

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR CAMP COURT
ABBOTTABAD.**

Appeal No. 1282/2023

FarzanaAppellant

VERSUS

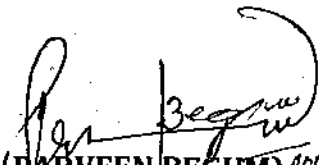
Govt: of Khyber Pakhtunkhwa & Others.....Respondents

JOINT PARA WISE COMMENTS ON BEHALF OF RESPONDENTS

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Dated: ___/07/2024


(FARVEEN BEGUM)
District Education Officer
(Female) Kohistan Upper
(Respondent No. 3)

**District Education Officer
(Female) Kohistan Upper.**

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JOINT PARA WISE COMMENTS ON BEHALF OF RESPONDENTS No.1,2 & 3.

RESPECTFULLY SHEWETH:-

Comments on behalf of Respondents are submitted as under: -

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 15896

Dated 20-09-2024

PRELIMINARY OBJECTION:

1. That the appellant has no cause of action to file the instant appeal against the answering respondents.
2. That the instant appeal of the appellant is time barred. Hence, liable to be dismissed without any further proceeding.
3. That the instant appeal is not maintainable in its present form.
4. That the appellant has filed the present appeal just to pressurize the respondents.
5. That the instant service appeal is based on malafide intentions.
6. That the appellant has not come to this Honorable Tribunal with clean hands. Hence, not entitled for any relief.
7. That the appeal is based on mala fide intentions just to put extra pressure on the respondents on gaining illegal service benefits, hence the instant appeal is liable to be rejected.
8. That the appellant is estopped to sue through his own conduct.
9. That the instant appeal is not maintainable due to non-joinder and mis-joinder of necessary parties.
10. That the appellant has concealed material facts from his Honorable Tribunal in the instant service appeal. Hence not entitled for any relief and appeal is liable to be dismissed without any further proceeding.
11. That as per Section-5 of Khyber Pakhtunkhwa Sacked Employees Act, 2012. The appellant is not entitled to claim seniority & back benefits.

FACTUAL OBJECTIONS:

1. That the Para No. 1, of the service appeal as composed is incorrect, hence denied. As per the records of this office, no evidence has been found regarding the appellant's appointment order in the District Education Office (F) Kohistan Upper. The alleged appointment order presented before the Honorable Tribunal is fake, self-made, fabricated, illegal, and not supported by any office records.
2. That the Para No. 2, of the service appeal is correct to the extent that the Government of Khyber Pakhtunkhwa promulgated Khyber Pakhtunkhwa Sacked Employee Appointment Act 2012.
3. That the Para No. 3, of the service appeal as composed is incorrect hence, denied and not admitted. The appointment order is doubtful as, according to this office's records, no evidence has been found regarding the appellant's appointment order. Under Section VII of the Act (Procedure for Appointment), a sacked employee may file an application to the concerned department within the period of thirty days from the date of commencement of this Act for their appointment in the said department. No application for appointment received after the due date shall be entertained. The appellant does not fall under the Sacked Employees Act 2012, as it clearly states that only employees who file their application within thirty days of the Act's commencement are eligible for reinstatement. The appellant did not submit any application to the DEO (F) Office Kohistan upper within the stipulated time period. Furthermore, Section 5 of the KP Sacked Employees Appointment Act 2012 states that a sacked employee should not be entitled to claim seniority or other back benefits. The relevant provision is reproduced here for ready reference: **"A sacked employee Appointed under section 3, shall not be entitled to any claim of seniority promotion or other back benefits and his appointment shall be considered as fresh appointment."** (Photocopy of Sacked Employees(Appointment) Act 2012 is annexed as annexure "A")
4. That the Para No. 4, of the service appeal as composed is incorrect hence, denied. The appellant has not filed any departmental appeal before the answering respondents. The instant Service Appeal may be dismissed on the following grounds.

GROUND:

- a. Reply of ground "a", of the instant service appeal is that the appointment orders of the appellant is totally based on fake and fabricate documents, which have no office record. The detailed and comprehensive reply has already been given in para No.3 of the factual objections.

- b. Reply of ground "b", of the instant service appeal has already been given in the above paras.
- c. Reply of ground "b", of the instant service appeal has already been given in the above paras.
- d. That ground "d", as composed is incorrect hence, denied and not admitted. The detail and comprehensive reply has already been given in the above paras.

Under the circumstances, it is humbly prayed that the instant service appeal may kindly be dismissed with cost.

MASOOD AHMAD
SECRETARY

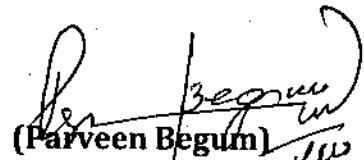


AUTHORIZED OFFICER
FAIZ ALAM
ADDITIONAL SECRETARY
E&SE Department Khyber
Pakhtunkhwa, Peshawar
(Respondent No. 1)

SAMINA ALTAF
DIRECTOR



AUTHORIZED OFFICER
ABDUS SAMAD
DEPUTY DIRECTOR
E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondent No. 2)



(Parveen Begum)

District Education Officer (Female)
Kohistan Upper
(Respondent No. 3)
District Education Officer
(Female) Kohistan Upper

**Before the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar Camp
court Abbottabad**

Appeal No. 1282/2023

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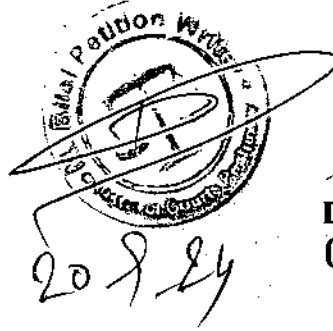
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AFFIDAVIT

I, **Parveen Begum**, District Education Officer (F) Kohistan Upper, do hereby affirm and declare that contents of accompanying para-wise comments submitted by the District Education Officer (M) Kohistan Upper, are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

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



(Signature)
(PARVEEN BEGUM)
 District Education Officer
 (Female) Kohistan Upper
 (Respondent No. 3)
 District Education Officer
 (Female) Kohistan Upper