

BEFORE THE HONOURABLE TRIBUNAL KHYBERPAKHTUNKHWA PESHAWAR.

APPEAL NO.829/2022

Ihsan Ullah

(Petitioner)

VERSUS

Regional Police Officer Bannu etc.

(Respondents)

INDEX

S.No.	Description of Documents	Annexure	Page
1	Para-wise Reply		1-2
2	Authority Letter		3
3	Affidavit		4

DEPONENT

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PARA WISE REPLY/COMMENTS OF RESPONDENTS NO. 1,2&3 and 4

Respectfully Sheweth

The respondent respectfully submits 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 jurisdiction.
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 petition.
8. That the Appellant have been estopped by his own conduct.

ON FACTS

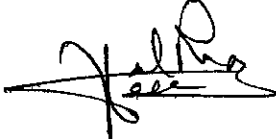
- 1) Pertains to record. Hence, needs no comments.
- 2) Incorrect the appellant was charged in a case vide FIR No. 505 11-06-2019 u/s 324/354/352/337L/15AA Ps Saddar. As per the Enquiry Officer after proceedings it was reported that the Appellant was drunk on the day of occurrence. He forcibly entered in the House of the complainant Halima Bibi with the intention of rape but due to her resistance she was stabbed with dagger by the Appellant and was badly injured. To this effect a case No. 505 mentioned above was registered. Later on the complainant Halima Bibi succumbed to her injuries in Hospital and died. Thus section 302 was inserted.
- 3) Incorrect charge sheet and statement of allegations have been served upon the Appellant through Superintendent of Central Jail Bannu vide No. 254/CQ/26-09-2019, but he did not submit reply of the charge sheet.
- 4) Incorrect, the Appeal of the Appellant was rejected by RPO Bannu being devoid of merit as there was no plausible ground to interfere in the order of DPO Bannu.
 - A. Incorrect, the impugned orders D/-19-07-2019 & 18-05-2022 are according to law/ rules/Policy.
 - B. Incorrect proper charge sheet/summary of allegation was issued to the Appellant and served upon him through Superintendent Jail No. 254/C D/26-09-2019.
 - C. Incorrect according to ESTA Code criminal Trial and departmental inquiry are separate things and the department can proceed without waiting for outcome of the Judgment of trial Court.
 - D. Incorrect the punishment was awarded after proper proceedings and establishment of charges against the accused without any shadow of doubt.
 - E. Incorrect, the charges leveled against the Appellant were proved in investigation as well as in enquiry proceedings.


- F. Incorrect enquiry procedure was conducted according to Police Rules, 1975 amended 2014, charge sheet and show cause notice was served upon the Appellant.
- G. Correct to the extent that Appellant was suspended but Dismissal from Service was not against the law and rules.
- H. The Appellant was not condemned unheard and has been treated according to law and rules.
- I. Incorrect the Appellant was proceeded according to proper law i-e Police Rules, 1975. The impugned order was issued purely on established facts.
- J. Incorrect the charges against the Appellant were established beyond any shadow of doubt, therefore the impugned order was issued.
- K. Incorrect the Appellant was properly associated with the enquiry proceedings, which was conducted within the Parameter of laws.

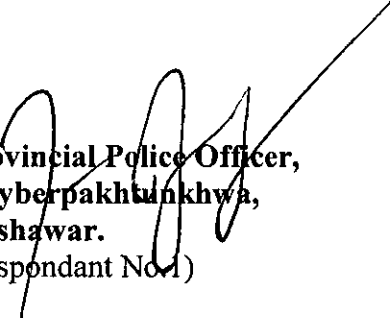
The respondent department may kindly be allowed to raise additional grounds at the time of arguments.

PRAYER:

In view of the above replies, it is most humbly prayed that the Appeal of the Appellant may kindly be dismissed with cost, please.


**District Police Officer,
Bannu
(Respondent No.4)**


**Regional Police Officer,
Bannu Region Bannu
(Respondent No.2&3)**


**Provincial Police Officer,
Khyberpakhtunkhwa,
Peshawar.
(Respondant No.1)**

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AUTHORITY LETTER.

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

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

**District Police Officer,
Bannu
(Respondent No.4)**

**Regional Police Officer,
Bannu Region Bannu
(Respondent No.2&3)**

**Provincial Police Officer,
Khyberpakhtunkhwa,
Peshawar.
(Respondant No.1)**

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AFFIDAVIT.

I, Mr. **Muhammad Farooq Khan DSP Legal Bannu** representative for Respondents Nos.1 to 4, do hereby solemnly affirm and declare that the contents of the accompanying comments submitted by me are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Tribunal.



DEPONENT