

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

PESHAWAR

Service Appeal No. 2351/2023

PARVEZ KHAN SPET (BPS-16) GHS KOHI, DISTRICT BAJAUR

..... **APPELLANT**

Versus

SECRETARY E&SE, KHYBER PAKHTUNKHWA AND OTHERS

.....**RESPONDENTS**

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Deponent



**Rehman Ullah ADEO,
District Bajaur,
Asstt. District Education Officer
(P&D) District Bajaur**

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BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No. 2351/2023

Diary No. 4026

PARVEZ KHAN SPET (BPS-16) GHS KOHI, DISTRICT BAJAUR

Dated 8/2/24

..... **APPELLANT**

Versus

SECRETARY E&SE, KHYBER PAKHTUNKHWA AND OTHERS

.....**RESPONDENTS**

Comments on behalf of respondents No. 3

Respectfully Sheweth,

Preliminary objections:

- That the appellant has no cause of action/locus standi to file the instant appeal.
- The appellant is not an aggrieved person within the meaning of Section 4 of the Khyber Pakhtunkhwa service tribunal Act 1974, has not exhausted the adequate remedy for his grievances, hence the appeal in hand is premature and is liable to be dismissed.
- That the appellant has concealed material facts from the Honorable Service Tribunal
- That the appellant is estopped by his own conduct to bring the instant appeal.

On Facts

1. Para-1 of the facts, pertains to the Service records of the appellant, hence needs no comments.
2. Para-2 of the facts pertains to record, hence need no comments.
3. Para-3 is correct as the respondents after following all the codal formalities adjusted the teachers including the appellant. Moreover, the appellant himself many a time approached the respondents for his adjustment in his current station of duty i.e., GHS Kohi, District Bajaur and thus was adjusted accordingly, hence the plea of the appellant is liable to be dismissed.
4. Para-4 is irrelevant, hence need no comments.
5. Para-5 is incorrect, hence denied. The appellant was dealt in accordance with law and while doing so no illegality has ever been committed by the respondents, therefore, the appellant is not an aggrieved person within

the meaning of Section 4 of the Khyber Pakhtunkhwa service tribunal Act 1974.

6. Incorrect, hence denied. The appellant did not prefer any appeal before the respondents; hence bringing the instant appeal is premature and is liable to be dismissed in limini.

ON GROUNDS

A. Incorrect hence denied. The answering respondents being bound by law are always sternly adherent to follow the law and policy of the government and while dealing so, the appellant was treated in accordance with law.

B. Incorrect, hence denied. The answering respondents have treated the appellant in accordance with law and while doing so no rights or any provision of the Constitution of Pakistan 1973, been violated.

C. Para-C of the grounds is incorrect, hence denied. The detailed reply has already been submitted in the above Para's.

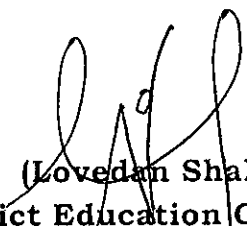
D. Para-D is incorrect, hence denied. The detailed reply has already been submitted in the above Para's.

E. Para-E is incorrect, hence denied. The detailed reply has already been submitted in the above Para's.

F. That the respondent seek permission of the Hon'ble Court for presenting additional grounds at the time of hearing of the instant appeal.

PRAY:

Keeping in view the above stated facts and legal position, it is therefore, humbly prayed that on acceptance of the above submission, the instant appeal may very graciously be dismissed in favor of the answering respondents with cost.


 (Lovedan Shahid)
 District Education Officer (M)
 District Bajaur
 (Respondent No.3)
 District Education Officer
 District Bajaur

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.....**RESPONDENTS**

AFFIDAVIT

I Lovedan Shahid District Education Officer (M) District Bajaur do hereby solemnly affirm and declare that the contents of the instant Joint Parawise Comments are true & correct to the best of my knowledge & belief.

It is further stated on oath that the answering respondents have neither been placed in ex parte nor their defense struck off last.

[Signature]
District Education Officer (M)
District Bajaur
District Education Officer
District Bajaur

ATTESTED

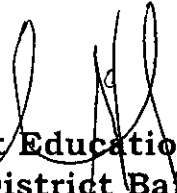


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(4)

AUTHORITY LETTER

Mr. Rehman Ullah, Focal Person Litigation, District Education Officer (M) Bajaur, of this office is hereby authorized to submit comments and represent this office in service Appeal No 2351/2023 Title: Pervez Khan Vs Secretary E&SE, Khyber Pakhtunkhwa and others.


District Education Officer (M)
District Bajaur
District Education Officer
District Bajaur