

BEFORE THE HON'BLE SERVICE
TRIBUNALKHYBERPAKHTUNKHWA PESHAWAR

SERVICE APPEAL NO.2036/2023

Titled

AFFAN ULLAH vs. EDUCATION DEPARTMENT
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15-02-2024



Safia Amin
District Education Officer
(Female) Peshawar

BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

Service Appeal No.2036/2023

Titled Affan Ullah Vs Education Department

PARA WISE REPLY ON BEHALF ON RESPONDENT NO. 1 TO 4

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 11159

Dated 15-02-2024

Respectfully Sheweth:

The Respondent, submit below:

Preliminary Objections

1. That the appellant has got no cause of action/locus standi.
2. That the Appellant has concealed material facts from this Hon'ble Tribunal.
3. That the appellant has been stopped by his own conduct to file the instant appeal before this Hon'ble Tribunal.
4. That the instant appeal is badly time barred.
5. That the instant appeal is not maintainable in its present form.
6. That the instant appeal is bad for non- joinder of the necessary and proper parties.
7. That the appellant has not come with clean hands to this Hon'ble Tribunal.

Reply of facts:

1. That in reply to Para No.1 it is submitted that the Respondent No.1 Advertised post of Drivers in Daily Express on Saturday 18 September 2021 with the condition that the candidates must have at the age of 30 to 40 years have five year experience in Driving. (Advertisement as Annex as Annexure -A)
2. That Para No.2 Pertains to record.
3. That Para No.3 is correct to the extent the candidates who fulfill the criteria for the said post can be appear before the competent authority for Driving test while the appellant was under age and he know the said facts but he applied for driver post and neglect the said criteria.
4. That Para No.4 is also pertains to record.
5. That Para No.5 is pertain to record.
6. That in reply to Para No.6 it is submitted that the District Selection Committee meeting was conducted to select the eligible candidates for the post of Driver, when the dealing assistant re scrutinized the appellant documents the appellant was founded under age and therefore his order was withdrawn on 18-10-2022. (withdrawn order as Annexed as Annexure-B)
7. That in reply to Para No.7 it submitted that appellant is under age therefore his order is withdrawn.
8. That reply of Para No.8 & 9 has already given in the above Para.
10. That reply to Para 10 it is submitted that the appellant was appointed on 15-03-2022 and his order was withdrawn on 18-10-2022. (Appointment order & withdrawn order are annexed as Annexure-C & D)

11. That reply to Para No. 11, it is submitted that the appellant was founded under age and as order was declared null & void therefore the appointment order of the appellant withdrawn. With drawn order is already annexed.
12. That in reply to Para No .12, it is submitted that when the appellant was found under age his appointment order withdrawn.
(Copy of CNIC annexed as Annexure-C).
13. That Para No.13 is pertain to recorded.
14. That reply to Para No.14, it is submitted that the appellant has no cause of action to file the appeal in this Hon'ble Service Tribunal

REPLY Of Grounds.

1. That Ground-1 is incorrect and misleading and against the facts. The Detail reply has been given in the above Para.
2. That Ground-2 is incorrect, misleading and against the facts. The said order is according to law and rules.
3. That Ground-3 is incorrect and misleading.
4. That Ground-4 is incorrect, misleading and against the facts. The appellant was founded under age and he did not fulfilled the criteria for the post of Drive appointment as per condition of the advertisement regarding age limit and experience.
5. That Ground -5 is also incorrect and misleading. The detail reply has been given in the above Para.
6. That Ground-6 is incorrect. The detail reply has been given in the above Para.
7. That Ground -5 is also incorrect, misleading and against the fact. The appointment order of the appellant was wrongly issued and late on the appellant was founded under age therefore his order was withdrawn according to law and rules.

8. That Ground-8 is incorrect, misleading and against the fact . The respondents seek permission to advance the additional documents to this Hon'ble tribunal at the time of arguments.

It is therefore, very humbly prayed that on acceptance of this reply, the instant appeal may very kindly be dismissed with cost.



