

**IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**

**Appeal No. 2053/2023.**

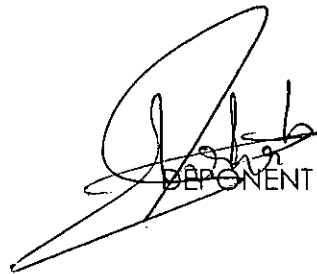
Shazia Bano, Lecturer BPS-17 Dept: Dress Designing /Making  
Govt: Polytechnic Institute (Women) Peshawar..... **Appellant.**

**VERSUS**

1. Govt: of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat Peshawar.
2. Govt: of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE), Peshawar.
3. Managing Director, KP-TEVTA, Peshawar..... **Respondents**

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RESPONDENT

28.12.2024

S.B.

**IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**

**Appeal No. 2053/2023.**

Khyber Pakhtunkhwa  
Service Tribunal

Shazia Bano, Lecturer BPS-17 Dept: Dress Designing /Making

Diary No. 11422

Govt: Polytechnic Institute (Women) Peshawar..... **Appellant**

Dated 28-02-24

**VERSUS**

1. Govt: of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat Peshawar.
2. Govt: of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE), Peshawar.
3. Managing Director, KP-TEVTA, Peshawar..... **Respondents**

**PARA WISE COMMENTS ON BEHALF OF RESPONDENTS 1,2, &3.**

**PRELIMINARY OBJECTIONS:**

- I. That the Service Appeal is badly time barred.
- II. That the Appellant has no cause of action.
- III. That the Appellant has got no locus standi.
- IV. That the appeal is incompetent in its present form for non-joinder of the necessary parties
- V. That the Appellant has not come to this honorable Tribunal with clean hands.
- VI. That the Appellant has been estopped by his own conduct to file the present appeal.
- VII. That the instant appeal is bad for non-joinder of the necessary parties.
- VIII. That appeal is hit by S-II of CPC.

**Respectfully Sheweth:**

1. Pertains to official record of appellant.
2. Para 2 is incorrect. The only post of (DDM)BS-18 was filled through promotion by the senior most Mrs. Nusrat Ara, Lecturer (DDM) BS-17 vide Notification No. SOIII(IND)TE/1-6/06/2428 Dated 06-03-2007. The appellant was also promoted from BS-14 to BS-17 in 2006 on basis of the said Service Rules-2000. The said post is still hold by the said senior officer. The said Service Rules-2000 prevailed till 02-12-2010. Neither any other post in BS-18 for DDM Tech: was available till that time nor the appellant had completed the requisite 05 years' length of service as provided in the Service Rules-2000 till that time i.e. 02-12-2010. Further, with regard to the provision provided in the Service Rules-2010 for the promotion of Lecturer BS-17(Degree Holder), it is clarified that the said provision was provided to the Engineering Degree Holders only. While the degree acquired by the appellant is not equivalent to the Degree of Engineering as provided in the rules. The appellant's name has,

therefore, been not included in the seniority list of Lecturer BS-17 (Degree Holder). However, being holder of the Post Matric 3 years Diploma of Associate Engineering in the DDM Tech, she has been rightly placed in the relevant seniority List of Diploma Holders as per the relevant provision of rules.

3. Para 3 is incorrect in view of aforementioned comprehensive reply.
4. Para 4 is incorrect in view of aforementioned comprehensive reply.
5. Para 5 is partially correct with clarification that the appellant has been accordingly apprised about the facts of the case vide office speaking order No. KP-TEVTA /ESTT/PF/11-174 /4003 dated 10-05-2023.
6. Para 6 is correct in view of aforementioned comprehensive reply.
7. Para 7 as laid is incorrect. the order was issued in accordance with the law.
8. Para 8 Needs no comments as it pertains to legal requirements and procedures.

**Grounds:**

- A. It is incorrect as explained in the preceding paras. All the actions of the department and undertaken proceedings regarding the service of the appellant, as legal, fair, justified and in accordance with the relevant law and rules.
- B. It is incorrect in view of aforementioned comprehensive reply. The appellant does not possess the degree qualification as provided in the rules. The appellant has never objected or challenged the relevant provision of present Service Rules in this regard. And cannot be allowed to challenge the same through instant appeal.
- C. It is incorrect. The appellant is treated in accordance with the law as explained in the preceding paras.
- D. It is incorrect in view of aforementioned comprehensive reply.
- E. It is absolutely incorrect para. The provision of amendment as stated in the para has never been notified by the government.
- F. It is incorrect in view of aforementioned comprehensive reply.
- G. It is incorrect in view of aforementioned comprehensive reply.
- H. It is incorrect in view of the fact that the extract of the stated precedent of the case cannot be attracted in the instance case as the facts and figure of the case is altogether different and not relevant to the stated authority of Supreme Court of Pakistan.


- I. It is incorrect in view of aforementioned comprehensive reply.
- J. It is incorrect in view of aforementioned comprehensive reply. The act of the department was absolutely in consonance with provision of the prevailing rules and procedure.
- K. It is incorrect in view of aforementioned comprehensive reply.
- L. It is incorrect in view of aforementioned comprehensive reply.
- M. The interpretation of the appellant is absolutely contrary to the rules and intention of the statute.
- N. It is incorrect in view of aforementioned comprehensive reply.
- O. It is incorrect in view of aforementioned comprehensive reply.
- P. It is incorrect in view of aforementioned comprehensive reply.
- Q. That the respondents also seek permission to submit further grounds at the time of arguments.

