

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

Gulzar.....Appellant

Versus

The Government of Khyber Pakhtunkhwa
through Secretary Health KPK Peshawar and
others.....Respondents

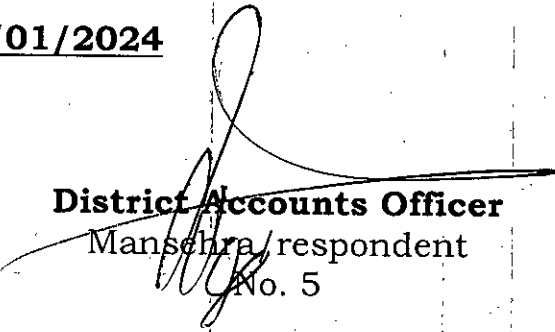
SERVICE APPEAL NO. 1139 OF 2023

**PARA-WISE COMMENTS ON BEHALF OF
REPOUDENT NO. 5**

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Dated /01/2024


District Accounts Officer
Manshra / respondent
No. 5

25-03-2024
A. Abeeel
S. B.

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

Gulzar.....Appellant

Versus

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 11573

Dated 4/3/24

The Government of Khyber Pakhtunkhwa
through Secretary Health KPK Peshawar and
others.....Respondents

SERVICE APPEAL NO. 1139 OF 2023

**PARA-WISE COMMENTS ON BEHALF OF
REPOUDENT NO. 5**

PRELIMINARY OBJECTION

- 1) That, appellant has not come to this Honourable Tribunal with clean hands.
- 2) That, appellant has got no cause of action.
- 3) That, the appeal in hand is liable to be dismissed due to mis-joinder necessary and joinder of necessary party.
- 4) That, the appeal is hopelessly time barred.
- 5) That, this Honourable Tribunal has got no jurisdiction to entertain the appeal in hand.
- 6) That, in case of dismissal the answering respondent is entitled for special compensatory cost.

ON FACTS

- 1) That, para No. 1 not relates with answering respondent, hence no need of reply.
- 2) That, para No. 2 not relates with answering respondent, hence no need of reply.
- 3) That, para No. 3 is correct.

- 4) That, para No. 4 relates with respondent No. 4 and he can explain the position.
- 5) That, para No. 5 not relates with answering respondent, hence no need of reply.
- 6) That, para No. 6 not relates with answering respondent and respondents Nos. 2&3 explain the factual position, hence no need of reply.
- 7) That, para No. 7 not relates with answering respondent and respondents Nos. 2&3 explain the factual position, hence no need of reply.
- 8) That, para No. 8 is incorrect. As the answering respondent is not authority to make cutting in the record/service book, as the respondent No. 4 is custodian of the record. The answering respondent has not made any cutting in the service record of the appellant. Hence para is denied.
- 9) That, para No. 9 is incorrect. The date of birth was recorded by DAO Abbottabad in the SAP System (Computerized data) not by answering respondent. Whereas date of birth of the appellant has been recorded in the service book by the office of respondents Nos. 3&4.

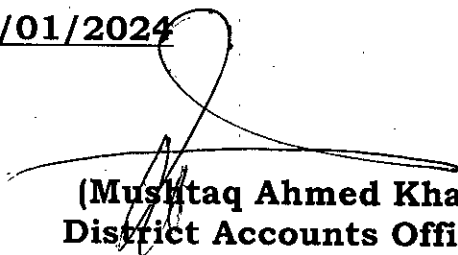
ON GROUNDS: -

- A) That, para "A" is incorrect. Hence denied.
- B) That, para "B" not relates with the answering respondent.
- C) That, para "C" is not relates with the answering respondent. Respondents Nos. 3&4 can explain the actual position.
- D) That, para "D" not relates with answering respondent. Hence denied.
- E) That, para "E" is incorrect. As it not relates with answering respondent.
- F) That, para "E" is incorrect.
- G) That, para "G" is incorrect. Hence denied.
- H) That, para "H" not relates with answering respondent.
- I) That, para "I" is incorrect.
- J) That, para "J" is incorrect.

- K)** That, para "K" is incorrect. The answering respondent is not authority to make cutting in the service record of any government official and only the department where a government serving is competent to make cutting in he service record.
- L)** That, para "L" needs no reply.
- M)** That, para "M" not relates with the answering respondent. Hence needs no reply.
- N)** That, para "N" needs no reply.

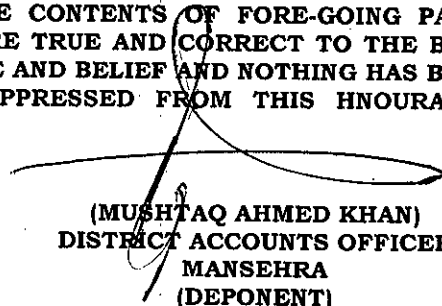
In view of the above circumstances and facts it is, therefore, most humbly prayed and requested that the appeal in hand may kindly be dismissed with special compensatory cost.

Dated /01/2024


(Mushtaq Ahmed Khan)
District Accounts Officer
Mansehra/respondent
No. 5

VERIFICATION

VERIFIED THAT THE CONTENTS OF FORE-GOING PARAWISE COMMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND NOTHING HAS BEEN CONCEALED OR SUPPRESSED FROM THIS HNOURABLE TRIBUNAL.


(MUSHTAQ AHMED KHAN)
DISTRICT ACCOUNTS OFFICER
MANSEHRA
(DEPONENT)

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

W.P No.1183/2017

Gulzar..... (Appellant)

VERSUS

The Government of Khyber Pakhtunkhwa through Secretary Health
KPK Peshawar and others..... **Respondents**

SERVICE APPEAL NO.1139 OF 2023

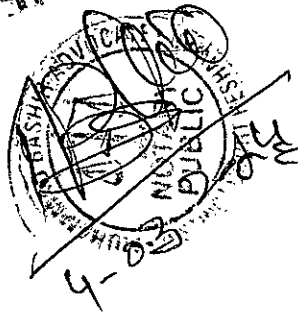
**PARA-WISE COMMENTS ON BEHALF OF
REPOUDENT NO.5**

AFFIDAVIT

I, MUSHTAQ AHMED KHAN DISTRICT ACCOUNTS OFFICER MANSEHRA (REPRESENTATIVE) DO HEREBY SOLEMNLY AFFIRM AND DECLARE ON OATH THAT THE CONTENTS OF FORE-GOING PARA-WISE COMMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND NOTHING HAS BEEN CONCEALED OR SUPPRESSED FROM THIS HONOURABLE TRIBUNAL.

IT IS FURTHER STATED ON OATH THAT THE ANSWERING RESPONDENT, HAVE NEITHER BEEN PLACE EX-PARTE NOR THEIR DEFENSE STRUCK OFF/COST.

ATTESTED



**MUSHTAQ AHMED KHAN
DISTRICT ACCOUNTS OFFICER
MANSEHRA
(DEPONENT)**

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

GULZAR..... (PETITIONER)

VERSUS

1. The Government of Khyber Pakhtunkhwa through Secretary
Health KPK Peshawar and others**RESPONDENTS.**

AUTHORITY LETTER

I Mushtaq Ahmed Khan District Accounts Officer
Mansehra do hereby authorized Mr. Shahid Iqbal, Additional
District Accounts Officer (BPS-18) of this office to appear before
Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar Bench
in case Petition No 1139/2023 titled GULZAR VS The
Government of Khyber Pakhtunkhwa through Secretary Health
KPK Peshawar and others.


(Mushtaq Ahmed Khan)

District Accounts Officer
Mansehra.