
12. **Incorrect & not admitted.** As the departmental appeal is badly Time barred.
13. **Incorrect & not admitted.** As the seniority of the appellant has reckoned from the date of Training PST course and the appellant passed PTC Training 02-04-1992. The appellant has promoted from PST-(BPS-7 to BPS-9) and later

on, the appellant has promoted (BPS-12). The respondent issued promotion order of the appellant from SPST (BPS-14) to PSHT (BPS-15) as per the instant seniority List, which is accepted by the appellant and the appellant mentioned in his service appeal from Para No 1 to Para No 10 which is admitted facts, hence denied.

14. Incorrect & not admitted. As the appellant passed PTC Training 02/04/1992, and the seniority of the appellant has reckoned from the date of passing PST Training course. The appellant is at serial No 415 in the seniority List and all the teachers seniority is reckoned from the date of passing their professional /occupational training, and all the teachers placed in the seniority list from the date of passing their PST training, hence denied.

(Copy of Seniority list is as Annexure A)

15. Incorrect & not admitted. As each and every cases have their own merits and circumstances, and every teachers have placed in the seniority list as per their passing date of PTC Training, hence denied.

16. Incorrect & not admitted. The plea of the appellant is Time barred & illegal.

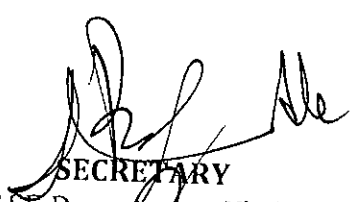
GROUNDS:


- A. Incorrect & not admitted. As the appellant considered his right Seniority No 415 in the seniority list like other teachers, and it is not against the service rules, and is not unconstitutional act of the respondent. It is legal, lawful and is not liable to be set aside, hence denied.
- B. Incorrect & not admitted. As The appellant has promoted from PST-(BPS-7 to BPS-9) and later on, the appellant has promoted (BPS-12). The respondent issued promotion order of the appellant from SPST(BPS-14) to PSHT(BPS-15) as per the instant seniority List, which is accepted by the appellant and the appellant mentioned in his service appeal from Para No 1 to Para No 10 which is admitted facts, hence denied.
- C. Incorrect & not admitted. As the act of the respondent is not violation of law and Service rules, the respondent treated the appellant just like treated other teachers, hence denied.
- D. Incorrect & not admitted. As the treatment of the respondent is not violation of Art 4 & 25 of the constitution 1973, hence denied.
- E. Incorrect & not admitted. As the respondent has not adopted pick and choose policy. The respondent followed rules regulation for every teachers, hence denied.
- F. Incorrect & not admitted. Reply as Above Para.

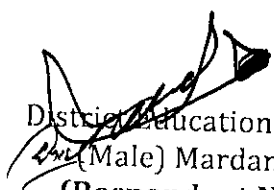
G. Incorrect & not admitted. As the respondent has not done negligence and the act of the respondent is not malafide intention, hence denied.

Therefore, the Respondent also seeks leave to this Honorable Tribunal to submit additional grounds record & case law at the time of arguments.

Therefore, in view of the above made submissions, it is most humbly prayed that on the acceptance of this reply, the appeal in hand may kindly be dismissed in favor of the Respondent Department in the interest of justice.


SECRETARY
E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondents No: 1)


DIRECTOR
E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondent No: 2)


District Education officer
(Male) Mardan
(Respondent No: 3)

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

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Inam Gul S/O Hamish Gul Tehsil Katlang, District, Mardan.

(Appellant)

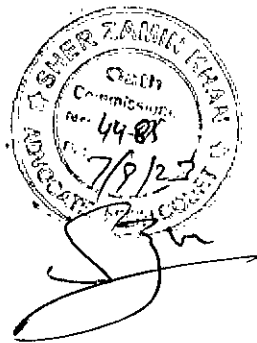
Versus

Govt of KPK Through Secretary (Elementary and Secondary) & Others.

(Respondents)

AFFIDAVIT

I, Mr. Sajid Khan Legal Representative Education Department Mardan do hereby solemnly affirm and declare that the contents of Joint Para Wise Comments submitted by Respondents No 1 to 3 are true to the best of my knowledge and belief and nothing has been concealed from this Honorable Service Tribunal. 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.



