

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No.1162/2023

Usman Ali

.....Appellant

Versus

**Advocate General,
Khyber Pakhtunkhwa,
Peshawar & others**

-----Respondents

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Through

USAK
Appellant

Arbab Saiful Kamal
**Arbab Saiful Kamal
Advocate High Court**

Dated: 5 / 04/ 2024

17-04-2024

Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICES, TRIBUNAL, PESHAWAR

Service Appeal No. 1162/2023

Usman Ali

VS

Advocate General, Khyber Pakhtunkhwa, Peshawar & others

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 12145

Dated 05-04-2024

Rejoinder on behalf of Appellant/Petitioner

REJOINDER TO THE PRELIMINARY OBJECTIONS.

No reason has been given as to why the appellant has got no cause of action and locus standi, why appeal not maintainable, why appellant estopped, why not clean hands, what material concealed from the Hon'ble Tribunal, why & how Tribunal has got no jurisdiction, how bad for non-joinder and mis-joinder, how time barred, no clue as filed within time.

Rejoinder to reply of Para-1

1. Para 1 not replied so admitted correct.
2. Para is correct as the appellant claims in this para his Seniority at S No. 48.
3. Para 3 not replied so admitted correct.
4. Para 4 incorrect, the appellant had passed his SSC in 2015, which fact was made clear in Rejoinder to Service Appeal No. 652/2023.
5. Para 5 not replied so admitted correct.
6. Para 6 not replied so admitted correct.
7. Para 7 incorrect, the respondents are wrongly interpreting the rules, it is more than clear that specific proviso has been inserted for those incumbents who are SSC for a period of four years, wherein FA qualification will not come in way of incumbents for the purpose of promotion to the post of Junior Clerk.
8. Para 8 not replied so admitted correct.
9. Para 9 not replied so admitted correct
10. Para 10 not replied so admitted correct.
11. Para 11 not replied so admitted correct
12. Para 12 not replied so admitted correct.
13. Para 13 incorrect. Again the respondents are misinterpreting the rules wherein specific proviso has been inserted for the incumbents who are having Matric/SSC qualification for a period of four years, wherein the qualification FA would not come in the way of promotion to the post of Junior Clerk.

14. Para 14 not replied so admitted correct.
15. Para 15 incorrect. As the appellant has been deprived of his promotion to the post of Junior Clerk inspite of the fact that rules are very much in favor of the appellant.


ON GROUNDS

- a. Incorrect. Seniority is always reckoned for the date of appointment which in case of appellant is 2012; whereas the private respondent's appointment is of the year 2013.
- b. Denied. The appellant is very much in promotion zone as a specific provision of relaxing qualification of FA for a period of Four years has been inserted in the rules.
- c. Not Correct. Appellant has not been dealt with in accordance with law and rules as being senior and rules also in his favor was deprived of promotion and juniors were promoted which is bad in the eye of law.
- d. Incorrect. As Seniority is also reckoned from the date of appointment.
- e. Incorrect. There is no need to object the rules as the rules provide relaxation for a period of four years to the incumbents having Matric/SSC qualification
- f. Legal

It is therefore, most humbly prayed that on acceptance of this rejoinder, the appeal of the appellant as prayed for may kindly be allowed in the interest of justice.


Appellant

Through


Arbab Saif ul Kamal
Advocate, Peshawar

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PESHAWAR

Service Appeal No.1162/2023

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.....Appellant

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AFFIDAVIT

I, Usman Ali, Naib Qasid Advocate General Office Khyber Pakhtunkhwa, Peshawar do hereby solemnly affirm and declare that the contents of the accompanying **Rejoinder Application** is true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



USA
Deponent

CNIC No.17101-0285973-5
Mobile No.0331-9440127