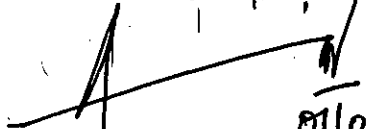


Cost of Rs. 2000/- received in Service Appeal No. 55/2024

Titled Asif Ali VS LNKI

in the office of Assistant Registrar, Vide Order 19/02/2024

submitted on 01/03/2024

  
01/03/24

Assistant Registrar  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

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

**Appeal No. 55 of 2024**

Mr. Asif Ali,  
Senior Clerk/SDA, (BPS-11),  
O/O the XEN C&W Division, Sub Division Wari Dir Upper.

.....**APPELLANT**

**VERSUS**

1. The Government of Khyber Pakhtunkhwa through Secretary Communication and Works Department, Civil Secretariat, Peshawar.
2. Chief Engineer (Centre), Communication and Works Department, Civil Secretariat, Peshawar.
3. Mr. Bashir Ahmad, Junior Clerk BPS-11, Office of Executive Engineer, C&W Division, Dir Upper.

.....**RESPONDENTS**

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**CHIEF ENGINEER (CENTRE)**

S.B  
Peshawar

04-03-2024

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

**Appeal No. 55 of 2024**

Mr. Asif Ali,  
Senior Clerk/SDA, (BPS-11),  
O/O the XEN C&W Division, Sub Division Wari Dir Upper.

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 11508

Dated 01-03-2024

.....**APPELLANT**

**VERSUS**

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2. Chief Engineer (Centre), Communication and Works Department, Civil Secretariat, Peshawar.
3. Mr. Bashir Ahmad, Junior Clerk BPS-11, Office of Executive Engineer, C&W Division, Dir Upper.

.....**RESPONDENTS**

**PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 01 AND 02**

Respectfully Sheweth!

**PRELIMINARY OBJECTIONS: -**

1. The instant Service Appeal is not entertainable in the present form.
2. The Appellant has no cause of action to file the instant Service Appeal before this Service Tribunal.
3. That Appellant has not come to the Court with clean hands.
4. The instant Service Appeal is time-barred.

**ON FACTS: -**

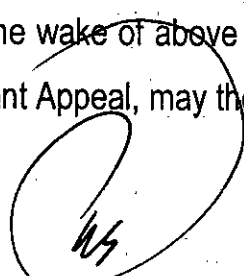
1. No comments.
2. Correct.
3. Correct, the Appellant was posted in the Office of the Executive Engineer, C&W Division, Dir Upper against his original cadre Post by relieving from OPS as there was no vacant Post available in Mardan.
4. That order dated 08/12/2023 was issued by the Department in the best public interest.
5. That after thoroughly examined the Departmental Appeal lodged by the Appellant on 12/12/2023 against impugned order was regretted in light of the Civil Servant Act, 1973.

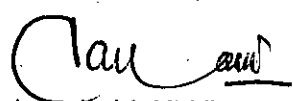
6. Incorrect, every Civil Servant is liable to serve anywhere within or outside the Province in any Post under Federal Government or any Provincial Government as per Section-10 of the Khyber Pakhtunkhwa, Civil Servant Act, 1973.

**ON GROUNDS: -**

- A. Incorrect, every Civil Servant is liable to serve anywhere within or outside the Province in any Post under Federal Government or any Provincial Government as per Section-10 of the Khyber Pakhtunkhwa, Civil Servant Act, 1973.
- B. Incorrect, being Civil Servant the Appellant is bound to serve his Services anywhere in the Province being Provincial Cadre Post.
- C. Incorrect, that no violation has been made by the Department as Appellant not posted on District Cadre Post.
- D. Incorrect, Appellant is treated under the Civil Servant Act, 1973, where it is very clear that "Every Civil Servant is liable to serve anywhere within or outside the Province in any Post under Federal Government or any Provincial Government as per Section-10 of the Khyber Pakhtunkhwa, Civil Servant Act, 1973".
- E. Incorrect, every Civil Servant is liable to serve anywhere within or outside the Province in any Post under Federal Government or any Provincial Government as per Section-10 of the Khyber Pakhtunkhwa, Civil Servant Act, 1973.
- F. Incorrect, Appellant never treated against the Appointment, Posting and Transfer Rules nor he revert to any lower Post. On the request of Appellant, he was posted against vacant Post of Accounts Clerk (OPS) to his home District on humanitarian grounds.
- G. The respondents seek leave to raise additional grounds at the time of arguments.