Deponent

Sajid Khan
Sajid Khan

16101-6005318-5



**OFFICE OF THE
DISTRICT EDUCATION OFFICER
(MALE) MARDAN**



KPESD
Khyber Pakhtunkhwa Elementary &
Secondary Education Department


☎ & 📠 0937-933151. 📧 deomalemardan@gmail.com

No: _____/

Dated: ____/____/2023

AUTHORITY LETTER

I, District Education Officer (Male) Mardan do hereby authorize Mr. Sajid Khan, Legal Representative of District Education Officer Male of District Education Office (Male) Mardan to deal with the issues regarding litigation and to represent & attend the Honorable Service Tribunal regarding litigation.


**DISTRICT EDUCATION OFFICER
(MALE) MARDAN**

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MARDAN

Final Tentative seniority List of Male PSTs/SPSTs/PSHTs District Mardan 2022-23

Seniority	NAME	FATHER NAME	BPS	Medium	Professional Qualification	D.O. Birth	D.O. Appointment	D.O. report as per	Name of School	B.Sc Subject	BA/ B.Sc Div	D/O Regularization	Remarks by scrutiny Committee
1	HAKEEM SHAH	AWAL SHAH	15	MA	PTC, CT	01/04/1963	03/10/1982	03/10/1982	GPS Kalo (LK)				
2	SHAUKAT ALI	MEHAR DIL KHAN	15	FA	PTC	01/04/1963	03/10/1982	03/10/1982	GPS No.1 Bala Garhi				
3	GUL SHER	ABDUL GHAFUOR	15	FA	PTC	15/01/1964	03/10/1982	03/10/1982	GPS Serf Banda Rustam				
4	FARMAN ULLAH	HAZRAT UMAR	15	FA	PTC, CT	03/08/1964	03/10/1982	03/10/1982	GPS Laldai				
5	MUHAMMAD ISRAR	MIR GHULAM	15	FA	PTC	18/02/1965	03/10/1982	03/10/1982	GPS No.2 K.D Zai				
6	SYED BAKHTIAR AHMAD	SHAMSUL HADI	15	FA	PTC	01/04/1963	03/10/1982	09/10/1982	GPS Madad Khan Banda Katlang				
7	MUHAMMAD SABIR	JAMSHED	13	SSC	PTC	24/08/1964	01/12/1982	01/12/1982	GPS No.1 koragh				retired
8	RIAZ AHMAD	ABDUL HAYYE	15	MA	CT	14/03/1965	09/10/1983	09/10/1983	GPS Sadiq Abad T.BHAI			Untrained	Untrained
9	AHMAD DIN	MOHAYAD DIN	15	BA	CT, B.Ed	19/03/1965	09/10/1983	09/10/1983	GPS Shamoza No1 Katlang				
10	SHER ZAMAN	ASAL DIN	15	BA	CT	07/04/1965	09/10/1983	09/10/1983	GPS Shikri Baba				
11	AMIN ULLAH	SEFAT KHAN	15	FA	CT	08/08/1962	09/10/1983	01/11/1983	GPS Mela Masjid				
