

**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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*De fan Ali*  
District Education Officer,  
(Male) Peshawar

*Respondent No.5*

*De fan*

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**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

Diary No. 16813

Dated 16-10-24

**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 pertains 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 receiving pensions under the aforesaid Rules, no one has raised any objection/got the instant plea. The appellant is not entitled for any periodic increase in pension before the Pension Restoration. The plea of the appellant is based on presumption.
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.

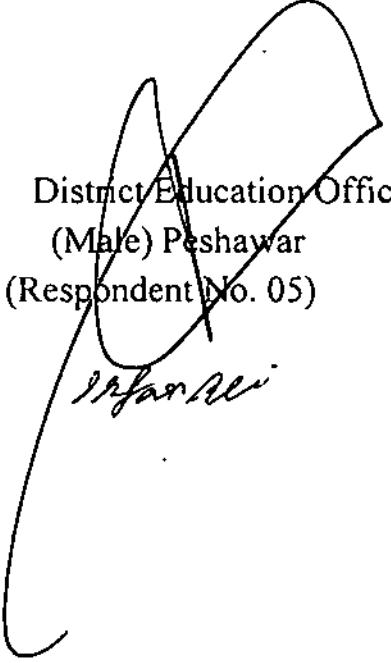
(2)


- 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,  
Finance Department,  
Khyber Pakhtunkhwa Peshawar  
(Respondent No.01) *Aqil Sultan Peshawar*

  
Secretary  
E&SE Department  
Khyber Pakhtunkhwa Peshawar  
✓ (Respondent No. 03)  
*Masood Khan*

  
District Education Officer  
(Male) Peshawar  
(Respondent No. 05)  
*M. Farooq*

SAMINA ALTAF  
DIRECTOR *Res Peshawar No 4*  
  
AUTHORIZED OFFICER  
ABDUS SAMAD  
DEPUTY DIRECTOR  
E&SE Department Khyber  
Pakhtunkhwa, Peshawar.  
(Respondent No.04)

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. :  
 Date of the other Audit and Accounts officer authorising  
 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

She is also entitled to the following increases

Period	Increase % or amount	Increase Amount	W.E.F.
JUL.2015	Rs. 10093.75	10093.75	01.03.2016
JUL.2016	10.00 %	1089.53	01.07.2016
JUL.2017	10.00 %	1198.48	01.07.2017
JUL.2018	10.00 %	1318.33	01.07.2018
JUL.2019	10.00 %	1450.16	01.07.2019
JUL.2021	10.00 %	1595.18	01.07.2021
0.	Rs. 0.00	0.00	

PENSION SLIP

Month: November  
 Year: 2021

Pension roll details

Wage Type	Wage Type Text	Amount
1559	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 : 00427900180001  
 Bank Branch : Gulbahar Colony2, PESHAWAR.  
 Gulbahar Colony2, PESHAWAR.  
 Payment Mode : HABIB BANK LIMITED

attested  


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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.

*[Signature]*  
**ATTESTED**  
**Farid Khan Advocate**  
Oath  
Commissioner  
★ ★  
High Court Peshawar  
*15/1/2024*

Identify by

DEPONENT

*[Signature]*  
District Education Officer  
(Male) Peshawar

*Responder No. 5*

**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.

*M. Hujjat Ullah*  
District Education Officer  
(Male) Peshawar

*Respondent No. 5*