In the wake of above stated facts, it is respectfully prayed that there seems no merit in the instant Appeal, may therefore please be dismissed with cost.

  
Muhammad Idrees Khan  
Secretary  
Govt. of Khyber Pakhtunkhwa  
C&W Department Peshawar  
(Respondent No.1)

  
Engr. Jamshaid Ali Khan  
Chief Engineer (Centre)  
C&W Department Peshawar  
(Respondent No.2)

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

**Appeal No. 55 of 2024**

Mr. Asif Ali,  
Senior Clerk/SDA, (BPS-11),  
O/O the XEN C&W Division, Sub Division Wari Dir Upper.

.....**APPELLANT**

**VERSUS**

1. The Government of Khyber Pakhtunkhwa through Secretary Communication and Works Department, Civil Secretariat, Peshawar.
2. Chief Engineer (Centre), Communication and Works Department, Civil Secretariat, Peshawar.
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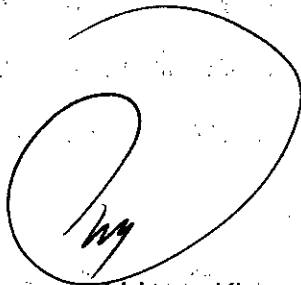
.....**RESPONDENTS**

**AFFIDAVIT**

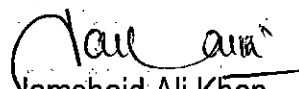
We, the Respondents, do hereby solemnly affirm and state on Oath that the whole contents of these comments are true and correct to the best of our knowledge and belief that nothing has been concealed from this Khyber Pakhtunkhwa Service Tribunal Peshawar.

It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck off. ✓

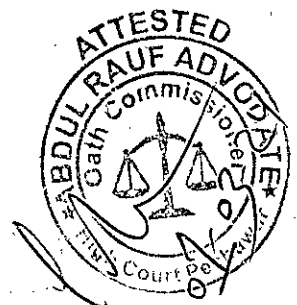
Deponents



Muhammad Idrees Khan  
Secretary  
Govt. of Khyber Pakhtunkhwa  
C&W Department Peshawar  
(Respondent No.1)



Engr. Jamshaid Ali Khan  
Chief Engineer (Centre)  
C&W Department Peshawar  
(Respondent No.2)





OFFICE OF THE CHIEF ENGINEER (CENTRE)  
COMMUNICATION & WORKS DEPARTMENT  
KHYBER PAKHTUNKHWA, PESHAWAR

No. CEC/C&WD/S.A No.55/2024

Dated Peshawar the 27/02/2024

**AUTHORITY LETTER**

Mr. Zahid Habib, Administrative Officer (Centre) (BPS-17), C&W Department, Peshawar is hereby authorized to file the para-wise comments and attend the Honorable Service Tribunal Peshawar on behalf of Respondent No.2 in connection with Service Appeal No. 55 of 2024 titled "Asif Ali vs Govt. of Khyber Pakhtunkhwa through Secretary C&W & others" on each date as and when fixed by the Honorable Service Tribunal.

  
CHIEF ENGINEER (CENTRE)

**COPY FORWARDED TO THE:**

1. Section Officer (Lit.), C&W Department, Peshawar w/r to his office No. SO(Lit)C&W/3-503/2023, dated 12/01/2024 above for information.
2. Mr. Zahid Habib, Administrative Officer (Centre) (BPS-17), C&W Department, Peshawar for information and necessary action.
3. PS to Secretary, C&W Department, Peshawar for information.
4. P.A. to Deputy Secretary, C&W Department, Peshawar for information.

  
CHIEF ENGINEER (CENTRE)