

Original.

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

*Service appeal No. 987/2017*

*Muhammad Ramzan .....Appellant*

**Versus**

Govt. of Khyber Pakhtunkhwa through Secretary (E & SE) &  
others..... Respondents

**INDEX**

<b>S#</b>	<b>Description of documents</b>	<b>Annexure</b>	<b>Page No</b>
1.	Para wise comments		1,2
2.	Affidavit		3
3.	Service appeal		4-6

*[Signature]*  
Deponent

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

Service Appeal No. 987 /2017

9220  
20-11-2023

**Muhammad Ramzan** son of Muhammad Ayaz r/o Madina  
Colony Dera Ismail Khan Ex-PST, GPS Tube well Noor Alam  
D.I.Khan.

**(Appellant)**

**VERSUS**

1. **Secretary (E& SE) KPK & Others**

..... **(RESPONDENTS)**

**PARAWISE COMMENTS BY RESPONDENT # 3**

***Respectfully Sheweth;***

The Para-wise comments in the above noted Service Appeal  
are as under:-

1. That the petitioner is law abide citizen of Pakistan and is enjoying well reputation in the society and is educated person having domicile of District D.I.K. Copies of educational record are enclosed herewith.

**REPLY ON FACTS**

1. N/A, Para#1 of the service appeal it relates to the service record of the appellant.
2. Para#2 is correct
3. Para#3 is correct.
4. Para#4 is incorrect.

5. Para # 5 is correct

6. N/A.

**REPLY ON GROUNDS**

A. Incorrect and not accepted.

B. Incorrect and not accepted.

C. Incorrect, not admitted.

D. Incorrect. Not admitted.

E. Para is correct.

F. Incorrect.

G. A/A

***It is therefore, requested that appeal of the appellant  
may please be dismissed.***

Date: 03 /10/2023

**Musarat Hussain  
DEO(M), DIKhan  
(Respondent No. 3)**

Your Humble Respondent # 3

  
DEO(M) E&S D.I.Khan

Through counsel  
**District Education Officer  
(M) Dera Ismail Khan.**

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

Service Appeal No. 987 of 2017

Muhammad Ramzan **VERSUS** Secretary E&SE KPK etc

**SERVICE APPEAL**

**AFFIDAVIT**

I, **Musarat Hussain**, District Education Officer (Male) District Dera Ismail Khan, the respondent No. 3, do hereby solemnly affirm and declare on oath, that contents of the above said **Parawise Comments** are true and correct to the best of my knowledge and belief; and nothing has been deliberately concealed from this Hon'ble Tribunal.

Deponent

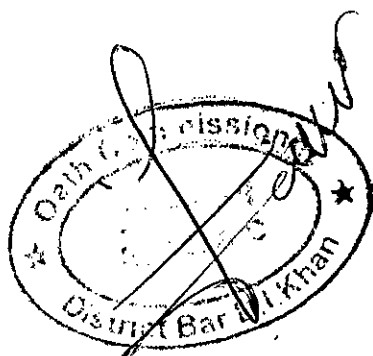
Musarat Hussain

DEO(M), DIKhan

(Respondent No. 3)

Dist: Education Officer

(M) D.I.Khan



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.

Service Appeal No. \_\_\_\_\_ 2017

Khyber Pakhtunkhwa  
Service Tribunal

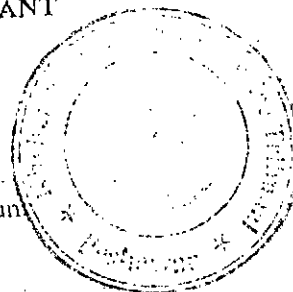
Case No. 826  
Dated 21-7-2017

Muhammad Ramzan Ex-PST  
GPS tube well Noor Alam DI. Khan

APPELLANT

VERSUS

1. The Secretary (E&S) K.P.K. Peshawar.
2. The Director Education Khyber Pakhtunkhwa Peshawar.
3. Executive District Officer, Schools & Literacy DI. Khan
4. DG Agriculture Extension Wing Tank, DI. Khan.



RESPONDENT

APPEAL UNDER SECTION-4 OF THE KHYBER  
PAKHTUNKHWA, SERVICE TRIBUNAL ACT, 1974  
AGAINST THE ORDER DATED 08.02.2012  
COMMUNICATED TO THE APPELLANT ON  
24.02.2017 THROUGH EXECUTION IN EXECUTION  
PETITION NO. 197/2016 WHEREBY THE APPEAL  
WAS TERMINATED FROM SERVICE AND  
AGAINST NOT TAKING ACTION ON THE  
DEPARTMENTAL APPEAL OF THE APPELLANT  
WITHIN STATUTORY PERIOD OF 90 DAYS.

