

**BEFORE THE HONORABLE KHYBER PAKHATUNKHWA  
SERVICE TRIBUNAL PESHAWAR.**

Service Appeal No: 1832/2024

Saeed Ullah PSHT, GPS Bahadur Khan Koti, District, Mardan.

.....Appellant

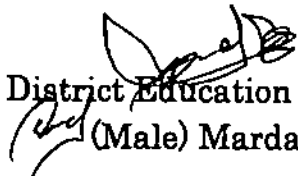
VERSUS

District Education Officer(Male) Mardan & others.....Respondents

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Respondent No 1

  
 District Education Officer  
 (Male) Mardan

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**VERSUS**

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**JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS**

Respectfully Sheweth,

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 17275

Dated 28-10-24

**PRELIMINARY OBJECTIONS.**

1. That the Appellant has got no cause of action/locus standi to file the instant appeal before this Honorable Tribunal.
2. That the appellant has concealed material facts from this Honorable Tribunal in the titled appeal.
3. That the Appellant has not come to this Tribunal with clean hands.
4. That the appeal is badly time barred by law of limitation Act.
5. That the case is bad for mis-joinder and non-joinder of the necessary parties.
6. That the cancellation Order dated 05/06/2024 has issued by the Respondent No.1 with legal sphere & liable to be maintained.

(Copy of Cancellation order is as Annexure A)

7. That the appellant (Mr. Saeed Ullah) has been transferred since 04/06/2024 from GPS Bahadur Khan Koti to GPS Nari Baja with the direction that the appellant will leave previous School till provision of substitute as school has remained **Single School Teacher**. The single school teacher can't not be transferred because the school will suffer due to his transfer.

**ON FACTS.**

- 1 Para No 1 is related to his service, need not comments.
- 2 Para No 2 is related to the transfer order dated 04/06/2024, hence the said order has been cancelled since 05/06/2024, hence denied.
- 3 Para No 3 is **Incorrect & not admitted**, as the appellant has taken over charge GPS Nari and the appellant has leaved the Station ( Single School teacher) which is injustice, therefore the order of the appellant has cancelled, hence denied.

- 4 Para No 4 is Incorrect & not admitted, as the cancellation order dated 05/06/2024 issued by the respondent department with legal sphere & liable to be maintained, because the school will become single school teacher. If the transfer order of the appellant maintains, the student will suffer, hence denied.
- 5 Para No 5 is Incorrect & not admitted, as the cancellation order dated 05/06/2024 issued by the respondent department with legal sphere & liable to be maintained, hence denied  
on the following grounds inter alia:-


### GROUND.

- A. Incorrect & not admitted, as the plea of the appellant is illegal as the school of the appellant is single school teacher therefore he has remained as PSHT at GPS Bahadur Khan Koti while the school of the respondent No 3 (Miskeen Khan) is not suffer due to his transfer. The order of the respondent No 3 (Miskeen Khan) is legally competent and maintainable.
- B. Incorrect & not admitted, as the cancellation order dated 05/06/2024 has been issued by the Respondent No.1 with lawful authority & is not in disregard of the transfer rule /policy, hence denied.
- C. Incorrect & not admitted, as the appellant (Mr. Saeed Ullah) has been transferred since 04/06/2024 from GPS Bahadur Khan Koti to GPS Nari Baja with the direction that the appellant will leave previous School till provision of substitute as school has remained **Single School Teacher**. The single school teacher can't not be transfered because the school will suffer due to his transfer, but the appellant has taken over charge GPS Nari and the appellant has leaved the Station ( Single School teacher) which is injustice, therefore the order of the appellant has cancelled, hence denied.
- D. Incorrect & not admitted, as the appellant's plea regarding non-completion of tenure is against the relevant provision of law with reference to Section 10 of Civil Servant Act 1973, " Every civil servant shall be liable to serve anywhere within or outside the province in any post under the Federal Government, or any Provincial Government or Local authority, or a corporation or body set up or established by any such Government, hence denied.


- E. Incorrect & not admitted. The plea of the appellant is illegal & even against the factual position of the case, hence, liable to be rejected as the respondent department has issued cancellation order on the basis of the welfare of the student. If the transfer order of the appellant maintains, the student will suffer, hence denied.
- F. The Respondent also seeks leave to this Honorable Tribunal to submit additional grounds record & case law at the time of arguments.

Therefore, in view of the above made submissions, it is most humbly prayed that on the acceptance of this reply, the appeal in hand may kindly be dismissed in favor of the Respondent Department in the interest of justice.

ZAHID MUHAMMAD

  
District Education officer  
(Male) Mardan  
(Respondent No: 1)

SAMINA ILTAF  
DIRECTOR

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

**BEFORE THE HONORABLE KHYBER PAKHATUNKHWA  
SERVICE TRIBUNAL PESHAWAR.**

Service Appeal No: 1832/2024

Saeed Ullah PSHT, GPS Bahadur Khan Koti, District, Mardan.

.....Appellant


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**AFFIDAVIT**

I, Mr. Zahid Muhammad DEO (Male) Mardan do hereby solemnly affirm and declare that the contents of Para Wise Comments submitted on behalf of respondents are true to the best of my knowledge and belief and nothing has been concealed from this Honorable Court. It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck off.



Deponent  
  
Zahid Muhammad  
DEO (Male) Mardan



**DISTRICT EDUCATION OFFICER  
(Male) MARDAN**


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No 6316

Dated 26/10/2024

**AUTHORITY LETTER**

I, Zahid Muhammad District Education Officer (Male) Mardan do hereby authorized Mr.Sajid Khan , Legal Representative on behalf of District Education Office (Male) Mardan, to deal with the issues regarding litigation, represent, submit comments/ Reply of the Service Appeals and attend the KPK Honorable Service Tribunal, Peshawar.

  
**ZAHID MUHAMMAD**  
District Education Officer  
(Male) Mardan

Annexure A - ①

PRIMARY & SECONDARY EDUCATION DEPARTMENT, GOVT. OF KHYBER PAKHTUNKHWA

OFFICE OF THE  
DISTRICT EDUCATION OFFICER  
(MALE) MARDAN

☎ & 📠 0937-933151 📧 deomalemardan@gmail.com



**OFFICE ORDER:**

In Partial modification of this office order Endst No:3221/G dated 04-06-2024 and No:3225/G dated 04-06-2024, please read the following modification in the interest of public service with immediate effect.

- Please read GPS Nari Baja Mardan instead of GPS Abdur Rahman Koti in r/o Mr. Miskeen Khan PSHT.
- The transfer of Mr. Saeedullah PSHT from GPS Bahadar Khan Koti to GPS Nari Baja is hereby cancelled. He is directed to report to his original station.

Note: No TA/DA is allowed.

(Zahid Muhammad)  
DISTRICT EDUCATION OFFICER  
(MALE) MARDAN

Endst No. 32118 /Dated 05-06-2024


Copy forwarded to the:

- Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
- SDEO(M) concerned.
- EIMS Branch local office.
- District Monitoring Officer Mardan.
- Official concerned.


  
DISTRICT EDUCATION OFFICER  
(MALE) MARDAN

**ATTESTED**

**ATTESTED**

  
District Education Officer

Our faith, Corruption free Pakistan

 CamScanner