

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

**Karim Khan VERSUS Education Department Swat**

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Dated: 17-10-2023

Appellant  
Karim Khan

Through Counsels,

Aziz-ur-Rehman

Imdad Ullah

Advocates Swat

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

Service Appeal No. 1135/2022

Karim Khan.

...Appellant

**VERSUS**

The Government of Khyber Pakhtunkhwa through  
Secretary Elementary and Secondary Education,  
Peshawar and Others.

...Respondents

**REJOINDER BY THE APPELLANT**

Respectfully Sheweth:

Preliminary Objections:

That all the preliminary objections are incorrect, baseless, against the law, rules and facts, hence the same are specifically denied. Moreover the Appellant has got a prima facie case in his favour and has approached this Honourable Tribunal with clean hands and this Honourable Tribunal has got the jurisdiction to adjudicate upon the same.

On Facts:

1. Para 1 of the comments being admission needs no reply.
2. Para 2 of the comments as drafted also being admission needs no reply. However the explanation

given is being irrelevant as the same as never been inquired about as far as the present service appeal is concerned, hence the same are denied.

3. Para 3 of the comments as drafted also is admission, however the explanation given is irrelevant and in need of solid evidence and proof, this is an elusive attempt to deviate the issue from the real one as detailed in the memo of appeal.
4. Para 4 of the comments as drafted is based on concealment of facts as the arrival report is annexed and duly forwarded by the authority, hence the para is denied.
5. Para 5 of the comments as drafted is incorrect and based on misstatements and concealments of material facts. The application is very much detailed and self-explanatory. The Appellant was made to shuttle between various schools and thus due to this reason his salary could not be released. Hence the para is denied specifically.
6. Para 6 of the comments as drafted also is incorrect and based on misstatements and concealment of material facts. The service book, although kept in safe custody, yet the civil servant has the right to get access to the same and also have attested copy of the same as well, none of which was done by the authority concerned bald of any reason, hence the para is denied in the above terms.

7. *Para 7 of the comments as drafted also is misstatement and based on concealments, as the Respondent Department is supposed to observe the posting transfer policy in letter and spirit, yet in case of the Appellant the same was bulldozed in a very arbitrary manner to the utter detriment of the Appellant, which the law never approves of, hence the para is denied in the manner.*
8. *Para 8 of the comments as drafted amounts to admission, hence needs no reply.*
9. *Para 9 of the comments as drafted is incorrect and based on concealment of facts. The para is referring to another transfer from which the Respondents are escaping for want of reason, hence the para is denied as well.*
10. *Para 10 of the comments as drafted is further assertion of the colorful, arbitrary and fanciful exercise of the official authority not vest, to the utter detriment of the Appellant and also making the Appellant a scape goat to save the Circle Officer Barikot from the illegalities and irregularities he made and also posed himself as a De Facto Respondent No. 1. The whole of the comments are silent about the acts and commissions done by the circle officer for reasons best known to the Respondents, which proves that either the circle officer is a political elite or some other reasons of such daring nepotism. The appeal is very much clear and very detailed-one with all facts narrated, yet of no avail, thus the para is denied specifically.*

11. *Para 11 of the comments as drafted also is based on misstatements and concealment of material facts. The alleged charge of dual duties when not proved and the malice of the circle officer brought to forth, thus the same was discarded for no valid reasons as the Respondents were, at no cost, willing to inquire about the facts brought by a competent officer against the circle officer, the blue eyed persons, to whose desires and wishes the Respondents yielded with pleasure, even by bulldozing every law, rule and policy, only to make his egoistic designs and desires get satisfied. Thus the para is denied specifically.*

12. *Para 12 of the comments as drafted is based on misstatements, concealments and whimsical. The service book was misplaced by the circle officer with mala fide intentions as already established by the enquiry officer, due to which reason the whole of the enquiry was discarded. Further that the Appellant was never handed over the charge of his duties rather was made to shuttle between schools only to satisfy the nefarious ego of the circle officer, the apple of an eye of the Respondent No.1. Thus the para is denied specifically as well.*

13. *Para 13 of the comments as drafted amounts to admission, thus needs no reply.*

14. *Para 14 of the comments as drafted also needs no reply being admission.*

15. *Para 15 of the comments as drafted also being admission needs no reply.*

16. *Para 16 of the comments as drafted also needs no reply being admission as well.*

17. *Para 17 of the comments as drafted is factually incorrect and based on misstatements and concealment of material facts. The enquiry was never conducted impartially, but with the predefined result as the defence version of the Appellant was never considered and also the evidence collected and witnesses examined were never before the Appellant. Thus the para is denied.*

18. *Para 18 of the comments amounts to admission, hence needs no reply.*

19. *Para 19 of the comments as drafted is against the rules thus the same is denied as well.*

On Grounds:

A) *Ground A of the comments as drafted is incorrect, vague and devoid of merits, thus the same is denied.*

B) *Ground B of the comments as drafted also is devoid of merits and against the law and rules on the subject, thus the same is denied as well.*

C) *Ground C of the comments as drafted also is based on concealment of material facts and based on misstatements, thus the same is denied.*

D) *Ground D of the comments as drafted also is based on concealment of material facts and based on misstatements, thus the same is denied.*

E) *Ground E of the comments as drafted also is based on misstatements and in need of solid proof, thus the same is denied.*

F) *Ground F of the comments as drafted also is devoid of merits and based on personal whims and wishes of the Respondents, thus the same is denied.*

G) *Ground G of the comments as drafted is denied being devoid of merits.*

H) *Ground H of the comments as drafted also is denied being void of merit.*

I) *Ground I of the comments as drafted is incorrect, baseless and in need of solid proof, thus the same is denied specifically as well.*

J) *Ground J of the comments as drafted also is devoid of merits and based on personal whims, thus the same is denied as well.*

K) *Ground K of the comments as drafted also being devoid of merits is denied.*

L) *Ground L of the comments as drafted being admission of the fact that all the mandatory provisions of law and rules on the subject have*

blatantly being violated, which makes whole of the process a nullity in the eyes of law.

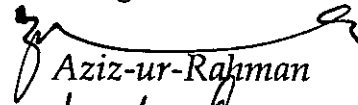
It is, therefore, very respectfully prayed that on acceptance of this rejoinder the appeal of the Appellant may very kindly be decided as prayed for originally.

Appellant



~~Karim Khan~~

Through Counsels,



Aziz-ur-Rahman



~~Imdad Ullah~~

Advocates Swat



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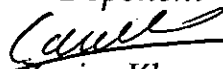
The Government of Khyber Pakhtunkhwa through  
Secretary Elementary and Secondary Education,  
Peshawar and Others.

...Respondents

**AFFIDAVIT**

It is solemnly stated on Oath that all the contents of  
this rejoinder are true and correct to the best of my  
knowledge and belief and nothing has either been  
misstated or kept concealed before this Honourable  
Tribunal.

Deponent

  
Karim Khan

