

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No.1948/2023

Bakht Mina

.....Appellant

VERSUS

Government of KP through secretary Elementary &
Secondary Education and 3 others.

.....Respondents

I N D E X

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1.	Re-joinder		3-5
2.	Affidavit		6

Appellant
Through Gul wahid
(Special Attorney)

Through

Next Date
02-7-2024

Saif Ullah Mangol
Advocate High Court &
Federal Shariat Court of Pakistan

ai Ullah

SAIF ULLAH MONGOL (CHITRALI)

ADVOCATE HIGH COURT

CHITRAL LAW CHAMBER AT SWAT,

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR**

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 13100

Dated 31-05-24

Service Appeal No.1948/2023

Bakht Mina

.....Appellant

VERSUS

Government of KP through secretary Elementary &
Secondary Education and 3 others.

.....Respondents

Service Appeal against discrimination in seniority list: -

**REJOINDER ON BEHALF OF THE APPELLANT
TO JOINT PARAWISE REPLY FILED BY
RESPONDENT NO 1 TO 4.**

Respectfully Sheweth:-

Preliminary Objections: -

The Appellant respectfully submits as under:

1. That the answering respondents filed para wise reply by not disclosing the real facts and nor provided any justification for their reply, only assertion has been made in the reply just to mislead this Hon'ble Tribunal.
2. That the reply filed by the answering respondents are liable to be disbelieve on the ground of non-mentioning any reason nor their stance has been supported by the reliable statements / evidence even no affidavit has been filed herewith.

REPLY ON FACTS:

1. Reply of para 1 to para 3 needs no reply through the instant rejoinder because no plausible answer has been provided in such paras by the answering respondents.
2. Reply of para 4 by the respondent to the extent of promotion of the appellant from SPST to CT on

09-10-2017 through order No.6256-62. This promotion of the appellant was result of her punctuality and hard struggle, rest of the para is totally illegal, teachers available at serial No.12,13,14 & 15 has no relevancy with the appellant, candidates available at serial No.11 and Serial No.46 are junior to the appellant and their name has been mentioned before the name of the appellant. The appellant's name falls at serial No.55 of the 1st tentative seniority list of Female CT Teachers BPS-15 issued on 27-04-2023, But unfortunately totally missing in the second and final seniority list issued on 29-05-2023.

“Most importantly the respondents in reply of para 4 alleged that the appellant was promoted to the post of PSHT vide order dated 30-08-2016, in which the appellant did not take over charge and refused from promotion, while the other candidates joined their service as PSHT, thus as per policy they were placed in the seniority list of the PSHT, and were promoted earlier then the appellant as per policy”.

It is very astonishing for the appellant and the appellant first time through reply of the respondents came into knowledge of this illegal act of the respondents, because the appellant never ever refused to promotion and there is a methodology of refusal of promotion the candidate has to submit affidavit for refusal of promotion by mentioning the reason of refusal, in the instant matter the respondents are badly failed to produce any single iota of evidence which could suggest that the appellant refused for her promotion. It is again very important to mention here that the respondents attached promotion order of SPST to PSHT dated 30-08-2016, in fact the appellant's name is never been mentioned in such promotion order neither the appellant refused to such promotion and neither the respondents has annexed / attached any supporting documents in this regard.

3. Reply of para 5 by the respondents are totally incorrect, hence denied. Detail reply already been given in the ibid para, but another illegality will be pointed out here, one Mst:Zakia Bibi was appointed as PTC teacher with appellant on the same day i.e 13-11-2006, her name fall at serial No.49 of the first appointment order having marks 35.47, matric untrained (junior to the appellant), her name

reflecting at serial No.11 of impugned seniority list available at page 18 of the service appeal file. How and by whom she promoted and how her name has been placed before the appellant in the seniority list, this question has to be determined by the respondents and the appellant request for harsh penalty to the concern officer who violated the merit policy. Another teacher namely Naseema Begum has also been favored by the department, the appellant seek permission to raise points in this regard at the time of final arguments.

4. Para 6 rejoinder. That the respondents due to their illegal act has not responded to the departmental representation filed by the appellant and remain mum.
5. Para 7 rejoinder. The competent authority failed to provide an opportunity to the appellant as well disposal of the representation by the appellant on merit.
6. Para 8 rejoinder. Cause of action of the appellant against improper and discriminated seniority list is still in field till the final decision of the instant service appeal in appellant's favor.

Rejoinder to Grounds: -

- A. *That the Appellant is naturally born bonafide citizen of the Islamic Republic of Pakistan and is fully and equally, entitled to all basic and fundamental rights as supported and guaranteed by the Constitution of Islamic Republic of Pakistan, interpreted and discrimination along with unfettered exercise of discriminatory powers by an authority or office is always been deplored, deprecated and depreciated by the superior courts.*
- B. That the respondents have committed misconduct as they had failed to perform their obligations in accordance with law.
- C. That the appellant craves leave of this Hon'ble court to raise further grounds at the time of hearing and further reserves her right to produce documents and

also to move appropriate application for summoning of witnesses, if so required or desirable.

It is, therefore, most humbly prayed that on acceptance of the instant rejoinder against the joint para wise reply on behalf of respondent No.1 to 4, the reply submitted by the respondents may not be honored and resultantly the service appeal of the appellant may kindly be allowed as prayer for in the heading of main service appeal.

Through

Appellant



Gul wahid
(Special Attorney)

Through



Saif Ullah Mongol
Advocate High Court &
Federal Shariat Court of Pakistan

SAIF ULLAH MONGOL (CHITRALI)

ADVOCATE HIGH COURT

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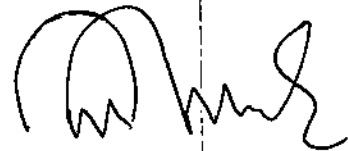
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A F F I D A V I T

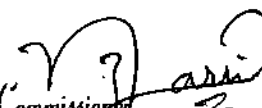

I, Gul Wahid S/o Fazal Wahid (Special Attorney) do hereby solemnly affirm and declare on oath that the contents of the accompanying **RE-JOINDER** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



D E P O N E N T

CNIC: 15302-0932120-5

CELL # 0343-9500988


 Oath Commissioner
ZARIN KHAN
 Advocate High Court
 15/05/2024