

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

Service Appeal No. 7640/2021

Hayder Husain s/o Muhammad Hussain PSHT BPS-15, GPS KOT, District Upper Chitral.  
Appellant

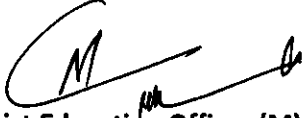
**VERSUS**

1. Secretary Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
3. District Education Officer Male Chitral Upper.

Respondents

**Index:**

S.No	Description	Annexure	Page
1	Para wise comments		1-3
2	Affidavit		4
3	Authority Letter		5
4	Retirement sanction dated 03-01-2023	"A"	6

  
District Education Officer (M)  
Chitral Upper  
Respondent No.3

①

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

Service Appeal No. 7640/2021

Hayder Husain s/o Muhammad Hussain PSHT BPS-15, GPS KOT, District Upper Chitral.  
Appellant

**VERSUS**

1. Secretary Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
3. District Education Officer Male Chitral Upper.

Respondents

**PARA WISE COMMENTS ON BEHALF OF THE RESPONDENTS NO.1 to 3.**

**Respectfully Sheweth:-**

**Preliminary Objections:-**

1. That the Appellant has got no cause of action to file the instant appeal.
2. That The Appellant has concealed material facts from the honorable Tribunal.
3. That the Appellant has es-stopped due to her own conduct to file the present appeal.
4. That the Appellant has got no locus standi to file the appeal.
5. That the instant appeal is not maintainable in present form.
6. That the appeal is liable to be dismissed for mis-joinder of unnecessary and non-joinder of necessary parties.
7. That on attaining the age of superannuation, the appellant has been retired as Certified Teacher BPS-15, vide retirement sanction dated 03-01-2023.

Khyber Pakhtunkhwa  
Service Tribunal

Dir

Date

7977

29/09/23

## **ON FACTS**

1. Para -1 of the facts is correct that the appellant was appointed as PST untrained as well as temporary basis vide order dated 10-11-1988.
2. Para -2 of the facts is also correct that the appellant was appointed as untrained PST vide order dated 10-11-1988, and later on after getting the required training of PST, he was regularized/ confirmed in the year 1992.
3. Para -3 of the facts is incorrect, hence denied and further stated that after conformation, the appellant requested for the yearly increments which has been granted. However, to the extent of the seniority he has been placed in the seniority list w.e.f his confirmation, and on the basis of such seniority he has been promoted to next high cadre as per policies, however, to the extent of the claim of the appellant for seniority for the period between 1988 and 1992, he is not entitled as he was not regular employee at that time. furthermore, on reaching to the age of superannuation, the appellant has been retired as Certified Teacher BPS-15 vide retirement sanctioned dated 03-01-2023 W.E.F 31-01-2023. (Copy of the retirement sanction is attached as" A").
4. Para-4 of the facts is in correct, hence denied. In fact, incremental benefits have been granted to the appellant, while he is not entitled for seniority between 1988- to 1992 as in that tenure he was untrained teacher.

## **GROUNDS**

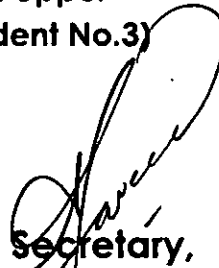
- A.** Para "A" of the grounds is incorrect hence denied and further stated that respondent department always follows rules and policies in letter and spirit. the appellant is not entitled for seniority of his untrained tenure.
- B.** Para "B" of the grounds is incorrect hence denied. Details have been submitted in the facts above.

- C. Para "C" of the grounds is incorrect hence denied. The appellant is not entitled for nay back benefits of his untrained period.
- D. Para "D" of the grounds is incorrect hence denied. Details have been submitted in the facts above.
- E. Para "E" is incorrect, and further stated that the appellant is not entitled for any other benefits or seniority, thus claim/objection of the appellant is rejected.
- F. Para "F" needs no comments.
- G. Para "H" of the grounds is incorrect hence denied. Details have been submitted in the facts above.
- H. Legal, however the respondent also seeks permission for additional Grounds during arguments.

It is, therefore, humbly prayed that on acceptance of the above submission, the instant service appeal may very graciously be dismissed in favor of the answering respondents with cost.



