

Khyber Pakhtunkhwa
Service Tribunal

Case No. 2882

Date 15/1/23

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

Appeal No. 1900/2022

Dilabaz Khan, ASI No. 36/B (Ex.SI)

(Appellant)


VERSUS

IGP etc.

(Respondents)

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DEPONENT

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

Appeal No. 1432/2022

Dilabaz Khan, ASI No. 36/B (Ex.SI)

(Appellant)

VERSUS

IGP etc.

(Respondents)

PARA WISE REPLY/COMMENTS OF RESPONDENTS NO.1 To 3

Respectfully Sheweth

The respondents respectfully submit as under: -

PRELIMINARY OBJECTIONS.

1. That the Appellant has got no cause of action.
2. That the Appeal is not maintainable under the law.
3. That the Appeal is barred by law & limitation.
4. That the Appellant has not been discriminated in any way.
5. That the Appeal is bad due to mis-joinder and non-joinder of necessary parties.
6. That the Appellant has approached the Honorable Tribunal with unclean hands.
7. That the Appellant has got no cause of action and locus-standi to file the instant Appeal.
8. That the Appellant has been estopped by his own conduct.

ON FACTS

1. Correct, hence need no Comments.
2. Incorrect the appellant has passed PASI exam through PCS in service quota 20% with other colleagues who qualified in General quota of 25%. They were appointed by RPO Bannu and both quota have not been maintained by PCS or CPO separately.
3. Correct to the extent, that the appellant along with other colleagues were selected for recruit course, Whereas the Appellant was exempted from PASI course having already qualified the lower school course and Intermediate school course but the appellant cannot claim seniority.
4. Incorrect, the Appellant submitted application for exemption of lower school course and Intermediate school course. The Commandant PTC Hangu exempted the applicant with the condition after a written affidavit to the effect that he would not claim Seniority, and will be considered with his own colleagues PASI in his Region.
5. Pertains to record hence need no comments.
6. Incorrect during "D" course the appellant was posted as Focal Personal (Incharge complaint Cell) in contravention of the laid down Rules. Record further reveals that he has superseded his 15 PASI/Colleagues by manipulating his confirmation as ASI and brought his name on promotion List E.
7. Pertains to record hence need no comments.
8. Pertains to record hence need no comments.
9. Pertains to record hence need no comments.
10. Correct to the extent that the appellant has get promotion through back door/wrong means and in this respect a proper show cause notice was issued

by RPO Bannu under Police Rules 1975 (Amended 2014). The Appellant submitted written reply which was found unsatisfactory. The appellant was called to appear before DIG Bannu in Orderly Room on 21-12-2021 but he did not appear.

11. Incorrect, when it came into the notice of DIG Bannu that the appellant has obtained illegal promotion, show cause notice was issued, his reply was found implausible hence the impugned order of reversion was issued on 22-02-2022.
12. Incorrect, the departmental Appeal was rejected being devoid of merit and no appeal shall be entertained against officiating promotion when any one reverted according to Police Rules 1934.

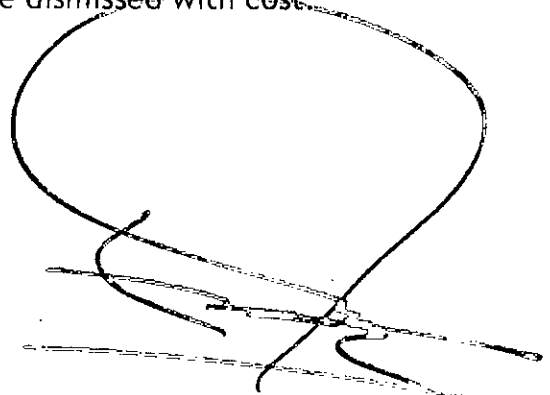
GROUND:

