

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No.308/2023

Sher Afsar (Ex-Chowkidar) S/O Saif Ur Rahma R/O Adina Dawat Kheil Tehsil Razzar

District Swabi.....

Appellant

VERSUS

1. Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Director Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar
3. District Education Officer Male Swabi.
4. District Accounts Officer Swabi.

Respondents

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(IRFAN ALI)
DISTRICT EDUCATION OFFICER
(MALE) SWABI
Distt: Education Officer
(Male) Swabi

04-12-2023

Peshawar,
C/R

013

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
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Respondents

PARA WISE COMMENTS ON BEHALF OF THE RESPONDENTS No. 1 TO 3

Khyber Pakhtunkhwa
Service Tribunal

Respectfully Sheweth,

Diary No. 9588

PRELIMINARY OBJECTIONS.

Dated 29-11-2023

1. That the date of birth of the appellant has already been corrected by the competent authority vide order Dated: 26-09-2006, hence the ~~appeal~~ is not maintainable.
2. That the appellant has already been retired from service w.e.f 31-03-2021(AN) on attaining the age of superannuation, as his date of birth was 01-04-1961, hence the ~~appeal~~ is not maintainable.
3. That the service appeal is wholly incompetent, misconceived and untenable.
4. That the service appeal is wrong, baseless and not maintainable, it shows no strong cause to be taken for adjudication, therefore, the same service appeal is liable to be rejected/ dismissed.
5. That the service appeal is unjustifiable, baseless, false, frivolous and vexatious. Hence the same is liable to be dismissed with the order of special compensatory cost in favour of respondents.
6. That the appellant has not come to the Court/Tribunal with clean hands.
7. That the appellant has concealed the material facts from this Honourable Tribunal.
8. That the appellant has no cause of action to file the instant appeal.

Facts:

1. That the para relates to the appointment of the appellant, hence needs no comments.
2. That the para relates to the performance of the appellant during his service, hence need no comments.
3. That the date of birth of the appellant had been entered in his service book 25-12-1955, which was corrected by the competent authority i.e. Executive District Officer (S&L) Swabi vide order Endst No: 3914-17 Dated: 26-09-2006. The

District Education Officer
(Male) Swabi

SECRET
DIRK BUREAU OFFICE

SECRET
DIRK BUREAU OFFICE

correct date of birth of the appellant was entered on the first page of his service book. **Correction in date of birth annexed as A**

- 4. That the appellant has already been retired from service on superannuation dated 31-03-2021(AN). Furthermore, his pension papers have already been prepared and properly signed, which was sent to the District Accounts Officer Swabi for issuing his pension and his pensionary benefits. It is pertinent to mention that the further process is the responsibility of the District Accounts Officer Swabi, respondents No.4 **retirement notification annexed as B**

Grounds:

- A. Correct to the extent that the date of birth of the appellant has already been corrected by the competent authority i.e. respondent No.3 District Education Officer Male Swabi.
- B. Incorrect, hence strongly denied. The respondent No.3 has already corrected his date of birth accordingly.
- C. That the para relates to the respondent No.4 District Accounts Officer Swabi.
- D. That the respondent No.3 retired the appellant according to his correct date of birth, prepared his pension documents and submitted for further process to the respondent No.4 District Account Officer Swabi.

In view of the above stated submissions, it is therefore earnestly requested that the instant appeal may very graciously be dismissed in favor of the respondent No. 1,2 and 3. Furthermore, the respondent No.4 may please be directed to process the case of the appellant.

1. (MOTASIM BILLAH SHAH)

Secretary E&SED KP
Peshawar
SECRETARY
Elementary & Secondary Edu: Deptt:
Government of Khyber Pakhtunkhwa

3. (IRFAN ALI)

District Education Officer
Male Swabi
Distt: Education Officer
(Male) Swabi

2. (DR. MUHAMMAD IQBAL)

Director E&SED KP Peshawar
Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No.308/2023

Sher Afsar (Ex-Chowkidar) S/O Saif Ur Rahma R/O Adina Dawat Kheil Tehsil Razzar

District Swabi.....

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2. Director Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar
3. District Education Officer Male Swabi.
4. District Accounts Officer Swabi.