Safia Amin
District Education Officer
(Female) Peshawar.
Respondent No. 2



Maryam Rasheed
Sub Division Education Officer
(Female) Town Peshawar
Respondent No. 4



Dr Rana Gul
Deputy District Education Officer
(Female) Peshawar
Respondent No. 3



Samina Altaf
Director E & SE
KPK Peshawar
Respondent No. 1

4

Right Copy

Annexure - A

84

فلسطين

DAILY EXPRESS

SATURDAY, SEPTEMBER 18, 2021



پاکستان کے 11 شہروں سے ایک وقت شائع ہونے والا واحد اخبار

بیت المقدس کو دار الحکومت بنانے کی کوشش... فلسطینیوں نے اسرائیلی فوجوں کے خلاف...

عرب اسرائیل تعلقاً قائم کریں

پاکستان شادکاروں کا کاروبار وسیع کرنا چاہتے ہیں، اسرائیل کے امارات، بحرین، مراکش، سوڈان، اوسودو سے تعلقات برقرار رکھیں

اسرائیل اور عرب ممالک کے تعلقات کی ترقی اور اسرائیل کے ساتھ تعلقات کی ترقی...

آسامیاں خالی ہیں

اسٹارٹ اپ کی پیشکش (Short Listed) امیدواروں کو ایسٹریڈ کیلئے بلا جاسکتے ہیں۔

نمبر	آسامی	گروپ	تعداد	ڈویژن	اہلیت
01	آسامی	04	04	پندرہ	ذیلی پاس اور IHTV/HTV ایسٹریڈ کیلئے 30 سال سے 40 سال تک

شہر کی ہدایات: درخواست گزاروں کو درخواست پر عمل درآمد کرنے کے لئے CV، تصدیق شدہ شناختی کارڈ، ڈوکیمنٹیشن، تعلیمی سرٹیفکیٹ، نوٹو...

Our Fair Corruption Free Pakistan | www.khyberpaktunkhwa.gov.pk | INF(747487202)

CAREER OPPORTUNITY

Pakistan Medical Commission invites applications from eligible candidates for...

پاکستان شادکاروں کا کاروبار وسیع کرنا چاہتے ہیں، اسرائیل کے امارات، بحرین، مراکش، سوڈان، اوسودو سے تعلقات برقرار رکھیں

اسرائیل اور عرب ممالک کے تعلقات کی ترقی اور اسرائیل کے ساتھ تعلقات کی ترقی...

Attested



Annexure - B 103 5
OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) PESHAWAR. Email I.D. emisfpeshawar@gmail.com

NOTIFICATION:-

In pursuance of term No.7 of the appointment order No.4034-39 Dated Peshawar the 15.03.2022, appointment of Mr. Affan Ullah S/O Irfan Ullah, Driver, Sub Divisional Education Officer (Female) Town-I Peshawar is hereby "Withdrawn with immediate effect" due to the reason mentioned below:-

"The Dealing Assistant D.E.O (Female) Peshawar has reported that during re-scrutinizing the appointment file of Drivers, the date of birth of Mr. Affan Ullah appointment vide order No. 4034-39 dated Peshawar the 15.03.2022 is incorporated mistakenly in the meeting minutes & there is ambiguity in his experience certificate / Driving license is also after due date".

(SAMINA GHANI)
District Education Officer,
(Female) Peshawar.

Endst: No. 5911-17 / Driver File/ Dated Peshawar the: 18/10/2022

Copy of the above is forwarded to the: -

- 1- Director (E&SE) Khyber Pakhtunkhwa Peshawar
- 2- PS to Secretary (E&SE) Khyber Pakhtunkhwa Peshawar.
- 3- Accountant General Khyber Pakhtunkhwa Peshawar.
- 4- District Monitoring Officer Peshawar.
- 5- SDEO (Female) Town-I Peshawar with the remarks to recover any over payment made to the above named Official and deposit in to Govt: Treasury under intimation to this office and also stop his pay with immediate effect.
- 6- Assistant Programmer local office.
- 7- Mr. Affan Ullah, Driver, SDEO (Female) Town-I Peshawar.

