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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. 199/2024

Mst: Robina Naz D/O Faqir Hussain PSHT, GGPS Muhammad
Wali Killi Mardan R/O Muhallah Muhabat Abad Patak Mardan.

(Appellant)

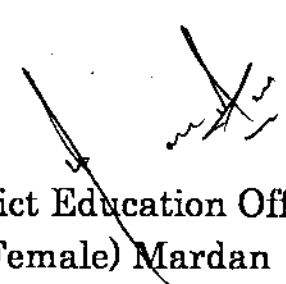
Versus

The Director of Education (E&SE) Deptt: KP, Peshawar & Others.

(Respondents)

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1.	Para wise comments along with affidavit and Authority Letter		01	06
2.	Copy of Letter dated 16/01/2014	"A"	00	07
3.	Copy of Letter dated 25/01/2024	"B"	00	08


District Education Officer
(Female) Mardan

06-06-24

S. B

Pesh

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Khyber Pakhtunkhwa Service Tribunal

Service Appeal No. 499/2024

Diary No. 13159

Mst: Robina Naz D/O Faqir Hussain PSHT, GGPS Muhammad **Dated** 04-06-24

Wali Killi Mardan R/O Muhallah Muhabat Abad Patak Mardan.

(Appellant)

Versus

The Director of Education (E&SE) Deptt: KP, Peshawar & Others.

(Respondents)

Para Wise Comments on behalf of Respondents No 1 to 2

Respectfully Sheweth,

PRELIMINARY OBJECTIONS:

1. That the appellant has got no cause of action as well as locus standi to file the instant appeal.
2. That the instant appeal is badly time barred.
3. That the appeal is not maintainable in its present form.
4. That the appellant is estopped by his own conduct.
5. That the appellant has not come to this Honourable Tribunal with clean hands.
6. That the appellant has concealed the material facts from this Honourable Tribunal hence the appeal is liable to be dismissed.
7. That the instant appeal is liable to be dismissed for non-joinder / mis-joinder of unnecessary parties.
8. That the instant appeal is against the prevailing law and rules.

FACTS:

1. Para No 1 pertains to her appointment, hence need no comments.
2. Para No 2 pertains to her regularization, hence need no comments.
3. Para No 3 pertains to her GP Fund Letter, hence need no comments.
4. Para No 4 pertains to her transfer order, hence need no comments.
5. Para No 5 is **Incorrect & not admitted**. As the service of the appellant was terminated dated 23/06/1997 and the appellant has been again appointed on 23/06/1997 and her service starts from 23/6/1997, hence denied.

- 6. Para No 6 is Incorrect & not admitted. As the appellant has been appointed on 23/6/1997 due to which she was not entitled for (03) three increments, hence denied.
- 7. Para No 7 is related to departmental appeal and the respondent No 1 has asked comments vide letter No 5166 dated 16/01/2024 and the respondent No 2 reply of the said letters dated 25/01/2024, hence denied.

(Copies of letters is as Annexures A & B)

GROUNDS:

- A. Para A is Incorrect & not admitted. As the appellant has no legal rights benefits of pay protection and the service of the appellant starts from 23/6/997, hence denied.
- B. Para B is Correct.
- C. Para C is Incorrect & not admitted. As the first appointment of the appellant is terminated on 23/6/1997, hence denied.
- D. Para D is Incorrect & not admitted. As the appellant has no financial loss because the appellant has again appointed on 23/6/1997, hence denied.
- E. Para E is Incorrect & not admitted. As the appellant has not been deprived to benefits of service, hence denied.
- F. Para F is Incorrect & not admitted. As the appellant has been terminated, therefore her previous service has not been counted by the respondent department, hence denied.
- G. Para G is Incorrect & not admitted. As each and every case has its own merits and circumstances, hence denied.
- H. Para H is Incorrect & not admitted. As the appellant has been treated in accordance with law and rules, hence denied.
- I. Para I is Incorrect & not admitted. As the appellant has not been discriminated by the respondents rather followed the rules, hence denied.
- J. Para J is Incorrect & not admitted. As the appellant has been terminated therefore her previous service has not been counted by the respondent department, hence denied.
- K. Para K is Incorrect & not admitted. As the appellant has not been deprived to benefits of service, hence denied.

L. That the respondents seek permission to raise additional grounds at the time of arguments.

Therefore it is humbly prayed that keeping in view the above mentioned facts the instant appeal may kindly be dismissed with cost.


