

BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR

Mr. Wazir Khan
Service Appeal No. 86/2023

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 7733

Dated 21/11/20 **Appellant**

Secretary to Govt. of Khyber Pakhtunkhwa Finance Department and
others.

Respondents

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BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

Service Appeal No.86/2023

Wazir Khan

Ex-Cook Police Training Center College Hangu

Petitioner

VERSUS

Secretary, Finance Department Govt. of Khyber Pakhtunkhwa & others.

Respondent

PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO.4

Respectfully Sheweth: - that the respondents submitted as under:

Preliminary Objections:

1. That the petitioner has got no cause of action/locus standi to file the instant petition.
2. That the petitioner has not come to this court with clean hands. Hence, disentitled to any relief whatsoever.
3. That no discrimination/injustice has been done to anyone.
4. That the petitioner is estopped by the conduct to file the instant petition.
5. That the petition is not based on facts and is unjustified.
6. That the petitioner is legally bound to disclose the real facts before the court.
7. That the petition has been filed to entangle the department into unnecessarily litigation and to waste the precious time of the Honorable Court.
8. That the petition is bad for miss-joinder and non-joinder of the necessary parties.
9. That the appeal is barred by law and limitation.

Respectively Sheweth,

FACTS

1. Pertains to record.
2. Pertains to record.
3. Correct. He absented himself from official duties without prior permission of higher-ups w.e. from 30.06.2008 to 08.10.2009. Departmental proceeding were initiated against him and after fulfilment of all codal formalities, penalty of Removal from Service was imposed upon the appellant as per rules/policy on 19.10.2009.
4. That the appellant filed Service Appeal No.816 before Khyber Pakhtunkhwa Service Tribunal which was dismissed vide judgment dated 10.05.2016 being devoid of merit
5. The appellant filed CP No.432-P/2016 before the Supreme Court of Pakistan which was disposed off with the direction that the appellant will submit application to the department for consideration to grant him Compassionate Allowance.
6. Correct to the extent that as per Section-19(3) of Khyber Pakhtunkhwa Civil Servant Act-1973 "*No pension shall be admissible to a civil servant who is dismissed or removed from service for reasons of discipline, but Government may sanction compassionate allowance to such a civil servant, not exceeding two third of the pension or gratuity which would have been admissible to him had he been invalidated from service on the date of such dismissal or removal*".
7. The appellant submitted application to the respondent No.2 for grant of Compassionate Allowance. The same was duly processed and submitted to the Inspector General of Police, Khyber Pakhtunkhwa for disposal. But the same was regretted being not covered under the rules.
8. Correct to the extent that the case of the petitioner for grant of compassionate allowance was processed/considered in Finance Department (Respondent No.4) but the same was regretted (Annex-I).

9. Pertains to record.
10. Incorrect.
11. No comments as pertains to record.

GROUND:

- A. Incorrect the respondent No.1, 2 & 3 has treated the appellant in accordance with law and rules and have not violated the Constitution of Pakistan, 1973.
B. The said order is not issued by the respondent No.1,2 & 3.
C. Pertains to record.
D. Pertains to record.
E. Pertains to record.
F. Pertains to record.
G. Pertains to record.
H. That the respondents also seek permission to raise further points at the time of arguments.

PRAYER:

In view of the above, it is requested that instant case being devoid of merit may kindly be dismissed, please.


Secretary Finance Department
(Respondent No.04)

**BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR**

**Mr. Wazir Khan
Service Appeal No. 86/2023**

Versus

Secretary to Govt. of Khyber Pakhtunkhwa Finance Department and others.

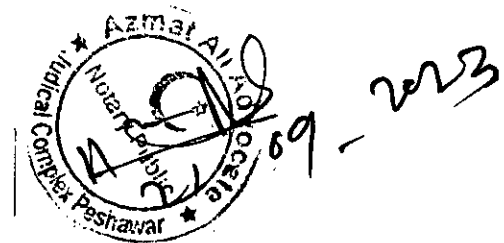
**Reply /Parawise Comments on Behalf of Secretary Finance Govt. of
Khyber Pakhtunkhwa Respondent No.04.**

AFFIDAVIT

I, Hashmatullah Superintendent, Govt.of Khyber Pakhtunkhwa Finance Department do hereby solemnly affirm and declare on oath that the contents of Application in Service Appeal No.86/2023 on behalf of Secretary to Govt. of Khyber Pakhtunkhwa Finance Department is true and correct to the best of my knowledge and belief and that nothing has been concealed from the Honourable Tribunal.The case is still subjudice in the court of law.

Hashmatullah
Deponent

ATTESTED





GOVERNMENT OF KHYBER PAKHTUNKHWA FINANCE DEPARTMENT

Finance Department Civil Secretariat Peshawar

<http://www.finance.gkp.pk>

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NO.SOSR-II/FD/1-14/2022/Wazir Khan

Dated Peshawar the 21.10.2022

To

The Secretary to Govt. of Khyber Pakhtunkhwa,
Home & Tribal Affair Department.

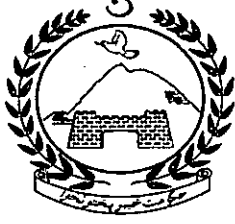
Subject:- REQUEST FOR SPECIAL COMPENSATION.

Dear Sir,

I am directed to refer to your letter No.SO(Budget)/HD/1-1/2023/Vol-I dated 15.08.2022 on the subject noted above and to state that the instant case does not qualify to accord sanction of Compassionate Allowance in respect of Mr.Wazir Khan, hence regretted.

Yours faithfully,

SECTION OFFICER (SR.II)




**GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT.**

**MOST IMMEDIATE
COURT MATTER**

AUTHORITY LETTER.

Mr. Hashmatullah Superintendent (Litigation-II) Section, Finance Department is authorized to attend the Service Tribunal Khyber Pakhtunkhwa Peshawar, Service Appeal No.86/2023 in case titled Wazir Khan versus Government of Khyber Pakhtunkhwa on behalf of Secretary Finance Government of Khyber Pakhtunkhwa.


Secretary to Government Khyber Pakhtunkhwa
Finance Department