

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR CAMP
COURT ABBOTTABAD.

Appeal No. 61/2024

SCANNED
KST
Peshawar

Hazrat Noman.....Appellant

VERSUS

Govt: of Khyber Pakhtunkhwa & Others.....Respondents

JOINT PARA WISE COMMENTS ON BEHALF OF RESPONDENTS

INDEX

Sr.No	Description	Page Nos	Annexures
1	Comments alongwith affidavit.	01 - 04.	
2	Photocopy of final seniority list of CT	05-06	"A"
3	Photocopy of Notification dated 22-09-2020	07	"B"

Dated: 11/05/2024

District Education Officer (M)

Kohistan Upper.

(Respondent No. 3)

29-05-24

S.B.

A.Abbad.

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR CAMP
COURT ABBOTTABAD.

Appeal No. 61/2024

Hazrat NomanAppellant

VERSUS

Govt: of Khyber Pakhtunkhwa & Others.....Respondents

JOINT PARA WISE COMMENTS ON BEHALF OF RESPONDENTS

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 12966

Date 24-05-24

RESPECTFULLY SHEWETH:-

Comments on behalf of Respondents are submitted as under: -

Preliminary objection: -

1. That the appellant has no cause of action to file the instant appeal against the answering respondents.
2. **That the appeal of the appellant is time barred. Hence liable to be dismissed without any further proceeding.**
3. That the instant appeal is not maintainable in its present form.
4. That the appellant has filed the present appeal just to pressurize the respondents.
5. That the appellant has not come to this Honorable Tribunal with clean hands. Hence, not entitled to any relief.
6. That the appellant is estopped to sue due to his own conduct.
7. That the instant appeal is not maintainable due to non-joinder and mis-joinder of necessary parties.
8. That the instant appeal is against the Service Laws.
9. That the respondents seek leave of this Honorable Tribunal to raise additional points at the time of arguments.

Factual Objections: -

1. That the Para No. 1, of the service appeal pertains to the service record of the appellant hence, need no further comment.
2. That the Para No. 2, of the service appeal also relates to the record.
3. That the Para No. 3, of the service appeal also relates to the record.
4. That the Para No. 4, of the service appeal is correct.

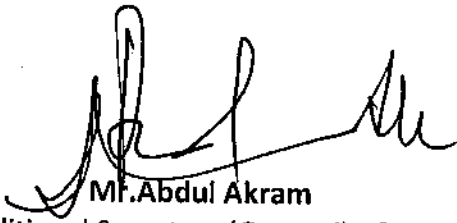
5. That the Para No. 5, of the service appeal as composed is incorrect hence, denied. The Respondent No.2 issued the promotion order vide Notification No.3371-75/File No. Promotion Senior Teachers/2023(BPS-16) dated 21-06-2023 was issued after observing all codal formalities and no junior teacher was promoted as SCT, as the last teacher having seniority No.10, Mr. Abdul Ghani was promoted. Furthermore, the Respondent No.2 issued the promotion of CT(B-15) to SCT (B-16) for teachers listed upto serial No.10 on the Final Seniority list of CT while the appellant falls at S.No. 23, was not considered for promotion due to being junior in the seniority list and appellant will be promoted on his own turn according to law, rules & policy.
6. That the Para No. 6, of the service appeal as composed is incorrect hence, denied and not admitted. Further stated that the Respondent No.2 issued the appellant's transfer order dated 22-09-2020, clearly stating that the appellant seniority would be determined at the bottom of the seniority list and the appellant did not challenge nor filed any departmental appeal against the order dated 22-09-2020. (Photocopy of final seniority list and order dated 22-09-2020 is annexed herewith as Annexure "A" & "B")
7. In reply to Para No. 7, of the instant service appeal, it is submitted that the appeal in hand is badly time barred hence liable to be dismissed on this score alone. The impugned impugned seniority list and order dated 21-06-2023, was issued after observing all codal formalities hence, same is liable to be maintained.


