

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

In re-Service Appeal No 4274/2021

Mst Humaira Bibi

Versus

Director (E & S) Edu & others

Rejoinder on behalf of the Appellant

Respectfully Sheweth,

On Preliminary Objections:

All the preliminary objections are wrong, incorrect, misleading and misconceived, hence denied.

On Facts:

1. Para No "1" of comments needs no reply.
2. Para No "2" of the comments is wrong, incorrect, misleading and misconceived, hence denied while that of service appeal is correct. In fact, the mandatory procedure given in rule 9 of KP Govt Servants (Efficiency & Discipline) Rules, 2011 has not been followed, as a copy of mandatory notice required to be issued by the competent authority through registered acknowledgment on appellant's home address is no filed. Furthermore the perusal of the alleged publications in the local Daily's annexed with the comments would reveal that it does not contain the name, father/husband name, school name, address etc. Furthermore, the case of appellant does not fall in the ambit of willful absence as it has been mentioned in the departmental appeal that during the said period the whole area was hit by militancy and was under the Taliban's control with no government control.
3. Para No "3" of the comments is partially correct because before deciding the departmental appeal of the appellant, no chance of hearing was given to her.

On Grounds:

- a. Para "a" of the comments is wrong, incorrect, misleading and misconceived, hence denied while that of service appeal is correct, full details are given in preceding para's.
- b. Para "b" of the comments is wrong, incorrect, misleading and misconceived, hence denied while that of service appeal is correct, full details are given in preceding para's.

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- c. Para "c" of the comments is wrong, incorrect, misleading and misconceived, hence denied while that of service appeal is correct, full details are given in preceding para's.
- d. Para "d" of the comments is wrong, incorrect, misleading and misconceived, hence denied while that of service appeal is correct, full details are given in preceding para's.
- e. Para "e" of the comments is wrong, incorrect, misleading and misconceived, hence denied while that of service appeal is correct, full details are given in preceding para's.
- f. Para "f" of the comments is wrong, incorrect, misleading and misconceived, hence denied while that of service appeal is correct, full details are given in preceding para's.
- g. Para "g" of the comments is wrong, incorrect, misleading and misconceived, hence denied while that of service appeal is correct, full details are given in preceding para's.
- h. Para "h" of the comments is wrong, incorrect, misleading and misconceived, hence denied while that of service appeal is correct, full details are given in preceding para's.
- i. Para "i" of the comments is wrong, incorrect, misleading and misconceived, hence denied while that of service appeal is correct, full details are given in preceding para's.
- j. Para "j" of the comments is wrong, incorrect, misleading and misconceived, hence denied while that of service appeal is correct, full details are given in preceding para's.
- k. Needs no reply.

It is, therefore, prayed that the tile service appeal may kindly be allowed as prayed for.

Through Appellant,
Counsel

AFFIDAVIT

I, Humaira Bibi, Ex PST, R/o Madina Colony Street No 3, near Railway Station, Distt Mardan do hereby solemnly affirm and state on oath that the contents of accompanying rejoinder are true and correct to the best of my knowledge and belief and nothing is concealed from this Honorable Tribunal.


Deponent



06-05-2024