

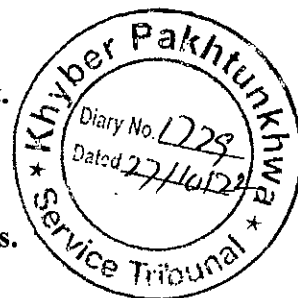
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.608 /2022.

Ex- Constable Raz Muhammad No.7360 of CCP Peshawar..... Appellant.

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others. Respondents.



REPLY BY RESPONDENTS NO. 1, 2&3.

Respectfully Sheweth:-

PRELIMINARY OBJECTIONS:-

1. That the appeal is badly barred by law & limitation.
2. That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.
3. That the appellant has not come to Hon'ble Tribunal with clean hands.
4. That the appellant has no cause of action and locus standi to file the instant appeal.
5. That the appellant is estopped by his own conduct to file the instant appeal.
6. That the appellant has concealed the material facts from Hon'ble Tribunal.
7. That the appeal is not maintainable being devoid of any merit.

REPLY ON FACTS:-

1. Pertains to record.
2. Pertains to record however the performance of the appellant during service is not satisfactory.
3. Incorrect, the appellant was proceeded against departmentally on the charges that on 30.01.2021 the appellant along with personal was deployed on duty at Central Jail Peshawar, meanwhile Inspector Khushdil Khan of CTD was fired by assailants and he did not respond in time nor handle the situation professionally resultantly Inspector Khushdil Khan embraced "shahadat" and the accused made their escape good from the scene. In this regard, he was issued charge sheet with statement of allegations and departmental enquiry was conducted against him wherein he failed to rebut the charges. The enquiry officer concluded enquiry and submitted its findings wherein the appellant guilty of committing misconduct within the meaning of KP Police Rules 1975 (amended 2014). Therefore he was awarded Major Punishment of Removal from Service under Rules ibid.
4. Correct to the extent that his departmental appeal was processed and heard him in person by the appellate authority however he badly failed to defend himself with plausible/justifiable grounds, hence rejected/ filed having no substance in it.
5. Correct to extent that the appellant preferred revision petition before the Revision Board, which after due consideration was also filed/rejected because the charges leveled against him were proved beyond any shadow of doubt.
6. That appeal of the appellant being devoid of merit and hit by limitation may be dismissed on the following grounds.

REPLY ON GROUNDS:-

- A. Incorrect, the competent authority before imposing the Major punishment had completed all codal formalities and sufficient opportunity of self defense was provided to him but failed to

defend himself. Therefore the punishment orders are just legal and have been passed in accordance with law.

B. Incorrect and misleading as the appellant was served with charge sheet and statement of allegations. After fulfilling all codal formalities, the charges leveled against the appellant were stand proved, hence he was awarded the Major punishment.

C. Incorrect, Regular departmental enquiry under Rules ibid was conducted against him. Wherein he failed to rebut the charges hence enquiry officer held him guilty of committing misconduct.

D. Incorrect, the incident was initially enquired preliminary wherein the charges leveled against him were proved hence was served with charge sheet and statement of allegations and formal enquiry was carried out under Rules ibid. therefore, he was reprimanded in accordance with law.

E. Incorrect, the competent authority before imposing Major punishment had completed all codal formalities and sufficient opportunity of self defense was provided to appellant but he failed to defend himself.

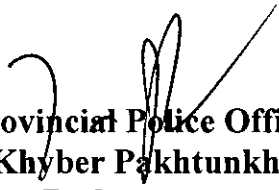
F. Incorrect, the appellant was heard in person, but failed to defend himself, hence reprimanded accordingly.

G. Incorrect, after fulfilling all codal formalities he was awarded Major punishment of removal from service as per law/rules.

H. Respondents also seek permission of this Hon'ble Tribunal to raise additional grounds at the time of arguments.

PRAYERS:-

It is therefore prayed that in light of above facts and submissions, the appeal of the appellant being devoid of merit and legal footing, may kindly be dismissed with costs please.


**Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.**


**Capital City Police Officer,
Peshawar.**


**Superintendent of Police,
HQs, Peshawar.**

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Service Appeal No.608 /2022.

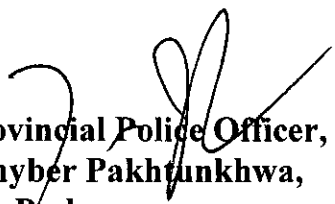
Ex- Constable Raz Muhammad No.7360 of CCP Peshawar..... **Appellant.**

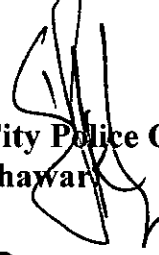
VERSUS

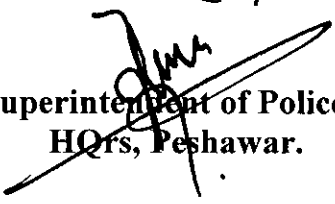
Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others. **Respondents.**

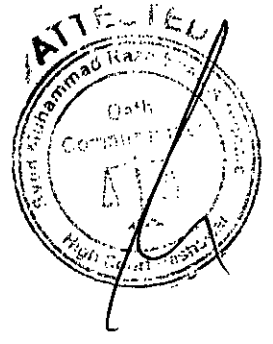
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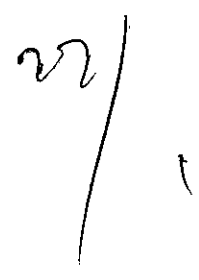
We respondents No. 1 , 2 & 3 do hereby solemnly affirm and declare that the contents of the written reply are true and correct to the best of our knowledge and belief and nothing has concealed/kept secret from this Hon'ble Tribunal.


**Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.**


**Capital City Police Officer,
Peshawar.**


**Superintendent of Police,
HQrs, Peshawar.**





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AUTHORITY.

I, **Capital City Police Officer, Peshawar**, hereby authorize **Mr.Ahmad Jan** SI legal of Capital City Police, Peshawar to attend the Hon'ble Court and submit written reply, statement and affidavit required for the defense of above service appeal on behalf of respondent department.

**Capital City Police Officer,
Peshawar.**

