


← Cost of Rs. 4,000/- received in Service Appeal No. 660/2024,  
Titled Zia Ullah VS. Health Deptt  
in the office of Registrar Vide Order 16-09-2024  
Dated: 03/10/2024.

  
REGISTRAR  
Khyber Pakhtunkhwa  
Service Tribunal, Peshawar  
3/10/24.  
REGISTRAR  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

The Estate Officer,  
Administration Department,  
Khyber Pakhtunkhwa, Peshawar.

Subject: **APPLICATION FOR ALLOTMENT OF RESIDENTIAL  
ACCOMODATION.**

I am directed to enclose herewith an Application Form along with its enclosures in respect of Mr. Muhammad Waleed Iqbal. Process Server (BPS-03) of this Tribunal for allotment of residential accommodation/further necessary action, please.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO.660/2024

Zia Ullah Drug Inspector ..... appellant

**V**ersus

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

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*Sibghat Khan*

Section Officer (Lit-II)  
Government of Khyber Pakhtunkhwa,  
Health Department

*Return due to copy photo  
authority letter attached  
with comments.*

*[Signature]*

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA**

**SERVICE TRIBUNAL PESHAWAR**

**SERVICE APPEAL NO. 660/2024**

Zia Ullah Drug Inspector.....Appellant

**Versus**

The Chief Minister Khyber Pakhtunkhwa and others.....Respondents

**PARAWISE REPLY ON BEHALF OF RESPONDENTS NO. 01,02,03 &04**

**Respectfully Sheweth:**

Khyber Pakhtunkhwa  
Service Tribunal  
Dialy No. 16892  
Dated 10-10-24


**Preliminary Objections:-**

1. That the Appellant has got no cause of action or locus standi to file the instant Appeal.
2. That the Appellant has filed the instant Appeal just to pressurize the respondents.
3. That the instant Appeal is against the prevailing Law and Rules.
4. That the Appeal is not maintainable in its present form and also in the present circumstances of the issue.
5. That the Appellant has filed the instant Appeal with mala-fide intention hence liable to be dismissed.
6. That the Appellant has not come to this Honorable Tribunal with clean hands.
7. That the instant Appeal is bad for mis-joinder of unnecessary and non-joinder of necessary parties.
8. That the instant Appeal is not maintainable u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 as there is no final order (Original or Appellate) hence, the Hon'ble Tribunal has no jurisdiction to ad-judicate the matter reliance is placed on 2006 SCMR 1630, 2015 SCMR 269 AND 2010 PLD KARACHI 236.

**ON FACTS:**

1. Correct to the extent of Khyber Pakhtunkhwa Civil Servant Act, 1973.
2. No Comments.
3. Correct to the extent of framing the Khyber Pakhtunkhwa efficiency and disciplinary rules, 2011 under section 26 of the civil servant Act, 1973. Pertains to record, however, already replied in Para 2 and 3 above.

4. Correct to the extent of rule, 10 of the E&D rules, 2011.that the respondent No.2 is competent authority for BPS-17 under rule, 4 of the Khyber Pakhtunkhwa Civil Servants (Appointment, promotion and transfer) rules, 1989.
5. Correct to the extent of rule, 10 of the E&D Rules, 2011.
6. Correct to the extent of issuance of inquiry order in accordance with the provisions of E&D Rules, 2011 rest of the para is denied as there is no illegality or irregularity in the inquiry order dated 15/04/2024.
7. Incorrect the departmental representative by designation has been nominated in accordance with the provisions of E&D Rules, 2011 for the purpose to represent the department and provide relevant record before the inquiry committee who has no other role in the proceedings to influence the committee.
8. Correct to the extent of letter dated 15/04/2024 whereby all the concerned were directed to appear before the inquiry committee including departmental representative.
9. Incorrect it is astonish to see that the appellant even before conducting of regular inquiry called it an illegal inquiry. The appellant being a civil servant has to face the inquiry proceedings and after final order he may object the proceedings and final report along with final order. However the instant service appeal is pre-mature as the proceedings has not been completed but the appellant in order to pressurize the department and the inquiry committee filed the instant service appeal which is liable to be dismissed for want of jurisdiction u/s 4 of the ibid Act, 1974.
10. Incorrect as stated in the above paras that the instant appeal has been prematurely filed as at the present stage there is no adverse order (final order) has been issued by the competent authority therefore no vested right of the appellant has been violated by the replying respondent therefore he is not an aggrieved person.
11. Incorrect letter dated 25/04/2024 is neither an original nor did an appellate order infact it is a letter issued by the Health department to its attach format about nomination of departmental representation however the appellant malafidely and fraudulently mentioned it an appellate order hence the instant appeal is not maintainable on this score alone.



