

BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 884/2024

Masood Jan Vs Govt: of Khyber Pakhtunkhwa and Others.

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District Education Officer,
(Male) Peshawar

M. Ali

M. Ali
Attested

BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 884/2024

Masood Jan Vs Govt: of Khyber Pakhtunkhwa and Others.

PARA WISE COMMENTS FOR AND ON BEHALF OF RESPONDENTS NO. 3, 4 & 5.

Respectfully Sheweth:-

The respondents submit as under:-

**Khyber Pakhtunkhwa
Service Tribunal**

Diry No. 15811

Dated 18-09-2024

PRELIMINARY OBJECTIONS.

1. That the appellant has got no cause of action/locus standi.
2. That the Appellant has concealed material facts from this Hon'ble Tribunal.
3. That the appellant has been estopped by his own conduct to file the instant appeal before this Hon'ble Tribunal.
4. That the instant appeal is badly time barred.
5. That the instant appeal is not maintainable in its present form.
6. That the instant appeal is bad for mis-joinder and non-joinder of the necessary and proper parties.
7. That the appellant has not come with clean hands to this worthy Tribunal.
8. That the appellant does not come in the definition of Aggrieved Person.
9. That the instant appeal barred by law.
10. That the plea of the Appellant is not covered by any law of the land.

ON FACTS.

1. That Para No.1 pertaints to record.
2. That in reply to Para No.02, it is submitted that according to the record Annexed by the appellant, the appellant is continuously receiving the increase in pension as announced by the Government from time to time. On reaching to the Commutation Stage (Table) 26.32 on 05-05-2015, from July 2015, the pension of the appellant was increased under the rules and he is receiving the periodic increases in his pension like other the Pensioners under the law, rules and policy.
(Copy of Pension Slip 25-11-2021 is already attached as Annex-A with the instant appeal)
3. That in reply to Para No. 03 it is submitted that appellant has not disclosed infringement of any rule of West Pakistan Civil Services Pension Rules, 1963 nor violation of any other law of the land. Thousands of pensioners are recieving pensions under the aforesaid Rules, no one has raised any objection/got the instant plea. The appellant is not entitle for any periodic increase in pension before the Pension Restoration. The plea of the appellant is based on presumsion.
4. That in reply to Para No.04, it is submitted that appellant is receiving his pension without any legal lacuna nor the appellant has disclosed violation of any Law, Rules and Policy on the subject.

Assessed

- 5. That in reply to Para No.05 it is submitted that the plea of the appellant is not covered under any law, rules and policy on the subject. He has been treated like other pensioners under the West Pakistan Civil Services Pension Rules, 1963.
- 6. That Para No.06 is incorrect, misleading and against the facts. The appellant has been given what is due to him under the law, rules and policy on the subject therefore, his Department Appeal was not considered.

It is therefore, humbly prayed before this Honorable Tribunal that on acceptance of this Para wise comments, the petition in hand may kindly be dismissed with cost.



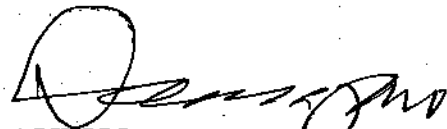
Secretary
E&SE Department
Khyber Pakhtunkhwa Peshawar.
(Respondent No. 03)

Mr. Masood Khan

District Education Officer
(Male) Peshawar
(Respondent No. 05)

Mufan Ali

SAMINA ALTAF
DIRECTOR



AUTHORIZED OFFICER
ABDUS SAMAD
DEPUTY DIRECTOR
E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondent No.04)

Abdus Samad

Annex A (3)

(Annex: A)

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PENSION ROLL DATA SHEET & PENSION SLIP

Date of issue : 25.11.2021
 PPO Type : FRESH
 PPO Number : 00764358-01
 Pensioner ID : 00764358
 Pension Register No:
 Pensioner's Name : MASOOD JAN
 Father / Husband name : MUHAMMAD YAQUB
 Designation: PERIPETATIC TEACHER
 NIC No.: 1730134113885
 Grade / Scale : 11
 Department.Min: Min. Of Education
 Pensioner's Type: SELF
 Pension Type: RETIRING PENSION
 Date of Birth : 05.01.1944
 Date of appointment: 05.01.1964
 Date of retirement: 05.05.1989
 Date of Death:
 Date of commence : 05.05.1989
 Date of Restoration : 05.05.2015
 Accounts office ID : PW
 Accounts office Name : AG KP Peshawar
 Federal / Province : Khyber Pakhtunkhwa
 Length of Qualifying Service : 25 years, 4 months, 0 days
 Old PPO Number :
 No. and Date of sanction of pension / Letter No. :
 and the date of the other Audit and Accounts officer authorising
 the Pension/Gratuity/Commutation
 Permanent Address: PESHAWAR

