## BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

#### SERVICE APPEAL No: 1019/2024

Anwar Zeb	PST (BPS-12)	Governm	ent Primary	School	Chashr	na
Haider Khe	l , Tribal Distr	ict North	Waziristan.			

.....Appellant

#### Versus

The Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar & others

...Respondents

Description of documents	. Annexure	Page
		No.
Para wise Comments		1-4
Authority Letter		5
Affidavit		6
Attendance certificate	A	7
Copy of the Attendance Register	В	8-10
	Para wise Comments  Authority Letter  Affidavit  Attendance certificate	Para wise Comments  Authority Letter  Affidavit  Attendance certificate  A

Dated: 30/10/2024.

DILAWAR KHAN

District Education Officer,

(Male) North Waziristan

(Respondent No:2)

# BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

#### SERVICE APPEAL No: 1019/2024

Anwar Zeb PST (BPS-12) Government Primary School Chashma Haider Khel, Tribal District North Waziristan.

.....Appellant

#### Versus

The Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar & others

...Respondents

### JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS No: 1, & 2.

Respectfully Sheweth:-

The Respondents submit as under:-

Khyber Pakhtukhwa Service Tribunal

Diary No. 17461

Dated 31-10-24

#### Preliminary Objections.

- 1. That the Appellant has got no cause of action/locus standi.
- 2. That the instant Service Appeal is badly time barred.
- That the Appellant has concealed material facts from this Honorable

  Tribunal in the instant service appeal.
- 4. That the instant Service Appeal is based on mala-fide intentions.
- 5. That the Appellant has not come to this Honorable Tribunal with clean hands.
- 6. That the Appellant is not entitled for the relief he has sought from this Honorable Tribunal.
- 7. That the instant Service Appeal is against the prevailing law & rules.
- 8. That the instant Appeal is based on mala fide intentions just to put extra pressure on the Respondents for gaining illegal service benefits.
- 9. That the instant Service Appeal is not maintainable in its present form.
- 10. That the Appellant has logged the instant Appeal to waste the precious time of the respondents.
- 11. That the case of the Appellant is devoid of merit and having no legal force hence liable to set-aside.

#### **ON FACTS:**

- 1. Incorrect and denied, on the grounds that no record exists in the office of the competent authority indicating that the appellant was appointed under No. 14572-78, dated 10-05-2013, as a Primary School Teacher (PST). Therefore, the alleged appointment order dated 10-05-2013, as claimed by the appellant, is false, fraudulent, and baseless, resulting in factual controversy. No such order has been issued, and the appellant has never performed duties as a PST in any school within the district.
- 2. Incorrect and misleading. The appellant was never an employee of the District Education office North Waziristan, at any point of time. Therefore, the claim of termination and subsequent Reinstatement, as stated in the Para is entirely baseless and false. Furthermore, the alleged reinstatement order dated 18-01-2021 is fabricated, fake, and bogus. No such order was ever issued by the competent authority and appellant's assertion/contention for claiming said order as genuine is just to mislead the Honorable Tribunal.
- 3. Incorrect and strongly denied. The appellant never appointed by the District Edition Office North Waziristan. Consequently, claim of the appellant for the so called appointment as PST and subsequent based on mockery and misguided the Honorable Tribunal. it is apprised that the appellant has not produced/annexed the following record/documents with the Service appeal for which the burden of proof lies upon the shoulders of the Appellant under the mandatory provision of Article-117 of the Qanoon-e-Shahadat Act, 1984, which reflects the mala fide intentions on the part of the so-called official concerned:
  - I. Re- instatement order/Notification of the Directorate E&SE KP Peshawar.
  - 11. Copy of the charge/arrival report in response to the fake & bogus Reinstatement order dated 14-2-2019 under the signature of the authority concerned.
  - III. Verified attendance report in the attendance register concerned.
  - IV. Duty certificate from the Head Teacher, ASDEO circle or SDEO concerned.
  - V. Copy of the Service Book concerned.

