

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER-PAKHTUNKHWA,  
PESHAWAR.

Appeal No. 1432/2022

Zabib Ur Rehman S/O Abdul Jabbar

(Appellant)

VERSUS

IGP etc.

(Respondents)

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DEPONENT

**BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,  
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**Appeal No. 1432/2022**

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**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. Pertains to record hence need no Comments.
3. Correct, hence need no Comments.
4. Correct to the extent that the Appellant submitted an application on 14-12-2018 for withdrawal of LPR and his case was submitted to CPO Peshawar for legal opinion vide DPO Office memo No. 27 dated 01-01-2019 and letter No. 1921 dated 07-02-2019. In response it was received vide letter No. 250 dated 24-01-2019, that "if the case of the appellant was fit as per letter No. FD (SOSR-II)/4-36/2018 dated 05-09-2018 then the DPO should himself do the needful." The subject case along with the received legal opinion from CPO Peshawar was send to RPO Bannu vide DPO Office letter No. 7600 dated 23-04-2019. In response the RPO Bannu after Perusal of the case, filed the subject case vide RPO Office letter No. 1963/EC dated 13-05-2019.
5. Pertains to record hence need no Comments.
6. Correct, hence need no Comments.
7. Pertains to record hence need no Comments.
8. The Respondent Department may kindly be allowed to raise additional Grounds at the time of arguments.

**GROUND:**

- A. Incorrect, the inaction of the official respondent in the matter of appellant is not illegal and was issued after receipt of legal opinions.
- B. Reply already has been given in the above Para.
- C. As replied in above Para.

D. Incorrect, as per Sl: No. 02 ( section 19- Civil Servants Act, 1973) page No. 911 of ESTA CODE is clear and reproduced below:

"Government Servents right to retire with pension on completion of 25 years service qualifying of pension- Subject to the provisions of Essential Services Maintenance Act, All Govt. Servants shall have the right to retire on a retiring pension after completing 25 years qualifying services; provided that a Govt. Servants, who intends to retire before attaining the age of superannuation, shall, at least three months before the date on which he intends to retire, submit a written intimation to the authority which appointed him, indicating the date on which he intends to retire such an intimation once submitted shall be final and shall not be allowed to be modified or withdrawn"

there is no such rules to rejoin the duty once a person availed LPR. Furthermore, as the Appellant has proceeded on Pension from the respondent department with effect from 01-08-2019 vide respondent Office notification No.9795-9801 dated 30-07-2018 (copy annexed in annexure -A), therefore he cannot rejoin .

- E. Pertains to record however according to GOVT: Rules, Essential Service Maintenance Act vide relevant Para, instruction in respect of LPR/Retirement, cannot be modified /changed (copy annexed).
- F. 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 Officer,  
Khyber Pakhtunkhwa,  
Peshawar.  
(Respondent No.1)

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AUTHORITY LETTER.

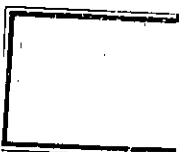
Mr. Muhammad Farooq Khan DSP Legal Bannu, is hereby authorized to appear before Honourable Tribunal on behalf of the undersigned in the above cited Appeal.

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

District Police Officer,  
Bannu  
(Respondent No.3)

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

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



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

  
DEPONENT