

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

Appeal No. 1629/2020

Mujeeb Ur Rehman.....Appellant

VERSUS


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

JOINT PARA WISE COMMENTS ON BEHALF OF RESPONDENTS

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Dated: ___/06/2024


Muhammad Tanveer
District Education Officer (M)
Abbottabad
(Respondent No. 3)

25-06-2024

A. Ahsan

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

Appeal No. 1629/2020

Mujeeb Ur Rehman.....Appellant

VERSUS

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

JOINT PARA WISE COMMENTS ON BEHALF OF RESPONDENTS

Respectfully Sheweth:-

Comments on behalf of Respondents are submitted as under:-

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 13737

Dated 24/06/24

Preliminary objection:-

1. That the appellant has no cause of action to file the instant appeal.
2. That the appellant is currently working under the Sub Division Lora and he did not implead the SDEO (Male) Lora in panel of respondents as appellant has wrongly impleaded SDEO (Male) Lower Tanawal hence, instant appeal is not maintainable due to mis-joinder and non-joinder of necessary parties.
3. That the appeal is hopelessly time barred hence, liable to be dismissed.
4. That the instant appeal is not maintainable in its present form.
5. That the appellant has no locus standi to file instant appeal.
6. That the appellant has filed the present appeal just to pressurize the respondents.
7. That the appellant has not come to this Honorable Tribunal with clean hands.
8. That the appellant is estopped to sue due to his own conduct.
9. That the instant appeal is not maintainable due to mis-joinder and non-joinder of necessary parties.
10. That the instant appeal is against the Service Laws / policy matter and this Honorable Tribunal has got no jurisdiction.
11. That in view of Notification No. SO(PE)4-5/SSRC/Meeting/2012/Teaching Cadre/2017 dated 30-01-2018 appellant do not fulfill the requisite criteria for promotion hence, not entitled for any relief.

Factual Objections:-


1. That the Para No. 1, of the service appeal relates to the service record hence, need no comment.
2. That the Para No. 2, of the service appeal relates to academic record.
3. That the Para No. 3 of the service appeal as composed is incorrect hence, denied.
4. That the Para No. 4, relates to record.

5. That the Para No. 5, of the service appeal is correct as amendments regarding requisite qualification were made vide Notification No. SO(PE)4-5/SSRC/Meeting/2012/Teaching Cadre/2017 dated 30-01-2018 as per Notification dated 30-01-2018 the requisite qualification for promotion is Bachelor Degree whereas, appellant do not fulfill the requisite qualification. (Copy of Notification dated 30-01-2018 is annexed herewith as annexure "A").

Grounds:

- a. **denied and not admitted.** Impugned order dated 18-12-2019 is in accordance with the Law and Policy.
- b. **denied and not admitted.** As replied in Para No. 5 of Factual Objections.
- c. **denied and not admitted.** As replied above.
- d. That ground d, relates to record.
- e. **denied and not admitted** as appellant is not eligible for promotion due to non having the requisite qualification i.e. Bachelor.
- f. **denied and not admitted.** As replied above.
- g. **denied and not admitted.** As replied above.
- h. **denied and not admitted.** As replied above.
- i. The respondents seek leave to raise additional grounds during the time of hearing.
- j. **denied and not admitted.**
- k. That the respondents seek leave of this Honorable Court to raise additional grounds at the time of arguments.

Under the circumstances, it is humbly prayed that the instant appeal is meritless against the law and facts, hence liable to be dismissed with cost.



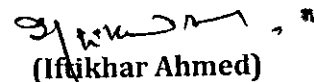
(Mr. Abdul Akram)
Additional Secretary (General), E&SED
On behalf of
(Masood Ahmed)
Secretary E&SED
(Respondent No. 01)



(Samina Altaf)
Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar
(Respondent No. 02)



(Muhammad Tanveer)
District Education Officer (M)
Abbottabad
(Respondent No. 03)



(Ifkhar Ahmed)
Sub Divisional Education Officer (M)
Abbottabad
(Respondent No. 04)

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

Appeal No. 1629/2020

Mujeeb Ur RehmanAppellant

VERSUS

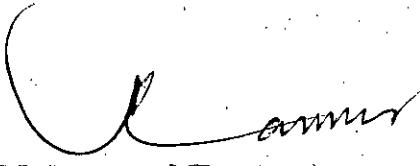
Govt: of Khyber Pakhtunkhwa & Others.....Respondents

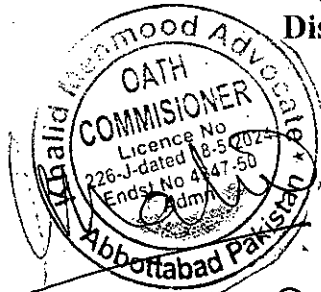
JOINT PARA WISE COMMENTS ON BEHALF OF RESPONDENTS

AFFIDAVIT

I, Mr. Muhammad Tanveer, District Education Officer (M), Abbottabad of Elementary & Secondary Education Khyber Pakhtunkhwa, do hereby affirm and declare that the contents of forgoing Comments are correct and true according to the best of my knowledge and belief and nothing has been suppressed from this Honorable Tribunal.