District Education Officer (M)  
Chitral Upper  
(Respondent No.3)



Secretary,  
Elementary & Secondary Education Peshawar  
Respondent No.1



Director,  
Elementary & Secondary Education Peshawar  
Respondent No.2

4

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

Service Appeal No. 7640/2021

Hayder Husain s/o Muhammad Hussain PSHT BPS-15, GPS KOT, District Upper Chitral.  
Appellant

**VERSUS**

1. Secretary Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
3. District Education Officer Male Chitral Upper.

Respondents

**AFFIDAVIT.**

I, Rahmat Ali, ADEO O/O the DEO MALE Chitral Upper, do hereby solemnly affirm and state on oath that the whole contents of this comment are true and correct to the best of my knowledge and belief and nothing has been concealed from this August court.

  
Deponent

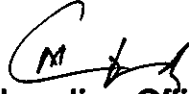
## **AUTHORITY LETTER**

Mr. Rahmat Ali, ADEO O/O the DEO MALE Chitral Upper, is hereby authorized for submitting of comments

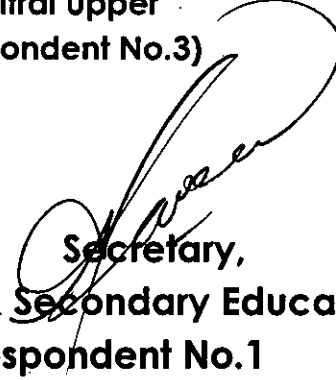
In

Service Appeal No. 7640/2021,

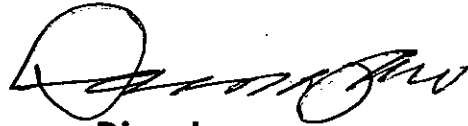
Titled, Hyder Hussain Vs Government of KP and others, on behalf of the undersigned.



District Education Officer (M)  
Chitral Upper  
(Respondent No.3)



Secretary,  
Elementary & Secondary Education Peshawar  
Respondent No.1



Director,  
Elementary & Secondary Education Peshawar  
Respondent No.2



DISTRICT EDUCATION OFFICER (M) UPPER CHITRAL

Phone No. 0943-470252

Email address: [deonchitralupper@gmail.com](mailto:deonchitralupper@gmail.com)



**SANCTION TO RETIREMENT/LEAVE ENCASHMENT**

Consequent upon attaining superannuation age of 60 years on 31-01-2023 (A/N) Mr Haider Hussain S/O Muhammad Hussain bearing Personal No. (00316496) CNIC No. 15202-0843511-3 Certified Teacher (CT) BPS-15 Govt High School Melp Upper Chitral (CU-6110), is hereby allowed to retire from Govt: Service with effect from 31/01/2023 (A/N). His date of birth as per service book is 01/02/1963.

Leave encashment for the period with effect from 01/02/2022 to 31/01/2023 (365 days) is also sanctioned as provided vide Govt: of Khyber Pakhtunkhwa Civil servants revised leave rules 1981. This retirement is final and cannot be revoked in any stage.

**Note:**

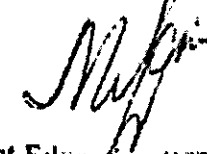
1. Necessary entries to this effect should be made in his service book and leave account form, which are enclosed herewith in original.
2. Pension paper of the employee concerned should be prepared and complete. Liabilities be paid to as early as possible.

(Mestab Ud Din)  
District Education Officer  
(Male) Upper Chitral

Endst: No. 17-23 /EB/ (M)/P- 10/Pen/Pension Dated Booni the 01-01-2023

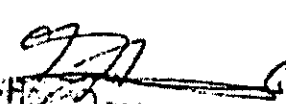
Copy forwarded to the:

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. District Accounts Officer Upper Chitral, for information, please.
3. District Monitoring Officer (EMA) Upper Chitral, for information, please.
4. Head Master GHS Melp Upper Chitral w/r to his letter No. 614 dated 23/12/2022, along with service book and other relevant documents.
5. DEMIS Local office for information.
6. Mr. Haider Hussain (Ex-CT) GHS Melp Upper Chitral, for information & compliance.
7. Master File.

  
District Education Officer  
(Male) Upper Chitral

C.T.C



  
GHS Melp Upper Chitral  
Head Master