SAMINA ILTAF
DIRECTOR

E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondent No: 1)



ABIDA PARVEEN
District Education Officer
(Female) Mardan
(Respondent No: 2)

(S)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No.499/2024

Mst: Robina Naz D/O Faqir Hussain PSHT, GGPS Muhammad
Wali Killi Mardan R/O Muhallah Muhabat Abad Patak Mardan.

(Appellant)

Versus

The Director of Education (E&SE) Deptt: KP, Peshawar & Others.

(Respondents)

AFFIDAVIT

I, Mst. ABIDA PARVEEN DEO (Female) Mardan do hereby solemnly affirm and declare that the contents of Para Wise Comments submitted on behalf of respondents are true to the best of my knowledge and belief and nothing has been concealed from this Honorable Court. It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck off.



Deponent

ABIDA PARVEEN

DEO (Female) Mardan




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**DISTRICT EDUCATION OFFICER
(Female) MARDAN**

AUTHORITY LETTER

I, ABIDA PARVEEN District Education Officer (Female) Mardan do hereby authorized Mr. Abdul Jamil khan, Legal Representative on behalf of District Education Office (Female) Mardan, to deal with the issues regarding litigation, represent, submit comments/ Reply of the Service Appeals and attend the KPK Honorable Service Tribunal, Peshawar.


ABIDA PARVEEN
District Education Officer
(Female) Mardan

Annexure A 7

24/A



DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR

No. 5166 /F.No 320/F/appeal/Mardan

Dated Peshawar the 16/01/2024

To

The District Education Officer,
(Female) Mardan

Subject:-

SUBMISSION OF DOCUMENTS FOR BACK BENEFIT &
COUNTING OF PREVIOUS SERVICE IN R/O MST. ROBINA NAZ
PSIT GGPS MUHAMMAD WALI KILLI.

Memo:

I am directed to refer to your letter No. 7558 dated 28.12.2023 on the subject cited above and to ask you once again to submit parawise comments to proceed further into the matter please.

Endst No.

Copy of the above is forwarded to the:

- 1. PA to Director E&SE KPK Peshawar.

Assistant Director (Female)
E&SE Khyber Pakhtunkhwa.

15/01/24

Assistant Director (Female)
E&SE Khyber Pakhtunkhwa,

137
20/1/24

ATTESTED

District Education Officer
(Female) Mardan



OFFICE OF THE DISTRICT EDUCATION OFFICER

(FEMALE) MARDAN

EMAIL: emismardan_deofemale@yahoo.com PHONE # 0937-9230150



No: 539 / 1

Dated: 25/01/2024

To

The Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.

Subject: **SUBMISSION OF DOCUMENTS FOR BACK BENEFIT & COUNTING OF PREVIOUS SERVICE IN R/O MST: ROBINA NAZ, PSHT GGPS MUHAMMAD WALI KILLI**

Memo:

Reference your office Letter No. 5166/F.No: 320/F/Appeal/Mardan Dated Peshawar the :16.01.2024 on the subject cited above.

In this regard the following documents along with the parawise comments is hereby attached for onward submission to the quarter concerned for favour of further necessary action, please.

1. **Appointment:** Appointed as PST at GGPS Kagan Mardan against vacant leave vacancy vide District Education Officer Female primary Mardan Endst.No: 2302/G Dated: 14.09.1994.
2. **Service Regularization:** The teacher concerned working in leave vacancy is regularized against the vacant post at GGPS Shani Zingale Mardan vide District Education Officer Female primary Mardan Endst.No:3272/G Dated: 06.12.1994.
3. **Termination:** The teacher concerned was terminated vide District Education Officer Female primary Mardan Endst.No: 1191/G Dated: 23.06.1997 at S.No: 58 at GGPS Surkhabi Rustam Mardan.
4. **Appointment after termination:** The teacher concerned was appointed vide District Education Officer Female primary Mardan Endst.No: 1191/G Dated: 23.06.1997 at S.No: 123 at GGPS Chargulli Mardan.
5. **Promotion/Upgradation:** The teacher concerned was Promoted/upgraded from the Post of PST B-12 To SPST B-14 & PSHT B-15 vide District Education Officer Female Mardan Endst.No: 1525/G Dated: 20.11.2013 at S.No: 912.

DISTRICT EDUCATION OFFICER
FEMALE MARDAN

25/1/24

ATTESTED

District Education Officer
(Female) Mardan