12	FARMAN ULLAH	HAZRAT ULLAH	15	FA	PTC, CT	08/02/1963	09/10/1983	01/11/1983	GPS Farman Ullah Koroona(LK)				retired
13	KHURSHID AHMAD	RASOOL SHAH	15	BA	CT	06/03/1963	09/10/1983	01/11/1983	GPS Spelano Dheri				retired
14	ABDUR RAHMAN	RAHMAT ULLAH	13	SSC	PTC	14/03/1963	09/10/1983	01/11/1983	GPS Zoor Abad Rustam				retired
15	ABDUL QADIR	HAKIM KHAN	15	FA	PTC, CT	01/04/1963	09/10/1983	01/11/1983	GPS salim khan				retired
16	KHALIQ DAD	JUMA GUL	15	MA	CT	12/04/1963	09/10/1983	01/11/1983	GPS Mian Essa (LK)				retired
17	DAULAT SHAH	RASOOL SHAH	13	SSC	PTC	15/05/1964	09/10/1983	01/11/1983	GPS Zoor Abad Rustam				retired
18	IHSAN ULLAH	KHALIL-UR-RAHMAN	15	FA	PTC, CT	09/09/1964	09/10/1983	01/11/1983	GPS Jamal Abad (LK)				
19	IMTIAZ ALI SHAH	KHITAB GUL	15	FA	PTC, CT	17/4/1965	09/10/1983	01/11/1983	GPS No2 G.D.Zai				
20	RESHAD ALI	GHULAM ALI	15	FA	PTC, CT	05/05/1965	09/10/1983	01/11/1983	GPS Narshak				
21	AMJID ALI	LAL SHARAF	13	SSC	PTC	02/07/1965	20/10/1983	01/11/1983	GPS No.1 Takkar				
22	HADI MUHAMMAD	KHAN MUHAMMAD	15	BA	CT	01/02/1966	10/3/1984	1/13/1985	GPS Akram Abad				
23	SHERIN ZADA	NOOR ZADA	15	FA	PTC	10/07/1966	03/10/1984	13/01/1985	GPS NO.1 NOOR BADSHAH BANDA				
24	JEHAN ZEB	KHITAB NOOR	13	SSC	PTC	15/02/1963	03/10/1984	15/01/1985	GPS Sangao No.1				
25	TAJ MUHAMMAD	TOR MUHAMMAD	15	FA	PTC	12/02/1964	08/10/1984	15/01/1985	GPS No.2 Baghdada				retired
26	MUHAJER ULLAH	MUSAFAR	15	FA	PTC	15/04/1964	03/10/1984	15/01/1985	GPS Zoor Abad Rustam				
27	AKBAR ALI	NOOR ALI	15	FA	PTC	01/01/1965	03/10/1984	15/01/1985	GPS Feroz Banda takkar				
28	ZAHIR MUHAMMAD	GHULAM MUHAMMAD	15	BA	CT	10/01/1965	30/04/1984	15/01/1985	GPS Sher Abad Jungara				
29	MUHAMMAD DIYAR	ABDUL JABAR KHAN	15	FA	PTC	03/02/1965	03/10/1984	15/01/1985	GPS Toru				
30	JUMA KHAN	AHMAD	15	FA	PTC	15/03/1965	03/10/1984	15/01/1985	GPS No1 Baro Banda				
31	AYUB KHAN	KHAIR GUL	15	FA	PTC, CT	13/04/1965	03/10/1984	15/01/1985	GPS Matha Dherakai Katlang				
32	ANWAR KHAN	ZAIN-UL-ABIDIN	15	BA	PTC	15/06/1965	03/10/1984	15/01/1985	GPS Samarqand				
33	PERVEZ KHAN	HALEEM SHAH	15	BA	CT, PTC	19/08/1965	03/10/1984	15/01/1985	GPS Shuja Abad (LK)				

