

D

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

**PESHAWAR**

**Khyber Pakhtukhwa  
Service Tribunal**

Diary No. 11600

Dated 5/3/24

**Service Appeal No 2546 of 2023**

Tariq Alam \_\_\_\_\_ **Appellant**

**Versus**

Government of Khyber Pakhtunkhwa & Others \_\_\_\_\_ **Respondents**

**REJOINDER TO COMMENTS SUBMITTED BY RESPONDENTS 1&2**

---

**Respectfully Sheweth:**

That petitioner submits following para wise Rejoinder as under.

**Preliminary Objections**

1. Para No 1 is incorrect. Appellant has the locus Standi to file the appeal.
  2. Para No 2 is incorrect. Appellant has the cause of action.
  3. Para No 3 is incorrect. Appellant is before Hon'ble Tribunal with clean hands.
  4. Para No 4 is incorrect. Appeal is within time.
  5. Para No 5 is incorrect. There is no question of non-joinder and mis-joinder
  6. Para No 6 is incorrect. Appel is in proper form and is in accordance with law.
- Q

Rejoinder to Reply on Facts.

1. Paras 1 to 3 need no reply.
2. Para No 4 is incorrect. In fact, appellant has annexed with appeal the posting order of his wife from which it is evident the wife of appellant is serving in Education Department and is posted in South Waziristan.
3. Para No 5 is incorrect. The transfer of appellant is on political basis and not in public interest. The appellant was transferred against the policy. More so, the private respondent No 4 was not eligible for posting as Executive Engineer rather he was promoted as Technical Officer. He was illegally posted as Executive Engineer and then Appellant was illegally transferred and private respondent No 4 was assigned additional charge of the post of Executive Engineer PHE South Waziristan Division at Tank. **Copies of relevant record are Annexed**
4. Para No 6 is incorrect.
5. Para No 7 is incorrect. Appellant has been transferred in violation of the policy.

GROUNDS

- A. Reply to the ground **A** is incorrect. This is candidly clear from the record that appellant was victimized and was transferred against the policy.
- B. Reply to ground **B** is incorrect and against the record.
- C. Reply to ground **C** incorrect and denied.
- D. Reply to ground **D** is incorrect and denied. Detail response has been given in preceding paras.

- E. Reply to the ground **E** is incorrect and denied. Respondents have transferred the appellant illegally and in violation of policy. Having no alternate efficacious remedy appellant has availed legal remedy
- F. Reply to the grounds **F to I** are incorrect and denied. Detail response has been given in preceding paras.

**It is therefore submitted that this rejoinder may graciously be considered in the just disposal of Appeal.**

Dated 05/03/24

**Engr. Tariq Alam (Appellant)**

Through

*Muhamamd Salim Khan* 05/03/2024  
**Muhamamd Salim Khan Marwat Advocate High Court**

**Affidavit**

Stated on oath that the contents of Rejoinder are correct. Nothing has been concealed or misstated

*Tariq Alam*  
**(Appellant)**

OATH  
 COMMISSIONER  
 PESHAWAR



AMMA A 1  
(4)

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
PUBLIC HEALTH ENGG: DEPARTMENT**

Dated Peshawar, the July 22, 2022

**NOTIFICATION**

**No.SO(Estt)/PHED/1-17/2022.** The competent authority, on the recommendations of the Provincial Selection Board, is pleased to appoint the following Assistant Engineers/SDOs (BPS-17) of the Public Health Engineering Department to the post of Technical Officer/Deputy Director (M&E) (BPS-18) on acting charge basis, with immediate effect:-

- i. Mr. Hassan Khan
- ii. Mr. Lajbar Khan
- iii. Mr. Muhammad Yousaf

2. The postings/transfers of the above-named officers will follow.

**SECRETARY  
PHE DEPARTMENT**

**Endst:No.SO(Estt)/PHED/1-17/2022**

**Dated Peshawar, the July 22, 2022**

Copy forwarded for information and necessary action to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. All Chief Engineers PHE Khyber Pakhtunkhwa.
3. All Superintending Engineers PHE Department Khyber Pakhtunkhwa.
4. All Executive Engineers PHE Department Khyber Pakhtunkhwa.
5. District Accounts Officer concerned.
6. Section Officer (PSB) Establishment Department Peshawar w/r to his letter No.SO(PSB)ED/1-15/2022/P-50 dated 22-07-2022.
7. Manager Govt: Printing Press Peshawar for publication in the next issue of Govt Gazette.
8. PS to Chief Secretary Khyber Pakhtunkhwa Peshawar.
9. PS to Secretary PHE Department Khyber Pakhtunkhwa Peshawar.
10. PS to Minister for PHE Khyber Pakhtunkhwa Peshawar.
11. Officers concerned.
12. Office Order/Personal Files.

