

Cost of Rs. 2000 received in Service Appeal No. 2351/23,

Titled Perver Khan VS. Edh

in the office of Superintendent Vide Order 18/4/24

Dated: 14/5 /2024.



SUPERINTENDENT

Khyber Pakhtunkhwa

Service Tribunal, Peshawar

**BEFORE THE HONORABLE KHYBER PAKHATUNKHWA
SERVICE TRIBUNAL PESHAWAR.**

Service Appeal No: 2351/2023

Parvez Khan, SPET BPS-16, GHS Kohi District Bajour.....Appellant

VERSUS

The Secretary E&SE Department Khyber Pakhtunkhwa & others.....Respondents

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(SAMINA ALTAF)
DIRECTOR

E&SE Department Khyber
Pakhtunkhwa, Peshawar.

S-08-24
S-B
Peshawar

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

PESHAWAR

Service Appeal No. 2351/2023

PARVEZ KHAN SPET (BPS-16) GHS KOHI, DISTRICT BAJAUR

..... **APPELLANT**

Versus

SECRETARY E&SE, KHYBER PAKHTUNKHWA AND OTHERS

..... **RESPONDENTS**

Comments on behalf of Respondents No.1 & 2.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 12756

Dated 14-05-2024

Respectfully Sheweth,

Preliminary objections:

- That the appellant has no cause of action/locus standi to file the instant appeal.
- The appellant is not an aggrieved person within the meaning of Section 4 of the Khyber Pakhtunkhwa service tribunal Act 1974, has not exhausted the adequate remedy for his grievances, hence the appeal in hand is premature and is liable to be dismissed.
- That the appellant has concealed material facts from the Honorable Service Tribunal
- That the appellant is estopped by his own conduct to bring the instant appeal.

On Facts

1. Para-1 of the facts, pertains to the Service records of the appellant, hence needs no comments.
2. Para-2 of the facts pertains to record, hence need no comments.
3. Para-3 is correct as the respondents after following all the codal formalities adjusted the teachers including the appellant. Moreover, the appellant himself many a time approached the respondents for his adjustment in his current station of duty i.e., GHS Kohi, District Bajaur and thus was adjusted accordingly, hence the plea of the appellant is liable to be dismissed.
4. Para-4 is irrelevant, hence need no comments.
5. Para-5 is incorrect, hence denied. The appellant was dealt in accordance with law and while doing so no illegality has ever been committed by the respondents, therefore, the appellant is not an aggrieved person within

the meaning of Section 4 of the Khyber Pakhtunkhwa service tribunal Act 1974.

6. Incorrect, hence denied. The appellant did not prefer any appeal before the respondents; hence bringing the instant appeal is premature and is liable to be dismissed in limini.

ON GROUNDS

A. Incorrect hence denied. The answering respondents being bound by law are always sternly adherent to follow the law and policy of the government and while dealing so, the appellant was treated in accordance with law.

B. Incorrect, hence denied. The answering respondents have treated the appellant in accordance with law and while doing so no rights or any provision of the Constitution of Pakistan 1973, been violated.

C. Para-C of the grounds is incorrect, hence denied. The detailed reply has already been submitted in the above Para's.

D. Para-D is incorrect, hence denied. The detailed reply has already been submitted in the above Para's.

E. Para-E is incorrect, hence denied. The detailed reply has already been submitted in the above Para's.

F. That the respondent seek permission of the Hon'ble Court for presenting additional grounds at the time of hearing of the instant appeal.

PRAY:

Keeping in view the above stated facts and legal position, it is therefore, humbly prayed that on acceptance of the above submission, the instant appeal may very graciously be dismissed in favor of the answering respondents with cost.

(Masood Ahmad)

Secretary E&SE Khyber Pakhtunkhwa
(Respondent No.1)

Authorized
Office

[Handwritten Signature]
Additional Secy (G)
E&SE
(Respondent No.1)

(Samina Altaf)

Director E&SE Khyber Pakhtunkhwa
(Respondent No.2)

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

Service Appeal No: 2351/2023

Parvez Khan, SPET BPS-16, GHS Kohi District Bajour.....Appellant

VERSUS

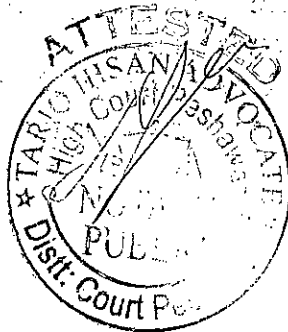
**The Secretary E&SE Department Khyber Pakhtunkhwa &
others.....Respondents**

AFFIDAVIT

**I, Samina Altaf, Director E&SE Department Khyber
Pakhtunkhwa, do hereby solemnly affirm & declare on oath that the contents
of the instant para wise Comments are true & correct to the best of my
knowledge & belief. It is further stated on oath that in this appeal the
answering Respondents have neither been placed Ex-Parte nor their defense
has been struck off/cost.**


**DEPONENT
SAMINA ALTAF
DIRECTOR**

**E&SE Khyber Pakhtunkhwa
Peshawar**





**DIRECTORATE ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA, PESHAWAR.**

AUTHORITY LETTER

I, Samina Altaf, Director (E&SE) Khyber Pakhtunkhwa Peshawar do hereby authorized Mr. Muhammad Rizwan, Assistant Director Litigation-II of this Directorate for submission of Joint parawise comments in **Service Appeal No. 2352/2023 case titled Parvez Khan, SPET BPS-16, District Bajour VS Government of Khyber Pakhtunkhwa & others**, hence, an authority letter is hereby issued in favor of the above-named officer.


(Samina Altaf)
DIRECTOR

E&SE Department Khyber
Pakhtunkhwa, Peshawar



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Block "A" Civil Secretariat, Peshawar

Phone No. 091-9211128

Dated Peshawar, the 15-03-2024

NOTIFICATION

NO.SO(Lit-II)/E&SED/1-5/2021. The undersigned is pleased to authorize Additional Secretary (General) Elementary & Secondary Education Department to sign parawise comments, replies, implementation reports, objection petitions, civil miscellaneous applications etc on my behalf for submission before various courts of law/tribunals in the best public interest.

SECRETARY

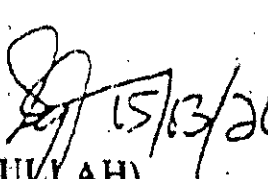
Elementary & Secondary Education
Department, Khyber Pakhtunkhwa

Endst: No. 2519-B

Dated 15-3-2024

Copy forwarded to the:-

1. Chief Secretary Khyber Pakhtunkhwa.
2. Advocate General Khyber Pakhtunkhwa.
3. Secretary Law Department.
4. Registrar Peshawar High Court Peshawar.
5. Registrar Service Tribunal Peshawar.
6. All Section Officers (Litigation) E&SE Department.
7. PS to Secretary E&SE Department.
8. PA to Additional Secretary (General) E&SE Department.
9. PAs to Deputy Secretary (Legal-I&II) E&SE Department.


(SAJID ULLAH)
SECTION OFFICER (Lit-II)