

**BEFORE THE KHYBER PAKHTUNKHWA CHAIRMAN SERVICE TRIBUNAL
PESHAWAR.**

Service Appeal No. 899/2023.

Mr. Inamullah Khan S/o Fazal Wadood Office of Deputy Commissioner,
Swat..... **APPELLANT**

VERSUS


Deputy Commissioner Swat and others **RESPONDENT**

REPLY OF THE RESPONDENT NO. 20.

It is submitted that I totally agree with the reply/comments of respondents
No. 01, 02 and 03 (copy enclosed).

PRAYER

It is therefore, humbly prayed that the instant appeal being time barred is
not maintainable and may kindly be dismissed with cost, please.


01/01/2024
**inayat Ur Rahman,
Computer Operator Office of
Deputy Commissioner Swat.
RESPONDENT NO. 20**

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.**

Service Appeal No. 899/2023

Mr. Inamullah Khan s/o Fezal Wadood
O/o Deputy Commissioner, Swat.

..... Appellant

VERSUS

1. The Deputy Commissioner, Swat & Others

..... Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 1 TO 04

Respectfully Sheweth;

PRELIMINARY OBJECTIONS:

1. That the appellant has got no cause of action to bring the present Service Appeal.
2. The appellant has not come to this honorable tribunal with clean hands.
3. The appellant has no legal grounds in support of his appeal.
4. The appellant is estopped by his own conduct.
5. That the instant appeal is badiy time barred.

- 1- Pertains to record.
- 2- Para 2 of the facts is correct to the extent that the appellant filed objection over the Tentative Seniority List of Computer Operator issued vide Notification No. 13/DC/Estt: dated: 03/01/2022, however the appellant submitted objection over the seniority list after lapse of 11 & half years and slept for more than a decade knowing fully his position in the seniority list issued to him each year.
- 3- The time permitted to bring forward the issue has already been passed however, taking a lenient view the respondent No.1 for redressal of the grievances of the appellant constituted a committee vide order No. 3453/9/DC/Est: dated: 26/01/2022 to examine the case on merit and submit recommendations within 30 days.
- 4- Incorrect. No report/recommendations have been finalized/furnished by the committee within the stipulated period.
- 5- Incorrect. As stated in para-4 above, due to non-submission of report/ recommendations by the committee in time, another committee was constituted for the purpose on the verbal request of the appellant.
- 6- Correct to the extent that the respondent No. 2 was approached for advice on 19/10/2022, the respondent No. 2 sought clarification vide letter No. 1241-42/2/2/Estt: dated: 07/11/2022 and the same was replied by respondent No. 1 on dated: 15/11/2022.
- 7- Incorrect. In pursuance of rule-8 (1) & (5) of the Khyber Pakhtunkhwa Civil Servant, 1973, seniority list of Computer Operators was issued for the year 2022 while the respondent No. 2 forwarded reply on 18/01/2023.
- 8- Needs no comments, subject to proof by the appellant.
- 9- Correct.
- 10- No comments.

GROUND.

- Incorrect. As replied in facts.
- Incorrect. Para-I & II are repetition of words and give/reflects the same stance of the appellant, therefore, the same are collectively denied. The respondent No. 1 acted in accordance with law and dealt the affairs of the officials as per law/rules.
- III. As replied above.
- IV. Incorrect as explained at Para-2 of grounds above.
- V. Incorrect. In pursuance of rule- 8 (1) & (5) Seniority list of Computer Operators was issued each year to the incumbents concerned.
- VI. Incorrect. Para VI is repetition of words as explained above.
- VII. Incorrect. The respondent No. 1 has notified and circulated the tentative/final seniority list among the incumbents in the first month of each year Annex-A, B, C, D, & E.
- VIII. Incorrect Para VII is repetition of words as explained above.
- IX. As replied in facts.
- X. Incorrect. Since appointment of the appellant in 2010, seniority list was frequently served upon the appellant, however he neither objected the same except of the seniority list of 2022 after 11 years later.
- XI. No comments.
- XII. Incorrect. All the officials have been treated equally and no one has been favoured.
- XIII. Incorrect. The appellant was appointed on 27/04/2010 however the appellant assumed the charge on 07/05/2010.
- XIV. As replied in facts.
- XV. Incorrect. The appellant has been given proper opportunity of personal hearing.
- XVI. Incorrect. Due non-submission of the recommendations by the initially constituted committee within the stipulated time period and on the verbal request of the appellant another committee was constituted.
- XVII. The respondents seek leave to raise additional grounds at the time of arguments.

PRAYER

It is therefore, humbly prayed that the instant appeal being time barred is not maintainable and may kindly be dismissed, please.


Deputy Commissioner, Swat
RESPONDENT NO. 1

Commissioner, Malakand Division
RESPONDENT NO. 2

Senior Member
Board of Revenue, Khyber Pakhtunkhwa
RESPONDENT NO. 3