Grounds:

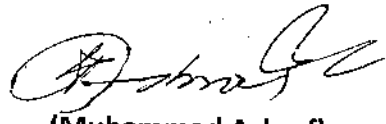
- i. That ground "i", of the instant service appeal as composed is incorrect hence, denied and not admitted. The act of the answering respondents is within legal parameter and by observing all the codal formalities. Hence the plea of the appellant is liable to be dismissed.
- ii. That ground "ii", of the instant service appeal as composed is incorrect hence, denied. The acts of the answering respondents are in accordance with the rules, laws and policy. The appellant did not question the final seniority list of CT Teachers circulated for the year 2021 and 2022.
- iii. That ground "iii", of the instant appeal as composed is incorrect hence, denied. The impugned notification dated 21-06-2023 is legally competent as the respondent No.2 has observed all the codal formalities prior to issuance of said Notification. Hence the plea of the appellant is liable to be dismissed.

- iv. That ground "iv", as composed is incorrect hence, denied and not admitted. The appellant was treated in accordance with law, rule and policy.
- v. That ground "v", as composed is incorrect. The respondents have not violated Article 25 of the constitution Islamic Republic of Pakistan 1973 and the appellant has been dealt in accordance with law.
- vi. That ground "vi", as composed is incorrect hence, denied and not admitted. No legal right of the appellant has been violated hence, instant appeal is liable to be dismissed. Furthermore, the appellant has never filed any sort of departmental appeal against the final seniority list of CT Teachers before the competent authority so far.
- vii. That ground "vii", as composed is incorrect hence, denied and not admitted. All the codal formalities have been observed by answering respondents prior to issuance of impugned notification dated 21-06-2023. The appellant was treated in accordance with law and rule.
- viii. That ground "viii", of the instant appeal as composed is incorrect hence, denied. The act of the answering respondent is within legal parameter and the appellant was treated in accordance with law and rule.
- ix. That ground "ix", of the instant appeal as composed is incorrect hence, denied. The appellant was treated in accordance with law, rule and policy.
- x. That the appeal in hand is badly time barred hence liable to be dismissed without any further proceedings.

Under the circumstances, it is humbly prayed that the instant service appeal may kindly be dismissed with cost.


 Mr. Abdul Akram
 Additional Secretary (General), E&SED
 On behalf of
 Mr. Masood Ahmad
 Secretary (E&SED)
 (Respondent No. 1)


 (Samina Altaf)
 Director
 (E&SED) Khyber Pakhtunkhwa
 Peshawar.
 (Respondent No. 2)


 (Muhammad Ashraf)
 District Education Officer (M)
 Kohistan Upper
 (Respondent No. 3)

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR CAMP
COURT ABBOTTABAD.**

Appeal No. 61/2024

Hazrat NomanAppellant

VERSUS

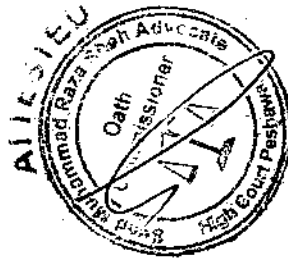
Govt: of Khyber Pakhtunkhwa & Others.....Respondents

JOINT PARA WISE COMMENTS ON BEHALF OF RESPONDENTS

AFFIDAVIT

I, Mr. Muhammad Ashraf, District Education Officer (M) Kohistan Upper, do hereby affirm and declare that contents of accompanying para-wise comments submitted by the District Education Officer (M) Kohistan Upper, are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

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



DEPONENT

(Muhammad Ashraf)

Respondent No.3



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)
KOHISTAN UPPER

Email. emiskohistan@yahoo.com

Phone No. 0998-407128

AUTHORITY LETTER

Mr. Muhammad Siddique ADEO, DEO (Male) Office, is hereby authorized to submit Parawise comments in Service Appeal No.61/2023, case titled Hazrat Noman Vs Govt: of Khyber Pakhtunkhwa, on behalf of respondents before the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar.