TESTED

[Signature]
District Education Officer
(Male) Mardan

Annexure A - 7

Final Tentative seniority List of Male PSTs/SPSTs/PSHTs District Mardan 2022-23

Sl. No.	NAME	FATHER NAME	Age	Academic Qual.	Professional Qualification	D.O. Birth	D.O. 1st Appointment	D.O. appt as pst	Name of School	B.Sc Subject	BA/ B.Sc Div	D/O Regularization	Remarks by scrutiny Committee
396	GUL RAHMAN	ABDUR RAHMAN	13	FA	PTC	28/04/1966	19/11/1987	02/04/1992	GPS Amwar Khan Killi				
397	JEHANGIR KHAN	ABBAS KHAN	15	MA	CT, B.Ed	01/01/1967	04/03/1988	02/04/1992	GPS SAZDIN KILLI		2nd		
398	MUHAMMAD JAMIL	SAMI UR RAHMAN	15	FA	PTC	01/01/1967	16/05/1987	02/04/1992	GPS Mured Abad Gumbat				
399	MUHAMMAD ZUBAIR	FAZU KARIM	13	SSC	PTC	03/01/1967	19/11/1987	02/04/1992	GPS No.1, Takht Bhal				
400	ASHRAF ALI	KHAIR ULAH JAN	14	BA	CT	04/01/1967	10/05/1988	02/04/1992	GPS Musafar Khan Killi (LK)				
401	MUHAMMAD ZAHIR SHAH	HAJI ZIARAT GUL	15	FA	CT, PTC	03/03/1967	12/16/1987	4/2/1992	GPS No.2 Takht Bhal				
402	ABDUR RAHIM	GRAN KHAN	15	MA	CT	31/03/1967	11/11/1987	4/2/1992	GPS Hafid Banda T. Bhal				
403	SIRAJ ALI	NAZIF ULLAH	14	FA	PTC	15/08/1967	10/01/1988	02/04/1992	GPS Chak Baghdada				
404	AMIN UL HAQ	AMIR HUSSAIN	14	BA	PTC	04/02/1968	30/03/1988	02/04/1992	GPS Hattan				
405	TAJ MUHAMMAD	NAWAB GUL	15	FA	PTC	15/02/1968	30/03/1988	02/04/1992	GPS Qasmi				
406	AKBAR SAID	NOOR SAID	15	FA	PTC, CT	15/03/1968	02/05/1988	02/04/1992	GPS No.2 Sangao Katlang				
407	GUL BAHADAR	SHER BAHADR	15	FA	PTC	20/03/1968	01/11/1987	02/04/1992	GPS Habib Dad				
408	GULAB SHAH	KHADIM SHAH	15	FA	PTC	10/04/1968	19/11/1987	02/04/1992	GPS AFZAL ABAD NO.2				
409	HAZRAT KARIM	ABDUL KARIM	15	MA	CT, B.Ed	28/04/1968	25/05/1988	02/04/1992	GPS No.3 Dheri		3rd		
410	MUHAMMAD ARIF	MUHAMMAD SALIM	14	FA	PTC	05/05/1968	14/01/1988	02/04/1992	GPS Faqirban Baghdada				
411	RIAZ UR RAHMAN	SHAD MUHAMMAD	15	MA	CT	06/06/1968	26/05/1988	02/04/1992	GPS Khan Abad Mayar				
412	ISRAR UN NABI	SIRAJ UN NABI	15	FA	PTC	09/09/1968	10/01/1988	02/04/1992	GPS Khana Kote Bala Garhi				
413	MUKHTIAR ALI	AFRIDI	14	BA	CT	25/03/1969	29/02/1988	02/04/1992	GPS Kandar No.2 Sharqi				
414	UMAR FAROOQ	KHITAB GUL	15	BA	CT, B.Ed	01/04/1969	30/03/1988	02/04/1992	GPS No.2 Gumbat		2nd		
415	INAM GUL	HAMISH GUL	15	MA	B.Ed	05/01/1970	10/12/1987	02/04/1992	GPS Qasmi		2nd		
416	MUHAMMAD HAROON	FAZALI HAQQANI	15	FA	PTC	15/03/1970	30/03/1988	02/04/1992	GPS Aaratoona Shamozal				
417	MUHAMMAD JEHANGIR KHAN	HAJI WARIS KHAN	15	MA	PTC	20/03/1970	01/12/1987	02/04/1992	GPS Ghano Dheri (LK)		2nd		
418	MASAL KHAN	FAZAL KHAN	15	FA	PTC	27/08/1970	19/10/1988	15/04/1992	GPS NO.1 JALALA				
419	SARDAR ALI	SHER ASLAM	15	FA	PTC	13/03/1965	30/04/1992	30/04/1992	GPS No.1 Shamshad Abad				
420	SHAFIULLAH	ABDUR RAUF	15	BA	CT, B.Ed	10/04/1965	30/04/1992	30/04/1992	GPS Police Line		2nd		
421	MUKARAM SHAH	FAZAL QADOOS	15	BA	PTC	30/03/1966	30/04/1992	30/04/1992	GPS PALOSAI GADDAR				
422	MUHAMMAD ZAHID	ABDUL QADIR	15	BA	CT, B.ed	02/04/1966	30/04/1992	30/04/1992	GPS Bahadar Khan Kote				

