

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

**Service Appeal No. 830 / 2023**

**Maqsood ul Islam** ----- (Appellant)


**V E R S U S**

**Govt: of Khyber Pakhtunkhwa through Secretary & Others.** ----- (Respondents).

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Dated:-----/11/2023

  
(Zeeshan Ali Shah)  
Assistant Director (Sr)  
LG&RBD, Karak  
Respondent No. 3

*Hearing -15-12-23*

*Peshawar*

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

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 0772

Date 08-12-2023  
(Appellant)

**Service Appeal No. 830 of 2023**

**Maqsood ul Islam** -----

**V E R S U S**

**Govt. of Khyber Pakhtunkhwa through Secretary & Others.** -----(Respondents).

**JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO.**  
**1, 2 & 3**

Respectfully Sheweth:  
**Preliminary Objections.**

- i. That appellant has got no cause of action to file the instant service appeal.
- ii. That the above titled service appeal is wrong, incorrect and against the law & facts.
- iii. That the appellant is estopped to file the instant service appeal by his own conduct.
- iv. That the instant service appeal is not maintainable & entertainable in its present form.
- v. That the appellant has not come to this honourable Tribunal with clean hands.
- vi. That the instant service appeal is liable to be dismissed due to mis-joinder & non-joinder of the party.


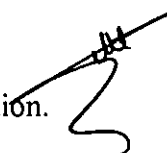
**ON FACTS:**

- 1. Para No.1 pertains to record, however it is correct.
- 2. Para No.2 pertains to record, however it is correct.
- 3. Para No.3 pertains to judicial judgment, however it is correct.
- 4. Para No.4 pertains to record, however it is correct.
- 5. Para No.5 is incorrect because the grievances of the appellant has been redressed as per judgment and order of this Hon'ble Tribunal which are available on file. So far as the question of back benefit is concerned, he is not entitled for salary as he claimed and as per judgment of superior court that **"no duty no salary"** (Annex-A). The record shows that when his appointment order was found bogus and fake and in the first instant his

was stopped and he has not performed his duty after stoppage of pay and further he is habitual absenteeism.

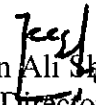
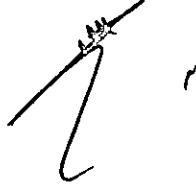
6. So far as the question of his departmental appeal is concerned the same remained under consideration and correspondence but in the meanwhile the appellant submitted the said service appeal before the Hon'ble Tribunal which made the issue sub-judice.

ON GROUNDS.


- A. Para-A is incorrect. Reason of non-redressal of his grievances is explained above in reply of Para 5 & 6 of facts.
- B. Para-B is incorrect and misleading hence denied. 
- C. Para-C needs no comments.
- D. Para -D correct to the extent of fulfilling / completion of codal formalities of Departmental Selection Committee and his subsequent appointment however after substantial period of time there created a doubt in the whole process and the respondent No.3 has to stop his salary in order to further stop monetary loss.
- E. Correct to the first part of the para-E of ground the appellant is performing duty and getting salary from the post of Sound Helper. As far as his monetary back benefits are concerned, its fate could not be decided by the respondent No.3, keeping in view the doubt regarding his appointment procedure as mentioned in reply of para-D of ground.
- F. Para-F is incorrect A formal inquiry was conducted by department whereby the appellant was given proper opportunity of personal hearing and defence.
- G. Reply of Para-G is that proper procedure has been adopted with the case of appellant and no illegality has been committed in this respect.
- H. Para-H is incorrect and wrong hence denied in light of the above explanation. 
- I. Para -I is repetition of the above-mentioned para hence need no comments.
- J. Incorrect, hence denied.

**PRAYER:**


It is, therefore, most humbly and respectfully prayed that keeping in view the written joint parawise comments this Hon'ble Service Tribunal may very kindly be pleased to dismiss the service appeal of appellant in favour of respondents please.



(Zeeshan Ali Shah)  
Assistant Director (Sr)  
LG&RDD, Karak  
**Respondent No. 3**



(Iftikhar Ali)  
Director General  
LG&RDD, Khyber Pakhtunkhwa  
**Respondent No. 2**



(Dawood Khan)  
Secretary LG,E&RDD  
Khyber Pakhtunkhwa  
**Respondent No. 1**

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

**Service Appeal No. 830 of 2023**

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**V E R S U S**

**Govt: of Khyber Pakhtunkhwa through Secretary & Others.** ----- (Respondents).

**AFFIDAVIT**

I, Zeeshan Ali Shah AD(Sr) LGORDD Karak do hereby solemnly affirm and declare on oath that contents of joint parawise comments are true and correct as per office record with the best of my knowledge and belief, nothing is lie and nothing has been mis-stated. *answring respondents has neither place expertise nor there Defense strict off/est.*

Dated 07/12/2023

Deponent

Zeeshan Ali Shah  
07/12/2023



CNIC# 11101-4978906-7

PH# 0333-9722349

Resp-No-3



OFFICE OF THE ASSISTANT DIRECTOR (Sr)  
LOCAL GOVERNMENT & RURAL DEVELOPMENT DEPARTMENT  
DISTRICT KARAK

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**AUTHORITY LETTER**

Mr. Gul Malook (Supervisor) of this Office is hereby authorised to appear before the Khyber Pakhtunkhwa Services Tribunal Peshawar on behalf of the Assistant Director Local Government & Rural Development Department Karak which is fixed for hearing on \_\_\_/\_\_\_/2023,

**Case Title:** - Maqsood ul Islam versus Govt of Khyber Pakhtunkhwa through Secretary LG&RDD etc. (Appeal No. 830/2023)

Assistant Director (Sr)  
LG&RDD Karak

*Zeeshan Ali Shah*

*Resp- No-3*