- A. Incorrect, that impugned order dated 22-12-2021 and 06-07-2022 is not against the law/Rules and facts/ norms of Justice and material on record.
- B. Pertains to record hence need no comments.
- C. Pertains to record hence need no comments.
- D. Pertains to record hence need no comments.
- E. Reply has already been given in the above Para.
- F. Incorrect, the appellant was exempted from the basic training course with the condition that he will give Affidavit that he will not claim seniority.
- G. Reply has already been given in the above Para.
- H. Pertain to record hence need no comments.
- I. Pertain to record hence need no comments.
- J. Incorrect, the appellant was informed accordingly but he did not appear in front of RPO Bannu and willfully neglected order of high ups.
- K. Incorrect there are no privileges for in-service quota. All appointees selected through PCS shall be treated equally according to law/rules and policy and the appellant got illegal promotion through back door.
- L. Reply has already been given in above para.
- M. Incorrect, the appellant got illegal promotion through back door, proper show cause notice was issued by RPO Bannu, his reply was found not plausible hence the reversion order was issued.
- N. Pertain to record hence need no comments.
- O. The RPO Bannu according to Police Rules, 1975(amendment 2014) under Section 5(3) KPK. If the authority decides that the misconduct or act of omission or commission referred to above should be dealt with in general police proceedings as under;
 - a) The authority shall determine in the light of facts of the case or in the interest of the justice a departmental enquiry through an enquiry officer if necessary. If he decides that is not necessary he shall;
 - b) By order in writing inform the accused of the action proposed to be taken in regard to him and the ground of the action
 - c) Give him a reasonable opportunity of showing cause against that action: provided that no such opportunity shall be given where the authority is satisfied that any part thereof it is not expedient to give such opportunity
- P. Incorrect, the appellant has not been condemned unheard in violation of Article 10A of the Constitution and has been treated in accordance with law/rule/policy.
- Q. It is up to the authority according to 5(3) of Police Rules, 1975 he is satisfied that the ground of action is sufficient then he shall proceed summarilly.
- R. Incorrect, penalty was according to law/ rules and Policy.

- S. Incorrect, the appellant was not condemned unheard and has been treated according to law/rule/policy.
- T. The appellant was called for personal hearing but he did not appear.
- U. Respondents/department may kindly be allowed to advance further grounds & material as a evidence at a time of arguments.

PRAYER:

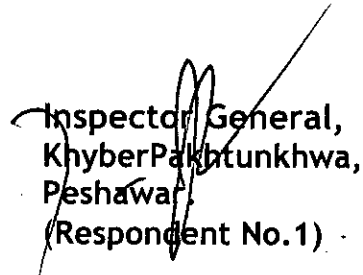
In view of the above Para wise comments, it is most humbly prayed that the Petition of the Petitioner may kindly be dismissed with cost.



Regional Police Officer,
Bannu Region, Bannu
(Respondent No.3)



Addl. Inspector General, HQRs
KhyberPakhtunkhwa,
Peshawar.
(Respondent No.2)



Inspector General,
KhyberPakhtunkhwa,
Peshawar.
(Respondent No.1)

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

Appeal No. 1432/2022

Dilabaz Khan, ASI No. 36/B (Ex.SI)

(Appellant)

VERSUS

IGP etc.

(Respondents)

AFFIDAVIT.

I MR. Muhammad Farooq Khan DSP Legal Bannu, representative for Respondent Nos.1 to 3, do hereby solemnly affirm and declare that the contents of the accompanying comments submitted by us are true and correct to the best of our knowledge and belief and that nothing has been concealed from this Honourable Tribunal.


DEPONENT

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

Appeal No. 1432/2022

Dilabaz Khan, ASI No. 36/B (Ex.SI)

(Appellant)

VERSUS

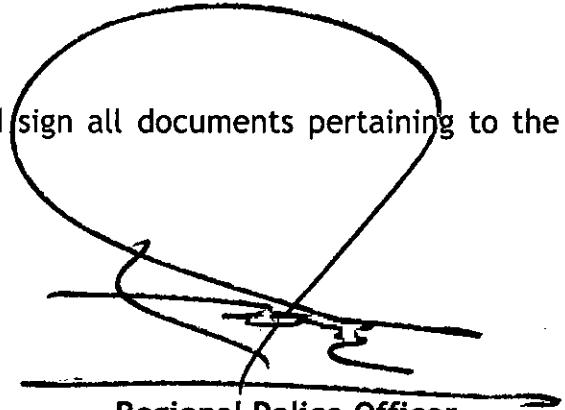
IGP etc.

(Respondents)


AUTHORITY LETTER.

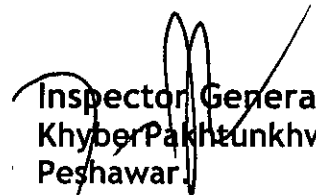
Mr. Muhammad Farooq Khan DSP Legal Bannu, is hereby authorized to appear before Honourable Tribunal on behalf of the undersigned in the above cited Appeal.

He is authorized to submit and sign all documents pertaining to the present Appeal .



**Regional Police Officer,
Bannu Region, Bannu
(Respondent No.3)**


**Addl. Inspector General, HQRs,
Khyber Pakhtunkhwa,
Peshawar.
(Respondent No.2)**


**Inspector General,
Khyber Pakhtunkhwa,
Peshawar.
(Respondent No.1)**