

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

Appeal No. 885/2020

Habib Ul HaqAppellant

VERSUS

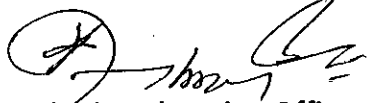
Govt: of Khyber Pakhtunkhwa & Others.....Respondents

JOINT PARA WISE COMMENTS ON BEHALF OF RESPONDENTS *N.O. 5*

INDEX

Sr.No	Description	Page Nos	Annexures
1	Comments alongwith affidavit.	01 - 03	
2	Photocopy of DEO (M) Kohistan Upper letter dated 25-03-2024 & 30-01-2024	4 - 5	"A"
3	Photocopy of District Account Officer Kohistan Upper letter dated 18-04-2024.	6	"B"
4	Photocopy of DEO (M) Kohistan lower letter dated 18-04-2024.	7	"C"

Dated: 29/05/2024


District Education Officer (M)
Kohistan Upper

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.
Appeal No. 885/2020

Habib Ul Haq.....Appellant

VERSUS

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

JOINT PARA WISE COMMENTS ON BEHALF OF ANSWERING RESPONDENT

RESPECTFULLY SHEWETH:-

Comments on behalf of Respondent 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 instant 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 instant service appeal is based on malafide intentions.
6. That the appellant has not come to this Honorable Tribunal with clean hands. Hence, not entitled for any relief.
7. That the appellant is estopped to sue through his own conduct.
8. That the instant appeal is not maintainable due to non-joinder and mis-joinder of necessary parties.
9. That the appellant has concealed material facts from his Honorable Tribunal in the instant service appeal. Hence not entitled for any relief and appeal is liable to be dismissed without any further proceeding.

FACTUAL OBJECTIONS:

1. That the Para No. 1, of the service appeal as composed is incorrect, hence denied. The appellant has never been on the strength of Education Department Kohistan and no service record of the appellant is available in the District Education Office (M) Kohistan Upper. The answering respondent sent appellant's LPC to the District Accounts Officer Kohistan Upper for verification vide this office's letter No.1811 dated 25-3-2024. Subsequently, the District Accounts Office returned it to the undersigned office, declaring it as fake and bogus under their letter No.285 dated 18-4-2024. The school where the appellants claims to performed duties is under the administrative control of the District Education Officer (M) Kohistan Lower. The answering respondent sought the

service record of the appellant from the District Education Officer (M) Kohistan Lower vide letter No. 848 dated 30-01-2024. The DEO (M) Kohistan Lower vide letter No. 3621 dated 18-04-2024, intimated the undersigned that no record is available regarding the appellant in GHS Pattan. (Photocopies of letter of DEO (M) Kohistan Upper dated 25-03-2024 & 30-01-2024, letter of DAO Kohistan Upper dated 18-04-2024 and letter of DEO (M) Kohistan Lower dated 18-04-2024, are annexed as annexures "A", "B" & "C")

2. Reply of Para No.2 of the service appeal has already been given in para No. 1 of the factual objections.
3. That the Para No. 3, of the service appeal not related to answering respondent.
4. That the Para No. 4, of the service appeal pertains to respondent No.3.
5. That the Para No. 5, of the service appeal as composed is incorrect. Detail reply has already been given in para No.1 above.
6. That the Para No. 3, of the service appeal not pertains to answering respondent.
7. No comments.

GROUND:

- A. That ground A, of the instant service appeal as composed is incorrect hence, denied and not admitted. Detailed and comprehensive reply has already been given in para No.1 of the factual objections.
- B. Detailed and comprehensive reply has already been given in the Para No. 1 of the factual objection.
- C. That the Para No. "C" of the ground not related to answering respondent.
- D. That ground "D", of the instant service appeal as composed is incorrect hence, denied and not admitted. Detailed and comprehensive reply has already been given in para No.1 of the factual objections.
- E. Each and every case is decided in the light of its own facts.
- F. That the respondents seek leave of this Honorable Tribunal to raise additional grounds/ points at the time of arguments.

