

BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

In S.A No.6619/2021

"Muhammad Raza Badshah

Versus

Provincial Police Officer , Khyber Pakhtunkhwa , Peshawar & Others

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Dated: 24/05/2022

Appellant

Through


JAVED IQBAL GULBELA,

Advocate of Supreme Court of

Pakistan

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REJOINDER ON BEHALF OF THE APPELLANT TO THE
COMMENTS FILED BY RESPONDENT NO. 1 TO 2

Respectfully Sheweth,

Reply to the preliminary objections:

1. Para Para (1) of the preliminary objections is incorrect, illegal, and unlawful hence denied. Moreover, the appeal of the appellant is well in time, as well as accordance service law, Rule and Regulation.
2. Para (2) of the preliminary objections is misleading and misconceiving therefore sternly denied. Moreover, the appellant made all the necessary parties on the penal of the respondents.
3. Para (3) of the preliminary objections is incorrect, false, fabricated, illegal and unlawful hence denied.
4. Para (4) of the preliminary objection is incorrect, misleading , misconceiving , illegal and unlawful therefore sternly denied . Moreover the appellant has been illegally and unlawfully dismissed from service therefore the appellant has a good cause of action to file the instant service appeal.

5. Para (5) of the preliminary objections is incorrect, false, fabricated, illegal and unlawful hence denied.
6. Para (6) of the preliminary objection is incorrect, false and misleading hence sternly denied. Moreover that no facts or material facts has been concealed from this Hon'ble Tribunal by the appellant. And comes to this Honorable Tribunal for acknowledge, recognition and enforcement of his fundamental right in shape of re-instatement into service with all back benefits.
7. Para (7) of the preliminary objections is incorrect, baseless, misleading and misconceiving, hence sternly denied. Moreover, the appeal of the appellant is well maintainable.

On facts: -

1. Para "1" of the comments is incorrect, hypocritical and misleading of the Court hence denied. While the corresponding para of the main service appeal is true and correct.
2. Para "2" of the comments is incorrect, false, misleading and hypocritical hence denied. Moreover that true and correct detail pictures is given in the main Para of the appeal.
3. Para "3" of the comments is incorrect, false, hypocritical, misleading and misconceiving on the facts; hence denied. Moreover complete, true and correct detail picture is given into the main Para of the appeal.
4. Para "4" of the comments is misleading, misconceiving and hypocritical; hence denied. While that of the main appeal is true and correct.
5. Para "5" of the comments is misleading and misconceiving hence denied; that of the main appeal is true and correct.
6. Para 6 of the comments is misleading and misconceiving hence denied; that of the main appeal is true and correct.

7. Para "7" of the comments is incorrect, illegal, unlawful and made on hypocrisy hence denied. Moreover there is no proper criteria laid down for the selection process nor have ever proper proceeding any proper criteria for selection/ promotion to the next higher rank, rather then pick and choose formula. Moreover corresponding para of the main appeal is correct and legal.
8. Para "8" of the comments is incorrect, illegal, unlawful void ab-intio hence denied. Moreover that the colleagues of the appellant who jointly selected for the upper course training together and passed out together then how the appellant was post of (SI) which is the sheer violation of the law and principle laid down for selection / promotion policy. Moreover true and correct detail is given main service appeal.
9. Para "9" of the comments is incorrect, illegal, unlawful and unwarranted by law hence denied, moreover that the appellant was promoted to the post of inspector in year 2018. w.e.f from 19/07/2017 while juniors of the appellant were promoted in year 2016 which is illegal, unlawful and void ab-intio.
10. Para "10" of the comments is incorrect, false illegal, and based on malafide intention hence denied. Moreover the correct and detail picture given into the main para of the appeal.
11. Para "11" of the comments is incorrect, illegal , and unlawful and void ab-intio hence denied while true and correct detail is given into the main para of the appeal.
12. Para "12" of the comments is incorrect, false, and hypocratic hence denied. Moreover that the appellant several times approaches for his redressal to the respondent department but all of his efforts is went futile.
13. Para "13" of the comments is incorrect, false, illegal, unlawful misleading and void ab-intio hence denied. Moreover that the appellant did not treated according to law rules policy laid down for promotion / selection process which is the sheer violation of the law and against fundamental rights of the appellant.

On Grounds:

A) Para "A" of the comments is incorrect and illegal; hence denied.

B) Para "B" of the comments is misleading and misconceiving therefore sternly denied.

C) Para "C" of the comments is incorrect and hypocritic hence denied.

D) Para "D" of the comments is incorrect, illegal, unlawful, void ab-initio as well as malicious , therefore sternly denied. Moreover the corresponding para of the main appeal is correct and legal.

E) Para "E" of the committee is misleading, misconceiving, hypocritic and against the law, Rules and Regulation of the subject Post/Promotion therefore sternly denied. While that of the main appeal is true and correct.

F) Para "F" of the comments is totally incorrect, illegal, unlawful and against the law, therefore sternly denied. Moreover the corresponding para of the main appeal is legal, lawful and in accordance with law.

G) Para "G" of the comments is wrong, concocted and misleading hence denied.

H) Para "H" of the comments is totally incorrect, illegal, unlawful and against the law, therefore sternly denied. Moreover the corresponding para of the main appeal is legal,, lawful and in accordance with law.

I) Para "I" of the committee is misleading, misconceiving, hypocritic and against the law, Rules and Regulation of the subject Post/Promotion therefore sternly denied. While that of the main appeal is true and correct.

J) Para "J" of the comments is incorrect, fabricated and malicious hence denied. While that of the main appeal is true and correct.

K) Para "K" of the comments is misleading and Hypocratic hence denied.

It is therefore most humbly prayed that on acceptance of the instant re-joinder the prayer of the Appellant in the main appeal may kindly be allowed as prayed therein in the main service appeal No 6619/21, in the best interest of justice .

Dated 28-05-2022

Appellant/Petitioner

Through


Javed Iqbal Gulbela

Advocate Supreme Court of
Pakistan

&


Saghir Iqbal Gulbela

Advocate High Court
Peshawar

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AFFIDAVIT

I, Muhammad Raza Badshah, do hereby solemnly affirm and declare on oath that contents of the Rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble court.

Deponent

Identified By:-

JAVED IQBAL GULBELA,

Advocate of Supreme Court of
Pakistan

