

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 2515/2023.


Arif Shah..... Appellant.

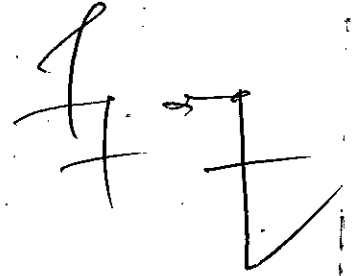
VERSUS

Govt: of KPK through Secretary Industries, Commerce, and Technical Education (IC&TE), Peshawar and others..... Respondents.

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Respondents



copy of reply has received by the
appellant on dated 30/4/23
Shah

22 Nov 2024

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 2515/2023.

Arif Shah..... Appellant.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 12919

Dated 22-05-24

VERSUS

1. The Additional Chief Secretary FATA, FATA Secretariat, Warsak Road, Peshawar
2. The Director of Industrial, Mineral and Technical Education, FATA Secretariat, Warsak Road, Peshawar
3. The Deputy Director, of Industrial, Mineral and Technical Education, FATA Secretariat, Warsak Road, Peshawar
4. The Principal Government Technical Institute, Ekkaghund, District Mohmand.
5. The Managing Director, KP-TEVTA, Peshawar.
6. The Secretary Industries, Commerce and Technical Education (IC&TE), Peshawar.

..... Respondents.

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO 4,5,6.

PRELIMINARY OBJECTIONS:

- A- That the Appeal is badly time barred.
- B- That the Appellant has no cause of action to file instant appeal.
- C- That the Appellant has got no locus standi.
- D- That the Appellant has not come to this honorable Tribunal with clean hands.
- E- That the Appellant has been estopped by his own conduct to file the present appeal.
- F- That the appeal is bad for mis-joinder and non-joinder of necessary parties.
- G- That the appeal is not maintainable in its present form.

Respectfully Sheweth:

1. Pertains to record.
2. Pertains to record.
3. It is correct with further clarification that the appellant has never remained an employee of Technical Education (Ex-FATA). However, the appellant had started his salary through a fake order and posted/shown himself as Junior Trade Instructor BPS-10. After receiving information regarding the matter, the Directorate of Industries Mineral, and Technical Education undertake an investigation and after proper inquiry in the matter, all the

salaries illegally drawn were recovered and deposited in the Govt. Treasury. And it is also pertinent to mentioned here that FIR No. 15/2015 has also lodged against the appellant by FIA on date 15.01.2015 regarding fake and bogus appointment letter and illegal salaries drawn by the appellant.

(Copy of FIR is attached).

4. It is incorrect. The appellant has been properly contacted and he appeared in person before the inquiry committee and submitted his reply of the questioner. The honorable service tribunal judgment delivered in service appeal No. 286/2017 dated 08.09.2021 has implemented by the way of submitting speaking order on dated 13.07.2023 in Execution Petition No. 149.2022.
5. It is incorrect. the implementation report in Execution Petition No. 149/2022 has submitted by the respondents within time.
6. Pertains to record.
7. The para is incorrect.
8. It is incorrect, with further clarification that the petitioner pertains to Ex-FATA and due to merger of the Ex-FATA with Khyber Pakhtunkhwa the concerned record has been shifted to Administrative Department Khyber Pakhtunkhwa. This department has been made party in the instant appeal on 09-01-2023 and obtained the relevant record from Administrative Department and submitted in the Honorable tribunal within time.
9. Pertains to record.
10. It is incorrect. The inquiry has been made and implementation report has submitted in honorable tribunal well on time. Furthermore, in para 2 of the objection petition filed by the appellant he admitted by himself that no time frame was mentioned in the said judgement/Order of honorable tribunal dated 08.09.2021.
11. Pertains to record.
12. Pertains to record.
13. It is incorrect.

Grounds:

- A) It is incorrect. The said inquiry has been concluded well in time.
- B) It is incorrect as explain in the aforementioned explained position.
- C) It is incorrect as explain in the aforementioned explained position.

