

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL, PESHAWAR.

S - APPEAL No 4831/2021

Muhammad Jamil C.T

(APPELLANT)

VERSUS

**Govt of Khyber Pakhtunkhwa through Secretary, (E & SE) Department,
Peshawar & Others.**

(RESPONDENTS)

REPLY INDEX

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1	Reply of respondent No's 8---11		
2	Affidavit		
3	Notification No: 1610-17 dated:19- 03-2018		
4	Wakalat Nama		

Date: 30/..3./2022

RESPONDENTS

1. Respondent No 8 Muhammad Aslam

**2. Respondent No 9 Abdul Haleem
(Now Retired)**

3. Respondent No 10 Gul Sahib Khan

4. Respondent No 11 Waheed Ullah

Through

Abdul Nasir Khattak Advocate, Karak.

Cell No: 0346-9777867

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REPLY

Reply on behalf of Private Respondents No 8-9-10-11.

Respectfully Sheweth,

Joint reply on behalf of Respondents No's 8-9-10-11 is
submitted as under.

Preliminary and legal Objections

1. The appellant has got no cause of action to file the instant appeal against the respondents.
2. The appellant has got no locus standi.
3. The appellant has suppressed (concealed) important documentary / legal and material facts from this Hon'ble Tribunal.
4. The appellant has not come to the Hon'ble Tribunal with clean hands.
5. The appeal is not maintainable and entertainable as per law, rules, notification and statutes.
6. The appeal is bad for non joinder of necessary parties and mis-joinder of unnecessary parties.
7. The appeal is liable to be dismissed in limine.

FACTUAL

1. Para No 1 of the appeal is pertaining to office record. However it is admitted fact that present appellant was appointed on adhoc and contract bases as evident by annexure A of the appeal (appointment order of the appellant).
2. Para No 2 of the appeal needs interpretations and explanation. Actually annexure B of the appeal page No 7 clause No 7 is quite clear about the matter in question. (copy of notification dated 19-03-2018 is annexed as A)

3. Para No 3 of the appeal is replied with the comments that the appellant has never impugned or disputed the relevant seniority list before any forum till date. Nor has challenged the same in the instant appeal, which is necessary for fair and proper adjudication (settlement) of the matter before this Hon'ble Tribunal.
4. Para No 4 of the appeal is relating to the record of official respondents, however it is pertinent to mention here that due to covid-19(corona), last date of meeting of Departmental Selection Committee (D.P.C) was extended to 19-10-2020. It will be proper and adequate to mention here that the date of D.P.C meeting was extended in the entire province and it was not extended only for District Karak. Moreover it is further added that respondent No 2 being competent authority is fully empowered and has jurisdiction to postponed/extend /change meeting of the D.P.C and grant suitable extension in connection with D.P.C meeting.
5. Para No 5 of the appeal has already been replied and explained in the ibid Para no 4. Hence no need of further explanation.
6. Para No 6 of the appeal is incorrect, the official respondent have adopted (followed) and completed all required codel formalities before issuing the promotion order in question. Moreover the official respondents had strictly followed rules and regulations. It is further added that the answering respondents have no relation with the official respondents and their official arrangements.
7. Para No 7 of the appeal is not relating to the answering respondents and it deals with the official respondent, hence needs no comments.
8. Para No 8 of the appeal being legal and not directly deal with the answering respondent, hence no need of reply.

GROUND:

- A. Grounds A directly deal with the official respondents No 8-9-10-11, hence no comments.
- B. Legal and pertaining to law & statute, however the answering respondents have no blood relation to official respondents No 8-9-10-11.
- C. Ground C is relating to the jurisdiction of official respondents, hence needs no comments.

- D. Ground D is not relevant to the answering respondent. Hence no comments.
- E. Ground E is pertaining to law , rules, statute , policy and notification of the department , hence needs no comments.
- F. Ground F is not relating to the answering respondents, hence needs no comments.
- G. Ground G deal with the jurisdiction and authority of official respondents, so needs no comments.
- H. Ground H being legal and deal with the jurisdiction of this Hon'ble Tribunal. So the answering respondents feels no need of comments.

It is, therefore, very humbly prayed that in view of the reply submitted by the respondents, service appeal of the appellant, may very kindly dismissed with special cost.

Date:/...../2022

RESPONDENTS

- 1. Respondent No 8 Muhammad Aslam *M. Aslam*
- 2. Respondent No 9 Abdul Haleem (Now Retired) *ahy*
- 3. Respondent No 10 Gul Sahib Khan *Gul Sahib Khan*
- 4. Respondent No 11 Waheed Ullah *Waheed*

A. Nasir Through

Abdul Nasir Khattak Advocate, Karak.

Cell No: 0346-9777867

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(RESPONDENTS)

AFFIDAVIT

We No: 1. Muhammad Aslam Khan, No: 2. Abdul Haleem, No: 3. Gul Sahib Khan, No:4. Waheed Ullah, Respondents No's 8,9,10 & 11 do solemnly affirm and declare that all the contents of the written reply are true and correct to the best of our knowledge and belief, nothing has been concealed from this Hon'ble court and nothing is lie.

