

15/11/24

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

Appeal No. 62/2024

Haq Nawaz.....Appellant

VERSUS

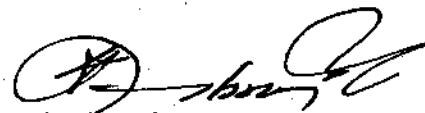
Govt: of Khyber Pakhtunkhwa & Others.....Respondents

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 AT	5	"A"
3	Photocopy of Notification dated 24-06-2020	6	"B"

Dated: ___/05/2024



District Education Officer (M)

Kohistan Upper.

(Respondent No. 3)

201-05-24
S-B
Abbottabad

15/11/24

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RESPECTFULLY SHEWETH:-

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 12965

Dated 24-08-24

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. None of the Arabic Teacher (BPS-15) have been promoted to the post of

SCT (BPS-16), however the the Arabic Teacher (BPS-15) were promoted to Senior Arabic Teacher(BPS-16).The Respondent No.2 issued the promotion order that dated 21-06-2023, was issued after observing all codal formalities. Furthermore, the Respondent No.2 issued the promotion of AT(B-15) to SAT (B-16) for teachers listed upto serial No.11 on the Final Seniority list of AT/SAT while the appellant falls at S.No.13, 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. (Photocopy of Final Seniority list of AT Teachers is annexed herewith as **Annexure "A"**)

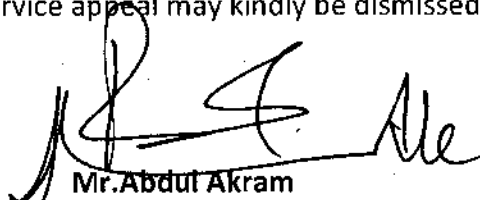
6. That the Para No. 6, of the service appeal as composed is incorrect hence, denied and not admitted. Further stated that the Respondent No.2 issued the appellant's transfer order dated 24-06-2020, clearly stating that the petitioner seniority would be determined at the bottom of the seniority list and the appellant did not challenge the order dated 24-06-2020. (Copy of order dated 24-06-2020 is annexed herewith as **Annexure "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 24-06-2020, was issued after observing all codal formalities hence, same is liable to be maintained.


Grounds:

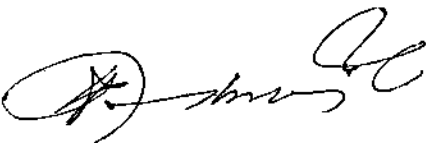
- i. That ground "i", of the instant service appeal as composed is incorrect hence, denied and not admitted. The act of the answering respondents is within legal parameter and by observing all the codal formalities. Hence the plea of the appellant is liable to be dismissed.
- ii. That ground "ii", of 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 AT Teachers circulated for the year 2021 and 2022.Hence the plea of the appellant is liable to be dismissed.
- iii. That ground "iv", as composed is incorrect hence, denied and not admitted. The appellant was treated in accordance with law and rule.
- 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 AT 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, rule and policy.
- 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
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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.62/2023, case titled Haq Nawaz Vs Govt: of Khyber Pakhtunkhwa, on behalf of respondents before the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar.

District Education Officer (M)
Kohistan Upper

OFFICE OF THE DISTRICT EDUCATION OFFICER, (M) KOHISTAN UPPER.