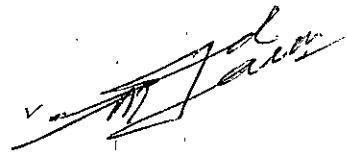
- D) It is incorrect. The Federal investigation Agency, Anti-Corruption and forensic lab has also been involved in the said inquiry.
- E) Pertain to record with further clarification that this department does not own the appellant as an employee as he has serve through fake/bogus appointment, so no question of termination arises.
- F) It is incorrect as explain in the aforementioned explained position.
- G) It is incorrect as explain in the aforementioned explained position.
- H) It is incorrect. All the salaries drawn by the appellant has been declared as illegal and recovered by the FIA. **(Copy Attached)**.
- I) Pertain to record.
- J) It is incorrect. No such orders have been passed by the Honorable Court declaring the allegation levelled on the appellant is rebutted.
- K) That the respondents also raise certain points in support of their comments at the time of arguments with the permission of this honorable tribunal.

In view of the above, it is evident that the instant service appeal has no force of law and facts. It is, therefore, requested that the instant appeal may be dismissed with cost throughout.

Principal Government Technical Institute,
Ekkaghund, District Mohmand.

(Respondent No.4)

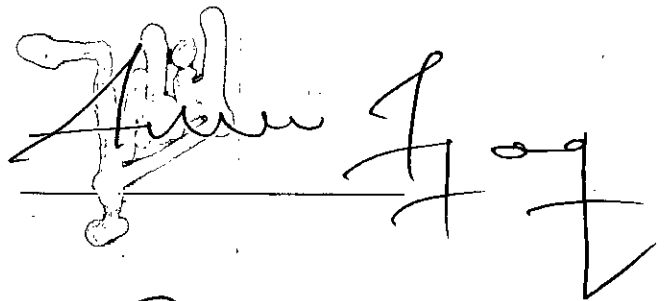
Masood Jan



Managing Director,
KP-TEVTA, Peshawar.

(Respondent No.5)

Aamir Afaq



Govt: of KPK through Secretary
Industries, Commerce and Technical
Education, Peshawar.

(Respondent No.6)

Zulfiqar Ali Shah



Secretary to
Govt. of Khyber Pakhtunkhwa,
Industries, Commerce &
Technical Education Deptt.

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AFFIDAVIT

I, Aamir Afaq Managing Director kp-TEVTA solemnly affirm and confirm that the contents of the accompanying para wise comments in the instant Service Appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed therein from this honorable tribunal.

It is further stated on Oath that in this appeal the answering respondents have neither been placed Ex parte nor their defence struck off/ cost.

DEPONENT

CNIC:

[Handwritten signature and CNIC details]

Identified by

Advocate General
Khyber Pakhtunkhwa.



AUTHORITY LETTER

**Managing Director Khyber Pakhtunkhwa Technical Education
and Vocational Training Authority.**

I Mr. Aamir Afaq Managing Director Kp-TEVTA do hereby authorized Mr. Shahab khattak Advocate CNIC 17301-6527091-5, BC 15-5816 legal consultant Khyber Pakhtunkhwa Technical Education and Vocational Training Authority (KP-TEVTA) to submit Reply/comments on behalf of undersigned in appeal title below in Khyber Pakhtunkhwa Service Tribunal Peshawar.

