

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

SERVICE APPEAL No. 1295/2023

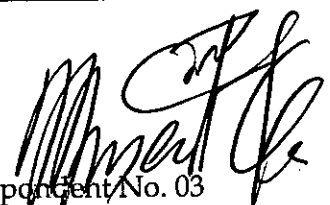
Saleem Javed

VS

Government of KPK

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Respondent No. 03  
District Education Officer  
(Male) Dera Ismail Khan

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

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Saleem Javed

VS

Government of KPK

Khyber Pakhtunkhwa  
Service Tribunal

Page No. 8216

Date 10/10/23

PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 1 TO 3

Respectfully Sheweth

PRELIMINARY OBJECTIONS

1. That the appellant has got no cause of action / locus standi to file instant appeal,
2. That the appellant has not come to the honorable tribunal with clean hands.
3. That the appellant has filed the service appeal on malafide objectives.
4. That the instant appeal is against the prevailing laws and rules.
5. That the appeal is barred by law and limitations.
6. That the instant appeal is illegal and against the facts.
7. That the appellant has concealed the material facts from the honorable tribunal.
8. That the appeal is badly time barred.
9. That the appeal is bad for mis joinder and non joinder of necessary parties.

## **Reply on behalf of Respondents**

**Respected Sir, The respondents humbly submits as under**

1. Para pertains to the appointment of appellant as a PST Teacher in BPS-07 on 08-01-1996.
2. Para pertains to transfer of appellant to GMPS Chah Pipal Wala on 14-06-1997.
3. Para pertains to the professional degrees of appellant and study leave on 25-04-1998.
4. Para pertains to the two years study leave of appellant.
5. Para pertains to the transfer of appellant to GPS Gara Alam on 23-05-2000.
6. Para pertains to the duties of appellant from 01-06-2000 to 31-05-2001.
7. Para pertains to the termination orders of appellant due to his will full absence on 16-12-2000.
8. Para pertains to the departmental appeal of appellant to the District Coordination Officer on 13-03-2002.
9. Para pertains to the departmental appeal of appellant in which appellant was re instated in service on 22-06-2002 and his will full absence period was converted into leave without pay.
10. Para pertains to the re instatement orders on 22-06-2002.
11. Para pertains to the other three colleagues of appellant which were terminated on service on 20-02-2002.
12. Para pertains to the other colleagues of appellant who were re instated in service any how the appellant has not joined his duty. The service appeal of appellant is badly time barred after the laps of 21 years the appellant filed the present service appeal. The appellant has got no cause of action and locus standi. As how the respondents can re instate the appellant in his service. As the appellant has not obeyed the re instatement orders of appellant by District Coordination Officer on 22-06-2002. Now in the month of June 2023 the appellant filed the present appeal for re instatement in service.
13. Incorrect / not admitted. Para strongly denied. As discussed above.
14. Incorrect / not admitted. As replied above.
15. The respondent No. 3 cannot allow the appellant to resume his duty after the laps of 21 years.
16. Para pertains to the departmental appeal of appellant on 14-02-2023.
17. No comments.

### **GROUND**

- a. Incorrect / not admitted the act of respondent for non issuance of posting orders was according to law, facts and material available record, as the appellant join the duty.
- b. Incorrect / not admitted. As the appellant was re instated in service by DCO Dera Ismail Khan but the appellant has not join the duty with in stipulated period on 22-06-2002.
- c. Incorrect / not admitted. As replied above.
- d. Incorrect / not admitted. the appellant cannot file the service appeal to the respondents after the laps of 21 years.
- e. As replied above.
- f. Para pertains to the amendments in the constitution of Islamic Republic of Pakistan 1973.

- g. Incorrect / not admitted. Para is strongly refuted and rebutted and as discussed above.
- h. Para pertains to the departmental appeal which is badly time barred.
- i. That the respondents may please be allowed to urge additional grounds at the time of final hearing.

So it is humbly prayed that service appeal of appellant may kindly be dismissed with cost.

1. Respondent No. 1  
Secretary E&SE KP Peshawar.

2. Respondent No. 2  
Director E&SE KP Peshawar.

Respondent No.3.  
District Education Officer  
(M) D. I. Khan

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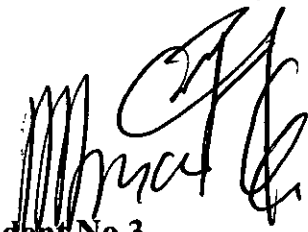
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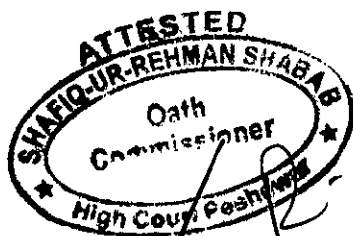
I District Education Officer (M) D.I.Khan do hereby authorized Mr: Muhammad Kamran Khan to attend the honorable Service Tribunal KPK Peshawar on behalf of respondent in connection with submission para wise comments till the decision of service appeal.



Respondent No.3  
District Education Officer  
(M) D.I.Khan

**Affidavit**

I Mr: Muhammad Kamran Khan ADEO (M) D.I.Khan do solemnly affirm and declare on oath that contents of written reply are correct to the best of my knowledge and nothing has been concealed from this honorable Court. It is further stated that on oath in this appeal the answering respondents have been neither placed ex-parte nor their defense has been struck off.



*Signature*  
10/10/23

*Signature*  
Deponent