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



(Muhammad Ashraf)
District Education Officer (M)
Kohistan Upper

**Before the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar Camp
court Abbottabad**

Appeal No. 885/2020

Habib Ul HaqAppellant

VERSUS

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

JOINT PARA WISE COMMENTS ON BEHALF OF RESPONDENTS

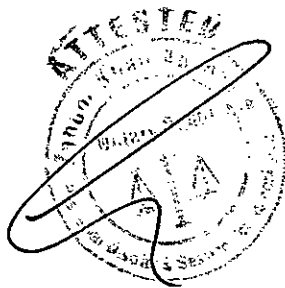
AFFIDAVIT

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)**



Annexure 'A'

4

	OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KOHISTAN UPPER
Email. emiskohistan@y.thera.com	Phone No. 0993-407128

No. 1811 /lit/DEO (M) KH

Dated Dassu the 25 /03/2024

REMINDER-1

To,

The District Accounts Officer,
Kohistan Upper.

Subject: REQUEST FOR VERIFICATION OF MR. HABIB UL HAQ'S LAST PAY
CERTIFICATE (LPC).

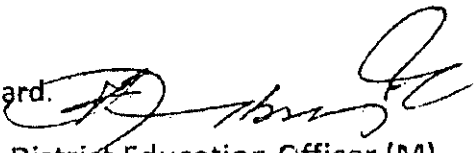
Memo:

With reference this office letter No.1567 Dated 07/03/2024 regarding the verification of the last pay certificate (LPC) for Mr. Habib ul Haq s/o Qazi Amin ul Haq Ex-TT GHS Pattan Kohistan, the requested verification is still pending from your end.

It is submitted that Mr.Habib ul Haq Ex-TT, filed Service Appeal No.885/2020 before the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar, and asserted that he was initially appointed in District Kohistan and subsequently transferred to District Swabi. He claims that a proper LPC was issued to him by the DEO (M) Kohistan and verified by the DAO Kohistan.

Therefore, kindly urge you to expedite the verification process at your earliest convenience, so that the comments can be filed before the honorable Tribunal within stipulated time.

Your cooperation will be highly appreciated in this regard.



District Education Officer (M)
Kohistan Upper

Endstt: No. 1819-14 /lit /DEO (M) KH

Dated 25 /03/2024

Copy of the above is forwarded to:

1. The Deputy District Education Officer (M) Kohistan Upper
2. PA to DEO local office.
3. Office file.


District Education Officer (M)
Kohistan Upper

CTC

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

Established on 17-11-1978 (N. No. 0189840/78)

No. _____ /lit
Dated Dera: _____ /01/2024

To,
The District Education Officer (Male),
Kohistan Upper

Subject: **PROVISION OF RECORD**

Re: Mr. Habib ul Haq (Retired Service) Appeal No 885/2020 before the Khyber Pakhtunkhwa Service Tribunal Peshawar seeking reinstatement into service. The appellant was initially appointed as MT vide order dated 07-10-1996 at GHS Pattan and performed duty till 30-07-2006. Subsequently the appellant has been transferred to District Swabi vide Order No 5110-16 dated 31-07-2006. As per record the appellant performed his duties at GHS Pattan w.e.f 7-10-1996 to 30-07-2006.

The honorable Khyber Pakhtunkhwa Service Tribunal Peshawar sought service record of the appellant for production pertaining to his appointment and duty performance during the mentioned period of posting at GHS Pattan Kohistan.

In compliance with the Honorable Service Tribunal Peshawar directions, it is requested that the appellant's service record i.e. photocopy of attendance register and other relevant documents available at GHS Pattan, may be provided for submission before the honorable Tribunal on next dated of hearing to prevent any adverse orders against the department. The requested information is crucial for legal proceedings and the undersigned aims to submit the record promptly before the Honorable Tribunal.

Your prompt attention to this matter is highly appreciated.

District Education Officer
(Male) Kohistan Upper.

Handwritten initials/signature

Encl. No. 849-51 / lit/DEO (M) KHU

Dated Dera: 30/01/2024

Copies for information and necessary action forwarded to the

- 1. PA to Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar
- 2. Deputy District Education (M) Kohistan Upper
- 3. Office copy.