Arif Shah. S A No. 2515/2023

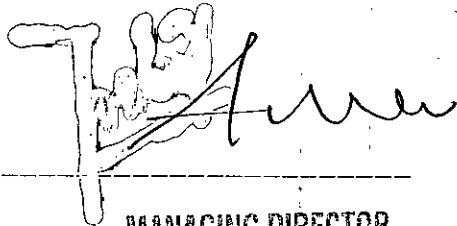
Appellant

Versus

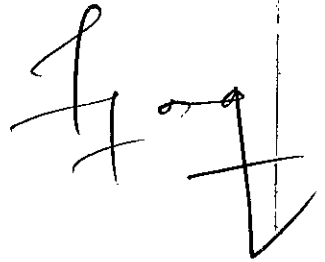
Govt of Khyber Pakhtunkhwa and others

Respondents

Managing Director
KP-TEVTA
Respondent No. 5



MANAGING DIRECTOR
TECHNICAL EDUCATION & VOCATIONAL
TRAINING AUTHORITY
KHYBER PAKHTUNKHWA



(I)

(30)

Police Station FIA/ACC

Annex-BB1

No. 15/2015

Date and hour of occurrence 15-01-2015 at 01:00 hrs

1. Date and hour when reported.	<u>15-01-2015 at 01:00 hrs</u>
2. Name and residence of informant and complaint.	<u>جیل خان ایسٹریٹ فیا/اے سی اے کوارٹر</u>
3. Brief description of offence (with section) and of property carried off, if any.	<u>109, 419, 420, 468, 471, PCE 5(2) PC Act 1947</u>
4. Place of occurrence and district and direction from Police Station.	<u>پشیمانی ایجوکیشن مائیکرو سٹرکچر اور سیکرٹریٹ کوارٹر</u>
5. Steps taken regarding investigation, explanation of delay in recording information.	<u>ایڈیشنل ایس ایچ او کوارٹر 47/2014 کو 28-01-2015 میں رپورٹ کرنے پر توجہ دیا گیا ہے۔</u>
6. Date and hour of despatch from Police Station.	<u>15-01-2015 at 09:30 HRS</u>

FIR
9
Wahid
Majid

جیل خان ایسٹریٹ فیا/اے سی اے کوارٹر میں واقع ایک مکان میں 15-01-2015 کو 01:00 بجے ایک شخص نے ایک گاڑی کو چھینا اور فرار ہو گیا۔ گاڑی کی نمبر پلاٹ 109, 419, 420, 468, 471 ہے۔ اس شخص کی شناخت نہیں ہو سکی ہے۔ اس واقعے کی اطلاع فیا/اے سی اے کوارٹر میں 15-01-2015 کو 01:00 بجے دی گئی۔ اس واقعے کی تفتیش کے لیے ایس ایچ او کوارٹر کو مطلع کیا گیا ہے۔ اس واقعے کی تفتیش کے لیے ایس ایچ او کوارٹر کو مطلع کیا گیا ہے۔ اس واقعے کی تفتیش کے لیے ایس ایچ او کوارٹر کو مطلع کیا گیا ہے۔

جیل خان ایسٹریٹ فیا/اے سی اے کوارٹر
15-01-2015

ایس ایچ او کوارٹر
کامیاب

Annex CC1 ✓

PA/AS/05

زرد قبو قفل

13

دوبلہ دوران ذیل انٹرویو کے لیے 47/2014 مورخہ 28/10/2014

مورخہ 15/8/2014 پیش کردہ عارف شاہ دور قبو کے ساتھ ساتھ دفتر دوران کے

داد و دیہ کی تفصیل درج ذیل ہے جس میں مبلغ 338232 روپیہ آگسٹ کے

آگسٹ کے لیے لکھا گیا ہے۔ رقم قبو 338232 روپیہ آگسٹ کے لیے

67 عدد لاکھ 5000/1000 کا پیڑا اور 3 عدد ٹوٹے 1000/1000 روپیہ آگسٹ کے

اور 232 روپیہ 100/100 کا 2 عدد لاکھ اور 32 روپے ہزارہ حکومت پاکستان کے

کیروان کے لئے رقم لکھی گئی ہے دوران دستخط شدہ ہے۔ ذرا ہی تین

کاپی نسبی عارف شاہ کو روانہ کی گئی ہے

انتہی قبو قفل
PA/ACC

05-01-2015

PA/AS/05
دوران کے لیے بیان
مسلحہ
عزیز دارش خان

AS/05
MI