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

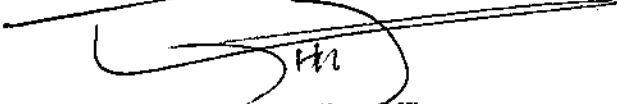
S No.	S:S L:N o	Name of Teacher	Qualification		Father Name	BPS	Date of Birth	Domicile	D/1st entry into Gov:Service.	Date of App:P- Post	Place of Posting
			Accamdemtic	Profissional							
1	1	Molvi Siqab	Nil	Shahadatul Almia	Sabir Khan	15	19/02/1975	Kohistan	30/04/1998	30/04/1998	GMS Barigo Kandia
2	2	Ghulam Muhammad	Nil	Shahadatul Almia	Hazrat Mola	15	03/02/1973	Kohistan	05/01/1998	05/05/1998	GMS Summar Nala
3	3	Muhammad Iqbal Shah	Nil	Shahadatul Almia	Taimoor Khan	15	06/02/1971	Kohistan	06/04/1999	06/04/1999	GMS Gujar Banda Jalkot
4	4	Bashir Ahmad	SSC	Shahadatul Almia	Qalashmir	15	01/01/1978	Kohistan	08/04/1999	08/04/1999	GMS Doga Seo
5	5	Muhammad Munir	Nil	Shahadatul Almia	Khoidad	15	01/01/1966	Kohistan	09/04/1999	09/04/1999	GMS Razika
6	6	Jihangir Khan	Nil	Shahadatul Almia	Arbab Khan	15	12/08/1971	Kohistan	09/04/1999	09/04/1999	GMS Bariyar
7	7	Attaulah	Nil	Shahadatul Almia	Mustaan	15	30/06/1971	Kohistan	04/05/1999	04/05/1999	GMS Gullab Abad
8	8	Abul Farah	FA	Shahadatul Almia/	M. Nazim	15	10/01/1971	Kohistan	01/04/1996	01/04/2005	GMS Karang
9	9	Habib ul Haq	BA	Shahadat ul Almia	Bagoor	15	19.03.1987	Kohistan	21/03/2020	21/03/2020	GMS Domi Seer.
10	10	Habib ur Rahman	BA	Shahadat ul Almia	Sher Afzal	15	06.12.1983	Kohistan	21/03/2020	21/03/2020	GMS Uchar Nala
11	11	Shams ul Haq	BA	Shahadat ul Almia	Gul Sher	15	01.02.1982	Kohistan	21/03/2020	21/03/2020	GMS Mamoki Seer
12	12	Javid Iqbal	MA	MA/B.ed/M.ed	Abdul Sattar Khan	15	12.12.1993	Kohistan	21/03/2020	21/03/2020	GHS Sazeen
13	13	Haq Nawaz	BA	Shahadatul Almia	Hijab Khan	15	02/04/1989	Kohistan	20/03/2015	24/06/2020	GMS Kuz Komila/ Inter District Transfer from DEO (M) Lower Kohistan to DEO (M) Kohistan Upper on 24/06/2020
14	14	HAFEEZ UR REHMAN	BA	Shahadat ul Almia	ABDUL QADIR	15	06.08.1995	Kohistan	25/06/2021	25/06/2021	GMS Goshali
15	15	Sami Ul Haq	BA	Shahadat ul Almia	Ali Muhammad	15	13.05.1993	Kohistan	28/07/2021	28/07/2021	GHS Khour

CERTIFICATE.

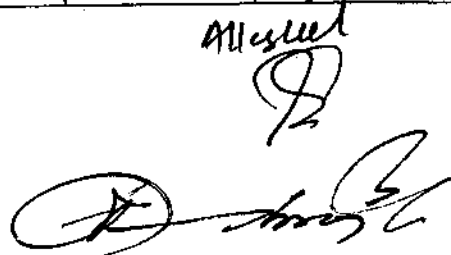
1. Certified that the seniority is final, undisputed and non judicious.
2. Certified that all AT teachers are working in district Kohistan are included in this seniority list.



ADEO (Estt:) Kohistan



Deputy District Education Officer
(Male) Kohistan



District Education Officer
(Male) Kohistan

Annexure "B" (6)

**OFFICE OF THE DIRECTOR ELEMENTARY AND SECONDARY
EDUCATION KHYBER PAKHTUNKHWA PESHAWAR.**

OFFICE ORDER

Mr. Haq Nawaz AT GMS Banil Qilla Pattan District Kohistan Lower, is hereby transferred against the vacant post of AT at GHS Jalkot Gawoon District Kohistan Upper, on his own pay and BPS in the interest 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 (E&SE) 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. 6532-36 /F.No.200/Vol:9/IDT/TT/AT. Dated 24/6/2020

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

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

Attested



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