

BEFORE THE HONORABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA

SERVICE APPEAL NO.1731/2023

DR. ZULFIQAR ALI

.....(Petitioner)

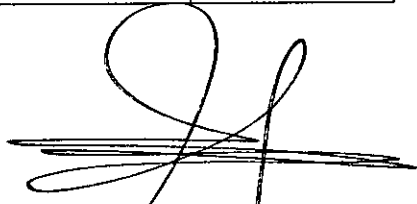
VERSUS

GOVERNMENT OF KHYBER PAKHTUNKHWA
THROUGH SECRETARY HIGHER EDUCATION,
DEPARTMENT.

.....(Respondents)

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SECTION OFFICER (LITIGATION)
HIGHER EDUCATION DEPARTMENT
Higher Education, Archives
& Libraries Department
Khvber Pakhtunkhwa

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

SERVICE APPEAL NO. 1731/2023

Prof. Dr. Zulfiqar Ali

..... *Appellant.*

VERSUS

Government of Khyber Pakhtunkhwa and others

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 8062

Dated 3/10/23

..... *Respondents.*

JOINT PARA-WISE COMMENTS ON BEHALF OF RESPONDENT NO. 1, 2 AND 3.

Respectfully Sheweth: -

PRELIMINARY OBJECTIONS: -

1. The appellant has neither cause of action nor locus standi to file the instant service appeal in this honorable Service Tribunal.
2. The instant service appeal is not maintainable because posting/transfer of a civil servant under Section (10) of the Civil Servant Act, 1973 can be made by the competent authority anywhere even outside of the province.
3. That the instant appeal is not maintainable in its present form.
4. That transfer posting is a policy matter and cannot be claimed as a right.

ON FACTS: -

1. Correct
2. Correct, that the appellant has been transferred alongwith others after fulfilling the codal formalities and obtaining of NOC from Election Commission of Pakistan.
3. Correct, in view of the request made by the appellant and endorsed the same by the Principal concerned regarding his retaining in Government College, Peshawar a summary has been moved for approval of the competent authority which is in process.
4. Correct, as explained in the proceeding para a summary to the Chief Minister, Khyber Pakhtunkhwa has been initiated which was returned back with certain observations by the Establishment Department. The same shall be submitted for approval after addressing the queries raised by Establishment Department.

5. Incorrect, hence denied. Appellant alongwith other has been transferred after fulfilling codal formalities. Furthermore, transfer policy is the prerogative of the administrative department.


ON GROUNDS: -

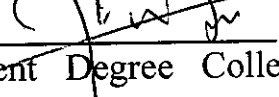
- A. Pertains to record, hence need no comments.
- B. Pertains to record, hence need no comments.
- C. Correct, in view of him claiming spouse policy coupled with the request of the principal concerned, a summary for retaining the appellant has been moved, which will attain finality shortly.
- D. As explained in the preceding Para.
- E. The administrative department keeping in view the demand of the subject at a particular college frame proposal in the instant case, govt college having a large no of students in the subject of Botany and especially the BS program, requires the services of PhD professors, therefore, the instant proposal has been framed. Moreover, as soon as the availability of the post ensure, the department has also forwarded summary to retain the services of the petitioner in Peshawar at Govt. College Peshawar in the best public interest.
- F. Incorrect, the department treats its every employee within four corners of law. Moreover, being provincial cadre post, the employees are bound to serve anywhere in the province.
- G. Incorrect, explained in detail in the precedent paras.
- H. Incorrect, hence denied. No discrimination has been done with the appellant.
- I. The department has already considered departmental appeal of the appellant and has forwarded a summary for his retention to the Competent Authority.
- J. The respondent may also be allowed to raise additional grounds at the time of arguments.

K. Incorrect, as already explained in the preceding paras

Prayer: -

In view of the above submissions, it is humbly prayed that the Service Appeal in hand may graciously be dismissed with costs.

Respondent No. 1& 2. 
Secretary, Higher Education Department,
Khyber Pakhtunkhwa, Peshawar.

Respondent No.3 
Principal, Government Degree College,
Psshawar

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1731/2023
Zulfiqar Ali (Petitioner)

VERSUS

Govt. of Khyber Pakhtunkhwa and Others,(Respondents)

Affidavit

I, Qazi Muhammad Ayaz Litigation Officer (BPS-17), Litigation Section Higher Education Department Khyber Pakhtunkhwa Peshawar as per instructions of the respondents do hereby solemnly affirm and declare that contents of the accompanying Joint Para-wise Comments are correct to the best of my knowledge and belief and nothing has been concealed therein from this Hon'ble Court. Furthermore the respondents have neither been placed as ex-party nor right of defense struck-off / no cost imposed on respondents.


Deponent
CNIC-17301-7027499-5






**GOVERNMENT OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES & LIBRARY DEPARTMENT**

AUTHORITY LETTER

Mr. Qazi Muhammad Ayaz, Litigation Officer (BPS-17), Litigation-II Section, Higher Education Department Khyber Pakhtunkhwa is hereby authorized to submit Joint Parawise Comments in the Service Tribunal, Peshawar on behalf of Respondents in SA No. 1731/2023 Titled Zulfiqar Ali Versus Govt. of Khyber Pakhtunkhwa & Others on behalf of official respondents.


**Deputy Secretary (Litigation),
Higher Education Department**
Deputy Secretary (Litigation)
Govt. of Khyber Pakhtunkhwa
Higher Education Archives &
Libraries Department