

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

Appeal No. 1292/2023

Mr Saad Ullah Khan & another VERSUS Finance department & others

**REJOINDER ON BEHALF OF APPELLANT IN RESPONSE TO
THE REPLY SUBMITTED BY THE RESPONDENTS**

Respectfully Sheweth:

Preliminary Objections:

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 17895

Dated 13-11-24

All the Preliminary objections raised by the respondents are incorrect and baseless and not in accordance with law rules rather the respondents are estopped due to their own conduct to raise any objection at this time stage of the appeal. Furthermore, all grounds taken in the memo of appeal are correct and based on documentary proofs.

ON FACTS:

1. Pertains to record.
2. Incorrect. The clarification order of the Finance Department Government of Khyber Pakhtunkhwa No. FDSO (FR-II) 2-4/2022/pension Peshawar dated 21.07.2022 is not inconsonance with the Finance Division Government of Pakistan office memorandum dated 01.07.2022 in which 15 % inceasement for the year 2011 and 7.5 % inceasement of the year 2015 is not ceased / merged. But the respondent included the above mentioned inceasements / mergers in its clarification memorandum.

3. Incorrect. Because under the Constitution Islamic Republic of Pakistan 1973 all citizens are to be treated equally while the respondents discriminated those employees who retired on or after 01.07.2022.
4. Incorrect. Under the Constitution of Islamic Republic of Pakistan 1973 rights including the rights of pay and pension to be awarded equally to all the employees of the Federation.
5. It is correct that the appellants has preferred Departmental appeal but the respondent department not responded reply of the Departmental appeal.
6. Incorrect.
7. Incorrect. The service appeal of the appellants is base of merit.

ON GROUNDS:

A) All the grounds of the main Service appeal are correct and in accordance with law and prevailing Rules and that of the Respondents are incorrect and baseless hence denied. That the impugned clarification order has been issued just to punish the appellant with malafide on the part of Respondents.

ADDITIONAL GROUNDS

That the appellant is raising the following additional grounds in support of his case.

1. That the action of cessments and mergers of the Respondents are retrospective in nature which is violative of Constitution and law.

2. That it is against the justice that those employees who retired on 30.06.2022 will withdraw full pensionary benefits and those employees who retired (after one day) on or after 01.07.2022 will withdraw up to 30 % less pensionary benefits. Therefore, the impugned clarification order it's liable to be rectified to the extent that the excessive inclusion of two increase of 2011 and 2015 be excluded from it.

It is, therefore, most humbly prayed that the appeal of the appellant may kindly be accepted as prayed for.

Dated 13/11/2024



Appellant

Through



Munfat Ali Yousafzai
Advocate, High Court
Peshawar.

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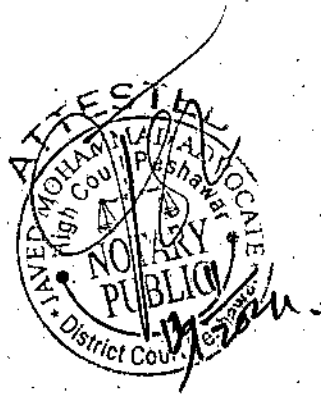
Mr Saad Ullah Khan & another

VERSUS

1. The Government of Khyber Pakhtunkhwa through Chief Secretary Finance department Khyber Pakhtunkhwa Peshawar.
2. The Accountant General Khyber Pakhtunkhwa Peshawar.
3. The Secretary E&SE Khyber Pakhtunkhwa Peshawar.

AFFIDAVIT

Instructions of my client do hereby affirm and declare on oath that the contents of this rejoinder is true and correct to the best of my knowledge and belief nothing has been concealed from this Hon'ble Service Tribunal.



Deponent

MM