ATTESTED

[Signature]
District Education Officer
(Male) Mardan

Final Tentative seniority List of Male PSTs/SPSTs/PSHTs District Mardan 2022-23

Seniority No	Name	FATHER NAME	BPS	Academic Qual.	Professional Qualification	D.O. Birth	D-O Ist Appointment	D-O 2nd Appointment	Name of School	B-Sc Subject	BA/B.Sc	D/O Regularization	Remarks by scrutiny Committee
2969	MUHAMMAD WAQAS KHAN	MASOOD KHAN	12	B.Tech	ADE	09/04/1993	04/09/2019	04/09/2019	GPS No.2 Fazal Abad				Deceased Son
2970	MUHAMMAD HARCUN	HABIB UR RAHMAN	12	BS English		02/03/1989	05/09/2019	05/09/2019	GPS Kula Dher	Bs eng	1st		Deceased Son
2971	AJMEER SHAH	NOORAN SAID	12	BA	B.ED	13/03/1976	21/11/2005	26/09/2019	GPS HUSAI SAID ABAD				Inter District Transfer
2972	USMAN ALI BABAR	NOSHERWAN	12	BA	PTC	10/04/1982	05/03/2016	06/08/2020	GPS Tariq Abad				Inter District Transfer
2973	TAJ MUHAMMAD	FAZLI GHANI	12	MA	B.Ed	12/01/1975	03/08/2016	01/09/2020	GPS Mazdoor Abad				Inter District Transfer
2974	SHAFIQ UR RAHMAN	ABDUR RAHMAN	12	MA	PTC	01/03/1973	29/03/2007	04/09/2020	GPS fazli akbar koroona				Inter District Transfer
2975	ZAHIR SHAH	TURSAM	12	MA	PTC	06/04/1984	03/05/2017	10/09/2020	GPS MIANGANO CHAM				Inter District Transfer
2976	AJMEER SHAH	NORAAN SAID	12	BA	B.ed	13/03/1976	21/11/2005	26/09/2020	GPS Hussai Said Abad				Inter District Transfer
2977	MUHAMMAD TAHIR	MUHAMMAD RAZIQ	12	MA	CT, PTC	06/02/1988	05/03/2016	01/10/2020	GPS Sarobi Katlang				Inter District Transfer
2978	FAZL UR RAHMAN	FAZLI KHALIQ	12	M.PHIL	B.ED	07/04/1990	19/10/2020	19/10/2020	GPS Tambulak				Deceased Son
2979	AMIR SOHAIL	PERVEZ KHAN	12	M.SC Bbot		05/04/1994	23/10/2020	23/10/2020	GPS Jamal Abad				Deceased Son
2980	MUHAMMAD WISAL KHAN	HAKEEM KHAN	12	BA		01/03/1998	11/11/2020	11/11/2020	GPS Ashraf ud din killi				Deceased Son
2981	MUHAMMAD KASHIF	KHALIFAT UL MUSLIMEEN	12	BA		25/05/1999	12/11/2020	12/11/2020	GPS Fazli Abad No.2				Deceased Son
2982	WISAL SHAH	FEROZ SHAH	12	B.Sc	M.Ped, DAE	05/03/1988	16/11/2020	16/11/2020	GPS Hashnaghro Killi				Deceased Son
2983	MUHAMMAD FAWAD KHAN	MUHAMMAD JAN	12	BA		10/04/1997	18/11/2020	18/11/2020	GPS faras kali				Deceased Son
2984	SHER MUHAMMAD	HASSAN BAIG	12	BA		01/04/1995	26/11/2020	26/11/2020	GPS Shago Wand				Deceased Son
2985	IAWAD UL HAQ	AMIN UL HAQ	12	M.Sc	PTC	15/03/1994	18/12/2020	13/12/2020	GPS Ashraf ud din killi				Deceased Son
2986	NOMAN ZEB	AURANGZEB	12	B.Sc		21/08/1994	07/01/2021	07/01/2021	GPS ShahdAND No.1 LK				Deceased Son
2987	MUHAMMAD UMAR	FAZAL MANAN	12	BS (Chem)		02/02/1997	24/02/2021	24/02/2021	GPS Hoti Mardan	BS Chem	1ST		
2988	WAQAS AHMAD	SHER AMAN	12	B.Sc		01/04/1998	08/03/2021	08/03/2021	GPS Garkool Bhai Khan		2nd		Deceased Son
2989	SYED MUHAMMAD HASEEB	SYED MUHAMMAD AYUB	12	BS CHEM	ADE	30/04/1994	27/03/2021	27/03/2021	GPS NODEH	BS Chem	2nd		Deceased Son
2990	MIR ZAHID	ABDUR RAB	12	MA	PTC, B.Ed	01/03/1992	30/03/2021	30/03/2021	GPS CHAIL BANDA				Deceased Son
2991	BURHAN ALI	ALI AKBAR	12	b.s.c		25/03/1997	08/05/2021	08/05/2021	GPS Bakhtiar Killi				Deceased Son
2992	MUBASSIR SHAH	SAFDAR SHAH	12	MA	B.ED, CT, DM	01/05/1994	08/06/2021	08/06/2021	GPS No.1 Nistri Abad				Deceased Son
2993	ROMAIL ALAM	AMIR ALAM	12	BA		09/11/1994	31/07/2021	31/07/2021	GPS Ashraf ud din killi				Deceased Son
2994	ASAD AU	SANOBAR KHAN	12	BS ZDO		17/04/1998	31/07/2021	31/07/2021	GPS No.1 Manga				Deceased Son
2995	DAIM KHAN	WAKEEL KHAN	12	MA	B.ED	06/01/1977	16/08/2021	16/08/2021	GPS SALAK				Inter District Transfer
2996	MUHAMMAD FAISAL NAUMAN	NAUMAN GUL	12	B.Com		25/02/1997	06/11/2021	06/11/2021	GPS Jamra Takht Bhai				Deceased Son

TESTED
 District Education Officer
 (Male) Mardan