

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL No: 197/2024

Mr. Ahmad Faraz Khan s/o Sarfaraz Khan, IT Officer/Network (BS 17)(PR-8028), Staff Training Institute , E & A Department, Civil Secretariat, Peshawar.....Appellant

VS

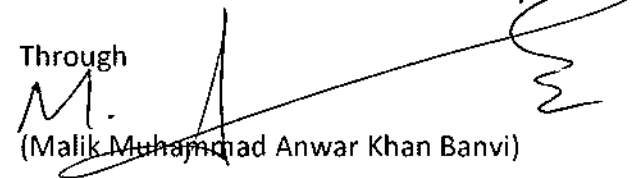
1-Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar & others.....Respondents

INDEX

S.No	Description of Documents	Annexure	Pages
1.	Memo of Rejoinder		1-2
2.	Affidavit		3


Appellant

Through


(Malik Muhammad Anwar Khan Banvi)

Advocate

0313-9936260

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**SERVICE APPEAL No: 197/2024**

Mr. Ahmad Faraz Khan S/O Sarfaraz Khan, IT Officer/Network (BS 17) (PR-8028), Staff Training Institute, E & A Department, Civil Secretariat, PeshawarAppellant

VS

1-Government of KPK through Chief Secretary, KPK Civil Secretariat, Peshawar

2-Secretary Establishment, KPK Civil Secretariat, PeshawarRespondents

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 16291

Dated 03/10/2024

REJOINDER ON BEHALF OF APPELLANT

Respectfully Sheweth

That in compliance of this Honorable Service Tribunal the Appellant files the following Rejoinder to the Reply of Respondents which are as under:-

1. That all the Preliminary Objections raised by the Respondents are incorrect and baseless and not in accordance with Law and Rules rather the Respondents are estopped due to their own conduct to raise any objection at this stage of the case.
2. That the Appellant has been regularized on the strength of Law promulgated by the Provincial Government, which has over-riding effect on all Laws, Rules, Regulations and Policies, and the same could not be defeated by any pretext as raised by the Respondents in their comments.
3. That the Appellant has been treated discriminatory as in other Departments as well as in the Appellant's Department, the services of all Project Employees have been regularized from the Date of commencement of "The Khyber Pakhtunkhwa Employees (Regularization of Service) Act, 2018", therefore the Appellant could not be treated discriminatory.

On Facts and Grounds

- a. That all the grounds of Main Service Appeal of the Appellant are correct and in consonance with Law and prevailing Rules & Regulations and that of the Respondents are incorrect and baseless hence denied.
- b. That the Respondents are not willing to correct the Date of Regularization of Service of the Appellant with effect from 07-03-2108 as per promulgation of "The Khyber Pakhtunkhwa Employees (Regularization of Service) Act, 2018".
- c. That the Respondents acted in arbitrary and mala-fide manner by not correcting the Date of Service Regularization of the Appellant in light of Section-4 of the Act ibid in the Notification No. SOE-V(E&AD)/5-09/2005 Dated:18-10-2018, whereas the other Departments of the Province acted upon the afore-mentioned Act in letter & spirit, without hesitating, ifs & buts and in true sense.

- d. Since, the said Act was promulgated on **07-03-2018**, therefore, the Appellant was to be Regularized from the same Date of the Act alike Others already mentioned in the Service Appeal. But the services of the Appellant was Regularized from **01-07-2018** instead of **07-03-2018**, which needs necessary correction/rectification having no fault on the part of the Appellant, reason-why Section-4 of "The Khyber Pakhtunkhwa Employees (Regularization of Service) Act, 2018, (Khyber Pakhtunkhwa Act X 2018)" is very much clear on the subject matter/issue, which stipulates that:

"Regularization of Services of Project employees...Notwithstanding anything contained in any law or rules, the employees at sub-clause(ii) of clause (e) of sub-section(1) of Section 2 of this Act, appointed on contract basis against project posts and holding such project posts till the commencement of this Act, shall be deemed to have been validly appointed on regular basis from the date of commencement of this Act, subject to verification of their qualification and other credentials by the Government Department".

Prayers

Therefore, it is, humbly prayed that on acceptance of this Rejoinder the Respondents may please be directed to Regularize the Services of the Appellant from **07-03-2018** instead of **01-07-2018**, from the commencement of the Act ibid by issuing necessary corrigendum in the Notification **Dated: 18-10-2018**, of the Respondents along with all consequential back benefits with arrears as prayed for in the Main Service Appeal and any other Relief which is not specifically asked for may also be granted as this Honorable Tribunal/Court deemed appropriate, please.

Appellant

Through

M.
(Malik Muhammad Anwar Khan Banvi)

Advocate

0313-9936260

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWARSERVICE APPEAL No: 197/2024

Mr. Ahmad Faraz Khan s/o Sarfaraz Khan, IT Officer/Network (BS 17) (PR-8028)....Appellant

VS

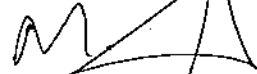
1-Govt: of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa Civil Secretariat, Peshawar

2-Secretary Establishment, Khyber Pakhtunkhwa Civil Secretariat, PeshawarRespondents

AFFIDAVIT

I, Mr. Ahmad Faraz Khan s/o Sarfaraz Khan, IT Officer/Network (BS 17)(PR-8028), Staff Training Institute , Establishment & Administration Department, Civil Secretariat, Peshawar, do hereby affirm and declare that the contents of this Rejoinder is true and correct and nothing has been concealed from this Honorable Tribunal.

Identified By



(Malik Muhammad Anwar Khan Banvi)

Advocate

0313-9936260

Deponent

CNIC No: 11101-1471803-1

Cell No: 03315615267

