

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

SERVICE APPEAL No. 1836/2023

Muhammad Faisal Iqbal

VS

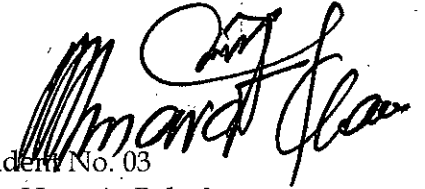
Government of KPK

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18/3/24
D. I. Khan
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Respondent No. 03
Musarat Hussain Baloch
District Education Officer
(Male) Dera Ismail Khan



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BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

SERVICE APPEAL No. 1836/2023

Muhammad Faisal Iqbal

VS

Government of KPK

PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 1 to 4.

PRELIMINARY OBJECTIONS

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 12579

Dated 07-05-24

1. That the appellant has got no cause of action / locus standi. file instant appeal.
2. That the appellant has not come to the honorable tribunal with clean hands.
3. That the appellant has filed the service appeal on malafide objectives.
4. That the instant appeal is against the prevailing laws and rules.
5. That the appeal is barred by law.
6. That the instant appeal is illegal and against the facts.
7. That the service appeal is not maintainable in its present form.
8. That the appellant has concealed the material facts from the honorable tribunal.

Respectfully Sheweth, Reply on behalf of Respondents

Respected Sir, The respondents humbly submits as under

1. Para pertains to the appointment of appellant 16/03/2017 as a Naib Qasid.
2. Para Pertains to the Publication of seniority list of Class iv on 08/12/2021.
3. Para Pertains to the Constitution of Scrutiny Committee for verification of documents of all Class iv on 18/03/2023 for promotion of class iv to the post of junior Clerks in BS-11 under 40% formula for promotion of class iv to junior clerk.
4. Para Pertains to the appellants appearance before the scrutiny committee.
5. Para Pertains to the promotion of class iv to the post of junior clerk in BS-11 after performing all codal formalities.
6. Incorrect / not admitted. Para is strongly refuted, the respondent No, 3 DEO Male DIK has Constituted a committee on 25/03/2023 for promotion of class iv to the post of junior clerks.

As 40% Quota was reserved for promotion of class iv.

there were only 19 posts were reserved from promotion to the class iv.

The appellant was at serial no 20 by the recommendations of the scrutiny committee so the appellant was not promoted to the post of junior clerk.(Annexure/A)

All other 19 candidates more better in marks and merit formula were suggested for promotion of clerk.

Where as respondent No 5 Mr. Ahsan Ali name was not present in seniority list.

The respondent No 5 was promoted in next coming DPC.

7. Incorrect / not admitted. Para is strongly rebutted. As replied above.
8. Incorrect / no admitted. Para is strongly negated. As the discussed above.
9. In correct / no admitted. Para is strongly refuted. As above.
10. Para pertain to the departmental appeal of appellant to the respondent No 2.
11. No Comments.

GROUND

- A. Incorrect / not admitted. The appellant was treated with law a nature principal of justice. The scrutiny committee comprised on Mr.Qari Muhammad Usman BS-20 Principal GHSS No 2 DIK, Mr Asim Saeed BS-18 Principal GHS Himat DIK, Mr . Muhammad Irfan SS BS-17 SSIT GHS No DIK & Muhammad Zubair Junior Clerk Male DEO Male DIK
- B. Incorrect / not admitted. para is strongly rebutted. As above.
- C. Incorrect / not admitted. As discussed above.
- D. Incorrect / not admitted. A Para is totally false and frivolous.
- E. Incorrect / not admitted The only 19 Candidate were promoted to the post of junior clerk were as the appellant was at serial no 20. The respondent No 5 was promoted in next coming DPC.
- F. Incorrect / not admitted. As discussed and replied above.
- G. That the counsel for respondents may please be allowed to raise additional grounds during the course of arguments.

Prayers.

So it is humbly prayed that service appeal of appellatant may kindly be dismissed with cost.

Respondent No. 1
Abdul Akram
Secretary E&SE KP Peshawar. (General)

add

Respondent No. 2
SAMINA ALTAF
Director E&SE KP Peshawar.

Respondent No.3.
Musarrat Hussain Baloch
District Education Officer
(M) D. I. Khan

Respondent No.4
M. Humayun Khattak
SDEO (Male)
Dera Ismail Khan



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

No. SO(PE)9-15/Class-IV/17
Dated Peshawar the 09-11-2017.

DD (Admn)

108
17/11/2017

To

The Director
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Subject: - CLARIFICATION REGARDING DETERMINATION OF ELIGIBILITY FOR PROMOTION OF CLASS-IV TO THE POST OF J/CLERK WITH TYPING SKILL KNOWLEDGE

Dear Sir

I am directed to refer to your letter No. 4591F.No.411/A-20/C-IV/Shangla-4 23/10/2017, on the subject noted above and to state that this department only amend/delete the condition of SSC 2nd division for promotion of Daftaries, G/Operators, Qasids and Naib Qasids to the post of Junior Clerk whereas the condition of typing speed of twenty five (25) words per minute may be considered as same as reflected in this department notification No. SO(PE)/4-10/SSRC/Ministerial Staff/2013 Dated 28/01/2013.