- VI. Copy of Pay Rolls where under the Respondent has drawn his monthly salary against the said post from the District Accounts Officer North Waziristan.
- 4. That Para 4 is incorrect and denied. As stated in the preceding paras that this department has never appointed the appellant and he has never performed his duties anywhere at any school as reported by the concerned SDEO and is evident from the attendance register of the school. (Annexure A & B)
- 5. Incorrect and denied, the appellant has never filed a departmental appeal as per law, rules and policy and as per section-4 of the Services Tribunal Act 1974 which is mandatory before filing an appeal in this Honorable Tribunal.
- 6. That the appellant is not an aggrieved person within the meaning of Section-4 of Khyber Pakhtunkhwa Service Tribunal Act 1974, has filed the titled appeal on mala fide intentions to legitimize/legalized a fake, forged & bogus appointment order & subsequent drawl of salaries, hence, hence the appeal of the appellant is liable to be dismissed on the following grounds inter alia: -

#### **GROUNDS.**

- A. <u>Incorrect &not admitted</u>. As stated in the preceding paras that the claim of the appellant is false, freualace and baseless which is making his case a case of factual controversies as no such order has been issued and he never performed his duty as PST in any school anywhere in the district for further clarification Para 4 on facts is referred as ready reference.
- B. <u>Incorrect & not admitted</u>. As this department has never violated any article of the Constitution of 1973 but in fact it is to follow law, rules and policy.
- C. Incorrect & not admitted. See Para 4 on facts.
- D. <u>Incorrect & not admitted.</u> This department cannot even think to violate any article of the Constitution of 1973.
- E. <u>Incorrect & not admitted</u>. As stated in the preceding paras that this department never issued such orders, then no question of performance of duty can arise in respect of the appellant and hence he did not perform his duty where the principle is "no work no pay".
- F. Incorrect & not admitted. The appellant has never performed any duty as he was not appointed by this office and his claim is totally baseless concerning his appointment and his self-maintained attendance register which is again the matter of factual controversy.

P-4

- G. Incorrect & not admitted. See para 4 on facts.
- H. Related to the appellant and his counsel. However, the Respondents also seek leave of this Honorable Tribunal to submit additional grounds, record & case law at the time of arguments on the date of hearing.

#### PRAYER:

It is most humbly prayed that the Appeal of the Appellant may very graciously be dismissed as it is baseless and is out of any legal footing on the ground of fake, bogus and the so called appointment order.

SAMINA ALTAF DIRECTOR

AUTHORIZED OFFICER
ABDUS SAMAD
DEPUTY DIRECTOR

E&SE Khyber Pakhtunkhwa, Peshawar. (Respondent No: 1) District Education Officer, (Male) North Waziristan

(Respondent No:2)



### OFFICE OF THE DISTRICT EDUCATION OFFICER MALE NORTH WAZIRISTAN

#### **AUTHORITY**

Certified	that	Bose	20SL	Wheh	<u> </u>	<b>У</b> ¬,
SDO/Litigation	Officer of this	office is	hereb	y auth	orize	d to
submit Para w	vise comments	in the	KP Se	ervice	Tribı	unal
Peshawar in s	S.A No: 1019/2024	in conn	ection	with o	case	title
Anwar Zeb V	S Government	of KP	K on	behalf	of	the
undersigned.						

DILAWAR RANGE District Education Officer, (Male) North Waziristan

(Respondent No:2)

#### BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

#### SERVICE APPEAL No: 1019/2024

Anwar Zeb PST (BPS-12) Government Primary School Chashma Haider Khel, Tribal District North Waziristan.

.....Appellant

#### Versus

The Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar & others
...Respondents

#### **AFFIDAVIT**

I Mr. Dilawar Khan District Education Officer (M) North Waziristan do here by Certify that all the contents of these Para wise comments are true & correct to the best of my knowledge and nothing has been concealed from this Honorable Court.

Osth Commission

DILAWAR KHAN

District Education Officer,

(Male) North Waziristan

(Respondent No:2)

### OFFICE OF THE SUB DIVISION EDUCATION OFFICER (MALE)

Endst No. 425

Dated: 31 / / 0/2024

#### **DUTY CERTIFICATE**

It is certified that Mr. Anwar Zeb S/O Aurang Zeb has never performed his duty as PST or what so ever at Government Primary School Chashma Haider Khel, Tribal District North Waziristan. Moreover, no such appointment orders concerning of the above mentioned person is available in the record of this office as well as the school concerned.

