

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No. 1048/2023**

**Rab Nawaz Khan.....Appellant**

**Versus**

**Govt of KPK etc .....Respondents**

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**Through**

**Appellant**

**Muhammad Amin Ayub**

**&**

**Muhamma Tariq Khan  
Advocates, High Court**

17-B, Haroon Mansion  
Khyber Bazar, Peshawar  
Cell # 0313-9040434

Dated: 06 /05/2024

10.5.24

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 1048/2023

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 12629

Date 08-05-2024

Rab Nawaz Khan.....Appellant

Versus

Govt of KPK etc .....Respondents

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**REJOINDER ON BEHALF OF APPELLANT IN RESPONSE  
TO REPLY FILED BY RESPONDENTS.**

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Respectfully Sheweth,

**Preliminary Objections:**

That appellant has approached this Hon'ble Tribunal by asserting valuable facts and nothing has been concealed while have locus standi, therefore, the Hon'ble Tribunal having the jurisdiction to entertain the matter. Estoppel does not run against the law. The instant appeal is well within time. All the necessaries parties have arrayed as respondents.

**Facts:**

1&2 Not denied, therefore, amounts to admission.

3-7 Incorrect hence denied. As a matter of fact the post of the appellant was re-designated to Certified Teacher (IT) BPS-12 and was consequently, regularized as such on 16.03.2019 from the date of initial appointment. Appellant was entitled to be promoted w.e.f 24.09.2020 when he was duly recommended for the subject promotion but owing to misplace objection he could not be promoted. It has been incorporated in the memo of the appeal that appellant was fulfilling the criteria for promotion against the subject

post. Appellant has been treated discriminatory because in similar circumstances Respondents offered promotion to CT-IT BS-12 whose posts were also re-designated, therefore, as per Article-25 of the Constitution of the Islamic Republic of Pakistan, 1973 appellant has to be treated at par with them. The Apex Court time and again held that similar persons should be treated alike. Respondent Department committed mistake which was later on, rectified by promoting appellant against the subject post but valuable rights of the appellants have been usurp for which he should not be made to suffer. Question arises that if appellant was not eligible for the subject promotion at that time on the basis of qualification how he was later on promotion on the basis of same qualification. Thus, it is settled law that wherever a employee has been deprived form promotion no fault of him then he has to be promoted from the date when he was duly recommended for promotion.

**Grounds:**

A-H. Not admitted hence vehemently denied. Mere denial is not sufficient until and unless by mentioning strong submission with record. Therefore, Respondents have badly failed to oppose the stance of the appellant, therefore, grounds taken in the memo of the appeal may kindly be considered as an integral part of the instant rejoinder.

It is, therefore, humbly prayed that the reply of answering Respondents may graciously be rejected and the appeal as prayed for may graciously be accepted with costs

Through

Muhammad Amin Ayub

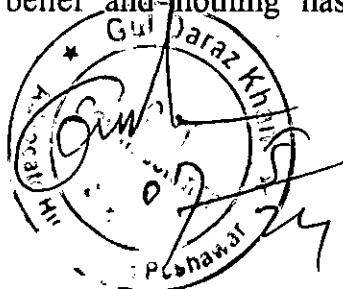
&

Muhamma Tariq Khan  
Advocates, High Court

Dated: 05/05/2024

*[Handwritten Signature]*

Verified that the contents of this rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



Appellant

*[Handwritten Signature]*