

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

Service Appeal No.1509/2023

Mr. Haroon Rashid Ex Junior Clerk (BPS-11)
GHS Shekawlai, Dir Lower.

(Appellant)

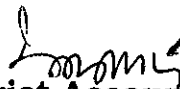
V/S

1. Director Elementary and Secondary Education Khyber
Pakhtunkhwa Peshawar.
2. District Education Officer Dir Lower.
3. District Accounts Officer Dir Lower.

(Respondents)

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**District Accounts Officer,
Dir Lower at Timergara**

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.

①

Service Appeal No.1509/2023

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 8584

Dated 24-10-23

Mr. Haroon Rashid Ex Junior Clerk (BPS-11)
GHS Shekawlai, Dir Lower.

(Appellant)

V/S

1. Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
2. District Education Officer Dir Lower.
3. District Accounts Officer Dir Lower.

(Respondents)

Para wise Comments on Behalf of Respondent No.3

Respect fully Shewith:-

Preliminary Objections:

1. That the appellant is not aggrieved person with the meaning of article 212 of the constitution of the Islamic Republic of Pakistan 1973.
2. That the appellant have got no cause of action/locus standi to file this Service appeal because the appellant did not come on merit.
3. That the appellant have not come to this honorable service tribunal with clean hands rather the instant appeal is mainly based on *malafide* intentions and stressing for illegal conversion of leave.
4. That the appellant is estopped by his own conduct.
5. That the instant service appeal suffers from laches, hence not maintainable in the present form.
6. That the instant service appeal is barred by the relevant provision of law/ Rules/ Policy in field.
7. That as per order sheet dated 08.03.2023 in execution petition No.364/2022 speaks that the appellant satisfied upon the execution appeal No.1226/2010, vide amended by DEO Male No.1355-57 dated 02.03.2023 already attached with the appeal, in which absence period of the appellant was worked out/ converted as 120 days on full pay, 940 days on half pay while 3630 days leave without pay as per direction of honorable Service Tribunal.
8. That prayer of the appellant for conversion of 5years as leave on pay with all back benefits is illegal and against the leave rules, as the appellant has not been performed the duty in the intervening period accordingly, therefore, not entitled for the same.

FACTS:

1. Para -1 pertains to record hence no comments.
2. Para -2 of the facts pertains to education department, respondent NO.1 & 2 are in a better position to redress the grievances of the appellant.
3. Para -3 of the facts is incorrect that as per direction of the Service Tribunal Khyber Pakhtunkhwa Peshawar the absence period of the appellant was converted into leave of kind due vide. DEO Male Dir Lower, Ends' No.7745-49 dated 11.09.2021 (Annex -A). The appellant was aggrieved from office order dated 11.09.2021 than the DEO Male ordered/ amended the absence period in the following manners vide Endst: No.1355-57 dated 02-03-2023.(Annex-B) .
 1. 01.04.2004 to 29.07.2004 120 days on full pay.
 2. 30.07.2004 to 24.02.2007 940 days on half pay.
 3. 25.02.2007 to 06.02.2017 3630 days on leave without pay.

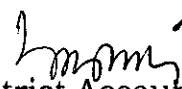
Being administrative matter the issue relates to respondents No.1 & 2 and they are in better position to redress the grievances of the appellant. The appellant has raised no grievances against respondent No.3.

4. As mentioned in para 3 above.
5. As mentioned in para 3 above.

GROUNDS:

- A. As mentioned in Para 3 above.
- B. As mentioned in Para 3 above.
- C. As mentioned in Para 3 above.
- D. As mentioned in Para 3 above.
- E. As mentioned in Para 3 above.

Keeping in view, of the above mentioned facts it is humbly prayed that the appeal of the appellant having no merits may be dismissed with cost.


 District Accounts Officer
 Dir Lower at Timargara

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

Service Appeal No.1509/2023

Mr. Haroon Rashid Ex Junior Clerk (BPS-11)
GHS Shekawlai, Dir Lower.

(Appellant)

V/S

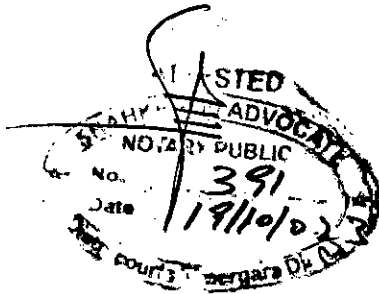
- 1. Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
- 2. District Education Officer Dir Lower.
- 3. District Accounts Officer Dir Lower.

(Respondents)

AFFIDIVAT

I Jamil Shah, Senior Auditor, BPS-17, Office of the District Accounts Officer, Dir Lower, do hereby solemnly affirm and declare that contents of accompanying Para-wise comments are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Service Tribunal.

It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck off.



Jamil Shah

Deponent
Jamil Shah

(4)

AUTHORITY LETTER

Mr. Jamil Shah Senior Auditor BPS-17 of this office is hereby authorized to submit the Para wise reply in service appeal No. 1509/2023 Title Haroon Rashid V/s Director E&SE Peshawar and others on behalf of under signed.

He is further authorized to sign/countersign on behalf of the undersigned in the instant service appeal.


DISTRICT ACCOUNTS
OFFICER DIR LOWER.

(Annex A) (5)



OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE)
DIR LOWER AT TIMERGARA.

- Mail: deomaledirlower@gmail.com. Tell: 0945-9250081-82

Office Order.

In compliance of the verdict of August Services Tribunal Khyber Pakhtunkhwa vide order sheet dated 03/08/2021 in Execution Petition No. 68/2017 service appeal No.1226/2010. Addition in this office order No. 108-11 dated 4/01/2019 is made as,

"The absence period of the appellant according to the leave account form, if Earned leave found on his credit is hereby converted into leave with pay and the remaining absent period may be treated as leave kind due as per court decision".

District Education Officer
(M) Lower Dir
#

Endst;No 7745-48,

dt 11/9/21

Copy of the above is forwarded to:-

1. The Registrar Khyber Pakhtoonkhwa Services Tribunal Peshawar.
2. The principal GHSS Tazagram.
3. The District Accounts Officer Lower Dir.
4. The Appellant.

-sd-

District Education Officer
(M) Lower Dir