Date: 20/3/2022

Deponent

1. Respondent No 8 Muhammad Aslam

2. Respondent No 9 Abdul Haleem
(Now Retired)

3. Respondent No 10 Gul Sahib Khan

4. Respondent No 11 Waheed Ullah

Identified by Abdul Nasir Khattak

Advocate, Karak

Cell: 0346-9777867

M. S. Khan
Chy
Waheed
Waheed
Shah
Khyber Pakhtunkhwa
Advocate
Sath Commission
Distt: Courts Karak
No: 28 Date 20-3-2022

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL, PESHAWAR.

S - APPEAL No 4831/2021

Muhammad Jamil C.T

(APPELLANT)

VERSUS

**Govt of Khyber Pakhtunkhwa through Secretary, (E & SE) Department,
Peshawar & Others.**

(RESPONDENTS)

AFFIDAVIT

I Gul Sahib Khan, Respondent No: 10 do solemnly affirm and declare that all the contents of the written reply are true and correct to the best of my knowledge and belief, nothing has been concealed from this Hon'ble court and nothing is lie.

Date: 30/03/2022

Deponent

Gul Sahib Khan

CNIC - 14202-1340945-5

Identified by Abdul Nasir Khattak

Advocate, Karak

Cell: 0346-9777867

**PESHAWAR
Advocate
Joint Commissioner
Distt. Courts Karak**

28/03/2022

وکالت نامہ

کورٹ فیس

قیمتی

بعدالت جناب سرہ سٹریٹ پیبل خلیفہ خٹو خواجہ البتاد

محمد جمیل و دیگران نام کل صاحب خان وغیرہ

Service Applicant Respondent

باعث تحریک آنکہ

مقدمہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی برائے پیشی یا بمقام: بٹنور

عبدالناہر ایڈووکیٹ کے لئے

ایڈووکیٹ ہائی کورٹ۔ سیریم کورٹ۔ نمبر ڈسٹرکٹ بار ایسوسی ایشن

کیلئے سب ذیل شرائط پر وکیل کیا ہے۔ کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا اور بروقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کرونگا۔ اگر پیشی پر مظاہر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح پر ذمہ دار نہ ہونگے نیز وکیل صاحب موصوف صدر بمقام بکھری کے علاوہ کسی جگہ سماعت یا بروز تعطیل یا بکھری کے اوقات کے آگے پیچھے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا مختار نہ کے واپس کر نیلے بھی صاحب موصوف ذمہ دار ہونگے۔ مجھ کو کل ساختہ پرواخذ صاحب موصوف مثل کردہ ذات منظورہ مقبول ہوگا اور صاحب موصوف کو عرضی دعوے یا جواب درخواست اجرائے ڈگری و نظر ثانی اپیل نظرانی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کرانے پر ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور اس پر ثانی و رضی نامہ و فیصلہ بر حلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے بیرون جات از بکھری صدر اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم اتقناعی یا ترقی یا گرفتاری و اجرائے ڈگری بھی صاحب موصوف کو ادا دینی علیحدہ مختار پیروی کا اختیار ہوگا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکور یا اس کے کسی جزو کی کاروائی کے یا بصورت اپیل سنی دوسرے وکیل یا بیرسٹر کو اپنے بجائے یا اپنے ہمراہ مقرر کریں۔ اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور ایسے ہی اختیارات حاصل ہونگے جیسے صاحب موصوف کو حاصل ہیں

اور دوران مقدمہ میں جو کچھ ہر جانہ التوا پڑیگا وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے آ نہیں دے کر ونگا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں۔ اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھ دیا یکہ سند ہے مورخہ: ماہ: مارچ 2022ء

مضمون وکالت نامہ سن لیا ہے اور اس پر مطلع سمجھ لیا ہے اور منظور ہے

عبدالکرم خان محمد اکرم خان کل صاحب خان

0334-9290874 0331-8786805

14202-5736764-9 14202-6380437-9 14202-1340945-5

Wahed

Attested & accepted

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KARAK.

NOTIFICATION.

Under the provision of the Khyber Pakhtunkhwa Employees of the Elementary and Secondary Education (Appointment and Regularization of Services) Act 2018 (Khyber Pakhtunkhwa Act No. I of 2018), In pursuance the Govt. of Khyber Pakhtunkhwa Notification No. SO (S/F)E & S ED / 3-2/2018/SITT/Contract, dated 16.2.2018, Services of the following CT appointed on adhoc basis on contract, are hereby regularized in BPS 15 on the same post in Teaching cadre on the terms and condition given below with effect from the date of their appointment on the C.T Post:

