

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

SERVICE APPEAL NO. 1965/2023

Rehmat Begum.....Appellant

Versus

Government of Khyber Pakhtunkhwa & othersRespondents

Index

S. No.	Description	Annexure	Pages No.
1	Comments		1-2
2	Affidavit		3
3	Authority letter		4


Depoent

DR. MUHAMMAD SALEEM

NDH - 30-07-2024

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA

SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 1965 OF 2023

**Khyber Pakhtunkhwa
Service Tribunal**

Case No. 14406

Dated 22-07-24

Rehmat BegumAppellant

Versus

Govt. of Khyber Pakhtunkhwa and others.....Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 01 TO 03

Respectfully Sheweth:

Preliminary Objections:-

1. That the appellant has got no cause of action or locus standi to file the instant appeal.
2. That the appellant has filed the instant appeal just to pressurize the respondents.
3. That the instant appeal is against the prevailing Law and Rules.
4. That the appeal is not maintainable in its present form and also in the present circumstances of the issue.
5. That the appellant has filed the instant appeal with mala-fide intention hence liable to be dismissed.
6. That the appellant has not come to this Honorable Tribunal with clean hands.
7. That the appeal is barred by law and limitation.
8. That the instant appeal is bad for mis-joinder of unnecessary and non-joinder of necessary parties.

ON FACTS:

1. Correct.
2. Correct.
3. Correct, to the extend respondent No. 07 was appointed on 11.05.2008 through Public Service Commission Khyber Pakhtunkhwa, but later on her contract service under regularized w.e.f 30.08.2004 under KP Civil Servant (Amendment) Act 2005 & 2013.
4. Correct, as per Seniority list of 2017.
5. Respondent No. 07, Mrs. Riffat D/O Saadatullah Charge Nurse BS-16 Public Health School Hayatabad Peshawar was initially appointed as a Charge Nurse on Contract basis w.e.f 30.08.2004. later on, she was appointed as Charge Nurse BS-16 through Public Service Commission Khyber Pakhtunkhwa w.e.f 31.05.2008. Her contract service were regularized w.e.f 30.08.2004 under KP Civil Servant (Amendment) Act 2005 & 2013 and placed at S. No. 193 in the Seniority list while Mrs. Rehmat Begum D/O Ali Gul Charge Nurse BS-16 was appointed as

Charge Nurse on regular basis vide this Directorate Office Order dated 24.09.2005 and such Mst. Riffat D/O Saddatullah Charge Nurse become senior to Mrs. Rehmat Begum Charge Nurse at S.No. 237.

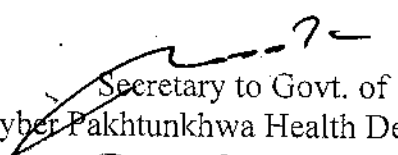
6. Incorrect, the applicant has already been informed of the facts mentioned in Para 05 above vide this Directorate Letter No. 5972/E. II dated 20.10.2023.
7. As per para-05 above.
8. As proceeded para.


GROUND

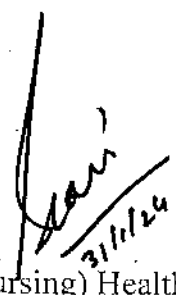
- A. Incorrect, the final seniority list issued on 2023 accordingly to law in is legal.
- B. As per final seniority list the applicant is at S.No. 252 and will be promoted on her turn.
- C. The applicant has been treated according to law & Rules.

PRAYER:

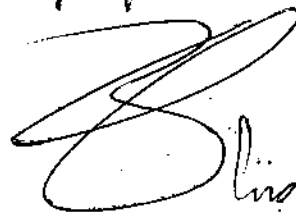
It is therefore humbly prayed that on acceptance of the comments, the instant appeal of the appellant may very graciously be dismissed with costs.


Secretary to Govt. of
Khyber Pakhtunkhwa Health Department
(Respondent No. 01)
MEHMOOD ASLAM


Director General Health Services
Khyber Pakhtunkhwa
(Respondent No. 02)
DR. MUHAMMAD SALEEM

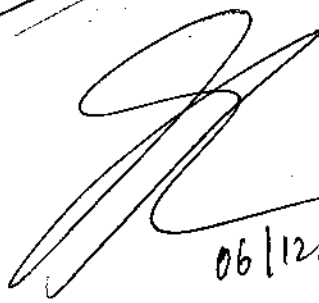

Deputy Director (Nursing) Health Services
Khyber Pakhtunkhwa
(Respondent No. 03)
MS. SHAKEELA NAZ

21/06/2023



Received

Issued.



06/12/2023

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

SERVICE APPEAL NO. 1965/2023

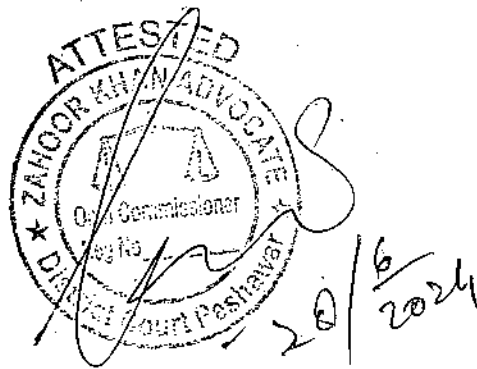
Rehmat Begum.....Appellant

Versus

Government of Khyber Pakhtunkhwa & othersRespondents.

Affidavit

I, Dr. Muhammad Saleem, Director General Health Services, Khyber Pakhtunkhwa, Peshawar, do hereby solemnly affirm that the contents of the parawise Comments on behalf of Respondents are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'able Tribunal. It is further stated on oath that in this appeal, the answering respondents have never been imposed cost / fine, neither placed Ex-Parte nor their defense has been struck off *cost*.



[Signature]
Deponent

DR. MUHAMMAD SALEEM



**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR**

*All communications should be addressed to the Director General Health Services
Peshawar and not to any official by name
Office # 091-9210269 Fax # 091-9210230*

AUTHORITY LETTER

Muhammad Yousaf Jamal Focal Person Litigation Section Directorate General Health Services Khyber Pakhtunkhwa is hereby authorized to attend/defend the court cases and file Parawise Comments / Reply on behalf of the undersigned before the Honorable Khyber Pakhtunkhwa Service Tribunal and its Camp Courts.

**Director General Health Services
Khyber Pakhtunkhwa, Peshawar**

DR. MUHAMMAD SALEEM

Rehmat Begum 1965/23

1965/23

02.07.2024 01. Junior to counsel for the appellant present. Mr. Arshad Azam, Assistant Advocate General alongwith Yousaf Jamal, Assistant for the respondents present.

02. Reply/comments on behalf of the respondents not submitted. Representative of the respondents sought some time. Granted. To come up for reply/comments on 30.07.2024 before the S.B. PP given to the parties.


(Fareeha Paul)
Member(I)

Fazle Subhan. P.S