

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. ²⁰⁶² 12023

Abdul SalamAppellant

Versus

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

**REJOINDER ON BEHALF OF APPELLANT IN RESPONSE TO REPLY
FILED BY RESPONDENTS NO.1, 2 & 3.**Khyber Pakhtunkhwa
Service TribunalDiary No. 1116Dated 14-02-2024

Respectfully Sheweth,

Preliminary Objections:

Preliminary objections raised by answering respondents are erroneous and frivolous. The appellant has strong cause as well as locus standi to file the instant service. The appeal is very much within time. All the important and relevant facts have been incorporated in the memo of appeal and nothing has been concealed from the Hon'ble Tribunal. The appellant has approached the Hon'ble Tribunal with clean hands after fulfilling all the codal formalities. All the necessary parties have been arrayed in the panel of Respondents hence question of mis-joinder and non-joinder is misconceived. The appeal has been filed with bonafide intention. The instant appeal is not against the prevailing law and rules and estoppels does not run against law. The appeal in hand is very much maintainable in the present form and shape and also in the circumstances of the issue.

Facts:

1. The Reply is not upto the mark as contended by the answering Respondents for the reason that appellant approached the office of District Education Officer(M), Buner on 12.06.2023 along with other aggrieved persons who submitted their Departmental Appeal Addressed to Director Education through Personal Assistant to DEO(M) through proper channel. However, even on demand, the appellant was refused acknowledgment receipt of the same as is evident from the Affidavit dated 09.02.2024 (*Annex;- RJ-1*)
- 2-3. Absolutely misconceived. The Respondent No.3 refused appointment order on the score that the Hon'ble Peshawar High Court has passed an injunctive order but later on it was revealed to the appellant that they have been denied the benefit of appointments simply on the pretext that their

DM certificate obtained from unrecognized University is not equivalent to DM certificate meant for the post of DM. . Moreover, the issue of eligibility of appellant had already been addressed by the Hon'ble Superior Courts in other similar matters through their esteemed verdicts.

4-6. No plausible reply has been given to Para-4-6 of the appeal. Moreover, the appellant was appointed in one and the same selection process whose seniority has to be determined with other batch mates. Mere fact that appellant was appointed in the batch vide an order passed subsequently could not deprive him of his seniority.

7-8. Misconceived. Detailed assertions have made in the memo of the Service Appeal.

Grounds:

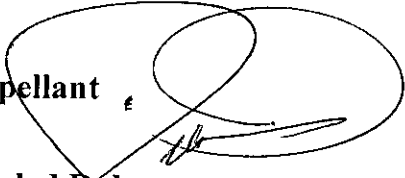
A. Incorrect. The appellant was not treated in accordance with law, rules on the subject and the impugned Seniority list is against the due rights of appellant.

B-G. Neither the allegations had any legal basis nor were the same established. Respondents badly failed to rebut the questions of law. It is consistent view of the superior Courts that denial must be with cogent submission/proofs while the grounds embodied in the Service Appeal are well reasoned based upon prevailing laws.

