

Before the Khyber Pakhtunkhwa service tribunal
Peshawar

Service Appeal No. 816/2023

Mst. Musarat Naheed

vs

Secretary (E&SED) KPK & others

6710

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District Education Officer
(Female) Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 816/2023

Mst. Musarat Naheed

vs

Secretary (E&SED) KPK & others

Reply On Behalf Of Respondent No 1-3

Respectfully Sheweth:-

The Respondents submits as under:-

City: Peshawar
Diary No. 7420
Dated: 11/09/23

Preliminary Objection

1. That the appellant has got no cause of action / local standi.
2. That the appellant has concealed material facts from this Hon'ble tribunal.
3. That the appellant has been estopped by his own conduct to file the instant appeal before this Hon'ble tribunal.
4. That the instant appeal is badly time barred.
5. That the instant appeal is not maintainable in the present form.
6. That the instant appeal is bad for mis-joinder and non-joinder of the necessary parties.
7. That the appellant appeal is barred by Law.

Reply on facts:

1. That reply to para no. 1 is correct to the extent that the appellant services were deputed on the request of the appellant to Govt. Of Panjab Education Directorate for the period of 3 years but after the expiration of the said period she did not joined her duty nor submitted any arrival report as per rules.
2. That in reply to para no. 2 " it is submitted that on the request of the appellant the respondent department issued NOC for the period of 3 years while rest of the para is not concerned to the respondents.
3. That reply to Para No. 3 has already been given in the above para.
4. That after the expiry of the NOC Period, the appellant neither joined her duty nor apply for extension of NOC through the respondent department.
5. That reply to Para No.5 it is submitted with humble submission she may be asked how can the appellant performed her duty in other province without extension of NOC of her parent province?
6. That reply to Para No.6 has already been given in para above para no 5.
7. That after the expiry of 3 years Deputation period dated 18-01-2012, the appellant neither resume her duty nor got NOC from Secretary E&SED Khyber Pakhtunkhwa Peshawar furthermore the Headmistress of GGHS Kalu Kalan Hazro Attock Panjab also mentioned the deputation period of 3 years from 18-09-2009 to 17-02-2012. Reliving chit has already Anexed as annexure H of the main appeal on page No. 13.
8. That it is submitted that a question raised that how can she performed her duty in other province without further extension of deputation period / NOC.

9. That Para No. 9 pertains to record.
10. That the appellant has no cause of action to file the instant appeal in this Hon'ble Tribunal.

Reply on Ground:

- A. That Ground A is incorrect misleading and against the facts. The appellant was willful absent of her duty. It is incorrect, misleading and against the facts while the said article is implement on the case of the appellant.
B. That Ground B is also incorrect. The detail reply has been given in the above para.
C. That the Ground C is also incorrect.
D. That the Ground D is incorrect, misleading and against the facts. Detail reply has been given in the above Para.
E. That the Ground E is also incorrect, misleading and against the facts.
F. That the Respondent Department also seeks permission to advance other grounds and proof at the time of arguments.

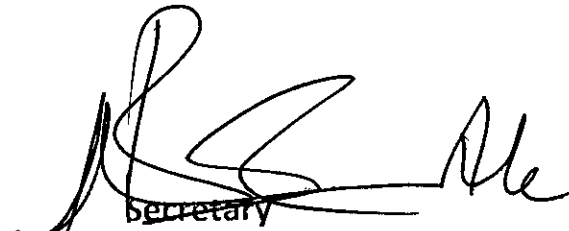
It is, therefore, most humbly prayed that on acceptance of this reply, the appeal in hand may kindly be dismissed with cast.



Director
E&SED Khyber Pakhtunkhwa
Peshawar.



District Education Officer
(Female) Peshawar



Secretary
E&SED Khyber Pakhtunkhwa
Peshawar.

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TRIBUNAL PESHAWAR

Service Appeal No. 816 / 2023

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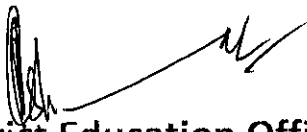
REPLY ON BEHALF OF RESPONDENT NO. 1, 2 & 3

AFFIDAVIT

It is solemnly affirmed and declare on oath that the contents of this para wise comments on behalf of DEO (Female) Peshawar are correct to the best of my knowledge and that nothing has been concealed from this Hon'ble Tribunal.

Proffer states that in this appeal answering the Respondent's counter Pleas as party now was the de-facto Street off Road.





District Education Officer
(Female) Peshawar



OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) PESHAWAR

AUTHORITY LETTER

It is certified that Mr. Arshad Ali ADEO Litigation officer of the District Education office (Female) Peshawar is hereby authorized to attend the Hon'ble Service Tribunal Peshawar Khyber Pakhtunkhwa on my behalf.


District Education Officer
(Female) Peshawar