

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR CAMP COURT ABBOTTABAD**

Appeal No. 1635/2022

Saima Naz.....Appellant

**VERSUS**

Government of Khyber Pakhtunkhwa & Others..... Respondents

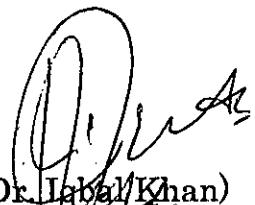
**SERVICE APPEAL**

**PARA WISE COMMENTS ON BEHALF OF RESPONDENTS NO. 02 & 03**

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1	Comments alongwith affidavit.	01 to 04	

Dated: \_\_\_/\_\_\_/2023

  
 (Dr. Iqbal Khan)  
**DIRECTOR**  
 E&SE Khyber Pakhtunkhwa  
 Peshawar

14-12-23  
 A-Abael

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
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**Respectfully Sheweth:-**

Comments on behalf of respondents are submitted as under:-

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 9520

Dated 27-11-23

**PRELIMINARY OBJECTIONS:-**

1. That the appellant has no cause of action to file the instant appeal.
2. That the appellant has no locus standi to file the present appeal.
3. That the appellant did not come to this Honorable Tribunal with clean hands.
4. That the present appeal has been filed to pressurize and blackmail the respondents.
5. That the instant appeal is not maintainable in its present form hence, liable to be dismissed.
6. That the appellant has suppressed the material facts from this Honorable Tribunal, hence, not entitled for any relief and appeal is liable to be dismissed without any further proceedings.
7. **That as per Rule 7 of The KP Civil Servant Pay Revision Rules 1978, at least 06 months service is required for grant of annual increment on the 1<sup>st</sup> December of each year, whereas in the instant case the condition of completion of service of six months as civil servant for accrual of annual increment on 01-12-2009 does not fulfill i. e 24-09-2009 to 30-11-2009. Hence, service appeal in hand is liable to be dismissed without any further proceedings.**
8. That the appeal is barred by law and limitation.

**Factual Objections:-**

1. That the Para No. 01, of the instant service appeal relates to service record.
2. That the Para No. 02, of the instant service also pertains to record.
3. In reply to Para No. 03, of the instant service appeal it is submitted that services of the appellant and other employees were regularized by the Govt through Act of Provincial Assembly (Act No. X VI of 2009 w.e.f 24-09-2009).
4. That the Para No. 04, of the instant service appeal relates to record.
5. In reply to Para No. 05, of the instant service appeal, it is submitted that proper justification was intimated to appellant vide letter dated 27-06-2022 and the copy of the same has already been annexed as **Annexure "E"** of the Service Appeal.
6. That the Para No. 06, of the instant service appeal relates to record.
7. In reply to Para No. 07, of the instant service appeal, it is submitted that services of the appellant and other employees were regularized by the Govt through Act of Provincial Assembly (Act No. X VI of 2009 w.e.f 24-09-2009).
8. That the reply has already been given in Para No. 07 of the factual objections.
9. That the reply has already been given in Para No. 07 of the factual objections.
10. That the Para No. 10, of the instant service appeal relates to record.
11. That the Para No. 11, of the instant service appeal as composed is incorrect hence, denied. As per Rule 7 of The KP Civil Servant Pay Revision Rules 1978, at least 06 months service is required for grant of annual increment on the 1<sup>st</sup> December of each year, whereas in the instant case the condition of completion of service of six months as civil servant for accrual of annual increment on 01-12-2009 does not fulfill i. e 24-09-2009 to 30-11-2009. Hence, service appeal in hand is liable to be dismissed without any further proceedings.
12. In reply to Para No. 12, of the instant service appeal it is submitted that departmental appeal is against the Law, Rules & Policy.
13. Reply has already been given in Para No. 12 of the factual objections.

**GROUNDS:-**

- A. That ground A, of the instant appeal as composed is incorrect hence, denied.
- B. That ground B, of the instant appeal as composed is incorrect hence, denied.  
As services of the appellant and other employees were regularized by the Govt through Act of Provincial Assembly (Act No. X VI of 2009 w.e.f 24-09-2009).
- C. That ground C, of the instant appeal as composed is incorrect hence, denied.  
Reply has already been given in Para No.11 of the factual objections.
- D. That ground D, of the instant appeal as composed is incorrect hence, denied.
- E. That ground E, of the instant appeal as composed is incorrect hence, denied.
- F. That ground F, of the instant appeal as composed is incorrect hence, denied.  
As services of the appellant and other employees were regularized by the Govt through Act of Provincial Assembly (Act No. X VI of 2009 w.e.f 24-09-2009).
- G. That ground G, of the instant appeal as composed is incorrect hence, denied  
That the respondents seek leave of this Honorable Tribunal to raise additional points at the time of arguments.

It is, therefore, very humbly prayed that in the light of forgoing comments the service appeal in hand may graciously be dismissed with cost throughout.



**SECRETARY**  
Finance Department  
Khyber Pakhtunkhwa  
Peshawar  
✓ (Respondent No. 2)  
AMIR SULTAN TAREEN



**DIRECTOR**  
E&SE Khyber Pakhtunkhwa  
Peshawar  
(Respondent No.3)  
DR. IQBAL KHAN

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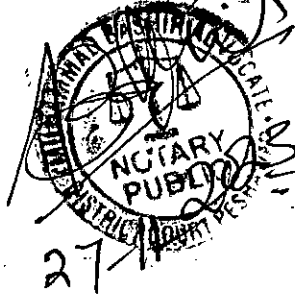
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**AFFIDAVIT**

I, Dr. Iqbal Khan Director E&SE Khyber Pakhtunkhwa, do hereby solemnly affirm & declare on oath that the contents of the instant para wise Comments are true & correct to the best of my knowledge & belief. 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/cost.

**ATTESTED**



*[Signature]*  
DEPONENT

Dr. Iqbal

Resp. No-3




**DIRECTORATE ELEMENTARY & SECONDARY EDUCATION**  
Khyber Pakhtunkhwa, Peshawar.

**AUTHORITY LETTER**

I, Dr. Iqbal Khan, Director (E&SE) Khyber Pakhtunkhwa Peshawar do hereby authorized Mr. Behramand Khan, Assistant Director Litigation-II of this Directorate for submission of Joint Parawise Comments in **Service Appeal No. 1635/2022** case titled **Saima Naz, SST District Abbottabad Vs Government of Khyber Pakhtunkhwa & others** fixed for hearing on 14-12-2023, hence, an authority letter is hereby issued in favor of the above-named officer.

Dated: 27-11-2023

  
Director  
E&SE Khyber Pakhtunkhwa,  
Peshawa