

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

**S-APPEAL No 4834/2021.**

**Muhammad Shoaib Anwar, C.T(BPS-15), GMS Chanda Manzai, District Karak.  
(APPELLANT)**

**VERSUS**

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

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Date: 12-11-2021

**Respondents**

1. Muhammad Naseem Ullah

2. Nawab Ali Khan

Through

Abdul Nasir Khattak Advocate  
Karak

Cell: 0346-9777867

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**REPLY**

**Reply on behalf of Private Respondent No 12 Muhammad Naseem Ullah and  
Respondent No 14 Nawab Ali Khan.**

**Respectfully Sheweth,**

Joint reply on behalf of Respondent No's 12 & 14 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'able Tribunal.
4. The appellant has not come to the Hon'ble Tribunal with clean hands.
5. The appeal is not maintainable and entertain able as per law 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 pandemic (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/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) 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 respondent has no relation with the official work and arrangements of the respondents No 1, 2 and 3.
  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 respondent No 1---3, hence no comments.
- B. Legal and pertaining to law & statute, however the answering respondents have no blood relation to official respondents No 1---3.
- 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, statue, 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 respondent 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 be dismissed with special cost.**

Date: 12/11/2021

**RESPONDENTS**

1. Respondent No 12 Muhammad Naseem Ullah

2. Respondent No 14 Nawab Ali Khan

Throug

Abdul Nasir Khattak Advocate, Karak.

Cell No: 0346-9777867

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(APPELLANT)**

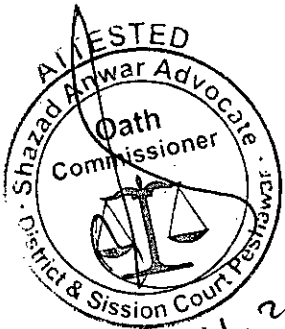
**VERSUS**

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(RESPONDENTS)**

**AFFIDAVIT**

We No: 1. Muhammad Naseem Ullah No: 2 Nawab Ali khan  
Respondent No's 12 & 14 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: 12/11/2021



12-11-2021

*A. Nasir*

**Deponents**

*[Signature]*  
**1. Muhammad Naseem Ullah**

*[Signature]*  
**2. Nawab Ali khan**

**Identified by Abdul Nasir khattak  
Advocate, karak.  
Cell: 0346-9777867**

*Amal Khur*  
*cc A 91*

C.T

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KARAK.

NOTIFICATION.

Under the provision of the Khyber Pakhtunkhawa Employees of the Elementary and Secondary Education (Appointment and Regularization of Services) Act 2018 (Khyber Pakhtunkhawa Act No. I of 2018), In pursuance the Govt. of Khyber Pakhtunkhawa 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:

No	Year	Name	Father Name	Domicile	Date of Birth	CNIC No	Total Marks out of 200	School where posted	Appointment order and Date
	2014	Muhammed 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	14202-5130003-1	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 CHONTRA	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 Jamil	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
12	2015	Amjad Rehman	AMAL KHAN	KARAK	12.31.1986	14203-6785468-9	122.28	GHS BSAK KHUMARI	NO.916-20 DATED 14.03.2015

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**AND CONDITIONS.**

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

19/03/018  
DISTRICT EDUCATION OFFICER

(MALE) KARAK

dated Karak the 19/3 /2018.

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

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.

19/03/018  
DISTRICT EDUCATION OFFICER

(MALE) KARAK