It is further, stated on oath that in this appeal the answering Respondents have neither been placed ex-parte nor has their defense been struck off


 (Muhammad Tanveer)
 District Education Officer (M)
 Abbottabad
 (Respondent No. 03)



13/6/2024

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

Service Appeal. 1629/2020

Mujeeb ur Rehman.....APPELLANT

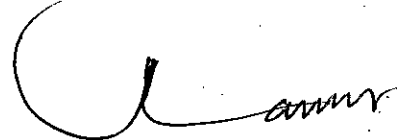
VERSUS

Govt of KPK & OthersRESPONDENTS

PARA WISE COMMENTS ON BEHALF OF RESPONDENTS NO. 03

AUTHORITY LETTER

It is certified that Mr. Sohail Ahmed Zeb, Litigation Officer, District Education Officer (Male) Abbottabad is hereby authorized to submit parawise comments on behalf of District Education Officer (Male) Abbottabad in Service Appeal No. 1629/2020 titled Mujeeb ur Rehman Vs Govt of KP.



(Muhammad Tanveer)
District Education Officer (M)
Abbottabad.
(Respondent No. 03)



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT**

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16/11/18
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NOTIFICATION

Peshawar, dated the 30th January, 2018.

No.SO(PE)4-5/SSRC/Meeting/2012/Teaching Cadre/2017:- In pursuance of the provisions contained in sub rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Elementary and Secondary Education Department, in consultation with the Establishment Department and the Finance Department hereby directs that, in this Department's Notification No.SO(PE)4-5/SSRC/Meeting/2012/Teaching Cadre, dated 13-11-2012, the following further amendments shall be made, namely:-

AMENDMENTS

In the Appendix,-

(i) against Serial No.1, in columns No.3 and 4, for the existing entries, the following shall be substituted, namely:

3	4
(i) At least Second Class Bachelor's Degree or four (4) years BS Degree in the relevant subject; and (ii) nine months in service mandatory professional training at Regional Institute for Teacher Education (RITE) or Provincial Institute for Teacher Education (PITE).	21 to 35 years";

Syeda
ADOLE
For Completion
as requested

(ii) against Serial No.1B, in columns No.3 and 4, for the existing entries, the following shall be substituted, namely:

3	4
(i) At least Second Class Bachelor's Degree from a recognized University from the following groups with two subject on need basis. (a) Chemistry, Botany or Zoology; or	19 to 35 years";

17/2/18

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(b) Physics, Maths or Statistics; or (c) Humanities and other equivalent groups at degree level with English as subject; and (ii) nine months in service mandatory professional training at Regional Institute for Teacher Education (RITE) or Provincial Institute for Teacher Education (PITE).	
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(iii) against Serial No. 10, in columns No.3 and 4, for the existing entries, the following shall be substituted, namely:

3.	4.
(i) At least Second Class Master's Degree in Arabic from a recognized University; or at least Second Class Bachelor's Degree from a recognized University with Shahadatul Alamia Fil Uloomul Arabia wal Islamia from a recognized Tanzimuatul Wafaqul Madaris; or Darul Uloom Saidu Sharif Swat, Darul Uloom Charbagh Swat, Darul Uloom Chitral, Darul Uloom Darosh Chitral and any other Government run Darul Uloom, as notified by Government from time to time; and (ii) nine months in service mandatory professional training at Regional Institute for Teacher Education (RITE) or Provincial Institute for Teacher Education (PITE).	19 to 35 years";

(iv) against Serial No. 11, in columns No.3 and 4, for the existing entries, the following shall be substituted, namely:

3.	4.
(i) At least Second Class Master's Degree in Islamiyat from a recognized University; or at least Second Class Secondary School Certificate from a recognized Board with Shahadatul Alamia from a recognized Tanzimuatul Wafaqul Madaris; or Darul Uloom Saidu Sharif Swat, Darul Uloom Charbagh Swat, Darul Uloom Chitral, Darul Uloom Darosh Chitral and any other Government run Darul Uloom, as notified by Government from time to time; and (ii) nine months in service mandatory professional training at Regional Institute for Teacher Education (RITE) or Provincial Institute for Teacher Education (PITE).	19 to 35 years";

(v) against Serial No. 13, in columns No.3 and 4, for the existing entries, the following shall be substituted, namely:

3.	4.
(i) Bachelor's Degree from a recognized University; and (ii) nine months in service mandatory professional training at Regional Institute for Teacher Education (RITE) or Provincial Institute for Teacher Education (PITE).	19 to 35 years"