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

Through

Appellant

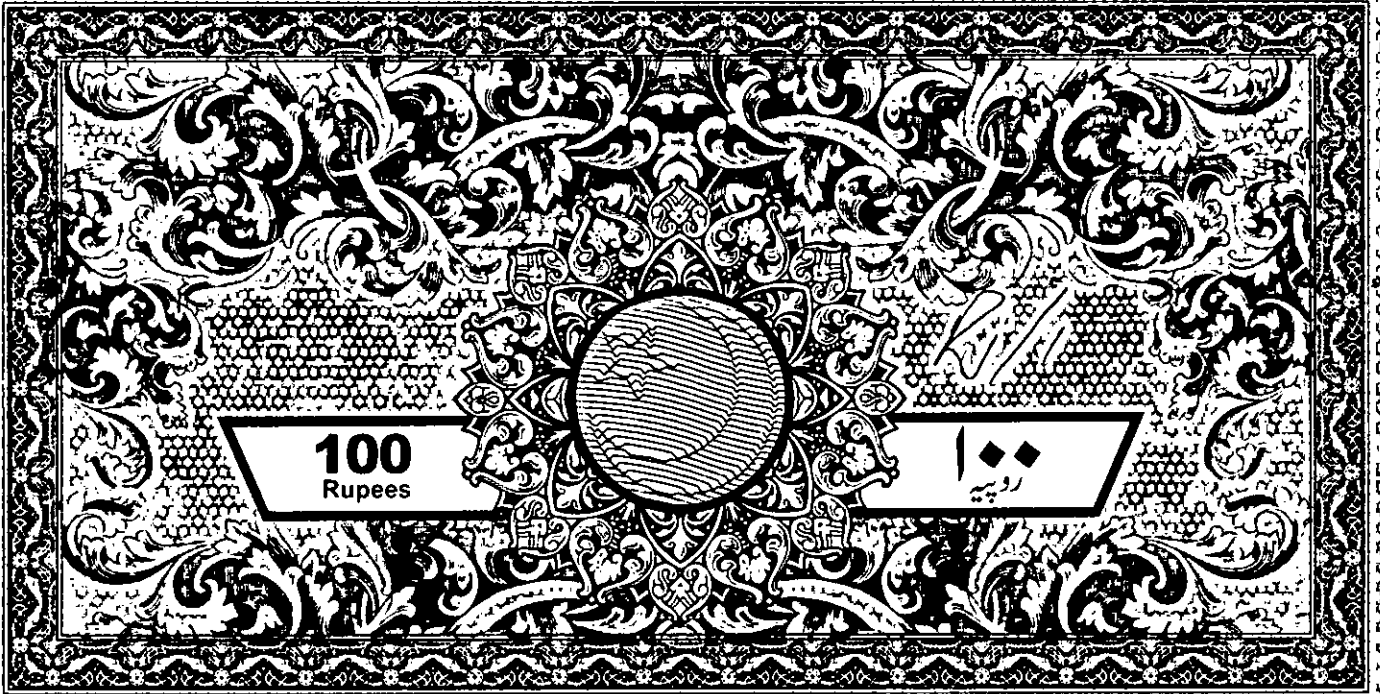

Khaled Rahman
Advocate,
Supreme Court of Pakistan

Dated: 19/02/2024

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



بیان حلفی

میں عبدالسلام ولد شاہ کریم خان سکنہ نگر نی حلقہ بیان کرتا ہوں۔ کہ میں نے ڈسٹرکٹ ایجوکیشن آفیسر (میل) بونیر کو

ڈیپارٹمنٹل ایپل بابت سناری مورخہ 12.06.2023 کو بوقت صبح 10:45 بجے بعد دیگر ساتھی جملہ ایک ہی فائل میں مسمی زاہد

پی۔ اے نوڈسٹرکٹ ایجوکیشن آفیسر (میل) بونیر کے پاس جمع کرائی تھی۔ چونکہ ایپل ہائی Through Proper Channel

تھیں اور ڈائریکٹر ایجوکیشن خیبر پختونخواہ کو مخاطب تھیں۔ ہم نے بار بار التجا کی کہ ہمیں رسید دیں لیکن انکاری ہوئے۔ جملہ ساتھی

موقع پر موجود تھے۔ لہذا بیان حلفی سنداً تحریر ہے۔

دستخط:

TESTED

Advocate G. J. Jinnah
Distt: Courts L. Nagar Buner

No..... Date: 9/7/2024

586687
9/2/24

Quetta
District Court District

عبدالسلام ولد صاحب کرم خان سکس برکات پورہ ایف سی کھنڈر ٹرانزیکشن کوٹہ
15101-1147254-7

سید ظفر حسین
کرم خان

رضوان علی

کھنڈر ٹرانزیکشن کوٹہ
کرم خان سکس برکات پورہ ایف سی
کھنڈر ٹرانزیکشن کوٹہ
کرم خان سکس برکات پورہ ایف سی
کھنڈر ٹرانزیکشن کوٹہ
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