SDEO MIRAN SHAH NWTD

. Sub Dilvisional Officer Miran Shah (Male) NWTD P-8

## Ama (B)

إبت ماه مقبوس سال ۲۰۲۲	<del>حرد، فسرفيل — -</del>	ساف.	اضری.	رجسره

عا في الرفين المتحددة المتعدد								:/t					
بنار منفت P.F.T	P.T.C	, ,	TIT		ΔT				ΔT				ميده
21501-1288933-7		2.6	1.80686	07-3	21501-6104942-1			2-1	شيخ كالمائر				
03325485217	0332519881		90205	0334	فون فبر.								
أم رها رزال رها	رخلا روالي وعملا	رخوا آم	وسخفا رواكي	آھ	15	£1,,	وستخط	آم	ارق ا				
( July 9/19 may)	المروز ولادا اورص	مر) 2/30	12/30 00	7 30	Ges	2/3- (	(G)	2/30	1				
The water	1 . I - I <del>- I</del>	نمس ١١٥٥	145	718	ces i	2/30	Gla	2/34	2				
30 / mag 1/30	אנפים בנצו יכפונ	تس ۱۲۵	منمى ۱۹۶۰	7/50	Geol	4340	seo;		3				
						4		الوار	4				
مع بر مشند ۱۹۱۸ شند)	ارون ۱۲۱۶ ارون	<u>رسی 130 کار</u>	14/30 6-74	7/30	ا وج	2/30		2/39	5				
٥١/٦٥ متن ١٥٥٥ منتن	Mert who think	مس مترز	المنسى (14)	7139	12	17/1-	اص	7/30	6				
ه 117 سينية 110 مثينة	Here 12/10 Minte	منی <i>ود/</i> 7	شمس اوادا	7130	60	2/30(	300	3/3	7				
2/30 min 2/30	ded illa Coli	منتس <u>موازر</u>	منسی ۱۹۵	7130	CPA	2/3-	رجي	2/70	8				
<u> وراح مشيئة ١٩/٥٠ شيت</u>	Hoch use direk	7/10 G	12/20 (	7130		rev	100	<i>₹</i> /3 °	9				
01/7 يشينة والدرا مسيني	Mary play (Varte	<u>ئىن ،ر/2</u>	14/3	7/30	Çla	2/3	3,40	214	10_				
4///			$\mathbb{Z}\mathbb{Z}$					الوار	11				
مراح سينة المرام سينن	dert stro de il	7/20 00	12/30	7/3	+	2/3/9	200	2/30	12				
وراح منتن والما سينت	New 12/1 Clink	مس <i>180 ب</i>	1430 00	7/8*	<del> </del> +	2/30	حفي	2/3"	13				
<u>212 منتور) 12 امنیت</u>	Hirter del	<i>t/12</i> (	<u>م ريا ۱۲۵۵ م</u>	7130	(3)	2/30	حجى	2/30	14				
2/10 منيت 12/10 منيت	1002 1023111007	<u>میں ہے/ج</u>	مهر ۱۳۱۵	7/30	(32)	2/39	Ges CCs	2/30					
C. Laure		مس 1/50 مير <u>ة</u>	1239 0.0	713	على		×:	3/30	<u> </u>				
موار مبند عدم سيسي	Wind His Wind	(/53 0	شی ۱۷(۱۵	7/3	مبی	12/3	ceه	<i>≥13</i> ·	<del></del>				
		$\rightarrow$		1	100		<u>Çe</u>	191	18				
7/3	Most 1842 Mins	H2 5-	14340-4	+	1222	2/2		7/30					
7/30	9200/20021	مس <i>ووا</i> د	12(30,	7/3	_ ,		عفي	3/30					
<u>2/10 مينو 10/10 مين -</u>	1160 4 12/20 8 live	مرس <i>ورا</i> ح	مئسی 12434	718	1 -	2/34	حبي	2/30					
والم السيل عرائه السين	Elect 1ste (Rece	7/20 (	13/3	7/3		12/3:	<u>(45</u>	2/30					
, , , , , , , , , , , , , , , , , , ,	المروط كالمادان	7/30 (5-1	14366	7/3	3,50	4/31	حاي	3/34	23				
1/3	Chilles to Elech	7/5 00	می (12/3	7 713	4 CS:0	12/32	حبى						
		$\frac{1}{2}$		<del>//</del>		$\langle \cdot \rangle$	$\geq$	اتوار	<del></del>				
مورات ستنو الأهم سنون	16 16 12/1 de	7	, , , , , , ,		3 (50)	2/30		7/3					
7/3c	ايروال المرارو المحرورة	مسى ويريز	71	<del></del>			م بي	7/30	27				
المراز المينت المراز المينت	(Sect 11/10 Stock	2/50 CF1	<u> </u>	7/3		R13:		F130	<del></del>				
1/20 min 1/40	dial His Obal	7/10 C-	leur	-		12/30		7-13					
2/1/2 2/1/2	Work Woo deck	7/10	1434 6-	7/3	مفي	12/9	260	2/3/					
		$\leq$		1/			$\leq$	//	31				
مال مابته ممزان	مابتد ميزان	ا عال	نابقه محزال	مال	ان	7	مابت	مال	مختم رفعست				
<del></del>	100/4/	- <del>(v)</del>		<b>-</b>	<del> </del>				الفاتي				
28 1 5	2 3			4	<del> </del>			<u> </u>	انتحقاقي				
40 4 4 6	1	L-X-		4	ļ				ياري				
12 3 di 4	Ţ,						<u> </u>		بمزان				
24490	5	an Mil	17743	40		il a			44.45				

