

BEFORE THE HONOURABLE SERVICE TRIBUNAL

KHYBER PAKHTUNKHWA PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No. 218/2023

Date No. 8215

Date 18/10/23


Muhammad Nasir Jafri

VS

Government of KPK

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Deponent
Mr. Kamran Khan

BEFORE THE HONOURABLE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

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Muhammad Nasir Jaferi

VS

Government of KPK

PARA WISE COMMENTS ON BEHALF OF RESPONDENTS

Respectfully Sheweth

- 1) That the appeal is not maintainable and incompetent in the eyes of Law in the present form.
- 2) That the appellant is estopped due to his own conduct to file this appeal.
- 3) That the appellant has got no cause of action and locus standi to file instant appeal.
- 4) That the appellant has not come to the Tribunal with clean hands and has suppressed all relevant facts.
- 5) That the appeal is bad for mis-joinder and non-joinder of necessary parties.
- 6) That the instant appeal is against the law, rule and policies of the Government.
- 7) That the appellant had concealed the material facts from this Honourable Tribunal.

Objections on Facts

- 1) This para is related to the residential address of appellant, it is also admitted fact that appellant was working as SCT GHSS No. 01 Paharpur DIKhan.
- 2) Para pertains to the working of the appellant till December 2015.
- 3) This para is not related to the respondent department, hence no comments.
- 4) Incorrect / not admitted. Appellant remained absent from his official duty w.e.f December 2015 to July 2022. Therefore the respondent department had stopped his salary as the appellant did not perform his duty after December 2015. This act of the respondent department was according to law, rule and Policies of the Government.
- ~~5) Incorrect / not admitted. The appellant remained absent from duty. The families of the appellant claim that he is in the safe custody of Law Enforces Agencies, therefore he cannot perform duty.~~
- 6) This para is related to the departmental appeal of the appellant. The appellant filed an appeal for his reinstatement. The appeal of the appellant is pending before the office of the respondent No. 02 the Director E&SE KP Peshawar. It is therefore, requested to this Honourable Tribunal to dismiss the present service appeal of the appellant as the departmental appeal of the appellant yet not decided by the appellate authority.


- 7) Incorrect / not admitted. The appellant is not an aggrieved person as he remained absent from duty. The service appeal of the appellant is an exercise in futility. Further proceeding in this regard would bear no fruit. It is, therefore, requested to this Honourable Tribunal to dismiss the Service Appeal of the appellant with cost.

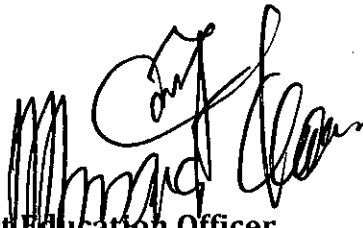
Objections on Grounds

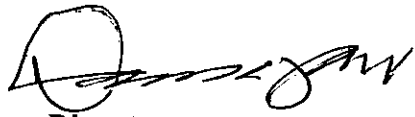
- A. Incorrect / not admitted. The act of the respondents was according to law, based upon the natural principle of justice. No discrimination had been made with the present appellant. The appellant remained absent from duty therefore the respondent department rightly stopped the salary of the appellant.
- B. Incorrect and not admitted. Strongly denied. The appellant did not have any right of posting as worthy Director E&SE do not decided his departmental appeal. The appellant was remained in the custody of the Law Enforces Agencies due to the reason of serious allegations.
- C. Incorrect / not admitted. Strongly denied as discussed above.
- D. Incorrect / not admitted. As discussed above that the appellant remained absent from duty. The appellant remained in the custody of Law Enforces Agencies, hence appellant was rightly suspended from service and he was not entitled for any kind of salaries. Hence the claim of the appellant is against the law and did not sustainable in the eye of law.
- E. The counsel for respondents may kindly be allowed to raise additional grounds at the time of arguments.

Pray

It is, therefore, requested to this Honourable Tribunal to dismiss the Service Appeal of the appellant because the Service Appeal of the appellants is only an exercise in futility.


Secretary
Elementary & Secondary Education Department
Khyber Pakhtunkhwa Peshawar


District Education Officer
(M) Dera Ismail Khan


Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

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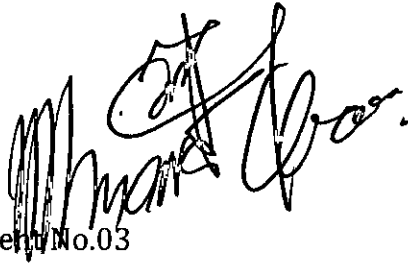
Authority

We, Respondents No. 01, 02 and 03 do hereby authorized Mr. Kamran Khan Litigation representative of respondent department to attend this Honourable Service Tribunal KPK Peshawar on behalf of respondents in connection with submission of para wise comments and till the decision of the service appeal.

Respondent No.01

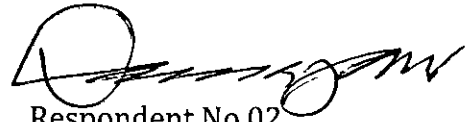

Secretary

Elementary & Secondary Education Department
Khyber Pakhtunkhwa Peshawar



Respondent No.03

District Education Officer
(M) Dera Ismail Khan



Respondent No.02

Director

Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

**BEFORE THE HON'BLE SERVICES TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR**

Service Appeal No. 218/2023

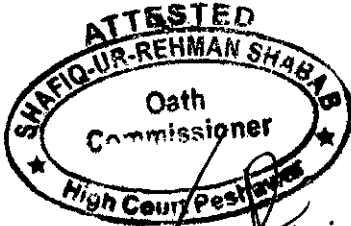
Muhammad Nasir Jafri

VERSUS

Govt of KPK & Others

AFFIDAVIT

I, Mr. Muhammad Kamran Khan ADEO (M) D.I. Khan, do hereby solemnly affirm & declare on oath that all content of the written reply are true & correct to the best of my knowledge & belief and nothing has been concealed or misstated from this Hon'ble Tribunal. 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.



Shafiq
10/10/23.

DEPONENT

CNIC: 12101-4307841-7

Cell No:

M Kamran