(vi) against Serial No. 17, in columns No.3 and 4, for the existing entries, the following shall be substituted, namely:

3.	4.
(i) Bachelor's Degree from a recognized University; and (ii) nine months in service mandatory professional training at Regional Institute for Teacher Education (RITE) or Provincial Institute for Teacher Education (PITE).	19 to 35 years"

(vii) against Serial No. 18, in columns No.3 and 4, for the existing entries, the following shall be substituted, namely:

3.	4.
(i) Bachelor's Degree from a recognized University; and (ii) nine months in service mandatory professional training at Regional Institute for Teacher Education (RITE) or Provincial Institute for Teacher Education (PITE).	19 to 35 years"

(viii) against Serial No. 21, in columns No.3 and 4, for the existing entries, the following shall be substituted, namely:

3.	4.
(i) Bachelor's Degree from a recognized University; and (ii) nine months in service mandatory professional training at Regional Institute for Teacher Education (RITE) or Provincial Institute for Teacher Education (PITE).	19 to 35 years"; and

(ix) against Serial No.22, in columns No.3 and 4, for the existing entries, the following shall be substituted, namely:

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3	4
(i) Bachelor's Degree from a recognized University and Qirat Sanad from registered Institution; and	19 to 35 years
(ii) nine months in service mandatory professional training at Regional Institute for Teacher Education (RITE) or Provincial Institute for Teacher Education (PITE).	

SECRETARY TO
GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT.

Endst: of even No & date:

1. The Secretary to Government of Khyber Pakhtunkhwa, Establishment and Administration Department Peshawar.
2. The Secretary to Government of Khyber Pakhtunkhwa, Finance Department Peshawar.
3. The Secretary to Government of Khyber Pakhtunkhwa, Law Department Peshawar.
4. The Secretary Khyber Pakhtunkhwa, Public Service Commission Peshawar.
5. The Accountant General Khyber Pakhtunkhwa Peshawar.
6. The Director, Elementary and Secondary Education, Khyber Pakhtunkhwa Peshawar.
7. The Director of Education (FATA) Peshawar.
8. The Director, Curriculum and Teacher Education Khyber Pakhtunkhwa Abbottabad.
9. The Director, (PITE) Khyber Pakhtunkhwa Peshawar.
10. The Director, ESRU Elementary and Secondary Education Department Khyber Pakhtunkhwa Peshawar.
11. Manager Government Printing Press Khyber Pakhtunkhwa Peshawar.
12. The Deputy Director, EMIS (E&SE) Department Khyber Pakhtunkhwa Peshawar.
13. All District Education Officers (M&F) in Khyber Pakhtunkhwa. *A/Abbottabad*
14. All District Accounts Officers in Khyber Pakhtunkhwa.
15. All Agency Education Officers/ Agency Accounts Officers in FATA.
16. PS to Governor Khyber Pakhtunkhwa. Peshawar.
17. PS to Chief Minister Khyber Pakhtunkhwa. Peshawar.
18. PS to Chief Secretary Khyber Pakhtunkhwa. Peshawar.
19. PS to Minister E&SE Khyber Pakhtunkhwa. Peshawar.
20. PS to Secretary E&SE Khyber Pakhtunkhwa. Peshawar.

17-11-18
4.30.18
SECTION OFFICER (Primary)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Block "A" Civil Secretariat, Peshawar

Phone No. 091-9211128

Dated Peshawar, the 29-04-2024

NOTIFICATION

NO.SO(Lit-II)/E&SED/1-5/2021. The undersigned (Masood Ahmad, Secretary Elementary & Secondary Education Department) is pleased to authorize Mr. Abdul Akram, Additional Secretary General, Elementary & Secondary Education Department to sign parawise comments, replies, implementation reports, objection petitions, civil miscellaneous applications etc on my behalf for submission before various courts of law/tribunals in the best public interest.

(MASOOD AHMAD)

SECRETARY

Elementary & Secondary Education
Department, Khyber Pakhtunkhwa

Endst: No. _____

Dated _____

Copy forwarded to the:-

1. Chief Secretary Khyber Pakhtunkhwa.
2. Advocate General Khyber Pakhtunkhwa.
3. Secretary Law Department.
4. Registrar Peshawar High Court Peshawar (with one each spare copy for the Honorable Judges).
5. Registrar Service Tribunal Peshawar (with one each spare copy for the Honorable Chairman/Members)
6. All Section Officers (Litigation) E&SE Department.
7. PS to Secretary E&SE Department.
8. PA to Additional Secretary (General) E&SE Department.
9. PAs to Deputy Secretary (Legal-I&II) E&SE Department.

(SAJID ULLAH)

SECTION OFFICER (Lit-II)