

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL PESHAWAR

In the matter of:
Service Appeal No.4315/2020

Khyber Pakhtunkhwa
Service Tribunal
Daisy No. 2902
Dated 11/1/23

Didar Ali

Versus

Govt. of KPK and others

REJOINDER TO THE COMMENTS OF
RESPONDENTS NO.1 TO 4

Respectfully Submitted:

REPLY TO THE PRELIMINARY OBJECTIONS:

- 1) Para No.1 is incorrect. The appellant has illegally been removed from service and as such has got cause of action to file this appeal.
- 2) Para No.2 is incorrect. The appeal is maintainable.
- 3) Para No.3 is incorrect. The appeal is competent in its present form.
- 4) Para No.4 is incorrect. The appellant has concealed nothing from this hon'ble Court.
- 5) Para No.5 is incorrect.
- 6) Para No.6 is incorrect.
- 7) Para No.7 is also incorrect, the appeal is well within time.

IN REPLY TO THE FACTS

1. In reply to this para, it is submitted that the appellant has not been proceeded on the allegation of absenteeism, but on alleged sexual harassment. No charge sheet, statement of allegations and show-cause notice in this regard is available on file.
2. Para-2 needs no reply. However, the appellant has not been proceeded departmentally in accordance with the law.
3. In reply to this para, it is submitted that in the inquiry report it was suggested that the case of the appellant is pending in the Court which is competent to decide the matter.
4. In reply to this para, it is submitted that the departmental inquiries were conducted regarding the allegation of sexual harassment and suicide by Mst. Tahira. The appellant has committed no mis-conduct and has never remained absent habitually/ willfully. The appellant has always performed his duty well.
5. Para-5 is incorrect. The appellant has been removed from service on the ground of criminal charges.
6. Para-6 needs no reply. The departmental proceedings and decision thereon is unlawful.
7. Para-7 needs no reply.

REPLY TO THE GROUNDS:-

A. Para-A is incorrect.

B. Para-B is incorrect. The allegations have not been proved against the appellant.

C. Para-C is incorrect. The appellant is entitle to reinstatement into his service.

D. Para-D is incorrect. Detail reply is given in above paras.

E. Para-E is incorrect. Reply is given in above paras.

F. Para-F is incorrect. Reply already given.

G. Para-G is also incorrect.

H. Para-H is also incorrect.

I. Para-I is also incorrect.

It is, therefore, prayed that the comments of respondents No.1 to 4 may be disregarded and the appeal may kindly be accepted.

Appellant
Didar Ali

11/1/23

Through

Aimal Khan Barkandi
Advocate Peshawar

AFFIDAVIT

I, do hereby affirm and declare as per instruction of my client that the contents of the accompanying Rejoinder are true and correct and nothing has been concealed from this Hon'ble Court.



11/1/23

Deponent