

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal # 2576/2023

Mr. Fazal MaboodAppellant.

VERSUS

Govt: of Khyber Pakhtunkhwa & others.....Respondents.

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Deponent

07-06-24
S.B
Camp court Swat.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 2576/2023

Mr. Fazal Mabood, SS BS-17.....Appellant

VERSUS

Secretary E&SE, Govt: of Khyber Pakhtunkhwa & others.....Respondents.

PARAWISE COMMENTS ON BEHALF OF THE RESPONDENTS NO. 01 & 02

Respectfully Sheweth,

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 13227

Dated 06-06-24

Preliminary Objections:

1. That the present appeal is hopelessly time barred, hence not maintainable and is liable to be dismissed summarily.
2. That all the documents/application annexed with the appeal are self-prepared, forged and concocted, hence no evidentiary value & ineffective upon the rights of the respondents.
3. The appellant is estopped to sue by his own conduct, because the law facilitates the vigilant and not the indolent.
4. The appellant has not come to this Honorable Tribunal with clean hands, he never bothered to serve the department nor has tried to communicate her absence with logical/permissible excused to her high-ups within the statutory period provided by law.
5. That the appellant is just wasting the precious time of this Honorable Tribunal for which she is liable for compensatory costs.
6. The appellant has got no cause of action against the respondents and even the appellant has no locus standi to file the present appeal.
7. The appeal in its present form is bad in the eye of law, hence liable to be dismissed.
8. That the appellant has concealed the real facts from this Tribunal while narrated false and concocted story for deceiving this Honorable Tribunal.
9. That the delay of the appellant cannot be condoned under the relevant law, therefore without going into the merits of the case the case of the appeal is liable to be dismissed on this score alone.
10. The appellant prepared forged documents for the attempt of creating a cause of action in a Ipse-Dixit, according to a famous legal maxim "Nemo Debt Esse Judex in propria sua causa" made himself alleged an aggrieved person & judged nothing a wrong to her.
11. The appellant is not an aggrieved person within the meaning of Civil Servants Act, 1973 nor she has any right to sue/appeal.
12. That the appellant never filed departmental appeal before the Competent Authority.

ON FACTS.

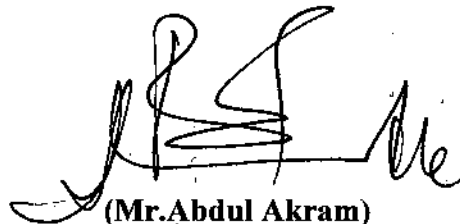
1. Para-1 is strictly subjected to proof. As nothing has been annexed with the appeal in support of this para.
2. Pertains to record.
3. Pertains to record.
4. Para-4 is incorrect, hence denied. The appellant is trying to attract the sympathy of this Honorable Tribunal by stating a specific and limited worse period of District Swat, though thousands of Government Servants served on that particular era and area to the entire satisfaction of the Competent Authority. The appellant was never interested in the impugned post & actually doing some other business. The appellant was required under the Revised Leave Rules, 1981 to submit arrival report for resumption of duties after completion of his sanction leave on 31-08-2008.. He was willfully remained absent from his lawful duties for a very long time and after getting retired form his unknown business/duties has just filed this time barred appeal which is liable to be dismissed with heavy cost.
5. Incorrect, hence denied in-toto. The appellant was willfully absent from his duties was never sincere with his duties.
6. Incorrect. As per explanation at para-4 above.
7. Incorrect, the plea of the appellant in service appeal No. 7205/2021 was time barred which is the same here in instant appeal, therefore the present appeal on this score alone is liable to be dismissed. Furthermore, the appeal of the appellant is fictitious, false and based on surmises and conjectures. After withdraw of the ibid Service Appeal he filed departmental appeal to the Director E&SE despite the fact that Chief Secretary, Khyber Pakhtunkhwa is the Competent Authority, on this ground to the instant Service Appeal is premature and liable to be dismissed summarily.
8. Incorrect as per explanation given at Para-4 above.
9. Incorrect, the appellant is not an aggrieved person in the eye of law, hence he is not entitled for any relief he has sought from the Honorable Tribunal.

On Grounds

- A. Incorrect, all proceedings and action taken against the appellant is in accordance with law.
- B. Incorrect, the appellant has been proceeded against strictly as per law.
- C. Incorrect, no violation of the constitution nor of any legal rights of the appellant has been made by the competent authority.
- D. Incorrect, hence denied. The appellant is not entitled for any relief because he by himself was willfully absent from his duties, which amounts to gross negligence and misconduct by any civil servant.
- E. Incorrect & denied. The appellant never returned to his lawful duties after completion of his leave i.e. 31-08-2008 and enjoyed an unknown job somewhere else (best known to appellant) cannot now claim any relief, the present appeal is totally against the law, facts and morality.

- F. Incorrect, this para is just repetition of facts already explained in detailed in the above replied para's.
- G. The respondent seeks permission for raising additional points at the time of arguments.

It is therefore, most humbly submitted and requested that the appeal in hands being against the law, real facts, morality and devoid of merits may kindly be dismissed with heavy cost.



**(Mr. Abdul Akram)
Additional Secretary (G), E&SED
On behalf of
Secretary, E&SED
(Respondent No. 01&02)**

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**GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT**

Block "A" Civil Secretariat, Peshawar

Phone No. 091-9211128

AUTHORITY LETTER

It is certified that **Mr. Sajid Ullah, Section Officer (Litigation-II)** Elementary & Secondary Education Department, Government of Khyber Pakhtunkhwa, Peshawar is hereby authorized to submit parawise comments on behalf of Secretary Elementary & Secondary Education Department Peshawar **Service Appeal # 2576/2023 Case Titled Mr. Fazal Mabood vs Government of Khyber Pakhtunkhwa** through Secretary Elementary & Secondary Education Department Khyber Pakhtunkhwa, Peshawar.

A handwritten signature in black ink, appearing to read 'Abdul Akram', written over a horizontal line.

(Abdul Akram)

Additional Secretary (G), E&SED

On behalf of

SECRETARY E&SED

(Respondent No. 01)

BEFORE THE HON'BLE SERVICE TRIBUNAL PESHAWAR

Service Appeal # 2576/2023

Mr. Fazal Mabood..... Appellant

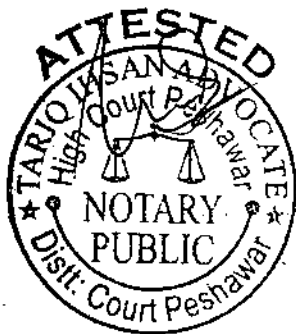
VERSUS

Govt. of Khyber Pakhtunkhwa & others..... Respondents

AFFIDAVIT

I, **Abdul Akram**, Additional Secretary (General), Elementary & Secondary Education, Department do hereby solemnly affirm and declare that the contents of the accompanying para-wise comments, submitted by the respondents, are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

It is further, stated on oath that in this appeal the answering Respondents have neither been placed ex-parte nor has their defense been struck off.



(Handwritten Signature)
(Abdul Akram)
Additional Secretary (G), E&SED
On behalf of
SECRETARY E&SED
(Respondent No. 01)