CS CamScanner

P/NO:50/8 P/NO:50/8 1949 לניים עיל טול בר בעיבונים												
2015	ه _ نویس	بابتسا	<u>.</u>	درسير	برىمًا	حاض	رجسنر					
سما داعوالله	رنیان .	انيد	زبهال	سمر	$\prod_{i=1}^{n}$	نادرطان						
731	Chawda	. 4 <u>/</u>	T.7	-	$\downarrow P$	إمبدا						
أمر وعلط إراأكي وعظ	فالم رواكي وخلا		ا رواقی ارش	آمر ادخوا	انتخفا	ررائل	آر وحظ	إلمتأ				
	$P \mid P$		ייונ כ	8/5		1/35	14 14 160	4 _ 1				
	PP		ر ۱/عدار ۱/عدار	ع (8 سسر د ادا مين	ا در حال ان امرحانی ان	tles	1 8 June 19	3				
	P		£ 113 to	افع استمه	3 100	1/55	Inty 150	4				
	P		2 1135 6	راه است	نرار ا	1/15	و المراد	5 6				
Y.	PP	် ပြ	را ١:35/	Far BI	3 1/15	1/15	1100 8/20	7				
باراج المرار	ر الأراث ) <del>إ</del>		1/39	81	31/35	1/31	100 313	8 9				
	P		ر من المني	81 منو	30001	1/25	dol 8/30	10				
			1.35 x	18 1	3.Vm)	185	4/2/2	11				
	r 1	,	ر کو بر سنے	8/9	Col	135	101:150					
	P		اکو:۱ کم	3 الحاميمو	لرزارله	1/15	6/8 Jeni	14				
		p   [7.	ر 35: / شر   35:   شمر	<b>-</b> '	א <i>נוכנ</i> ים אמאשיים	1/25	213 نادره طافز السفاء	d 15				
./ -			عد التجـ	ا8 ميسو	39/1/		Hort is	17				
V       ,			2012	اة إعمر بو∑يخو		115	יון ילומלו					
-     /			וציו יית	- 1 r ·	ادرخار مع			20				
/		ن الا	ا ۱٬۶۶	ור	30 <i>(1)</i> , 1	dis.	( de 18/30	P				
			ا دی: است ۱۱عمر اسم	ا8 سمر ا8 سمر	4 / /	115	150   Secolul   1800					
-   / -			1:350 مسر	8/ پېت	341171		14/16/8/30	14 * * * * * *				
			~\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	Y 813	امران		۶۶٪ کامیان دواد	(				
			الْبِيرُ الْبِيرُ	- N	ادروز 34	1/31	1006 8/3	27				
ABBRIT	P 1	ָּרֶ   נְי	م د: اسم اعد: اسم	اور سنہ اور سنہ	- 17/	15	130/s	28 29				
	17			- 41 -	39 do	1/5	وراح بادنان	30				
ر مال مابت عدان	را مابتد ایران (							<u>] 31</u>				
		ان ( مثل	مابته میز	( مال   	אליט	مابت	ن ( مال ۲	ر دست الألغ				
ANTO	1013.			0.3	الر	erretung night		إختال				
A.N	1/41	J. W.	N		\v)			U/c				
	<u> </u>	L	79 FY			· .		ميزان كل				
<u> </u>	<del></del>	د حمله بندا سر ک		, •								