(Signature)
District Education Officer
(Male) Kohistan Upper.

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

Email: emiskohistan@yahoo.com Phone Number: 0998407128

No. _____/Lit
Dated Dassu: _____/01/2024

To,

The District Education Officer (Male),
Kohistan Lower.

Subject: - **PROVISION OF RECORD**

Memo: -

That Mr. Habib-ul-Haq, TT filed Service Appeal No.885/2020 before the Khyber Pakhtunkhwa Service Tribunal Peshawar, seeking reinstatement into service, the appellant was initially appointed as TT vide order dated 07-10-1996 at GHS Pattan and performed duty till 30-07-2006. Subsequently the appellant has been transferred to District Swabi vide Endstt: No.5110-16 dated 31-07-2006. As per record the appellant performed his duties at GHS Pattan w.e.f 7-10-1996 to 30-07-2006.

The Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar sought service record of the appellant, specifically pertaining to his appointment and duty performance during the mentioned period of posting in District Kohistan.

In compliance with the Honorable Service Tribunal Peshawar directions, it is requested that the appellant's service record i.e photocopy of attendance register and other relevant documents available at GHS Pattan, may be provided for submission before the honorable Tribunal on next dated of hearing to prevent any adverse orders against the department. The requested information is crucial for legal proceeding and the undersigned aims to submit the record promptly before the Honorable Tribunal.

Your prompt attention to this matter is highly appreciated.

District Education Officer
(Male) Kohistan Upper.

Endst No. 849-51 / lit/DEO (M) KHU

Dated Dassu the: 30 /01/ 2024.

Copies for information and necessary action forwarded to the:

1. PA to Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. Deputy District Education (M) Kohistan Upper.
3. Office copy.

District Education Officer
(Male) Kohistan Upper.

Annexure B (6)

OFFICE OF DISTRICT ACCOUNTS KOHISTAN UPPER

No.: 285 /DAO (KH) Upper DA

Dated. 18/04/2024

To

The District Education Officer,
Kohistan Upper.

Subject: REQUEST FOR VERIFICATION OF MR. HABIB UL HAQ LPC

Please refer to you are office latter No.1118/DEO/(M)/KH Upper dated 25-03-2024 on the subject cited above and to intimate accordingly that as per this office LPC Maintenance register no name found in the said register and neither resembling/ matching the signature emboss on LPC with this office record, the DAO Posted at that time.

so this office has not so far been issued any LPC in respect of Mr. Habib ul Haq and the same in-sustain LPIC is a fake and bogus one please.

District Accounts Officer
Kohistan Upper

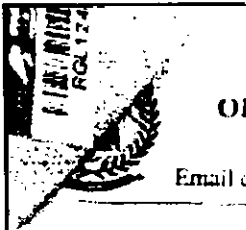
19/4/24

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Q.16

Annexure ⁶ 6

7 12



**OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)
KOHISTAN LOWER**

Email: deokohistan1@gmail.com

Face Book: DEO Male Kohistan Lower



No. 3621 / DEO (M) KH-L / File No. 50-B Dated: 18 / 04 / 2024

To

The District Education Officer (M)
Kohistan Upper.

Subject: **PROVISION OF RECORD**

Memo:

Reference to your letter No.848/Lit. Dated Dasso 30-01-2024 on the subject noted above, it is stated that the requisite information about Habibul Haq TT w.e.f 7-10 1996 to 30-7-2006. In this regard a letter has been dispatched to the concerned school GHS Pattan for the provision of record, consequently nil report has been submitted to this office.

So, nil report is submitted for your kind information.

District Education Officer (Male)
Kohistan Lower

No. 3622 / DEO (M) KH-L/E-B/ Verification File No. 45-B Dated: 18/04/2024

Copy of the above is forwarded to the:-

1. Office copy.

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District Education Officer (Male)
Kohistan Lower



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.885/2020, case titled Habib UI Haq Vs Govt: of Khyber Pakhtunkhwa, on behalf of respondents before the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar.

District Education Officer (M)
Kohistan Upper