

**BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBERPAKHTUNKHWA
PESHAWAR.**

Service Appeal No. 457/2022

Raham Sher Khan

(Appellant)

VERSUS

PPO & OTHERS.

(Respondents)

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DEPONENT

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

Respectfully Shweth

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 to the extent that the appellant appointed as a cook constable No. 577 in District police Bannu but rest of the para is incorrect. The appellant has not performed his duty quite efficiently.
2. Incorrect, the appellant did not provide any kind of medical documents in respect of illness of his sister.
3. Incorrect, the appellant was absent without any leave or proper permission from competent authority and absented himself from 09-01-2013 to 12-09-2013 (8 months and 2 days). Punishment of dismissal from service was imposed when charges leveled against the accused official were established in enquiry proceedings conducted by DSP/ Cannt.
4. Incorrect, the appellant being aggrieved from the order dated 26-11-2013 has neither preferred appeal to respondent No.2 (DIG Bannu) nor it was rejected. The appellant filed the mercy petition in the Office of Inspector General of Police KP but the competent authority filed the petition in the light of Police Rules 16.32 vide order 557/21 dated 18-02-2021 being badly time barred.

GROUNDS:

- A. Incorrect the impugned order dated 26-11-2013 OB No. 1310 dated 18-02-2020 are according to Law, facts, norms of natural justice and material on the record.
- B. Incorrect, the appellant was treated by the respondent department in accordance with law and the respondent did not violate Article 4 and 25 of the constitution of Islamic Republic of Pakistan.
- C. Incorrect, proper charge sheet and summery of allegations was issued and departmental enquiry was conducted during enquiry proceedings when charges were established then the impugned order dated 26-11-2013 was issued. (Charge sheet and summary of allegations and enquiry are annexed.)

- D. Pertain to record hence no comments.
- E. Incorrect, the absence of the appellant was willful without any permission from the competent authority. The appellant took the plea that his sister is ill therefore he was absent from duty but the appellant did not produce any kind of medical documents in respect of his sister illness nor informed any senior officer about the said illness.
- F. Detailed reply has already been given in the above Para.
- G. Incorrect final show cause notice was issued, but his reply to the final show cause notice was not plausible and convincible therefore was not considered.
- H. Respondents department may kindly be allowed to advance any other grounds & material as evidence in 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.

District Police Officer,
Bannu
(Respondent No.3)

Regional Police Officer,
Bannu Region, Bannu
(Respondent No.2)

Provincial Police Office,
Khyber Pakhtunkhwa, Peshawar
(Respondent No.1)

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AUTHORITY LETTER

Mr. Muhammad Farcoq 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.

District Police Officer,
Bannu
(Respondent No.3)

Regional Police Officer,
Bannu Region, Bannu
(Respondent No.2)

Provincial Police Office,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No.1)

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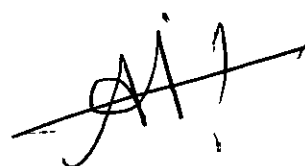
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AFFIDAVIT.

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 my knowledge and belief and that nothing has been concealed from this Honourable Tribunal.



DEPONENT