It is, therefore, most humbly requested that instant appeal of the appellant for having no force of law and facts and also being devoid of merit, may kindly be dismissed with cost throughout.

Govt: of KPK through Chief Secretary,  
Civil Secretariat, Peshawar.

**(Respondent No.1)**

*Zulfiqar Ali Shah*



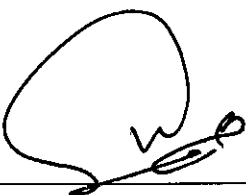

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Secretary to  
Govt. of Khyber Pakhtunkhwa,  
Industries, Commerce &  
Technical Education Deptt.

Govt: of KPK through Secretary  
Industries, Commerce and Technical  
Education, Peshawar.

**(Respondent No.2)**

*Zulfiqar Ali Shah*





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Secretary to  
Govt. of Khyber Pakhtunkhwa,  
Industries, Commerce &  
Technical Education Deptt.

Managing Director,  
KP-TEVTA, Peshawar.

**(Respondent No.3)**

*Amir Afaz*




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MANAGING DIRECTOR  
TECHNICAL EDUCATION & VOCATIONAL  
TRAINING AUTHORITY  
KHYBER PAKHTUNKHWA

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**BEFORE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA,**  
**PESHAWAR**

Service Appeal No 2053/2023

Shazia Banu \_\_\_\_\_

Appellant

VERSUS

Government of Khyber Pakhtunkhwa and Others \_\_\_\_\_

Respondents

**AFFIDIVATE**

I, Aamir Afaq Managing Director kp-TEVTA do hereby solemnly affirm and declare that the contents of this accompanying reply are true and correct to the best of my knowledge and record and nothing has been concealed from this Honorable Tribunal.

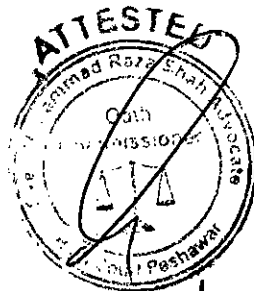
*It is further stated on oath that the answering respondent has neither placed evidence nor their defense struck Identified By off / cost*

*Aamir Afaq*  
DEPONENT  
*Respondent No-3*

Advocate General

Khyber Pakhtunkhwa

CNIC; 17301-1424628-8



*29/2*

Better Copy

Govt. of NWFP.,  
Services and General Admn: Deptt.  
(Regulation Wing)

No. SORI (S&GAD)4-2/82,  
Dated: 15.1.1999.

To

1. All Administrative Secretaries to Government of NWFP.
2. Secretary to Governor, NWFP.
3. Secretary to Chief Minister, NWFP.
4. All Divisional Commissioners in NWFP.
5. All Heads of attached Departments in NWFP.
6. All Heads of Autonomous/Semi-Autonomous Bodies in NWFP.
7. All Deputy Commissioners/Political Agents In NWFP.
8. The Registrar, Peshawar High Court, Peshawar.
9. All District and Session Judges in NWFP.
10. The Registrar, NWFP Services Tribunal, Peshawar.
11. The Secretary, NWFP Public Service Commission.
12. The Director, Anti-Corruption Establishment, Peshawar.
13. The Secretary, Board of Revenue, NWFP.

SUBJECT: - SIGNING OF PARA-WISE COMMENTS ETC. IN SERVICE APPEALS FILED IN THE NWFP SERVICES TRIBUNAL BY CIVIL SERVANTS.

Sir,

I am directed to refer to the subject noted above and to say that pursuant to Rule-12(2) of NWFP Services Tribunal Rules, 1974, the competent authority has been pleased to subordinate the Administrative Secretaries concealed or a subordinate officer to be nominated by the Administrative Secretary to sign para-wise comments etc. on behalf of the Chief Minister, NWFP and Chief Secretary, NWFP, as the case may be in cases of service appeals filed by the Civil Servants before the NWFP Services Tribunal.

Yours Obedient Servant.

sd/-

(SHAKIRULLAH)  
SECTION OFFICER (REGULATION-I)  
S&GAD.

Ends: Even No. and date.

A copy is forwarded for information to the: -

1. All Addl: Secretaries/Dy: Secretaries in S&GAD.
2. All Section Officers/Estate Officers in S&GAD.
3. P S. to Chief Secretary, NWFP.
4. P S. to Secretary S&GAD.
5. Librarian, S&GAD.

sd/-

SECTION OFFICER (REGULATION-I)

Accepted  
[Signature]

## AUTHORITY LETTER

Managing Director Khyber Pakhtunkhwa Technical Education and Vocational Training Authority.

I Mr. Aamir Afaq Managing Director Kp-TEVTA do hereby authorized Mr. Shahab khattak Advocate CNIC 17301-6527091-5, BC 15-5816 legal consultant Khyber Pakhtunkhwa Technical Education and Vocational Training Authority (KP-TEVTA) to submit Reply/comments on behalf of undersinged in appeal title below in Khyber Pakhtunkhwa Service Tribunal Peshawar.

ShaziaBanu.SA 2053/2023

Appellant

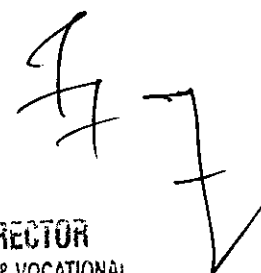
Versus

Govt of Khyber Pakhtunkhwa and others

Respondents



Managing Director  
KP-TEVTA



MANAGING DIRECTOR  
TECHNICAL EDUCATION & VOCATIONAL  
TRAINING AUTHORITY  
KHYBER PAKHTUNKHWA