District Education Officer (M)
Kohistan Upper

Annexure "A"

5

DISTRICT EDUCATION OFFICER (MALE) DISTRICT KOHISTAN UPPER

Final Seniority list of CT teachers Education Distt: Kohistan on 06/06/2023

S No	S:SL No	Name of Teacher	Qualification		Father Name	BPS	Date of Birth	Domicile	Date of First entry into Govt: Service	Date of appointment as trained teacher.	Place of posting.
			Academic	Professional							
1	1	Ghulam Jan	FA	CT	Akbar Khan	15	08.05.1977	Kohistan	6/04/1999	28/12/2004	GMS Mamokser
2	2	Muhammad Din	FA	DE	Zour Das Khan	15	15/5/1985	Kohistan	26/4/2008	26/04/2008	GMS Barigoo
3	3	Ezat Malook	MA	CT,B.Ed	Farooz Khan	15	04.10.1989	Kohistan	11.03.2016	11/03/2016	GMS Mamoki Sar
4	4	Amir Zada	M.Sc	CT	Afsar Khan	15	04.03.1985	Kohistan	16/03/2016	16/03/2016	GMS Pari
5	5	Muhammad Afzal	BBA Hon	CT, B.Ed	Ezhar Ul Haq	15	06.02.1992	Kohistan	31.03.2017	01/04/2017	GMS Gullab Abad
6	6	Zia Ur Rehman	BA	CT	Aqleem Khan	15	01.01.1993	Kohistan	31.03.2017	31/03/2017	GHS Jalkot.
7	7	Javed Iqbal	BA	CT	Hidayat Ullah	15	10.05.1993	Kohistan	1/04/2017	01/04/2017	GMS Dargah Harban
8	8	Shafiqur Rehman	MA	CT	Furqan	15	11.07.1995	Kohistan	01.04.2017	01/04/2017	GHS Seo
9	9	Seer Shah	BA	DE	Subar Khan	15	01.01.1982	Kohistan	04.04.2017	04/04/2017	GMS Goshali Jalkot
10	10	Abdul Ghani	MSc	CT/Bed/Med	Suroom Khan	15	02.01.1993	Kohistan	11.01.2019	11/01/2019	GMS Goshali
11	11	Ejaz Ul Haq	M.Phill	M.Ed	Idrees	15	04.10.1989	Kohistan	12/01/2019	12/01/2019	GMS Shatial
12	12	Muhammad Amin	BA	CT	Rehmat Ullah	15	01.03.1973	Kohistan	16/07/1992	02/12/2019	GMS Razika
13	13	Abdul Malik	BA	PTC,CT,B.Ed	Ahmad Khan	15	12.12.1976	Kohistan	2/01/1995	02/12/2019	GMS Razika
14	14	Said Ahmed	BA	PTC,CT,B.Ed	Injeel	15	05.11.1977	Kohistan	1/04/1996	02/12/2019	GMS Pari
15	15	Shah Rafi Ud Din	BA	PTC,CT	Faqeer Jan	15	03.05.1978	Kohistan	4/01/1996	02/12/2019	GMS Gujar Banda
16	16	Abdul Hanan	BA	PTC,CT	Raham Shah	15	10.02.1972	Kohistan	15/05/1992	02/12/2019	GMS Karang
17	17	Tahir Shah	MS	B.Ed	Syed Gul Bad Shah	15	02.03.1993	Kohistan	21/03/2020	21/03/2020	GHS Sazeen
18	18	Noor ul Haq	BS	Nil	Haji Jakha	15	06.03.1992	Kohistan	21/03/2020	21/03/2020	GMS ISgal
19	19	Muhammad Imtiaz	M.Sc	Nil	Abdul Qahir	15	08.10.1994	Kohistan	21/03/2020	21/03/2020	GMS Karang
20	20	Sanaulah	BA	CT	Molvi Fakhr ul Islam	15	15.04.1995	Kohistan	21/03/2020	21/03/2020	GMS Domi Seer
21	21	Muhammad Irshad ul Haq	BA	CT	Haji Raja	15	02.1.1994	Kohistan	21/03/2020	21/03/2020	GHS Khour
22	22	Shamsher Ali	BA	CT	Sher Muhammad	15	05.06.1995	Kohistan	21/03/2020	21/03/2020	GMS Dargah Harban

