

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL CAMP COURT ABBOTTABAD**

S.A NO. 7133 /2021

Wali UR RahmanAPPELLANT

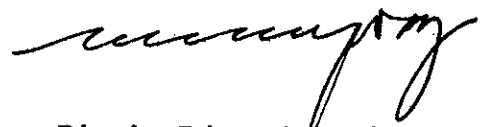
VERSUS

Govt of KPK & Others.....RESPONDENTS

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1 to 3

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District Education Officer (M)
Battagram

Dated : 16-10-2023

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VERSUS

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PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 1 TO 3

Respectfully Sheweth:

Khyber Pakhtunkhwa
Service Tribunal

Comments on behalf of respondents are submitted as under: Case No. 8413

Dated: 18-10-23

Preliminary Objections:

1. That the appellant did not come to this Honorable Tribunal with clean hands hence, not entitled for any relief.
2. That the appellant has got no cause of action/locus standi to file the instant appeal against the answering respondents.
3. That the instant appeal has been filed just to pressurize the answering respondents.
4. That the appellant is estopped to sue through his own conduct.
5. That the appellant has concealed & distorted the material facts from this Honorable Tribunal.
6. That the appellant has already received the outstanding amount as prayed for in the instant appeal, hence, service appeal in hand has become **infructuous** and liable to be dismissed without any further proceedings.
7. That the instant appeal is hopelessly time barred hence, appeal in hand is liable to be dismissed.

Factual Objections:

1. That Para No. 1, of the instant service appeal pertains to service record of the appellant.

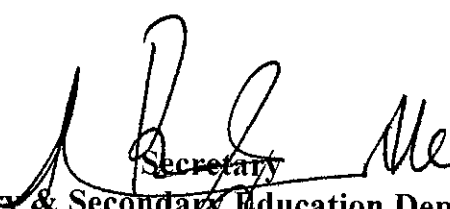
2. That Para No. 02, is correct to the extent of posting of appellant as ASDEO in Sub Divisional Education office Battagram, however the outstanding amount of Rs. 300000/- (Three lac only) TA/DA has already been received by the appellant. (Copy of receiving regarding payment of TA/DA amount is annexed herewith as Annexure "A").
3. That the Para No. 3, as composed is incorrect hence denied. As appellant has already received the outstanding amount of Rs. 693000/- (Six lac ninety three thousands only) for the financial year 2018-19 till the current financial year 2022-23. (Copies of receiving of payment details are attached as Annexure "B").
4. That Para No. 04, of the instant appeal as composed is incorrect and denied. Outstanding amount of Rs. 993000/- (Nine lac & ninety three thousands only) has already been received by the appellant for the Financial Year 2018-19 to 2022-23. detail reply given in preceding paras.
5. That the Para No. 05 of the instant appeal as composed is incorrect hence denied.


GROUND:

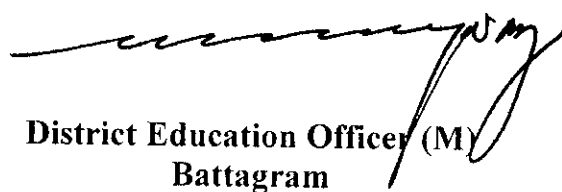
- a. That ground 'a', as composed is incorrect hence, denied. Comprehensive reply has already been given in preceding Paras of factual objections.
- b. That ground 'b', as composed is incorrect hence, denied and not admitted.
- c. That ground 'c', as composed is incorrect hence, denied and not admitted.
- d. That ground 'd', as composed is incorrect hence, denied and not admitted. Detailed reply has already been given in Para No. 3 of the factual objections

- e. That ground 'e', as composed is incorrect hence, denied and not admitted.
- f. That ground 'f', as composed is incorrect hence, denied and not admitted.
- g. That ground 'g', as composed is incorrect hence, denied and not admitted.
- h. That ground 'h', as composed is incorrect hence, denied and not admitted.
- Respondent seeks leave of this Honorable Tribunal to agitate additional legal and factual grounds during the course of arguments.

It is, therefore, in the light of above stated facts and circumstances most humbly prayed that the instant appeal in hand may please be dismissed.


Secretary
Elementary & Secondary Education Department
Khyber Pakhtunkhwa
(Respondent No. 1)


Director
Elementary & Secondary Education
Khyber Pakhtunkhwa
(Respondent No. 2)


District Education Officer (M)
Battagram
(Respondent No. 3)

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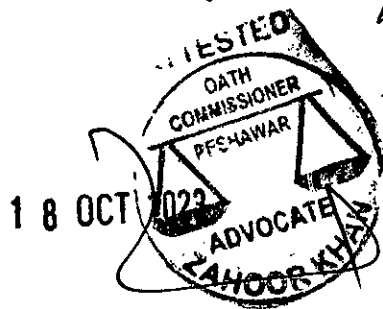
AFFIDAVIT

I, Mr. Muhammad Nawaz, District Education Officer (M) Battagram, do hereby affirm and declare that the contents of forgoing Comments are correct and true according to the best of my knowledge and belief and nothing has been suppressed from this Honorable Tribunal.

It is further stated on oath that in this appeal the answering respondents

have neither 611618839553 *DEPONENT*

*Place exparte
nor their defence
struck off*





SUB DIVISIONAL EDUCATION OFFICER MALE BATTAGRAM

P#06



Address: Main Kachehri Road, Opposite PTCL Exchange Battagram.

0997-310282,

sdeombattagram@gmail.com

NO: 2359

DATE 19-9-2023

To

The District Education Officer,
Male Battagram.

Subject: TA/DA DETAILS IN RESPECT OF MR. WALI UR REHMAN SDEO (M)
BATTAGRAM.

Memo

Reference to the subject cited above and your letter No 7413, dated 18-09-2023.

The details of TA/DA bills drawn by SDEO (M) Battagram is given below:

S.No	Name	Designation	Amount of Cheque	Date of Issuance of Cheque
1	Wali Ur Rehman	SDEO	65,000	07-04-2023
2			102,000	16-06-2023
3			37,400	16-06-2023
4			183,000	16-06-2023
Grand Total			387,400/-	

*ADEO (Lit)
B# 200
20/09/2023*

[Signature]
19/9/2023

Sub Divisional Education Officer
Male Battagram



C/Signed by
[Signature]



GOVERNMENT OF KHYBER PAKHTUNKHWA
DISTRICT FUND OF DISTRICT

Cheque No. 0764376

P#07

(DGN) 0000000764376

Token No: J0E398

A/C No.

A/C Type:

ACCOUNT - BATAKARA

Pre-Audit Cheque

Dated:

16.06.2022

Department

Office of

On the State Bank of Pakistan National Bank of Pakistan

Not Payable
after 30-06

Pay to WALI UR REHMAN BATTAGRAM

Rs. ***102,000/-*** Rupees

and charge the same against the District Fund of District ONE HUNDRED TWO THOUSAND ONLY

N.B. This cheque is current for three months only after the month of issue.

DO NOT WRITE BELOW THIS LINE.

Assistant Accountant General
District Accounts Officer / Accounts Officer



GOVERNMENT OF KHYBER PAKHTUNKHWA
DISTRICT FUND OF DISTRICT

Cheque No. 0764377

(DGN) 0000000764377

Token No:

A/C No.

A/C Type:

ACCOUNT - BATAKARA

Pre-Audit Cheque

Dated:

16.06.2022

Department

Office of

On the State Bank of Pakistan National Bank of Pakistan

Pay to WALI UR REHMAN ASDRO M

Rs. ***37,400/-*** Rupees

and charge the same against the District Fund of District THIRTY SEVEN THOUSAND FOUR HUNDRED ONLY

Not Payable
after 30-06

N.B. This cheque is current for three months only after the month of issue.

DO NOT WRITE BELOW THIS LINE

Assistant Accountant General
District Accounts Officer / Accounts Officer



GOVERNMENT OF KHYBER PAKHTUNKHWA
DISTRICT FUND OF DISTRICT

Cheque No. 0764375

(DGN) 0000000764375

Token No:

A/C No.

A/C Type:

ACCOUNT - BATAKARA

Pre-Audit Cheque

Dated:

16.06.2022

Department

Office of

On the State Bank of Pakistan National Bank of Pakistan

Pay to WALI UR REHMAN BATTAGRAM

Rs. ***183,000/-*** Rupees

and charge the same against the District Fund of District ONE HUNDRED EIGHTY-THREE THOUSAND ONLY

Not Payable
after 30-06

N.B. This cheque is current for three months only after the month of issue.

DO NOT WRITE BELOW THIS LINE

Assistant Accountant General
District Accounts Officer / Accounts Officer

C/Signed by

GHS Thakot

TC
Promot

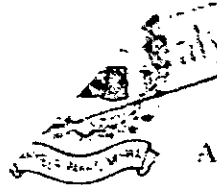
SC

M.
i- Noman S/c
GHS Thakot

D/O Promotion
to PPS 14

26/02/021

P#-08



(DGN) 0000001349954

GOVERNMENT OF KHYBER PAKHTUNKHWA
DISTRICT FUND OF DISTRICT

Cheque No 13499

Token No:

A C No

A C Type

ACCOUNT 1 ~~SAVING~~ Audit Cheque

Date

12

Department

Office of

On the 300 SCHOOLS & LITERACY ADMN State Bank of Pakistan National Bank of Pakistan

