

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 61 /2016

Hameed-ur-RehmanAppellant

Versus

The Secretary E&SE and others.....Respondents

**REJOINDER ON BEHALF OF APPELLANT IN RESPONSE
TO REPLY FILED BY RESPONDENTS NO.1-3.**

Respectfully Sheweth,

Preliminary Objections:

Preliminary objections raised by answering respondents are erroneous and frivolous. Appellant has got a strong cause of action and for that matter locus standi to file the instant appeal. The estoppels cannot run against the law. All the proper and necessary parties have been arrayed as Respondents in the instant appeal being filed within time in its correct form and shape. No thing has been concealed from the Hon'ble Tribunal.

Facts:

1. Being not replied hence admitted.
2. Being not replied hence admitted.
3. Incorrect. As a matter of fact Mr. Zawar Hussain was at Serial No.124 of the Seniority List while the appellant dwelt at Serial No.98 of the same Seniority List, therefore, appellant was entitled for promotion irrespective of the distinction in the dates of birth of both.

4. Incorrect. Proper departmental appeal was moved as per Diary No.86 dated 11.11.2014.
5. Being not replied hence admitted.

Grounds:

- A. Incorrect. The appellant was not treated according to law. Though the appellant was compensated after the illegality was challenged before the Tribunal but the promotion was granted with immediate effect instead of the due date for which appellant was not responsible.
- B. Incorrect. As explained hereinabove.
- C. Being not replied hence admitted.
- D. Incorrect. Since the mistake was committed by the Department, therefore, the appellant cannot be made to suffer on account of the lapse on the part of the Department.
- E. Needs no reply.

It is, therefore, humbly prayed that the reply of answering Respondents No.1-3 may graciously be rejected and the appeal as prayed for may graciously be accepted with costs.

Through


Appellant


Khaled Rahman
Advocate, Peshawar

Dated: 13 /06/2016

Verification

Verified that the contents of this rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.


Appellant

BEFORE THE WORTHY CHAIRMAN, KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 256 /2015

Hameed-ur-Rahman.....Applicant/Appellant

Versus

The Govt of KPK & others.....Respondents

M. Hameed
9-1-18

**Application for Substitution of the word “up gradation” with
the word “promotion” in the memo of appeal.**

Respectfully Sheweth,

1. That the titled appeal is pending before this Hon'ble Tribunal which is fixed for today.
2. That at the time of drafting the appeal inadvertently instead of promotion the word up gradation has written which obviously is a clerical mistake needing correction.
3. That the correction is mentioned above as in the interests of justice and moreover, the same would not bring any minor or substantial change in the cause of action.

It is therefore humbly prayed, that on acceptance of this application, that the correction as mentioned under above may graciously be allowed and the office is directed to substitute the word “up gradation” with the word “promotion” with red ink.

Through

Applicant/Appellant

Khaled Rahman
Khaled Rahman,
Advocate, Peshawar.

Affidavit

I, Hameed-ur-Rahman, Senior Theology Teacher GHS Ikram Pur, Mardan, do hereby affirm and declare on oath that the contents of this application are true and correct to the best of my knowledge.

Hameed
Deponent