PRAYER:

THAT ON ACCEPTANCE OF THIS APPEAL, THE  
ORDER DATED 08.02.2012 MAY BE DECLARED AS  
ILLEGAL AND MAY BE SET ASIDE. AND  
REINSTATED THE APPELLANT WITH ALL BACK  
AND CONSEQUENTIAL BENEFITS OR MAY BE  
REPATRIATED TO HIS PARENT DEPARTMENT.  
ANY OTHER REMEDY, WHICH THIS AUGUST  
TRIBUNAL DEEMS FIT AND APPROPRIATE THAT  
MAY ALSO BE AWARDED IN FAVOUR OF  
APPELLANT.

*Signature*  
21/7/17

RESPECTFULLY SHEWETH:

FACTS:

That the appellant was working as driver (BPS-6) in District  
officer Agriculture tank for last more than 16 years. The  
appellant performed his duty up to entire satisfaction of his  
superiors and no complaint has been filed against him

ATTESTED

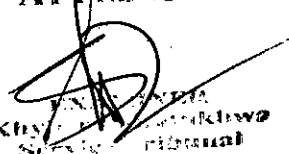
*Signature*  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

2. That the appellant was applied for the post of PST through proper channel and the appellant was transferred/posted as PST on 1.2.2008 vide order dated 30.01.2008. (Copy of Appointment order, NOC and charge report is attached as Annexure-A, B & C).
3. That the appellant was terminated from service by the DCO, DI Khan vide order dated 04.09.2009 under the colour of compliance to the Chief Minister, KPK. Then appellant filed appeal NO. 2600/2010 IN KPK Service Tribunal Peshawar, which was decide in 27.10.2011 and the said appeal was accepted and disposed of the appeal in same manner as according to appeal no 1042/2007 and 545/2011 decided on 28.1.2010 and 28.04.2011 and directed the respondents shall ascertain that the present appellant are similar placed person to the appellant in appeal no. 1042/2007 and 545/2011. Copy of judgment is attached as Annexure-D
4. That the respondent conducted one sided inquiry by violating the direction of KPK service Tribunal Peshawar and issued impugned termination order dated 08.02.2012, communicated to the appellant on 24.02.2017 through execution in execution petition no. 197/2016, without giving personal hearing to the appellant which is against the law and rules. Furthermore appellant has right to repatriated to his department Copy of orders is attached as Annexure E & F.
5. That the appellant filed an appeal against the order dated 28.02.2012 communicated to the appellant on 24.02.2017 through execution in execution petition no. 197/2016 which was not replied by the respondents within statutory period of 90 days.
6. That now the appellant comes to this Honourable Tribunal on the following grounds amongst the others.

**GROUND:**

- A) That the impugned order dated 28.04.2012 is against the law, facts, material on record and norms of justice and liable to be set aside.
- B) That no regular inquiry was conducted against the appellant before imposing major penalty of termination from service which is not permissible in law.
- C) That the no codal formalities was fulfilled by the department before imposing major penalty which is violation of superior court judgment and also violation of the directions of the

**ATTESTED**

  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

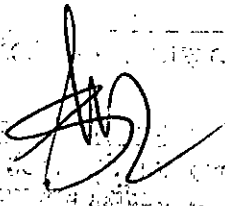
KPK Service Tribunal given on the judgment dated 27.10.2011.

- D) That neither the regular enquiry was conducted nor the appellant was heard in person which amounts to **AUDI ALTERM PALTERM**.
- E) That the appellant have more than 16 years' service in agriculture department and applied through proper channel and the penalty imposed by the education department is too harsh and also discriminated the appellant. There is some person repatriated to his parent department so the appellant is also entitled for the same relief. Copy of the order is attached as Annexure-G
- F) That the appellant has not been treated according to law and rules.
- G) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore, most humbly prayed that the appeal of the appellant maybe accepted as prayed for.

  
APPELLANT  
Muhammad Ramzan

THROUGH:

  
(SYED NOMAN ALI BUKHARI)  
ADVOCATE, PESHAWAR.

**OFFICE OF THE DISTRICT EDUCATION OFFICER  
(MALE) DERA ISMAIL KHAN**

=====

**AUTHORITY LETTER**

Mr. **Khalid Saeed Akbar** is hereby authorized to attend the Honourable Service Tribunal Court of Peshawar in connection with the Service Appeal No. 987/2017 in r/o Muhammad Ramzan VS Govt: of KPK Ex-Driver in Agriculture-Education Department on behalf of respondent District Education Officer (Male) Dera Ismail Khan till the decision of the said Service appeal.



*for*  
DISTRICT EDUCATION OFFICER  
(MALE) DERA ISMAIL KHAN

District Education Officer  
(Male) Dera Ismail Khan



~~0347-6883160.~~

---

0333-5022-3567