CS CamScanner

<i>Λ</i> Δ	ون	021	593	<u>s /</u>	P//	va:S	סובט	ક્લડી	••=			,	PI	40: <del>5</del>	OIR	<b>794</b>	q
	£ 20	24	•			التولد		بوجمب بیت م	ا با		سن	ئدر	بری			٠, زدج	
		ر '۔		1		ربون	_ال		<del>-  </del>	- ·	_	7		-	فاد	1	71
	$\overline{C}h$	aш.	kic	lar		T:	7	-	<del>-</del> -		-··		P		<u></u>	7) T	ابده
(I	وستحذ	رداگل	وستخط	-	وعزا	رداکل	وستخط	آد	وستخط	تواكل	ويخا	47	دسخط	رداکی	وستخط	آد ا	6
<u>_</u>	7	12/55	P	7.70	بيتي	14/35	ىقى	7/3					بابرنان	12/5	להפע	21.	
-	[] []	<i>।भुज्</i>	. P	7-70	تبين	13/25	يري	7/39					II	12/15	ابرماه	7/3.	2
<del>-</del>		12/35	7	7-30	شی	जि.स जिस	مرو	7 <u>/</u> 34 7/34				<b></b> · · ·	11 .	12/5			3
	7	18/13	P	7.50	مئي	YY.	ني	7/39		_			a . ,	12/8		1 - 1	75
	P	12	7	7.70	<u>ر</u>	1431	-	7/2		-	-	>		1		الولإ	6
-	2	בלגן. בלגן	P.	7.5.	ىتىر	P/35					ļ		14.1	12/35	11/21	7/50	7 8
-	5	12/7	1/1	7.30	يمين	HY	يني	7/.30	- 				Obol	12/15	(B)	7/20	<u> </u>
	P	12/13	P	7:70	مر نین	14.35 76.41		7/39	u			<del></del>	00		Ude	47/3,	210 211
·	<u>P.</u> ]	12/55	P	750	ئن	1435	5	7/3		<u> </u>			روال لاملز	וטקון נ <i>ו</i> עו	بورن درخان	u7//2	12
-	H	10/25		1/2/,	/		<b>/</b> _	/						1/		الحال	13
	P	184.)! 13   35	P	5	ىدى		سبر ملاح	1	21	· <del> </del>		-	.11	12/3	-		サンフト
	7	עלעו	P	7/10	نمي	<b>,</b>	1	7/3	M		<del> </del>	<del> </del>	يدان طال	7		1-7	(15)
-	12	12/13	5	7/20	يتميير	नुर	1	713	1	ļ			11		·	17/	
, j-	P	נכוטן זראיו	P	2/10	ظمر قعر	1/35	T	7/39		- <del> </del>		-	11 .	1473			~[]
	$\subseteq$	Z	7					113	7			1	روفال	4/1/2		ر <i>7 ا</i> ر واز	. []
		43	L	7/10	ν <u> </u>	1.70	<b>L</b>	7/3					1600	6/1/	100	1/1/	
	72	<i>E1</i> ) F3	$\frac{1}{p}$	7/2	بنين	1435	ئىيىن مىرى	7/3		-	<del> -</del>	-	(460)	t ///2		1 7/3	22
	2	/-19	7	7/20	ئىن	H35		7/30	13	<u> </u>	-	-	160 p	.1 4	ين <u>ال</u> ک		
1	0	43	1	7/10		6486	جي	7/5					ميون دان	.,,	5 11/2 15 11/2		25
7		[3]	<u> </u>	3/2	5	<b>H3</b> 5	57	7/30	<b> </b>	<del> </del>	-		_11	W		17/	/4 26
17	个	17		7/1.	مذر	HSI	67	7/3		<b>∤</b> ->	+-	+-	1				
	_//	.35	P.	ינאל.	نمي	1431	ر مرسل کا	7/3			<del></del>			<u>4</u> 12			
	- -				 		می	713	4					1/2/	עשענ	12 f	,30
ا آونزا پر	<u> </u>	القدا	. t	ر انوال		] .[/]=:	<u> </u>	<u> </u>	<u> </u>	1 37	]. //alsa						31
			181	<b>~</b> }	ميزال	اھے		<u> </u>	אנוט	7   4   21	24 7	(؛ مال	ميزان <del>7 کا</del>	الد"		[د مال	ممرضت
. -	- 4	1	d	W.	<del></del>	+->	<u> </u>			-	JK.	T-4	200 2, 1	<b>*</b>	<u>- -</u>		افاتيم
1	y	W.	Y.	公	3	1/2	-	<del></del>		-   🕸	Z) a	—— t [		1	· 		اتحقال أ
-		3.6		13	ille?	1/2	<del>\</del>		(	Je.	1	b'		-	-		* U.E
ننب. الودو	4	T		 }	-76.	(C)		ا دامذاخ		<u></u>		( '	<u> </u>			إ	مزالك
. 497		<del>&lt; 11 -</del>						~1111	7.J.L	N	7		•			•	

CamScanner CamScanner