Respondents

Affidavit

I, Irfan Ali DEO Male Swabi do hereby solemnly affirm and declare on oath that the contents of the comments submitted by respondents are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

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



(IRFAN ALI)
 DISTRICT EDUCATION OFFICER
 (MALE) SWAB
 Dist: Education Officer
 (Male) Swabi

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OFFICE OF THE EXECUTIVE DISTRICT OFFICER (SCHOOLS & LITERACY) SWABI.
CORRECTION IN DATE OF BIRTH.

Consequent upon the acceptance of appeal of Mr. Sher Afgan S/o Saifur Rahman Chowkidar, GPS, Shaheeda Qadeem in the light of S.L.C. issued by the Head Teacher, GPS, Milia No.1, Sanction name by accorded for correction in Date of Birth (01.04.1951) instead of (25.12.1955) in the best interest of public service.

Necessary correction in the S. Book & other record may be made under the proper attestation of DDO(S) concerned.

(SAIFUR RAHMAN)
EXECUTIVE DISTRICT OFFICER
(SCHOOLS & LITERACY) SWABI.

Dist. No. 3914-17/0/0/D/O Birth in S. Book/C.IV, s/File/A:8/Dt: 26/9/06

Copy of the above is forwarded for information and necessary action to the:-

1. District Accounts Office Swabi.
2. District Officer (Male) Swabi.
3. Deputy District Officer (M) Swabi w/r to his No. Nil Dated, Nil along with (Original S. Book & L. Accounts).
4. Head Teacher GPS, Shaheeda Qadeem.

Handwritten signature and initials

Signature
District Officer (M) Swabi.

Handwritten date
26/09/06

Executive Distt. Officer
Schools & Lit: Swabi

OFFICE OF THE DISTRICT OFFICER (MALE) SWABI.

Dist. No. 3914-17/0/0/D/O Correction of D/O Birth/Name dated Swabi the 6/9/2007

Forwarded to the:-

1. Circle Officer Circle: Kalu Khan a/w S/Book with the remarks to make necessary entries in the S/Book of the above named Class-IV Servant.
2. Head teacher concerned.
3. Mr. Sher Afgan S/o Saifur Rahman Chowkidar GPS, Shaheeda (Qadeem).

Distt. Education Officer
Swabi

District Officer,
(M) Swabi.

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (SCHOOL & LITRACY) SWABI

CORRECTION IN DATE OF BIRTH.

Consequent upon the acceptance of appeal of M. Sher Afsar S/O Saif Ur Rahman Chowkidar, GPS Shaheeda Qadeem in the light of S.L.C. issued by the Head Teacher, GPS, Adina No.1, sanction is hereby accorded for correction in date of birth (01.04.1961) instead of (25.12.1955) in the best interest of public service.

Necessary correction in the S.Book & other record may be made under the proper attestation of DDO(M) concerned.

(SAIFUR RAHMAN)
EXECUTIVE DISTRICT OFFICER
(SCHOOL & LITRACY) SWABI

Endst No.3914-17/O/O/D/O Birth in S. Book /C.IV,s/File/DA:8/Dt:26/9/06

Copy of the above is forwarded for information and necessary action to the:-

1. District Accounts Office Swabi.
2. District Officer (Male) Swabi.
3. Deputy District Officer (M) Swabi w/r to his No. Nill Dated, Nill along with (original S.Book & L.Accounts).
4. Head Teacher GPS, Shaheeda Qadeem.

- Sd -
District Officer(S&L)
(Male) Swabi.

OFFICE OF THE DY: DISTRICT OFFICER (MALE) S&L SWABI.

Endst No. 968-70/F.No.102/Correction of D/O Birth /Name dated swabi the 6/2/2007

Forwarded to the: -

1. Circle Officer Circle Kalu Khan a/w S/Book with the remarks to make necessary entries in the S/Book of the above named Class-IV servant.
2. Head Teacher concerned.
3. Sher Afsar S/O Saif Rehman Chowkidar GPS, Shaheeda Qadim

- Sd -
DY: DISTRICT OFFICER
(M) S&L SWABI.