GROUNDS

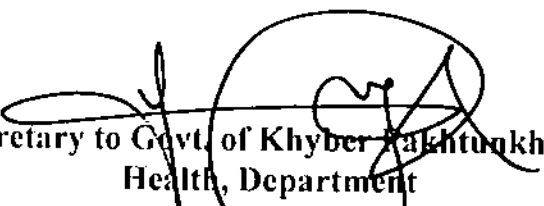
- A. Incorrect infact the letter dated 25/04/2024 is not a notification but a departmental letter to its attach format hence there is no final order original or appellate in the instant appeal therefore the instant appeal is not maintainable u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974.
- B. Incorrect the para is repetition of para-A of the grounds which has already been replied in Para-A above.
- C. Incorrect the para is repetition of para-A of the grounds which has already been replied in Para-A above.
- D. Incorrect the para is repetition of para-A of the grounds which has already been replied in Para-A above.
- E. Incorrect the para is repetition of para-A of the grounds which has already been replied in Para-A above.
- F. Already replied in the preceding paras. However it is a letter and not a notification threefore he has no locus standi to question the departmental letter in service appeal.
- G. Incorrect the para is repetition of para-A of the grounds which has already been replied in Para-A above.
- H. Incorrect the replying respondents have always treated the appellant in accordance with law rules and principles of natural justice hence denied.
- I. Incorrect the para is repetition of para-A of the grounds which has already been replied in Para-A above.
- J. Incorrect the para is repetition of para-A of the grounds which has already been replied in Para-A above.
- K. Incorrect the para is repetition of para-A of the grounds which has already been replied in Para-A above.
- L. Incorrect the para is repetition of para-A of the grounds which has already been replied in Para-A above.
- M. Incorrect the para is repetition of para-A of the grounds which has already been replied in Para-A above.





- N. Incorrect the inquiry committee has been constituted under the provision of E&D Rules, 2011 furthermore as per 2010 PLC CS Supreme Court 924 every case has to be decided on its own peculiar circumstances and facts. Therefore the judgment mention in the para is not applicable in the instant case.
- O. Incorrect already replied in para-N of the grounds.
- P. Incorrect already replied in para-N of the grounds.
- Q. No comments however the replying respondents also seek permission of the Hon'ble Tribunal to adduce other grounds during final hearing of the case.

**PRAYER:**

It is therefore humbly prayed that the instant Appeal of the Appellant may very graciously be dismissed with costs.

  
 Secretary to Govt. of Khyber Pakhtunkhwa,  
 Health, Department  
 (Respondent No. 02 & 04)  
**(ADEEL SHAH)**

  
 Secretary Establishment, Khyber Pakhtunkhwa  
 (Respondent No. 03)  
**ZULFIQAR ALI SHAH**  
 THROUGH  
**(AHMAD ZEB KHAN)**

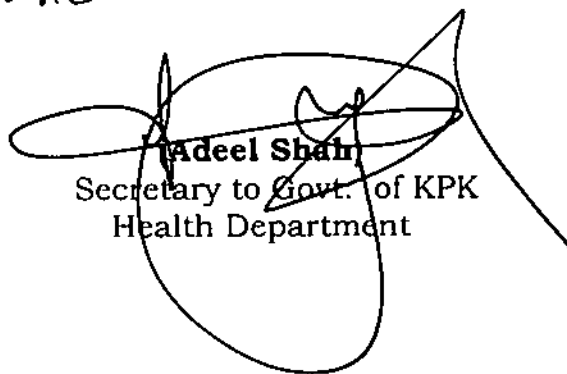
  
 Principal Secretary to Chief Minister  
 Khyber Pakhtunkhwa.  
 (Respondent No.1)  
**(ABID MAJEED)**



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT**

**AUTHORITY LETTER**

**Mr. Shah Baz Khan**, Section Officer ( Litigation-II), Health Department Civil Secretariat Peshawar is hereby authorized to attend/defend the court cases and file comments on behalf of Secretary to Government of Khyber Pakhtunkhwa Health Department before the Service Tribunal and lower Courts. *furthermore the respondents not placed ex-parte.*

  
**Adeel Shah**  
Secretary to Govt. of KPK  
Health Department

*Attested*  
*Shah Baz Khan*  
Section Officer (Lit-II)  
Health Department  
Khyber Pakhtunkhwa



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

**SERVICE APPEAL NO.660/2024**

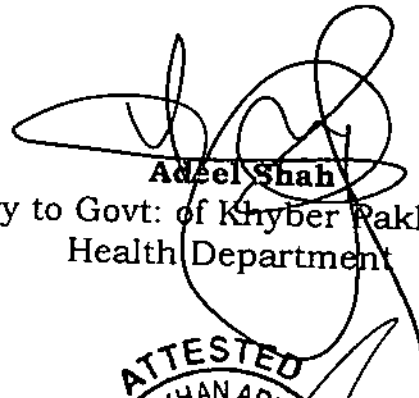
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**Versus**

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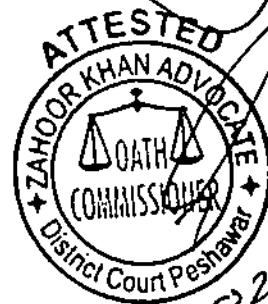
**Affidavit**

I Adeel Shah, Secretary to Govt of Khyber Pakhtunkhwa Health Department is hereby, solemnly affirmed on oath that the contents of the Parawise Comments in Service Appeal NO.660/2024 on behalf of respondents are true and correct to the best of my knowledge and belief as per information provided and nothing has been concealed from this Honorable Court. *Furthermore the respondents never placed ea-parte.*



**Adeel Shah**  
Secretary to Govt: of Khyber Pakhtunkhwa,  
Health Department

Identified by



*02/6/24*

**Add: Advocate General,**  
Khyber Pakhtunkhwa,  
Service Tribunal.