Note :
 Age : 46 years
 Last Drawn pay/Emoluments(Rs.): 1374.00
 Gross Pension(Rs.) : 801.50
 1/4th Surrendered Portion (Rs.) :
 Commuted Portion (Rs.) : 0.00
 Net Pension (Rs.) : 801.50
 Net Family Pension (Rs.) : 0.00
 Amount of Commutation(Rs.) : 0.00
 With Held Amount (Rs.) : 0.00
 Life Time Arrears (Rs.) : 0.00
 Arrears Of Pension (Rs.) : 0.00
 Special Additional Pension (Rs.) : 0.00
 Commutation Percentage : 0.00
 Commutation Table value : 26.32
 Recovery on A/C of:
 Debitable to Govt : Khyber Pakhtunkhwa
 Total Net Share
 Federal : 0.00 Punjab : 0.00
 Sindh : 0.00 NWFP : 0.00
 Balochistan : 0.00 Military : 0.00
 AJK : 0.00 Autonomous : 0.00

He/She is also entitled to the following increases

Sr. No.	Period	Increase % or amount	Increase Amount	W.E.F.
1	JUL.2015	Rs. 10093.75	10093.75	01.03.2016
2	JUL.2016	10.00 %	1089.53	01.07.2016
3	JUL.2017	10.00 %	1198.48	01.07.2017
4	JUL.2018	10.00 %	1318.33	01.07.2018
5	JUL.2019	10.00 %	1450.16	01.07.2019
6	JUL.2021	10.00 %	1595.18	01.07.2021
7	0.	Rs. 0.00	0.00	
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PENSION SLIP

Month: November
 Year: 2021

Pension roll details

Wage Type	Wage Type Text	Amount
/559	Payment	18967.00
0100	Monthly Pension - Self	801.00
0101	Pension Increases - Self	16745.00
1599	Medical Allow - Pensioner	1137.00
1600	Med. All. 2015 Pensioner	284.00

Bank Details

Bank Account Number : 00427900780001
 Bank Branch : Gulbahar Colony2, PESHAWAR.
 Gulbahar Colony2, PESHAWAR.
 Payment Mode : HABIB BANK LIMITED.

Handwritten signature and stamp.

(4)

BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 884/2024

Masood Jan Vs Govt: of Khyber Pakhtunkhwa and Others

Affidavit

I, Irfan Ali DEO (Male) Peshawar do hereby solemnly affirm and declare on oath that the contents of the Para Wise Comments on behalf of respondents is correct to the best of my knowledge and nothing has been concealed from this Hon,ble court. it is further stated that in this appeal the answering respondents have neither been placed ex-parte nor their defense has been struck off/cost.

ATTESTED
KHAIDIR RAHMAN ADVOCATE
OATH
COMMISSIONER
PESHAWAR
18/09/24

DEPONENT

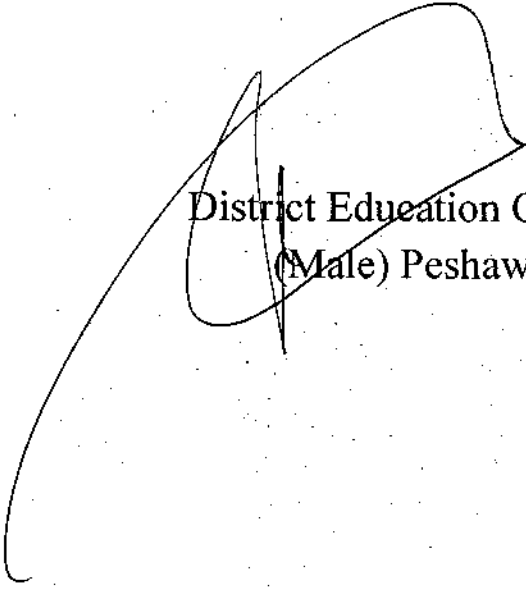
District Education Officer
(Male) Peshawar

Identify by

Attested

AUTHORITY LETTER

Mr. Hujjat Ullah , ADEO (Litigation) office of the District Education Officer (Male) Peshawar is hereby authorized to submit Para Wise comments in Service Appeal No.884-2024 titled Masood Jan Vs Govt: of Khyber Pakhtunkhwa and others on behalf of the Education Department (E &SE) KP Peshawar.


District Education Officer
(Male) Peshawar

Assessed