Distt: Education Officer
(Male) Swabi



(18)

05

DISTRICT EDUCATION OFFICE (MALE) SWABI



(OFFICE PHONE & FAX NO 0938-280239, emis_swabi@yahoo.com)

NOTIFICATION

Without prejudice to the legal remedies available to Provincial Govt. and in pursuance of judgment of the Peshawar High Court dated 19.02.2020 in WP No. 5673-P/2019, Mr. Sher Afsar Chowkidar (BPS-04) of GPS Shaheeda Qadeem Swabi shall stand retired from Govt. Service w.e.f 31-03-2021 (AN) on attaining the age of superannuation, as his date of birth is 01-04-1961 subject to CPLA/ Appeal of the Provincial Government against aforementioned judgment of Peshawar High Court and any order contrary as and when issued by the apex Court Pakistan.

He is further allowed encashment of Lump sum period of (365-days on full pay) as due and admissible to him under the revised leave Rules 1981.

Note:-

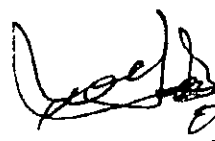
1. Entry to this effect should be made in his S/Book & Leave account.

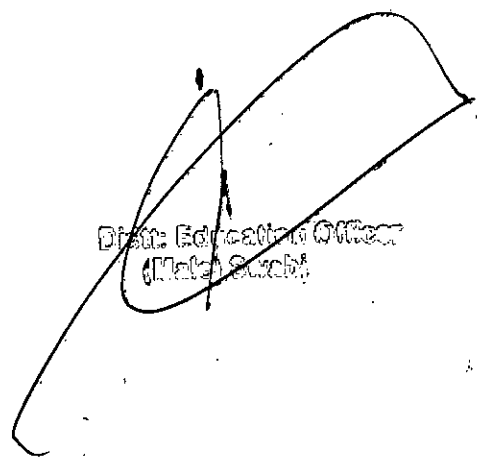
(ZAHID MUHAMMAD)
DISTRICT EDUCATION OFFICER
(MALE) SWABI

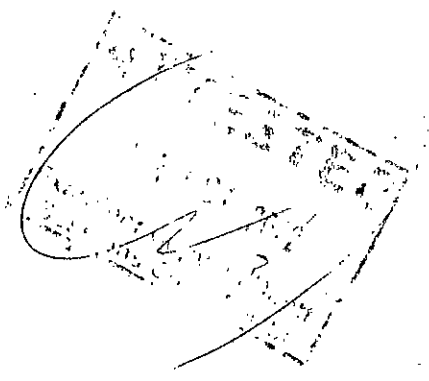
Endst No. 1555-SH / Dated Swabi the: 03 / 03 / 2021.

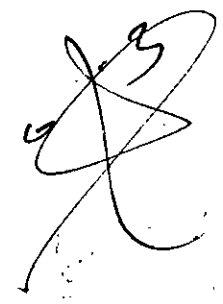
Copy of the above is forwarded to the:-

1. District Accounts Officer Swabi.
2. District Monitoring Officer Swabi.
3. SDEO (M) Razzar a/w original service Book.
4. Official Concerned.


DISTRICT EDUCATION OFFICER
(MALE) SWABI


Distt: Education Officer
(Male) Swabi







DISTRICT EDUCATION OFFICE (MALE & FEMALE) SWABI

(Office Phone & Fax No 0938280239, emis_swabi@yahoo.com)



AUTHORITY LETTER

Mr. Fazli Khalig Superintendent BPS-17 Office of the District Education Officer (Male) Swabi is hereby authorized to attend and deal Departmental cases in the **Honorable Service Tribunal Peshawar, August Peshawar High Court Peshawar and apex Supreme Court of Pakistan** on behalf of the Competent Authorities i.e District Education Officer (Male & Female) Swabi in the best interest of public service

His CNIC No is 16202-0893178-1

His specimen signature is

(IRFAN ALI)

DISTRICT EDUCATION OFFICER

(MALE) SWABI

District Education Officer
Male Swabi

(SOFIA TABASSUM)

DISTRICT EDUCATION OFFICER

(FEMALE) SWABI

District Edu. Officer
(Female) Swabi

o/s.

Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Attested

29/11/2023