

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR,

DERA ISMAIL KHAN CAMP

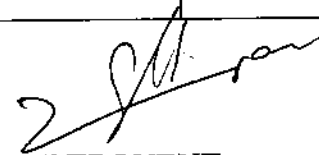
SERVICE APPEAL No. 2492 / 2023

Shahnaz Begum Wife of Mr. Tariq Aziz, Resident of Madina Colony, DIKhan

VS 1. Government of Khyber Pakhtunkhwa, Through Secretary E&SE Peshawar,
2. Director E&SE Department Khyber Pakhtunkhwa, Peshawar
3. District Education Officer (Female) D.I.Khan.

REPLY ON BEHALF OF RESPONDENT No. 3.

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DEPONENT

**Dr. Muhammad Imran Shah
Senior Subject Specialist (BS 18)
Working as
Litigation Representative
Office of DEO (F), D.I.Khan
12101-2797412-1
03480934707**

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Khyber Pakhtunkhwa
Service Tribunal

Diary No. 17549

Dated 04/11/24

REPLY ON BEHALF OF RESPONDENT No 3.

Preliminary Objections:

1. That the Appeal is barred by *Doctrine of Laches* as the appellant went on "disability-leave" w.e.f 01.09.2017 to 31.05.2019 for 21 months, vide this office order No. 10101-03, dated 16.08.2017; That the post was filled by the then DEO Female DIKhan for the schools needed Sweepers for the purpose of cleaning and maintaining public hygiene.
2. That the Appellant has got no cause of action/ Locus Standi.
3. That the Appeal may kindly be dismissed because the Appellant has **concealed the material facts.**
4. That the Appellant has filed the instant Appeal just to pressurize the respondents.
5. That the Appeal finds no grounds to be litigated in this Honorable Khyber Pakhtunkhwa Service Tribunal and may be dismissed with cost.

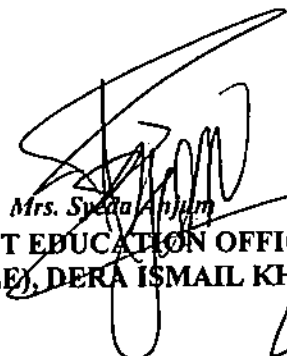
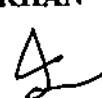
Objections on Facts:

1. Admitted; that the appellant was appointed vide this office order No.5381-84, dated 25.11.2013, as Sweepress, GGMS Nad Ali Shah, DIKhan went on "disability-leave" w.e.f 01.09.2017 to 31.05.2019 for 21 months, vide this office order No. 10101-03, dated 16.08.2017; that the post of sweeper was later filled by making fresh appointments.
2. Admitted, though, her Appeal is barred by *Doctrine of Laches.*
3. That the appellant went on "disability-leave" w.e.f 01.09.2017 to 31.05.2019 for 21 months, vide this office order No. 10101-03, dated 16.08.2017; that the post of sweeper was later filled by making fresh appointments.
4. Denied, due to no health-fitness certificate/ doctor's prescription submitted to this office for duty joining. That the post was filled by the then DEO Female DIKhan for the schools needed Sweepers for the purpose of cleaning and maintaining public hygiene.
5. That the appeal was denied, due to no health-fitness certificate/ doctor's prescription submitted to this office for duty joining. That the post has already been filled by the then DEO Female DIKhan for the schools needed Sweepers for the purpose of cleaning and maintaining public hygiene.
6. Denied; as detailed in Para 1,3 & 5 herein above.

Objections on Grounds:

- a. Strictly denied; there has been observed no mala fide or illegality nor hath the respondent observed any lethargy in dispensing its official duties. That due to the post of sweeper was already filled by the then DEO Female DIKhan for the schools needed Sweepers for the purpose of cleaning and maintaining public hygiene.
- b. Denied; as detailed in Para 1,3 & 5 of the Objections on Facts and Para (a.) of the Objections on Grounds herein above.
- c. Admitted to the extent of her service, though, her Appeal is barred by *Doctrine of Laches*.
- d. Denied; as detailed in Para 1,3 & 5 of the Objections on Facts and Para (a.) of the Objections on Grounds herein above.
- e. That the Learned Attorney/ Advocate General for the Respondents may graciously be allowed to raise further grounds during the course of arguments.

PRAYER: It is therefore, humbly prayed that the current appeal may be dismissed being devoid of merit and hit by Doctrine of Laches


Mrs. Syeda Anjum
DISTRICT EDUCATION OFFICER
(FEMALE), DERA ISMAIL KHAN


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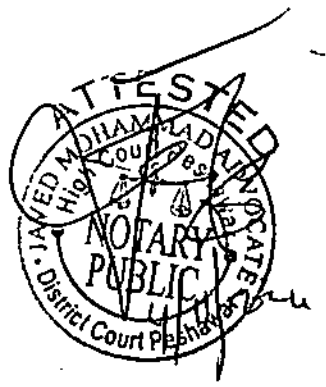
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AFFIDAVIT

It is solemnly stated on oath that the above statement is true to the best of my knowledge and that nothing has been deliberately concealed from this Honourable Tribunal. Certified that, at the time of submission of this statement, respondents' right to defense in this case has not been ordered *struck off* nor have they been ordered as *ex-parte* / *cosb*.

The Humble Respondent



Mrs. Svedh Anjum
DISTRICT EDUCATION OFFICER
(FEMALE) D.I.KHAN

Respondent No. 3.

DEPONENT

Dr. Muhammad Imran Shah
Senior Subject Specialist (BS 18)
Working as
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AUTHORITY LETTER

I, District Education Officer (Female), D.I.Khan, do hereby authorize **Dr. Muhammad Imran Shah, Subject Specialist BS 18, GHSS Muryali, D.I.Khan, Litigation Officer** of the District Education Office (Female), D.I.Khan, to attend the Honourable Khyber Pakhtunkhwa Service Tribunal, Camp Court D.I.Khan, on my behalf in connection with submission of Para-wise comments/ Reply/ Attendance till the decision of the above titled Service Appeal.

Mrs. Syeda Anjum
**DISTRICT EDUCATION OFFICER
(FEMALE), DERA ISMAIL KHAN**

Respondent No.3

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DEPONENT

**Dr. Muhammad Imran Shah
Senior Subject Specialist (BS 18)
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