S.No	Year	Name	Father Name	Domicile	Date of Birth	CNIC No	Total Marks out of 200	School where posted	Appointment order and Date
	2014	Muhammad Ejaz Khan	Noor Janan	Karak	7.8.1989	14202-2354274-3	130.94	GHS Ghunda Shamshaki	No.1724-26 dt 3.5.2014
1	2015	Muhammad Zahoor	KHAN WALI KHAN	KARAK	01.03.1987	142038277021-3	132.15	GHS CHANDA KHURRAM	NO.916-20 DATED.14.03.2015
2	2015	Muhammad Shoaib Anwar	MUHAMMAD ANWAR	KARAK	16.06.1985	14202-7214363-1	131.44	GHS CHANDA KHURRAM	NO.916-20 DATED.14.03.2015
3	2015	Waheed Ullah	ABDUL GHANI KHAN	KARAK	13.05.1991	14203-7006352-1	120.05	GHS JATTA ISMAIL KHEL	NO.916-20 DATED.14.03.2015
4	2015	Muhammad Tayyeb	ALI JAN	KARAK	10.04.1988	14202-5136003-1	128.13	GHS TARKI KHEL	NO.916-20 DATED.14.03.2015
5	2015	Shaheen Ullah KHAN	HAKIM RAHMAN	KARAK	03.08.1978	14202-9121204-7	127.62	GHS DARESH KHEL	NO.916-20 DATED.14.03.2015
6	2015	Muhammad Farooq	MAMREZ KHAN	KARAK	11.04.1982	14203-7865735-5	124.48	GHS SHAHIDAN CHONKA	NO.916-20 DATED.14.03.2015
7	2015	Asad Faraz	SHAHID KHAN	KARAK	20.04.1986	14202-4662339-1	124.41	GHS DABB SANGEENI	NO.916-20 DATED.14.03.2015
8	2015	Haroon Iqbal	SAR ANJAM KHAN	KARAK	02.06.1987	14203-2251548-1	124.25	GHS TERI	NO.916-20 DATED.14.03.2015
9	2015	Muhammad Janil	GHULAM NABI	KARAK	03.03.1985	14202-1354339-7	123.6	GHS DABB	NO.916-20 DATED.14.03.2015
10	2015	Naqib Ullah	SHAHISTA KHAN	KARAK	05.01.1991	14202-5677158-7	123.56	GHS MAMI KHEL	NO.916-20 DATED.14.03.2015
11	2015	Kashif Adnan	IQBAL BAD SHAH	KARAK	04.05.1988	14203-1292162-9	122.65	GHS DHAND EDAL KHEL	NO.916-20 DATED.14.03.2015
	2015	Amjad Rehman	AMAL KHAN	KARAK	12.01.1986	14203-6785468-9	122.28	GHS ESAK KHUMARI	NO.916-20 DATED.14.03.2015

AND CONDITIONS.

The regularization will not be in favour of those, who have not taken over charge Or his remained absent from duty are resign from service and also not for those who are under disciplinary proceedings.

2. Their Services shall be governed by the Khyber Pakhtunkhwa civil Servant Act 1973 ,the Khyber Pakhtunkhwa (Appointment, Deputation, Posting and transfer of teachers, Lecturers, Instructors' and Doctors)regularity Act 2011 and such rules and regulations as may be issued from time to time by the Government.
3. Their Pay shall be released subject to the verification of Academic and professional documents and testimonials from the concerned Boards/Universities by this Office.
4. Their services will considered regular and they shall be eligible for pension / deduction of GP Fund and terms of the Khyber Pakhtunkhwa Act 1973 as amended in 2013.
5. Their services is liable to termination on one month notice from either side .In case of resignation without notice, their one month pay/allowance shall be forfeited to the Government.
6. They shall posses the same Qualifications and experience required for the subject post on regular basis.
7. Their regularization shall not effect the promotion quota of the existing holders of posts in respective service cadre.

They shall rank Junior to all civil Servants belonging to the same service Or cadre, as the case may be, who are in Service on regular basis on the Govt: of the Khyber Pakhtunkhw employees on the Elementary and Secondary Education (Appointment in regularization of Services) Act,2018 (Khyber Pakhtunkhwa Act No.I 2018) and shall also rank Junior to such other persons ,if any ,who in pursuance of the recommendations of the Khyber Pakhtunkhwa Public service commission made before the commencement of the Act ,are to be appointed to the respective Service Or cadre ,in respective of their actual Date of appointment.

Their Seniority shall be Determined on the basis of their continues services in cadre, Provided that if the date of continues Service in case of Two Or more as the same ,the employ elder in age shall rank Senior to the younger one .

Endst.No. 1610-17 / AE-II/CT Regularization 2018

TA
19/03/18
DISTRICT EDUCATION OFFICER
(MALE) KARAK

dated Karak the 19/3 /201

~~Copy forwarded for information and necessary action to the:~~

1. PA to Director Elementary and secondary Education Khyber Pakhtunkhawa Peshawar .
2. PS to Secretary to Govt: of Khyber Pakhtoonkhawa Elementary and Secondary Education Khybere Pakhtoon Khawa Peshawar.
3. Deputy Commissioner Karak.
4. All the Principal/Head Master GHSS.GHS.GMS in District Karak.
5. DMO Karak.
6. B & A O Local Office.
7. EMIS Section Local Office.
8. Official Concerned.

TA
19/03/18
DISTRICT EDUCATION OFFICER
(MALE) KARAK.