

**BEFORE THE HONOURABLE, KHYBER PAKHTUNKHWA, SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. 7953/2021

Saeed-ur-Rehman Constable No. 1246 s/o Gul Sharaf
R/o Akbarpura Tehsil & District Nowshera.

.....Appellant


V E R S U S

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar etc

.....Respondents

I N D E X

S.No.	Description of documents	Annexure	Pages
1.	Reply of Respondents	-	1-2
2.	Affidavit	-	03
3.	Copy of service book entry	A	04


**Inspector Legal,
Nowshera**

BEFORE THE HONOURABLE, KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 7953/2021

Saeed-ur-Rehman Constable No. 1246 s/o Gul Sharaf
R/o Akbarpura Tehsil & District Nowshera.

Member Tribunal
Service Tribunal
2658
21.01.23
Appellant

V E R S U S

1. Regional Police Officer, Mardan.
2. District Police Officer, Nowshera.
3. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.

.....Respondents

REPLY ON BEHALF OF RESPONDENTS

Respectfully Sheweth: -

PRELIMINARY OBJECTIONS: -

1. That the appellant has got no cause of action to file the instant appeal.
2. That the appeal is badly time-barred.
3. That the appellant has been estopped by his own conduct to file the instant appeal.
4. That the appeal is not maintainable in its present form.
5. That the appellant has not come to the Honourable Tribunal with clean hands.

On Facts

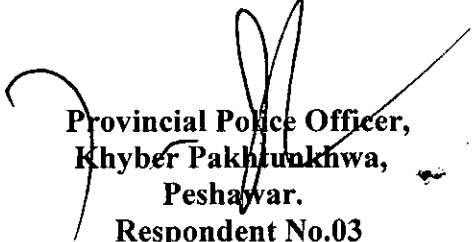
1. Para to the extent of enlistment of appellant in Police Department and subsequent posting pertains to record, while regarding rest of the para, it is stated that each and every Police Officer/Official is duty bound to perform his duty with honesty and devotion.
2. That appellant on 23-07-2010 absented himself from special duty hence, he was awarded minor punishment of stoppage of 01 annual increment with cumulative effect vide OB No. 810 dated 23-07-2010, but short after the said punishment, district Nowshera was hit by devastating flood of 2010 which washed out all the official record besides, other damages. Therefore, the punishment order was not materialized and the appellant was regularly drawing his regular pay. However, when the year 03-01-2018 the post of constable BPS-05 was upgraded to BPS-07 and basic pay of all the officials was being fixed, during that time it was noticed that though appellant had been awarded the aforementioned punishment but no deduction had been made. Hence, due to the same fact, increment was stopped on the ground of punishment earlier awarded to the appellant.
3. Correct to the extent that appellant moved departmental appeal before respondent No.01, however, the same was filed being time barred.

4. Correct to the extent that appellant also moved revision petition before the respondent No. 03 which was also filed on the grounds of its being time barred.
5. That the appeal of the appellant is liable to be dismissed on the following grounds: -


GROUNDS

- A. Incorrect. Orders passed by the respondents are in accordance with law, facts and principles of the natural justice, hence, sustainable in the eye of law.
- B. Incorrect. As discussed earlier, this District had been hit by the devastating flood of 2010, therefore, no record is available of the said period.
- C. Incorrect. As discussed in the preceding para, this District had been hit by the devastating flood in 2010, therefore, no record is available of the said period.
- D. Incorrect. As is evident from the service record (service book) appellant remained absent from special duty, hence, was awarded minor punishment of stoppage of one annual increment with cumulative effect. (Copy of service book entry is annexure "A").
- E. Incorrect. Each and every case has its own facts and circumstances.
- F. Para already explained in above paras.
- G. That the respondents also seek permission of this Honourable Tribunal to advance additional grounds at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of above submissions the appeal of the appellant may very kindly be dismissed with cost.


**Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.
Respondent No.03**


**Regional Police Officer,
Mardan Region-I, Mardan.
Respondent No. 01**


**District Police Officer,
Nowshera.
Respondent No. 02**

BEFORE THE HONOURABLE, KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 7953/2021

Saeed-ur-Rehman Constable No. 1246 s/o Gul Sharaf
R/o Akbarpura Tehsil & District Nowshera.

.....Appellant

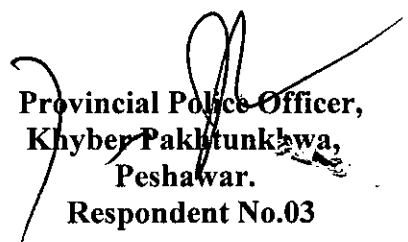
V E R S U S

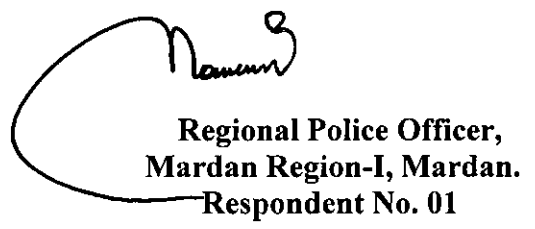
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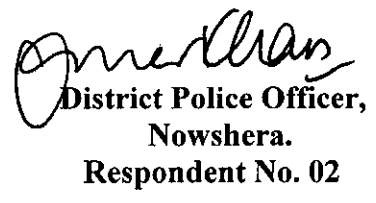
.....Respondents

AFFIDAVIT

We the respondents No. 1, 2 & 3 do hereby solemnly affirm and declare on Oath that the contents of reply to the appeal are true and correct to the best of our knowledge and belief and nothing has been concealed from the Honourable tribunal.


**Provincial Police Officer,
 Khyber Pakhtunkhwa,
 Peshawar.
 Respondent No.03**


**Regional Police Officer,
 Mardan Region-I, Mardan.
 Respondent No. 01**


**District Police Officer,
 Nowshera.
 Respondent No. 02**

④ Annexure 'A'

Charge: Assesed from ...
 Punishment: A period of two years
 Stoppage of Pay
 with all usual consequences

01/08/20
 dt 23/7/20

(Order Appeal Filed)

This order will dispose-off the departmental appeal preferred by FC Saced against the order of the 1980 Madhya, wherein he has awarded minor punishment of one year imprisonment with accumulative effect vide OB No. 810 dt. 23-7-2010. vide D/O Madam Fird in ground to interpose into the order passed by the 1980 NSK. Hence the appeal is filed vide 15167 Madam order dated NO 9711/ES, dated 12-07-2019.

CG NO. 759

dt 17-7-19

11901NSR