

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR .

Service appeal No. 1476 / 2023

Gule Lala ----- (Appellant)

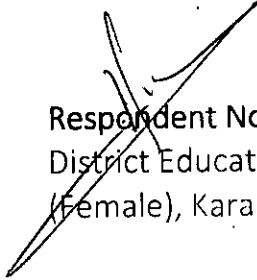
VERSUS

D.E. O (Female) & Others.----- (Respondents).

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Dated:-----/11/2023


Respondent No. 3
District Education Officer
(Female), Karak

f

BEFORE THE KHYBER PAKHTUNKHAWA SERVICES TRIBUNAL PESHAWAR.

APPEAL NO. 1476/2023

1. Mst: Gule Lala EX-PST GGPS Chanda Khurram Tehsil & District Karak
..... **APPELLANT.**

Versus

1. The Secretary to Govt of Khyber Pakhtunkhawa Elementary & Secondary Education Department Civil Secretariat Peshawar.
2. The Director Elementary and Secondary Khyber Pakhtunkhawa Peshawar,
3. The District Education Officer (F) Karak.....**RESPONDENTS.**

Para wise comments on behalf of the Respondent No .1 to 3.

RESPECTFULLY SHEWETH.

PRELIMINARY OBJECTION.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 9301

Date 22-11-23

1. That the appellant has got no cause of action to file the instant appeal
2. That the appellant has not come to this Honourable Tribunal with clean hands.
3. That the appellant has concealed material facts from this Honourable Tribunal.
4. That the appellant is estopped by his own conduct to bring the present appeal.
5. That the appeal is bad due for misjoinder and non-Joinder of necessary parties.
6. That the appeal is barred by law and limitation No Departmental appeal has been filed to the competent authority against the impugned Order. Hence not maintainable under Section-4 of Service Tribunal Act.

Facts-

1. That Para 1 is correct to the extent of issuance of appointment order dated 31.12.2010 of the petitioner including other candidate and the District Education officer (Female) karak has dismissed the petitioner alongwith other appointees on 12.8.2011 mentioned in the dismissal order after verification of documents including the documents of the appellant which her documents found bogus and the Department respondent follow the Terms & condition at Para No.4. So the appellant was dismissed in the light of Terms and condition at Para No.4 of the appointment order.
2. That Para 2 pertains to Record
3. That Para 3 is incorrect and not admitted as per Para no 4 of the Terms and condition appointment is subject to the condition that the certificates must be verified from the concerned authorities by the competent authority. If anyone found producing bogus certificate she will be reported to the law

enforcing agencies for further action and their services will be considered as automatically dismissed with no privileges of the post if any. Hence the appellant was dismissed from service due to her bogus Documents.

4. That Para 4 is correct to the extent that the appeal of the appellant was rejected by the District Co-ordination Officer Karak ample opportunity was given to the appellant but they could not produce anything in their defense . Office order issued vide his office No.2746/DCO/EA dated 25.7.2012.Hence her appeal was rejected is correct. It is worth mentioned that the appellant if aggrieve from the decision of the appellant authority she is bound to lodged in appeal in the Service Tribunal ~~in~~ with-in Stipulated period while the appellant lodged in writ petition 171-B/of 2021 after laps of 09 years So the appellant lost her right of appeal in the present court.
5. Para No.5 is incorrect and not admitted the others colleagues of the appellant lodged in their service appeal on due time while the appellant lodged in appeal in the High court in 2021 already mentioned at Para No.4.
6. Para No.6 of the appellant is incorrect and not admitted as the case of the appellant is not a same nature case.
7. Para No.7 is incorrect and not admitted that the appellant has no filed any service appeal Or joined other proper remedy if she was aggrieved. Hence the appellant is not entitled to be Re-instated in her service.
8. Para No.8 is correct.
9. Para No.9 is correct but the present Appeal is badly time barred.

GROUND.

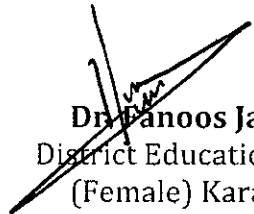
- A. **Incorrect and Denied**, As stated above that after verification the documents as per para No.4 of the appointment order dated 31.12.2010 which were bogus the appellant along with other were dismissed from service vide dismissal order dated 12.8.2012.
- B. **Incorrect and Denied**, the appellant has been treated in accordance with the Rules and policy of the Provincial Government.
- C. **Incorrect and Denied**, the District Coordination Officer Karak give an opportunity to the appellant mentioned at Para No.2 of her rejection Office Order dated 25.7.2012.
- E. **Incorrect and Denied**, As Per Para No.4 of the appointment order already explained at Para No.1 of the fact. Furthermore the judgment of the superior court not applicable in this case.**(Para D & F is lifted in the appeal).**


G. **Incorrect and Denied**, The appellant case is time barred and not come to the Court with in stipulated period hence the judgments mentioned at Para G is not applicable in the present appeal of the appellant.

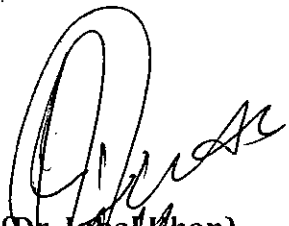
g. **Incorrect and Denied**, the respondent Department is bound to implement the Rules and Policy of the Government for appointment.

Prayer:-

In the light of the above stated facts, it is requested to dismiss the case of the appellant with cost.


Dr. Panoos Jamal
District Education Officer
(Female) Karak
(Respondent No: 3)


(Motasim Billah Shah)
SECRETARY
E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondent No: 1)


(Dr. Iqbal Khan)
DIRECTOR
E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondent No: 2)

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2. The Secretary to Govt of Khyber Pakhtunkhawa Elementary & Secondary Education Department Civil Secretariat Peshawar.
3. The Director Elementary and Secondary Khyber Pakhtunkhawa Peshawar,
4. The District Education Officer (F) Karak.....**RESPONDENTS.**

AFFIDAVIT

I, Dr. Fanoos Jamal DEO(F) Karak, do hereby solemnly affirm and declare on oath that all the contents of accompanying comments are true and correct as per record of the office and knowledge and belief, nothing is lie and nothing has been concealed from this honorable court. It is further stated on oath that in this appeal the answering respondent have neither been placed Ex Party nor their defense has been struck off.

Dated -----/0 /2023.

Deponent
Dr. Fanoos Jamal

ID No. 12102-2287662-2

Identification.



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OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE)
KARAK.

AUTHORITY.

Mst:Muhammad Sultan B & A O DEO (F) Karak is hereby authorized to to submit Para wise comments in the Honourable Service Tribunal in the Services Appeal No._1476/2023 titled Mst: Gul-e- Lala Vrs Govt:of Khyber Pakhtunkhawa. He is also authorized to attend the Hon: Tribunal on behalf of the undersigned.


DISTRICT EDUCATION OFFICER
(FEMALE) KARAK.

DR. Fanoos Jamal.