

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

Service appeal NO. 2043/2023

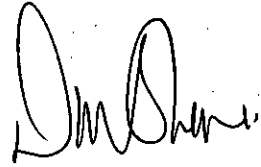
Mst: Fatima Bibi PSHT GGPS Kana Khel Nowshera

VS

Director E&SE, Khyber Pukhtunkhwa, Peshawar & others

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RESPONDENTS

Through

AUTHORIZED REPRESENTATIVE

22-04-24

Peshawar

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PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO 1 & 2

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 12310

Dated 22-04-2024

RESPECTFULLY SHEWETH.

Respondent humbly submits as under;

Preliminary Objections:

- 1) That appellant has challenged the SPST promotion order of 2013 followed by PSHT promotion in 2018 with no departmental appeal as statutory required to be filed within 30 days nor approached the Hon'ble Tribunal within limitation time. Hence the instant service appeal is liable to be dismissed being badly time barred.
- 2) That appellant has neither submitted her file and documents for consideration to the post of SPST in 2013 nor did object the same promotion order consequently the SPSTs promoted in 2013 become senior to the later promotees for promotion to PSHT.
- 3) That the appellant has malafidely and intentionally annexed various false and concocted departmental appeals/application to this Hon'ble Tribunal just to cover-up and conceal his bare negligence.
- 4) That the present service appeal is not maintainable in its present form being time barred and against the law, rules and policy.
- 5) That the appellant has no cause of action/locus standi to file the instant Service Appeal.
- 6) That the appellant is concealing material facts from this Honorable Tribunal.
- 7) That the present appeal is bad for mis-joinder and non-joinder of necessary parties.
- 8) That the appellant is estopped by his own conduct to file the instant appeal.

ON FACTS:

- 1) Para -01 is correct.

- 2
- 2) Para -02 is incorrect. Appellant (appellant was appointed as SSC,PTC in 2005 but did not updated her qualification as FA in Service book or Seniority till 2013 promotion) has neither submitted her file and documents for consideration to the post of SPST in 2013 nor did object the same promotion order either.
  - 3) Para -03 is incorrect appellant has never submitted any departmental appeal regarding the SPST 2013 promotion the one mentioned and annexed is concocted, fake and fictitious, although she was promoted in the general promotion order dated 23/05/2015 to SPST-14 with immediate effect according to her seniority cum fitness, however she never objected the same either.
  - 4) Para-04 is incorrect as all the private respondents were senior to the appellant in seniority list of SPSTs being promoted prior in 2013 against the appellant who were promoted to SPST in 2015.
  - 5) Incorrect, Appellant has never preferred any departmental appeal, the one mentioned and annexed is barely concocted, fake and fictitious although the appellant was promoted to PSHT in general promotion on dated 14/09/2019 according to her SPST seniority.
  - 6) Incorrect, the nominal and factious departmental appeal dated 19-06-2023 annexed as annexure 'G' by the appellant is falsely referred just to cover up and conceal her bare negligence to the statutory requirement and limitation from this Hon'ble Tribunal. The falsehood of the same is evident from the illogical statement mentioned in the para that upon the above mentioned departmental appeal dated 19-06-2023 a de-novo enquiry was ordered on dated 15-06-2021 as annexed by appellant as annexure 'H'. In fact the de-novo enquiry was ordered but not on the annexed false departmental appeal according to whose findings and recommendations ..... ( Copy of de-novo Enquiry is annexed as 'B.)
  - 7) The appellant has got no cause of action to file instant appeal.


**ON GROUNDS:**

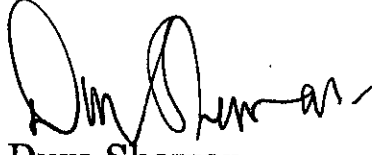
- A) Ground -A is incorrect, the appellant has never ever filed any departmental appeal within statutory period of 30 days nor beyond that period, as it is a mandatory requirement for filing Service Appeal, now after lapse of more than a decade period (11 years) of the promotion order 02-03-2013, the appellant has directly approached this Hon'ble Tribunal bypassing the statutory requirement of filing departmental appeal thus the instant appeal is not maintainable and liable to be dismissed.

- B) Ground -B is incorrect, appellant has just been treated according to law, rules and policy.
- C) Incorrect as replied in above paras.
- D) Incorrect detail has been given infacts.
- E) Incorrect as replied infacts and Grounds above.
- F) Incorrect as replied above.
- G) The respondents seek permission to raise additional ground at the time of arguments.
- H) Ground -D is incorrect as explained above.
- I) Ground -E is incorrect. As no violation to the law, rules and policy has been made.
- J) Ground -F is incorrect as appellant has never ever objected SPST promotion of 2013 or PSHT order of 2018 within the statutory period of 30 days nor approached the Hon'ble Tribunal within prescribed time thus the appeal of the appellant is badly time barred and against the law, rules and policy hence liable to be dismissed.
- K) Respondents may also be permitted to raise other grounds in arguments.

It is requested that the instant appeal may kindly dismissed with cast.

**RESPONDENTS:**

  
Mst. Samina Altaf  
1) Director E & SE, KPK  
Respondents No. 1

  
Dure Shawar  
2) DEO (F), Nowshera  
Respondents No. 2

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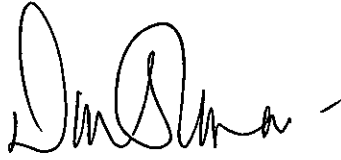
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AFFIDAVITE

I, **Dure Shawar**, District Education Officer (Female), Nowshera do solemnly affirm and declare on oath that the contents of Para-wise comments are true and correct to the best of my knowledge and nothing has been concealed from this Honourable Tribunal and the right of the respondent to submit reply has not been struck-off.



Deponent

**Dure Shawar**  
District Education Officer (Female)  
Nowshera

It is further stated on oath that in this appeal the answering respondents have neither been placed ex parte or their defence has been struck off.

Oath Commissioner



*Shafiq-ur-Rehman Shabbir*

22/04/24.

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Authority Letter

I, Dure Shwar, District Education Officer (F), Nowshera do hereby authorise **Mst. Sajida Bano (HM, BPS-17)** in the above mentioned Service appeal to represent the undersigned before the Khyber Pakhtunkhwa Service Tribunal, Peshawar.



District Education Officer (F)

Nowshera