DDEO(M) Taula

DDEO(M) Taula
6/12/2017

Yours Faithfully

ak

(NAIK MUHAMMAD)
SECTION OFFICER (PRIMARY)

Ends: of even Number & Date:

Copy to:

1. PS to Secretary, Elementary & Secondary Education Department, Peshawar.
2. PS to Special Secretary, Elementary & Secondary Education Department, Peshawar.
3. PA to Deputy Secretary (A/B), Elementary & Secondary Education Department, Peshawar.



Attested
ak
7/5/17

SECTION OFFICER (PRIMARY)

Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

Ends: No. 4070-4132 H.No. 411/A-20/C-IV/Shangla-4 Dated Peshawar the 21/11/2017.

Copy of the above is forwarded for information & compliance to the :-

1. All District Education Officers (Male/Female) in Khyber Pakhtunkhwa.
2. Section Officer (Primary) Govt of Khyber Pakhtunkhwa E&SE Department w/r to his letter No. and dated cited above.
3. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar

Assistant Director (Admn)
21/11/2017

Directorate of Elementary & Secy Edu:
Khyber Pakhtunkhwa Peshawar.



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**OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) DERA ISMAIL KHAN**

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Email: emisdikhan@yahoo.com

**WORKING PAPERS FOR PROMOTION FROM CLASS-IV (BPS-3)
TO JUNIOR CLERKS (BPS-11)**

As per Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, Part-II, Section 7(1), 7(3) and Government of Khyber Pakhtunkhwa Establishment and Administration Department (Establishment Wing) Notification No. SOE.IV(E&AD)/1-35/2012, dated 06/12/2012, adopting the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, Part-I, Rule 2(1) (e), Rule 4 (3) and Rule 5.

DETAILS:

Total No's of Vacant Posts of Junior Clerk	=	48
Quota reserved for 60% Initial Recruitment	=	27
Quota reserved for 40% Promotion amongst Class-IV	=	19

The seniority list was already prepared the candidates having 2nd Division SSC & at least two years service were called for typing test. The typing test was held in GHSS No.2 DIKhan in the supervision of IT Experts. The typing test was conducted in the light of admin department notification No. SO(PE)9-15/Class-IV/17 dated Peshawar the 09/11/2017 & Endst by the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar vide No. 4070-4132/F.No.411/A-20/C-IV/Shangla-4 Dated Peshawar the 21/11/2017.

The 24 candidates have qualified typing test. As there are nineteen posts reserved for promotion quota, hence the following 19 candidates proposed for promotion on seniority cum fitness bases.

S#	Name of Applicant	Father Name	D.O.B	Post	Place of Posting	Remarks
1	Muhammad Jahangir	Nazir Muhammad	08/04/1973	Bahishti	GHS Kori Hote	A.V.P
2	S. Kifayat Hussain Shah	S. Munawar Hussain Shah	01/04/1967	L/Attendant	GHS Yari Khel	A.V.P
3	Sana Ullah	Muhammad Abdullah	14/12/1971	Mali	GHSS Choudwan	A.V.P
4	Muhammad Ali	Faiz Muhammad	07/02/1978	Sweeper	GHSS Kathgarh	A.V.P
5	Azhar Hussain Shah	Ghulam Jeelani	10/07/1974	Naib Qasid	GHS Babar Kacha	A.V.P
6	Muhammad Akram	Ghulam Anwar	15/01/1974	Chowkidar	GHS Zarni Khel	A.V.P
7	Hidayat Ullah	Niaz Muhammad	02/02/1983	Chowkidar	GHS Talgi	A.V.P
8	Qamar Abbas	Muhammad Bakhsh	15/07/1975	Naib Qasid	GHS Diyal	A.V.P
9	Imdad Ullah	Sher Zaman	05/03/1988	L/Attendant	GHS Wanda Kali	A.V.P
10	Muhammad Khalid	Allah Nawaz	05/05/1984	Bahishti	GHS Looni	A.V.P
11	Muhammad Ramzan	Allah Nawaz	15/03/1984	Naib Qasid	GHS No.1 Kulachi	A.V.P
12	M. Mudasir Waqas	Abdur Rasheed Mughal	21/04/1993	Naib Qasid	GHS Ghulame Wala	A.V.P
13	Malik Shoaib	Malik Aslam	25/04/1994	L/Attendant	GHS Gara Hayat	A.V.P

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**OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) DERA ISMAIL KHAN**

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14	M. Imran Shah	Akhtar Hussain Shah	01/04/1983	Chowkidar	GHSS Kotjai	A.V.P
15	Muhammad Ashraf	Allah Wasaya	09/03/1984	Chowkidar	GHS Bagi Qamar	A.V.P
16	Saeed ur Rahman	Abdur Rasheed	20/12/1971	L/Attendant	GHSS No.4 DIK	A.V.P
17	Abdul Qaizar	Ghulam Akbar	12/09/1980	Naib Qasid	GHS Tirgarh	A.V.P
18	Attiq ur Rahman	Sadai Dad	05/04/1983	Bahishti	O/o DEO (M) DIK	A.V.P
19	Muhammad Saqlain	Sher Zaman	05/06/1984	Sweeper	GHSS Wanda Lali	A.V.P

Certified that all the required documents attach with the application are checked and found correct according to the recruitment policy for promotion of Junior Clerks from Class-IV as per Khyber Pakhtunkhwa Establishment and Administration Department under the rules.