Pay to WALI OF PERMAN BATTAGRAM

Rs. ***300,000/-*** Rupees THREE HUNDRED THOUSAND ONLY

and charge the same against the District Fund of District

* This cheque is valid for three months only after the month of issue

DO NOT WRITE BELOW THIS LINE

District Accounts Office

Received

17/06/23

Signed by

[Signature]

[Large signature]



OFFICE OF THE DISTRICT EDUCATION OFFICER (M)
DISTRICT BATTAGRAM



P#09



emlabattagram@gmail.com



/denbattagram



0997543540 & 539

No: 10248 /B&AO

Dated: 28/12/2022

To,
Mr. Muhammad Usman Akram
Deputy Registrar, Ombudsman
Regional Office, Abbottabad

Subject: REQUEST FOR PAYMENT OF TA/DA BILL

Reference to the captioned subject, Findings in the subject case dated 06-01-2022 and subsequent letters / reminders vide No. PO/Complain/0105/01/2021/555 dated 21-12-2022, No. PO/Complain/0105/01/2021/444 dated 08-11-2022, No. PO/Complain/0105/01/2021/326 dated 08-11-2022, No. PO/Complain/0105/01/2021/235 dated 20-10-2022.

In the light of directions given in the findings of Ombudsman KP dated 06-01-2022, Directorate of E&SE KP Peshawar conducted inquiry and submitted its report vide letter No: 4761 /File Ombuds/Battagram/Vol-1/2021 dated 30-06-2022 wherein it was recommended that "the learned Deputy Commissioner Battagram / Finance Department as the case may be are requested to make necessary arrangements for Fund for the encashment of TA/DA bills ". (Copy attached)

The details of Mr. Wali Ur Rehman Ex-ADEO 's arrears of TA bills which were already made and submitted to every forum including Ombudsman, according to which the total arrears were Rs. 658665/-, out of which Rs 210000 (two lakh ten thousand) have been paid to him in June 2021. Apart from this, the officer has received 133000/- (One lac thirty three thousand rupees) in 2020-21 and he has taken a loan of 50000/- (fifty thousand) from scout fund which has not been returned yet.

Detail of payment during 2019-20 & 2020-21 to Mr. Wali Ur Rehman Ex-ADEO

93000/-
40000/-
210000/-
50000/- (Loan)
Total: 393000/-

The TA bills were not available in the office, for which Mr. Wali Ur Rehman Ex-ADEO was contacted, the officer attended the office and provided bills of Rs: 439111/- and stated that he will submit some other bills amounting to Rs: 100000/- (one lakh).

This office made request to Deputy Commissioner Battagram for the provision of special grant / budget amounting to Rs: 3952331/- or by name to officers / officials vide letter No: 10229 dated 27-12-2022 wherein name of Mr. Wali Ur Rehman Ex-ADEO is also included. Among the officers / officials whose names are included in the letter, the arrears of many of them are older than the arrears of Mr. Wali Ur Rehman and in the period in which the payments were made to him, they have not been paid due to lack of budget. (Copy of request letter is attached)

This office will pay to all officers /officials including Mr. Wali Ur Rehman Ex-ADEO as and when special grant allocated / provided.

In the light of above facts, It is requested in your kind honor that Deputy Commissioner Battagram or Finance Department Khyber Pakhtunkhwa may be approached to release special grant on the name of Mr. Wali Ur Rehman Ex-ADEO and other officers / officials for encashment of TA/DA bills please.

28/12/2022
District Education Officer (M)
Battagram

Dated:28 /12/2022

Endstt: No:10249-55 /B&AO

Copy to the:

1. PS to Secretary E&SED KP Peshawar
2. Director E&SE KP Peshawar,
3. Additional Deputy Commissioner F&P Battagram
4. Muhammad Usman Akram Deputy Registrar, Ombudsman Regional Office Abbottabad.
5. AD (RTI & Ombudsman) Directorate of E&SE KP Peshawar.
6. Mr. Wali Ur Rehman Ex-ADEO with reference to his request submitted under dlyar No.2799 dated 05-09.2022.
7. Office File.

C/signed
by

District Education Officer (M)
Battagram

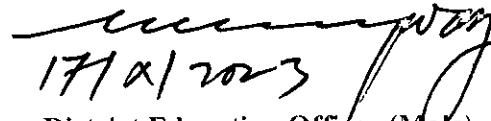


OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)
DISTRICT BATTAGRAM

Email: emisbattagram@gmail.com Ph# 0997-543539/ 543

AUTHORITY LETTER

It is hereby certified that Mr. Nasir Ali ADEO Litigation of the office of District education officer male Battagram is authorized to attend the office of Advocate on Record for submission of power of attorney in CPLA No. 321-P/2023 at Peshawar high court Peshawar and also vetted, countersigning & submission of parawise comments in service Appealed No.7133 of 2021at KP service tribunal Peshawar.


17/11/2023
District Education Officer (Male),
Battagram