6

23	23	Hazrat Noman	MA	CT,B.Ed	Ahmad	15	01.01.1982	Kohistan	21/03/2015	22/09/2020	GMS Kuz Komila/ Inter District Transferred on 22/09/2020 from DEO (M) Lower Kohistan to DEO (M) Kohistan Upper.
24	24	Fazal Ahmed	BA	CT,B.Ed	Muzammil	15	03.03.1975	Kohistan	4/01/1996	06/05/2021	GMS Domi Seer
25	25	Shams Ul Haq	BA	PT,CT,B.Ed	Qalil	15	01.01.1974	Kohistan	21/04/1993	06/05/2021	GMS Kuz Komila
26	26	Shah Jehan	BA	PTC,CT,B.Ed	Rehmat Wali Khan	15	30.12.1972	Kohistan	30/12/1996	06/05/2021	GMS Bhasha
27	27	Muhammad Saeed Khan	BS	Nil	Behar Mand Khan	15	01.10.1997	Kohistan	25/6/2021	25/06/2021	GMS Dogah
28	28	Muhammad Zaheer Hussain	BS	Nil	Saif ul Malook	15	15.08.1998	Kohistan	25/06/2021	25/06/2021	GMS Kuz Komila
29	29	Faiz ul Bari	M.Sc	CT	Abdul Manan	15	01.01.1994	Kohistan	25/6/2021	25/06/2021	GHS Jalkot.
30	30	Sher Zada	BA	CT	Muhammad Idrees	15	01.01.1996	Kohistan	5/04/2022	05/04/2022	GCMHS Dassu
31	31	Abd Ul Shakoor	BA	PTC,CT	Qainoos	15	04.03.1975	Kohistan	20/12/1995	07/05/2021	GMS Saidan Dadair

CERTIFICATE.

1. Certified that the seniority is final, undisputed and non judicious.
2. Certified that all CT teachers are working in district Kohistan are included in this seniority list.

[Handwritten signature]

[Handwritten signature]

ADEO (Estt.) Secondary

[Handwritten signature]

Deputy District Education Officer
(Male) Kohistan

[Handwritten signature]

District Education Officer
(Male) Kohistan

Attested
[Handwritten mark]

OFFICE OF THE DIRECTOR ELEMENTARY AND SECONDARY
EDUCATION KHYBER PAKHTUNKHWA PESHAWAR

OFFICE ORDER

Mr. Tazra Noman (T. UPS 15) G.S. Madhaza, Kohistan, Upper
concerned against the vacancy of T. UPS 15 G.S. Madhaza, Kohistan, Upper
in his own pay and BPS in the interest of public service with immediate effect

Note

1. Change report should be submitted to all concerned
2. No F.A./D.A etc is allowed
3. District Education Officer (Upper) concerned is directed to check his original service documents making payment of charges
4. His seniority will be determined at the bottom of the seniority list under the rule.

DIRECTOR

Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Order No 4506-10
4 No.200 Vor/11/11

Date 24/9/2020

Copy of the above is forwarded for information and necessary action to the

1. District Education Officer (M) Kohistan Upper
2. District Education Officer (M) Kohistan Lower
3. District Accounts Officer Kohistan Upper
4. District Accounts Officer Kohistan Lower
5. Teacher concerned.
6. Master File
7. P.A. to Director Elementary and Secondary Education local office

Ali Asghar
②

Assistant Director (Establishment)
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

OFFICE OF THE DIRECTOR ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR

OFFICE ORDER

Mr.Hazrat Nouman CT (BPS-15) GMS Madraza Kohistan is hereby transferred against the vacant post of CT (BPS-15) GMS Kuz Komila District Kohistan in his own pay and BPS in the intrest of public service with immediate effect.

Note:

1. Charge report should be submitted to all concerned.
2. No TA/DA etc is allowed.
3. District Education Officer(M) concerned is directed to check his original service documents making payment of salaries.
4. His seniority will be determined at the bottom of the seniority list under the rules.

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Endst: No. 4506-10/F.No.200/Vol:9/IDT/TT/AT

Dated 22/09/2020

Copy of the above is forwarded for information and necessary action to the:

1. District Education Officer (M) Kohistan Upper.
2. District Education Officer (M) Kohistan Lower.
3. District Accounts Officer Kohistan Upper.
4. District Accounts Officer Kohistan Lower
5. Teacher Concerned.
6. Master File
7. P.A to Director Elementary & Secondary Education local office.

Assistant Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar