

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

Khyber Pakhtunkhwa  
Service Tribunal

Service Appeal No 61/2022

Diary No. 2918

Said Khan..... Dated 12/11/2023 (Petitioner)


Versus

Inspector General of Police & others..... (Respondents)

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Respondents Through

  
Department  
Representative

12/11/23

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR**

Service Appeal No. 61/2022

Said Khan..... (Appellant)

VERSUS

Inspector General of Police, Khyber Pakhtunkhwa, Peshawar etc  
..... (Respondents)

**PARAWISE COMMENTS BY RESPONDENTS NO 1 TO 3.**

**RESPECTIVELY SHEWETH:**

**PRELIMINARY OBJECTIONS:-**

- a) That the appeal is bad for non-joinder and miss-joinder of necessary parties.
- b) That the appellant has not come to this Hon'ble Tribunal with clean hands.
- c) That the appellant has got no cause of action to file present appeal.
- d) That the appellant is estopped by his own conduct to file the instant appeal.
- e) That the appellant has concealed real facts from Hon'ble Tribunal.
- f) That the appeal is barred by law and limitation.

**FACTS:-**

- 1. Correct hence no comments.
- 2. Correct hence no comments.
- 3. Incorrect, the proceedings against the appellant were in accordance with law/ rules and he failed to challenge the order dated 08.07.2003.
- 4. Incorrect, the appeal of the appellant was time barred hence rejected vide order dated 18.11.2021. (Copy of order on appeal is enclosed as "A"). Furthermore, the instant service appeal is not maintainable on the following Grounds.

**GROUND:-**

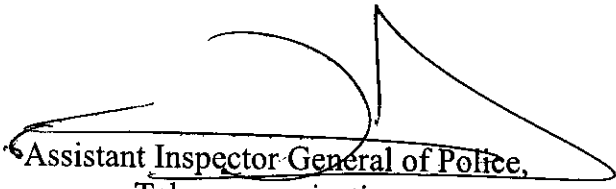
- 1. Incorrect, the order dated 08.07.2003 is legal and in accordance with law/ rules.
- 2. Incorrect, the same is in accordance with principles of natural justice.
- 3. Incorrect, the proceedings initiated against the appellant was in accordance with law/ rules.
- 4. Incorrect, the order dated 08.07.2003 is in accordance with law/ rules and not in conflict with the theme of Fundamental Rules.

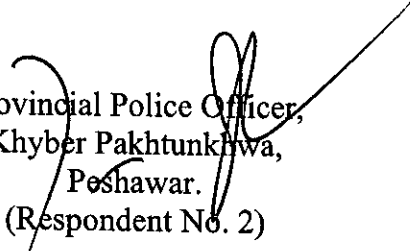
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5. Incorrect, the appellant has no locus standi and cannot claim incentive at this belated stage.
6. Incorrect, the actions of the Police Department are in accordance with law/ rules.
7. Incorrect, appellant was found committing misconduct within the meaning of Khyber Pakhtunkhwa Police Rules, 1975 (amended 2014) hence awarded him minor punishment by the competent authority by taking lenient view of his long service.

**PRAYER:-**

In view of the above, it is humbly prayed that the instant service appeal may kindly be dismissed being devoid of merits and legal force, please.

  
Assistant Inspector General of Police,  
Telecommunication,  
Khyber Pakhtunkhwa,  
Peshawar.  
(Respondent No. 3)

  
Provincial Police Officer,  
Khyber Pakhtunkhwa,  
Peshawar.  
(Respondent No. 2)

  
Secretary,  
Government of Khyber Pakhtunkhwa,  
Home & TAs Department, Peshawar.  
(Respondent No. 1)

(3) Annex A

(13) IGP خیر پختونخواہ پشاور

عنوان: درخواست برآمد بحالی (Increment) انکریمنٹ ازان سابقہ ہیڈ کنسٹیبل سعید خان ٹیلی کمیونیکیشن پشاور۔

جناب عالی

۱۔ یہ کہ من سائل محکمہ پولیس میں MT 26.12.1978 درکشاپ میں بطور (VM) ویکل ملکیت بھرتی ہوا تھا۔

۲۔ یہ کہ دوران سروس سائل نے نہایت ایمانداری کے ساتھ ڈیوٹی کی اور افسران بالا صاحبان کو کسی قسم کی شکایت کا موقع نہیں دیا۔

۳۔ یہ کہ من سائل ایک چھوٹے درخواست کی بناء پر 15.07.2003 کو سزا (stoppage of increment) دی گئی جو کہ سراسر انصاف کے تقاضوں کے منافی تھی۔

۴۔ یہ کہ من سائل کی کوئی تعلیم نہیں ہے یہی وجہ ہے کہ سائل کے درخواست پر جو کہ بغرض بحالی انکریمنٹ کے لیے دی تھی کوئی کارروائی کی اطلاع نہیں دی تھی۔

۵۔ یہ کہ من سائل اس دوران 29.02.2004 کو محکمہ ہذا سے ریٹائرمنٹ پر چلا گیا ہے اور اب سائل کی ماہانہ پنشن بہت کم آرہی ہے۔

۶۔ لہذا سائل بذریعہ درخواست استدعا کرتا ہے کہ چونکہ سائل کے چھوٹے بچے ہیں اور دوسرا کوئی ذریعہ معاش نہیں ہے استدعا ہے کہ سائل کو جو سزا بشکل stoppage of increment دی تھی اس کی بحالی اور ساتھ تمام back benefit کے حکامات صادر فرما کر مشکور فرمائیں۔  
تمام کاغذات ہمراہ لف ہے۔

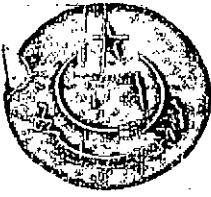
سعید خان

سعید خان سابقہ ہیڈ کنسٹیبل نمبر 599 ٹیلی کمیونیکیشن

موبائل نمبر: 0313-1901226

Inspector General of Police

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OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
Central Police Office, Peshawar.

No. S: 4369 /21, dated Peshawar the 18/11 /2021.


To: The Deputy Inspector General of Police,  
Telecommunication, Khyber Pakhtunkhwa,  
Peshawar.

Subject: APPEAL.

Memo:

The Competent Authority has examined and filed the revision petition submitted by Retired Head Constable Saeed Khan No. 599 of Telecommunication against the punishment of stoppage of one increment with a cumulative effect by Assistant Inspector General of Police, Telecommunication, Khyber Pakhtunkhwa, Peshawar vide order Endst: No. 6711-15/Tele/OSI, dated 15.07.2003. being badly time barred.

The applicant may please be informed accordingly.

  
(NOOR AFGHAN)

Registrar,

For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

17/11

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

Service Appeal No 61/2022

Said Khan..... (Petitioner)

Versus

Inspector General of Police & others..... (Respondents)

**AFFIDAVIT**

I, Muhammad Saeed Deputy Superintendent of Police Telecommunication KPK Peshawar (representative of respondents/Department) do here by solemnly declare that the contents of accompanying comments on behalf of Respondents/Department are correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

**DEPONENT**



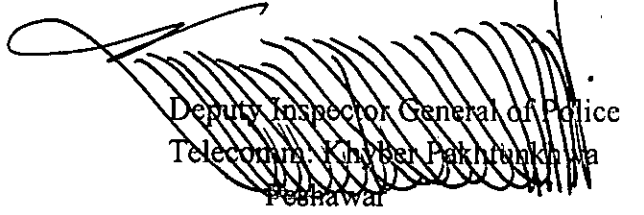
(MUHAMAMD SAEED)  
Deputy Superintendent Police,  
Telecommunication: Peshawar.

CNIC:

9/1/23  
13503-9550919-1

**AUTHORITY**

It is certified Mr. Muhammad Saeed DSP of Police Telecommunication is hereby authorized /nominated to submit the comments on behalf of the respondents department in Service Appeal No.61/2022 case titled Said Khan VS Inspector General of Police Khyber Pakhtunkhwa Peshawar & others.

  
Deputy Inspector General of Police  
Telecomm. Khyber Pakhtunkhwa  
Peshawar

09/01/23.