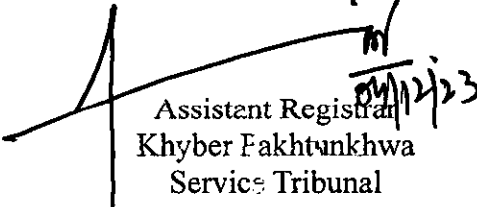


Cost of Rs. 10,000/- received in Service Appeal No. 729/2023,

Titled Aameed Ullah VS. Education

in the office of Assistant Registrar, Vide Order 2/11/23, Submitted Dated: 04/12/2023.

  
Assistant Registrar  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No: 729 of 2023

Hamid Ullah Khan----- Appellant

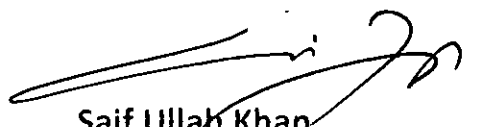
Versus

Govt of KPK through its Chief KPK Peshawar and others-----Respondents

INDEX

S.No	Description of Documents	Annexure	Page
1	Para- Wise Comments		1-3
2	Affidavit		4
3	Authority Letter		5
4	Break up of vacant pst	A	6

Dated: 4 / 12 / 2023

  
Saif Ullah Khan  
District Education Officer  
Bannu

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No: 729 of 2023

Hamid Ullah Khan----- Appellant

Versus

Govt of KPK through its Chief KPK Peshawar and others-----Respondents

Joint Comments on behalf of Respondents No: 1 to 3

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 9680

Dated 04-12-2023

Preliminary Objections

1. That the Appellant has no cause of action, locusstandi to file the instant Appeal.
2. That the appellant has concealed material facts from the Honorable Tribunal.
3. That the matter is badly barred by law and limitation.
4. That the conduct of the Appellant stopped himself to bring this instant appeal.
5. That the appeal bad for misjoind and non joind of necessary parties.

On the facts.

- 1- It is incorrect merit list was prepared by the departmental selection committee on the following recruitment formula  
25% for open merit  
75 % for Tehsil merit.  
As Sub Division Wazir Bannu was bifurcated in two tehsil Ahmad Zai and Uthman Zai at time, Whereas the applicant belong to Tehsil Ahmadzai and did not come in the orbit of merit list in tehsil Ahmad zai because five posts were vacant in Ahmad zai at that time. Break up of post of vacant post in annexure-A
- 2- It is incorrect the respondent No.4 appointed those candidates who were in the orbit of merit list.
- 3- It is incorrect the applicant was not in merit list at that time as mentioned in para. No 01, because in merit position he was on No.17 and only five posts of CT(BPS-15) were vacant in Ahmadzai Tehsil the case was proceeded without presence of the respondent by the provisional

ombudsman in favor of applicant. Furthermore, the worthy provisional ombudsman has no jurisdiction/maintainability to maintain such type of case according to Law.

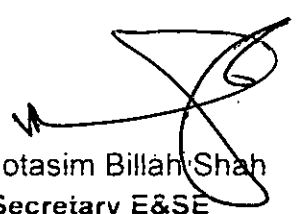
- 4- It is incorrect the applicant has appointed on 10-07-2021 without following a merit list. Furthermore, respondents obey current law rules and policy and not responsible for any act which have been done by any officer/official illegal as well as not bound to follow illegal practice of predecessor. Moreover, the decision of worthy provisional ombudsman is only for appointment not for his back benefits as applicant relinquished back benefits.
- 5- It is incorrect, the appeal of the applicant was rejected as per rule and existing policy I.e. No duty no pay.
- 6- It is incorrect; the appellant has no right to file an instant appeal in this honorable service tribunal.