Samina
18/10/2022
District Education Officer,
(Female) Peshawar.

Attested
[Signature]

APPOINTMENT ORDER:

Consequent upon the approval of the Departmental Selection Committee held on 24.02.2022, the competent authority is pleased to appoint Mr. Affan Ullah S/O Irfan Ullah as Driver in the Office of Sub Divisional Education Officer (Female) Town-I Peshawar (CNIC: 17301-5124498-9) on regular basis in BPS-06 (Rs.10620-560-27420) plus usual allowances as admissible under the rules against the vacant post at the office mentioned against his name with effect from the date of his taking over charge on the following terms and conditions.

Terms and Conditions:

1. NO TA / DA is allowed.
2. Charge report should be submitted to all concerned.
3. His service is liable to termination on one months' notice from either side. In case of resignation without notice, one month pay/allowances shall be forfeited to the Government.
4. He will be governed by such rules and regulations as may be issued from time to time by the Government.
5. Health and age Certificate should be produced from the Medical Superintendent concerned before taking over charge.
6. He should take over charge within 30 (Thirty) days from the date of issuance of this order.
7. His service will be liable to termination at any stage if their CNIC, Domicile or any other document he produced found fake, FIR will be lodged against him under the relevant law and recovery will be made of the paid salary.

Note:-


- His appointment order shall be verified by the Concerned DDO personally from this office before handing/ taking over charge.
- His CNIC & Domicile will be re-checked by the concerned DDO at the time of taking over charge.

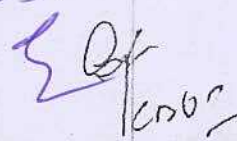
(SAMINA GHANI)
District Education Officer,
(Female) Peshawar.

Endst No. 4034-29/F.No.D-1/ Appointment Drivers/2022/ Dated: 15/03/2022.

Copy forwarded for information to the:-

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. Deputy Commissioner, Peshawar.
4. District Monitoring Officer (EMA) Peshawar.
5. Sub Divisional Education Officer (Female) Town- I, Peshawar.
6. P.A to D.E.O (Female) Peshawar.
7. Official concerned.
8. Personal file.



S.D.I.O (F)
PESHAWAR

Attested

Dy: District Education Officer,

1001

Annexure-D

7 48

PAKISTAN National Identity Card 

ISLAMIC REPUBLIC OF PAKISTAN


Name: Affan Ullah


Father Name: Irfan Ullah

Gender: M Country of Stay: Pakistan

Identity Number: 73301-5124498-9 Date of Birth: 10.11.1998

Date of Issue: 08.09.2021 Date of Expiry: 08.09.2031






Holder's Signature

مستند شناختی قلمی یا سینی فیل شیخان بھٹو، تحصیل و سٹا چنار

51-5124498-9



52351035709

Registrar General of Pakistan

مستند شناختی قلمی یا سینی فیل شیخان بھٹو، تحصیل و سٹا چنار

گمشدہ روٹے پر تقریبی ایڈریس میں ڈال دیں

Attested

8

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

SERVICE APPEAL NO.2036/2023

Affan Ullah VS E & SE Education

AFFIDAVAT

I Safia Amin DEO (Female) Peshawar do Solemnly affirmed and declare on oath that the content of this Para wise comments on behalf of Respondents are correct to the best of my knowledge and that noting has been concealed from this Hon'ble tribunal. It is further stated that in this appeal that answering respondents have neither been paced ex-parte nor their defense has been stuck off/Cost.



Safia Amin
District Education Officer
(Female) Peshawar

Respondent No-2.





**OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) PESHAWAR**

AUTHORITY LETTER

It is certified that Mr. Shahid Anwar ADEO Litigation officer of the District Education office (Female) Peshawar is hereby authorized to attend the Hon'ble Service Tribunal Peshawar Khyber Pakhtunkhwa on behalf Respondents No 1 to 4.

**District Education Officer
(Female) Peshawar**

Respondent No. 2