This committee unanimously agreed to request District Promotion Committee for approval and sign these working paper.

SUBMITTED BY

1. Mr. Qari Muhammad Usman
Principal GHSS No.2 DIKhan

Attested
7/5

2. Mr. Aasim Saeed
Principal GHS Himmat DIKhan

Aasim Saeed

3. Mr. Muhammad Irfan
SS IT GHSS No.4 DIKhan

Muhammad Irfan

4. ADEO (Establishment) Secondary

[Signature]

[Signature]
DISTRICT EDUCATION OFFICER
(MALE) DERA ISMAIL KHAN

(7)

QUALIFIED CLASS-IV EMPLOYEES

The following candidates have qualified the typing test held in GHSS No.2 DIKhan.

S#	Name of Applicant	Father Name	D.O.1 st App:	Post
1	Muhammad Jahangir	Nazir Muhammad	01/10/1994	Bahishti
2	S. Kifayat Hussain Shah	S. Munawar Hussain Shah	22/10/1994	L/Attendant
3	Sana Ullah	Muhammad Abdullah	04/12/1994	Mali
4	Muhammad Ali	Faiz Muhammad	15/02/1996	Sweeper
5	Azhar Hussain Shah	Ghulam Jeelani	23/04/1996	Naib Qasid
6	Muhammad Akram	Ghulam Anwar	03/11/2003	Chowkidar
7	Hidayat Ullah	Niaz Muhammad	01/03/2006	Chowkidar
8	Qamar Abbas	Muhammad Bakhsh	13/02/2006	Naib Qasid
9	Imdad Ullah	Sher Zaman	08/03/2006	L/Attendant
10	Muhammad Khalid	Allah Nawaz	01/01/2007	Bahishti
11	Muhammad Ramzan	Allah Nawaz	02/10/2007	Naib Qasid
12	M. Mudasir Waqas	Abdur Rasheed Mughal	23/08/2012	Naib Qasid
13	Malik Shoaib	Malik Aslam	27/05/2014	L/Attendant
14	M. Imran Shah	Akhtar Hussain Shah	27/05/2014	Chowkidar
15	Muhammad Ashraf	Allah Wasaya	14/05/2016	Chowkidar
16	Saeed ur Rahman	Abdur Rasheed	24/12/1988	L/Attendant
17	Abdul Qaizar	Ghulam Akbar	10/02/1999	Naib Qasid
18	Attiq ur Rahman	Sadai Dad	03/10/2007	Bahishti
19	Muhammad Saqlain	Sher Zaman	22/09/2007	Sweeper
20	M. Faisal Iqbal	Muhammad Iqbal	27/03/2017	Naib Qasid
21	Qaisar Iqbal	Ghulam	01/06/2018	Chowkidar
22	Muhammad Ismail	Ghulam Sadiq	13/01/2018	Sweeper
23	Muhammad Yamin	Muhammad Amin	13/01/2018	Naib Qasid
24	Sajid Mahmood	Ghulam Sadiq	18/01/2018	L/A

1. Mr. Qari Muhammad Usman
Principal GHSS No.2 DIKhan

2. Mr. Aasim Saeed
Principal GHS Himmat DIKhan

3. Mr. Muhammad Irfan
SS IT GHSS No.4 DIKhan

4. Mr. Muhammad Zubair
Junior Clerk O/o DEO (M) DIKhan

attested.
7/5

Aasim Saeed

M. Irfan

M. Zubair

**DISTRICT EDUCATION OFFICER
(MALE) DERA ISMAIL KHAN**

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BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

SERVICE APPEAL No. 1836/2023

Muhammad Faisal Iqbal

VS

Government of KPK

Authority

I District Education Officer (M) D.I.Khan do hereby authorized Mr: Muhammad Kamran Khan to attend the honorable Service Tribunal KPK Peshawar on behalf of respondent in connection with submission para wise comments till the decision of service appeal.

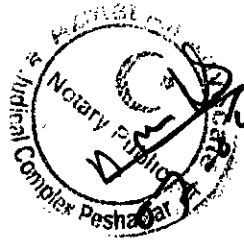
Respondent No.3
Musarrat Hussain Baloch
District Education Officer
(M) D.I.Khan

Affidavit

I DEO (M) D.I.Khan do solemnly affirm and declare on oath that contents of written reply are correct to the best of my knowledge and nothing has been concealed from this honorable Court. It is further stated that on oath in this appeal the answering respondents have been neither placed ex-parte nor their defense has been struck off.

Deponent
Musarrat Hussain Baloch
Respondent No.3

ATTESTED



22/11