

BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR

Shan Muhammad
Service Appeal No.2090/2023

Appellant

1. Secretary to Govt: Finance Department Khyber Pakhtunkhwa, Peshawar.

Respondents

INDEX

S#.	Subject	Annexure	Page No.
01	Parawise Comments	-----	01-02
02	Affidivit		03
03	Authority Letter		04
04	Script Writer initial scal (BPS)	Annexure-1	05

Deponents

Shan Muhammad
Suptd.

13-05-2024
S.B
Peshawar.

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

S.A No. 2090/2023

Shan MuhammadAppellant

VERSUS

Govt. of Khyber Pakhtunkhwa
Through Secretary Information Department and others Respondents

**PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 3 I.E SECRETARY
FINANCE DEPARTMENT.**

**Khyber Pakhtunkhwa
Service Tribunal**

Respectfully Sheweth:

Respondent submit as under

Diary No. _____

Preliminary Objections:

Dated _____

1. That the appellant has got no cause of action/locus standi to file the instant appeal.
2. That the appellant has not come to this Court with clean hands.
3. That the appellant is estopped by his own conduct to file the instant appeal.
4. That the instant appeal is hit by doctrine of Laches and barred by Law.
5. That the instant appeal is badly time-barred.
6. That the appeal is bad for misjoinder and non-joinder of necessary parties.

Facts:

1. Pertains to record, hence no comments.
2. Pertains to record, hence no comments.
3. In light of Section -3 (3) of the Regularization of Services of employees of Erstwhile FATA Act, 2021, the Scrutiny Committee only Scrutinizes the credentials of the employees, and cannot change the nomenclature as well as upgradation of the post. As on regular side the post of Script Writer is in BPS-11, **(Annexure-I)** therefore, the said post cannot be created in BPS-16 as it will create anomaly.
4. The case for creation of the post of Script Writer (BPS-11) is under consideration in this Department as and when the same is decided, the salary issue will be resolved, accordingly.
5. As explained at Para-04 of the facts above.
6. As explained at Para-04 of the facts above.
7. As explained at Para-4 of the facts above.

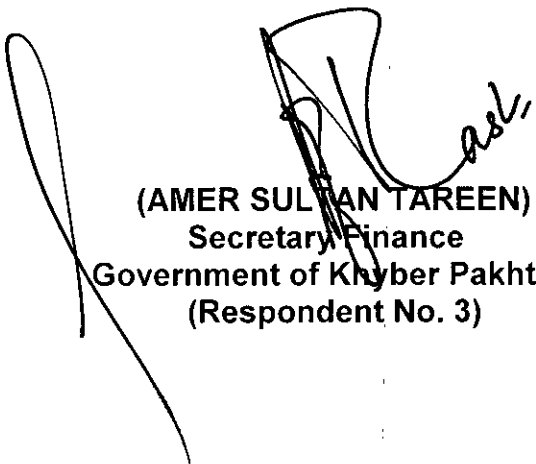
Grounds:-

- A. Incorrect, the appellant has been treated in accordance with the existing law/rules/policy in vogue, please.
- B. Incorrect, the appellant has been treated in accordance with the existing law/rules/policy in vogue, please.

- 02
- C. Incorrect. As mentioned at Para-04 of the facts.
- D. Incorrect. As mentioned at Para-04 of the facts.
- E. Incorrect. As explained at Para-3 of the facts, the post of Script Writer on regular side is in BPS-11 therefore, the appellant is entitled to BPS-11 and not BPS-16.
- F. Incorrect. As explained at Para-3 of the facts.
- G. Incorrect. Nomenclature of the post of the applicant i.e Script Writer was proposed to be changed as Assistant which was regretted on the grounds that service rules as well as job description of both the posts are different from each other. Moreover, it will create a pandora box for other employees.
- H. No comments.
- I. No comments
- J. No comments.
- K. That the Respondents seek permission of this Honourable Court for additional grounds at the time of arguments.

Prayer:-

It is, therefore, in view of the above submission, humbly prayed that the instant service appeal being based on misconception/misstatements may graciously be dismissed.


(AMER SULTAN TAREEN)
Secretary Finance
Government of Khyber Pakhtunkhwa
(Respondent No. 3)

BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR

Mr. Shan Muhammad
Service Appeal No. 2090/2023

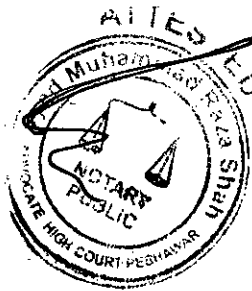
VERSUS

1. The Government of Khyber Pakhtunkhwa through Secretary Information.
2. The Secretary to Govt: Finance Department Khyber Pakhtunkhwa, Peshawar.

Reply / Parawise Comments on Behalf of Respondent No.03.

AFFIDAVIT

I do hereby solemnly affirm and declare on oath that the contents of Service Appeal No. 2090/2023 is true and correct to the best of my knowledge and belief that nothing has been concealed from the Honorable Tribunal. It is further stated on oath that the answering respondent have neither been placed ex-parte nor their defence has been struck off.



Deponent

(Amer Sultan Tareen)
SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA,
Finance Department



**GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT**

AUTHORITY LETTER.

Mr. Hashmatullah, Superintendent (Litigation-II) Section Government of Khyber Pakhtunkhwa Finance Department is hereby authorized to submit Parawise Comments in Service Appeal No.2090/2023 titled Shan Muhammad versus Government of Khyber Pakhtunkhwa and others before the Service Tribunal Khyber Pakhtunkhwa Peshawar.

**(Amer Sultan Tareen)
SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA,
Finance Department**

Annex - A

76

DDCode	DDDescription	Designation	BPS	SanctionPosts	FilledPosts	Vacant
PR4031	PR4031 Chief Minister's Secretariat	ARTICLE WRITER	12	1	1	0
PR8650	PR8650 Appellate Tribunal for MTIs Peshawar	JUDGMENT WRITER	17	1	0	1
PR4813	PR4813 Outreach Agriculture University Peshawar	SCRIPT WRITER	11	1	0	1
PR4075	PR4075 Directorate General. information & Public Relations Peshawar	ARTICLE WRITER	12	2	0	2
PR8093	PR8093 Research Cell Law & Order Deptt Peshawar	COPY WRITER	7	1	1	0

Attested
[Signature]
Suptd.