

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

SERVICE APPEAL No.7049 /2021

Appellant:

1. Mrs. Humaira Khatoon (SPET BS-16, GGHS Mallana DIKhan)

Versus

Respondents:

1. Govt. of Khyber Pakhtunkhwa, through **Secretary E&SE**, Khyber Pakhtunkhwa.
2. **Director** Elementary &Secondary Education, Khyber Pakhtunkhwa.
3. District Education Officer, (Female) D.I.Khan.

REPLY ON BEHALF OF RESPONDENT 3

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18-10-23
D.I. Khan

2 ghran

DEPONENT

Dr. Muhammad Imran Shah
Senior Subject Specialist (ES 18)
Working as
Litigation Representative
Office of DEO (F), D.I.Khan
12101-2797412-1
03480934707

(1)

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

SERVICE APPEAL No.7049 /2021

Appellant:

2. Mrs. Humaira Khatoon (SPET BS-16, GGHS Mallana DIKhan)

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 8291

Dated 13-10-23

Versus

Respondents:

4. Govt. of Khyber Pakhtunkhwa, through **Secretary E&SE**, Khyber Pakhtunkhwa.
5. **Director** Elementary & Secondary Education, Khyber Pakhtunkhwa.
6. District Education Officer, (Female) D.I.Khan.

REPLY ON BEHALF OF RESPONDENT 3

RESPECTFULLY SHEWETH:

Preliminary Objections:

1. That the appellant was not regularized being **untrained** before 2002, hence does not deserve seniority position on the basis of her first appointment, 1997.
2. That the appellant has got no cause of action or locus standi to file the instant appeal.
3. That the appellant has concealed the material facts and ground realities from this Honourable Tribunal.
4. That the appeal is non-maintainable due to mis-joinder/ non-joinder of necessary parties.
5. That the appeal has been mis-oriented, mis-constructed and mistakenly drawn, hence, is incompetent in its present frame and context and is liable for dismissal/ rejection.
6. That the appeal is weak –having no force, fabricated, fictitious, based on ill will, mala fide motives and is having no legal footings in the eyes of law.
7. That the proceeding with the instant appeal would be a futile exercise and just wastage of the precious time of this Honourable Tribunal.
8. That as stated in the objections, the appeal is bereft of cause of action and is liable for dismissal.

Objections on Facts:

1. **Admitted.** As stated in the Appeal, the appellant was appointed on 24.06.1997 to the post of Physical Education Teacher as an **UNTRAINED teacher**, and is now serving this Department of KPE&SE at GGHS Mallana DIKhan. She has been **regularized w.e.f 29.06.2002**. It is added that the seniority is to be considered from the date of regularization, which is never before attaining the required qualification of JDPE (Junior Diploma in Physical Education) or PET certificate (obtained in 2001).
2. Admitted. As mentioned in Para 1 above.
3. As mentioned in Para 1 above.
4. As mentioned in Para 1 above.

5. **Strictly denied.** As detailed at Para 1, above.
6. **Strictly denied.** As detailed at Para 1, above. That this servant has always served its employees and the masses with efficiency and the best possible conduct affably as guided by the relevant Rules and Laws.
7. **Strictly denied.** As detailed at Para 1, above.
8. **Strictly denied.** As detailed at Para 1, above.

Objections on Grounds:

- a.** As stated in the Appeal, the appellant was appointed on 24.06.1997 to the post of Physical Education Teacher as an **UNTRAINED teacher**, and is now serving this Department of KPE&SE at GGHS Mallana DIKhan. She has been **regularized w.e.f 29.06.2002**. It is added that the seniority is to be considered from the date of regularization, which is never before attaining the required qualification of JDPE (Junior Diploma in Physical Education) or PET certificate (obtained in 2001).
- b.** As mentioned in Para **a** above.
- c.** Strictly denied. As mentioned in Para **a** above.
- d.** Strictly denied. As mentioned in Para **a** above.
- e.** Denied. That the appellant was not entitled for placing at seniority position from the date of her first appointment on untrained basis; rather, the date of regularization which was issued after attaining the *sine-quo-non* certificates/ degrees.
- f.** Denied. No discrimination observed on part of the respondents as explained in Para **a** above. Also that this appeal is nothing more than a concoction and fabrication on part of the appellant. That the appellant has got no locus standii and that the present appeal is bereft of merit and is liable for dismissal.

PRAYER:

In view of the above submissions, it is humbly prayed that this service appeal may kindly be dismissed.

The Humble Respondent

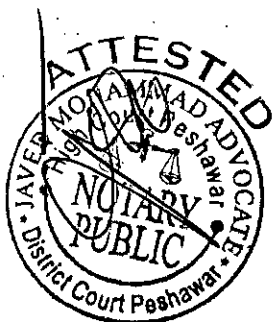

DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN

AFFIDAVIT:

It is solemnly stated on oath that the above statement is true to the best of my knowledge and that nothing has been deliberately concealed from this Honourable Tribunal in the above stated service appeal / execution petition. *The respondent has not been made Ex-Parte nor struck off its defense.*

The Humble Respondent


DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN



BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

SERVICE APPEAL No.7049 /2021

Appellant:

3. Mrs. Humaira Khaton (SPET BS-16. GGHS Mallana DIKhan)

Versus

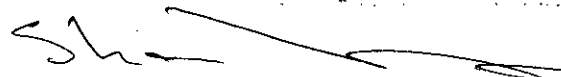
Respondents:

7. Govt. of Khyber Pakhtunkhwa, through **Secretary E&SE**, Khyber Pakhtunkhwa.
8. **Director** Elementary & Secondary Education, Khyber Pakhtunkhwa.
District Education Officer, (Female) D.I.Khan.

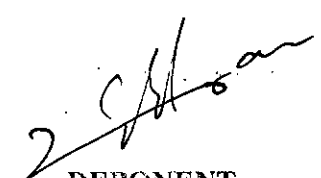
AUTHORITY LETTER

I, District Education Officer (Female), D.I.Khan, do hereby authorize **Dr. Muhammad Imran Shah, Subject Specialist BS 18, GHSS Murvali, D.I.Khan, Litigation Officer** of the District Education Office (Female), D.I.Khan, to attend the Honourable Khyber Pakhtunkhwa Service Tribunal, Camp Court D.I.Khan, on my behalf in connection with submission of Para-wise comments/ Reply/ Attendance till the decision of the above titled Service Appeal.

RESPONENT


**DISTRICT EDUCATION OFFICER
(FEMALE), D.I.Khan**

DEPONENT


**Dr. Muhammad Imran Shah
Senior Subject Specialist (BS 18)
Working as
Litigation Representative
Office of DEO (F), D.I.Khan
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