*Attested*  
*u*

*Adnan*  
*22/7/22*  
**SECTION OFFICER (ESTT)**

**NOTIFICATION**

**No. SO(ESTT)/PHED/1-45/2022/02:** In pursuance of the provisions of the Public Health Ordinance, 1974 (No. SO(ESTT)/PHED/1-17/2022 dated 22.07.2022), the following officers are being posted/transferred to the interest of public service, with immediate effect:

(15)

S #	Name	From	To
1.	Mr. Muhammad Yaqoob	Executive Engineer (OPS) PHE Division Orakzai	Executive Engineer (OPS) PHE Division Peshawar on acting charge basis.
2.	Mr. Hassan Khan	Assistant Director (BPS 17), O/O the Sector Reform Unit (SRU) PHE Peshawar	Assistant Director (BPS 17) PHE Peshawar on acting charge basis.
3.	Mr. Lajbar Khan	SDO (BPS-17) PHE Sub Division Ghulam Mghmund	Technical Officer (BPS 18) the C.E. (North) PHE Peshawar on acting charge basis.
4.	Mr. Muhammad Yousaf	SDO (BPS-17) PHE Sub Division Peshawar D.I. Khan	Technical Officer (BPS 18) the C.E. (South) PHE Peshawar on acting charge basis.
5.	Mr. Muhammad Ikram	Deputy Director (M&E) PHE Department Peshawar on acting charge basis.	Project Coordinator (BPS-18) of Project "Establishment of E Governance Cell and CBIS for Water Charges Collection in PHE Department Peshawar".
6.	Mr. Zahid Hussain	Technical Officer (BPS 18) O/O the C.E. (South) PHE Peshawar	Design Engineer (BPS-18) O/O the C.E. (Center) PHE Peshawar

**SECRETARY  
PHE DEPARTMENT**

**Dated Peshawar, the July 27, 2022**

**No. SO(ESTT)/PHED/1-45/2022/02:**

Copy forwarded for information & necessary action to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar
2. All Chief Engineers PHE Department Khyber Pakhtunkhwa
3. Superintending Engineer PHE Circle concerned.
4. Director Technical PHE Department Peshawar
5. Executive Engineer PHE Division concerned.
6. District Accounts Officer concerned
7. All Section Officers PHE Department Peshawar
8. PS to Minister for PHE Khyber Pakhtunkhwa Peshawar
9. PS to Secretary PHE Department Khyber Pakhtunkhwa Peshawar
10. PA to Additional Secretary PHE Department Khyber Pakhtunkhwa Peshawar
11. Officers concerned
12. Office Order / Personal Files

*Attested*

*LI*

**SECTION OFFICER (ESTT)**



GOVERNMENT OF KHYBER PAKHTUNKHWA  
PUBLIC HEALTH ENGG: DEPARTMENT

Dated Peshawar, the July 22, 2022

6

**NOTIFICATION**

No.SO(Estt)/PHED/1-17/2022. The competent authority, on the recommendations of the Provincial Selection Board, is pleased to appoint the following Assistant Engineers/SDOs (BPS-17) of the Public Health Engineering Department to the post of Technical Officer/Deputy Director (M&E) (BPS-18) on acting charge basis, with immediate effect:-

- i. Mr. Hassan Khan
- ii. Mr. Lajbar Khan
- iii. Mr. Muhammad Yousaf

2. The postings/transfers of the above-named officers will follow.

**SECRETARY  
PHE DEPARTMENT**

Endst:No.SO(Estt)/PHED/1-17/2022

Dated Peshawar, the July 22, 2022

Copy forwarded for information and necessary action to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. All Chief Engineers PHE Khyber Pakhtunkhwa.
3. All Superintending Engineers PHE Department Khyber Pakhtunkhwa.
4. All Executive Engineers PHE Department Khyber Pakhtunkhwa.
5. District Accounts Officer concerned.
6. Section Officer (PSB) Establishment Department Peshawar w/r to his letter No.SO(PSB)ED/1-15/2022/P-50 dated 22-07-2022.
7. Manager Govt: Printing Press Peshawar for publication in the next issue of Govt Gazette.
8. PS to Chief Secretary Khyber Pakhtunkhwa Peshawar.
9. PS to Secretary PHE Department Khyber Pakhtunkhwa Peshawar.
10. PS to Minister for PHE Khyber Pakhtunkhwa Peshawar.
11. Officers concerned.
12. Office Order/Personal Files.

*Attested*

*Adam*  
*22/7/22*  
**SECTION OFFICER (ESTT)**