**On Grounds:**

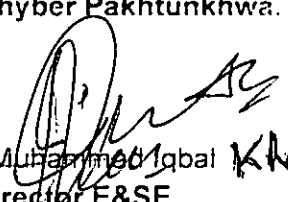
- A. It is incorrect the appellant has no right to claim seniority and back benefits because his appointment order will be applicable with immediate effect according to the terms and conditions of the appointment.
- B. Its correct to the extent of demand of law and the rest of Para is denied and incorrect the respondents are responsible officers of governments and they are bound by Law to obey current rules and policy thus there is no discrimination amongst petitioner and others
- C. It is incorrect the appellant has no right for seniority because seniority and back benefits can be claimed from the date of taking over charge after appointment. Therefore, his seniority and back benefits shall be considered from the date of taking over charge.
- D. It is incorrect; reply of this Para is explained in detail on the above.
- E. As explained in above pares.
- F. The Incorrect, the worthy provisional ombudsman decided the case in favor of applicant without hearing the stance of respondents.
- G. The respondents may also be allowed to add additional supporting documents at the time arguments.

**Pray**

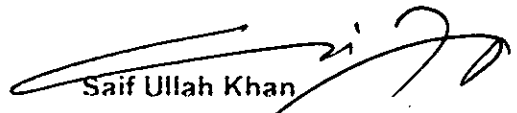
In the light of the above stated facts, it is humbly prayed that appeal of the appellant having no valid legal grounds may very graciously be dismissed with heavy cost.



Motasim Billah Shah  
1. Secretary E&SE  
Khyber Pakhtunkhwa.



Dr. Muhammad Iqbal Khan  
2. Director E&SE  
Khyber Pakhtunkhwa



Saif Ullah Khan  
3. District Education Officer  
Sub Division Wazir Bannu

(4)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No: 729 of 2023

Hamid Ullah Khan----- Appellant

Versus

Govt of KPK through its Chief KPK Peshawar and others-----Respondents

AFFIDAVIT

I, Mr. Saif Ullah Khan District Education Officer Male Bannu , do hereby solemnly affirms and declare on oath that accompanying written reply are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Services 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.

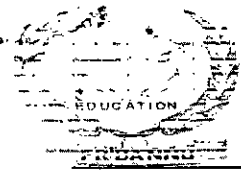
Dated: 04/12/2023



DEPONENT

Saif Ullah Khan  
DEO Male Bannu

CNIC 11101-1482418-5



Office of the

**District EDUCATION OFFICER, SUB DIVISION WAZIR BANNU**

Near Bannu Township Bezen Khel road, Bannu  
Ph: 0928-633255, Fax: 0928-633255

(5)

No. /

Dated: / / 2023

## Authority Letter

It is stated that Mr *Muhammed Akbar SIO Nazir Khan R/O Bannu*  
C.N.I.C No *11101-1496204-5* has been authorized to submit comments in  
Honourable Khyber Pakhtunkhwa Service Tribunal in Services Appeal No:  
No:729, Titled *Hamid Ullah Khan Vs Govt of KPK etc* on behalf of District  
Education Officer Sub Division Wazir Bannu.

Saif Ullah Khan

District Education Officer  
Sub Division Wazir Bannu.

**OFFICE OF THE AGENCY EDUCATION OFFICER FR BANNU AT BANNU.**

Detail of Vacant (Male/Female) Posts of Teaching/Non-Teaching Staff in FR Bannu during 2012-13

S#	Name of Post	Ahmadzai Vacant Posts		Uthmanzai Vacant Posts		Total Vacant Posts		Remarks
		Male	Female	Male	Female	Male	Female	
1	CT	4	6	21	8	25	14	
2	DM		3	8	4	8 ✓	7 ✓	
3	PET		1	10	0	10 ✓	1 ✓	
4	AT	3	2	8	4	11 ✓	6 ✓	
5	Qari	1	1	2		3 ✓	1 ✓	
6	TT	8		7	1	15 ✓	1 ✓	
7	PTC		6	11	7	11 ✓	13 ✓	
Total		16	19	67	24	83	43	

(9)

*[Signature]*  
A.A.E.O (Male)  
Ahmadzai FR Bannu

*[Signature]*  
A.A.E.O (Male)  
Uthmanzai FR Bannu

*[Signature]*  
A.A.E.O (Female)  
FR Bannu

*[Signature]*  
Sub-Division Wazir Bannu

Education Officer  
Sub-Division Wazir Bannu

Countersigned by  
*[Signature]*  
Agency Education Officer  
FR Bannu