

Khyber Pakhtunkhwa  
Service Tribunal

3388  
Diary No. 2-2-2023  
Dated

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,  
PESHAWAR.

Appeal No. 1463/2022 .

Shahid Niaz Khan

(Appellant)

VERSUS

IGP etc.

(Respondents)

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DEPONENT

**BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,  
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**Appeal No. 1463/2022**

**Shahid Niaz Khan**

**(Appellant)**

**VERSUS**

**IGP etc.**

**(Respondents)**

**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. Pertains to record hence need no Comments.
2. Pertains to record hence need no Comments.
3. Incorrect, the Appellant was not falsely implicated in the subject case vide FIR No. 531 u/s 392,397 PPC dated 12-07-2022 PS Ghalagay, District Swat but was arrested at Landaki Check Post along with Co- accused therefore, was charged in the subject case.(copy of FIR is annexed)
4. Incorrect, the Appellant was not on refreshment Tour but was arrested along with Co-accused at Landaki Check Post in the Jurisdiction of PS Ghalagay, District Swat, when they were coming back towards Peshawar and they had been charged in the case. The bail was granted but the Appellant was not exonerated from charges/liability.
5. Pertains to record, however the Appellant was arrested with Co-accused when they were coming back to Peshawar.
6. Pertains to record , hence need no Comments.
7. Incorrect, proper enquiry proceedings were initiated against the Appellant by Addl. SP(Operation)Bannu. The Appellant was confined in local jail of District Swat. Hectic efforts were made to serve charge sheet and summary

of allegations but in vain. Hence, from available record i-e letter of SP Investigation Swat and arrest of accused along with Co-accused was sufficient proof of material. Therefore he was recommended for Major punishment.(copy of enquiry findings is annexed)

8. Correct hence need no comments.

9. Incorrect, the enquiry officer did not conduct the enquiry in hasty manner nor ignored the actual effects but proceeded according to laws and available record/material. The respondent No 3 (DPO Bannu) issued the dismissal order after establishment of the charges beyond any shadow of doubt. (copy of charge sheet/summary of allegations are annexed)

10. Correct hence need no comments.

11. The Appeal of the Appellant was turned down being devoid of merit.

12. Incorrect, the orders passed by worthy DPO and RPO Bannu were quite legal and according to law/Rules and Policy.( copy of orders are annexed)

The Respondent Department may kindly be allowed to raise additional Grounds at the time of arguments.


**GROUND:**

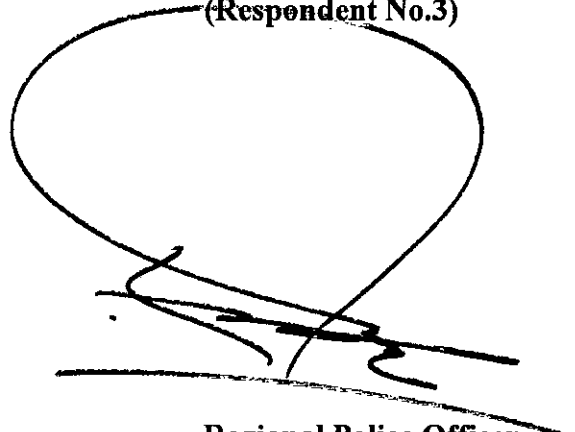
- A. Incorrect, the orders were passed by competent authority according to law /Rules and Policy.
- B. Incorrect, the orders are not against the law/ Rules and Policy. Proper Rules were followed during this enquiry and nothing was done against law. All codal formalities were adopted and all opportunities were provided to the Appellant but in vain.
- C. Incorrect, the dictum set by Apex Court was duly followed.
- D. Incorrect, the orders are according to law /Rules and Policy.
- E. Incorrect, in FIR No. 531, the Appellant was charged U/S 392,397 PPC dated 12-07-2022 PS Ghalagay District Swat. Being Police person<sup>nel</sup> committing such kind of acts earned a bad image for Police department. Moreover, Police Official who remains involved in robbery and other criminal activity shall not be tolerated by the competent authority. Moreover criminal and departmental proceedings are two separate entities and will not effect each other.
- F. Incorrect, The orders are according to law /Rules and Policy.
- G. Incorrect, SOPs and Policy were dully followed. Charge sheet and statement of allegations were issued to him and every effort was made to serve upon him but in vain.
- H. Pertain to record, need no comments.
- I. Incorrect, The order was issued in light of the recommendation of the enquiry officer, conducted by Addl. SP Operation Bannu after establishment of charges beyond any shadow of doubts, therefore ,the orders were not against the law/ Rules /Policy.
- J. Incorrect, The order made by competent authority is according to law and is sustainable in eye of law.

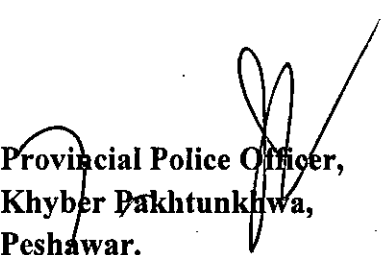
Respondents department may kindly be allowed to advance any other grounds & material as evidence in time of arguments.

**PRAYER:**

In view of the above Para wise comments, it is most humbly prayed that the Appeal of the Appellant 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.

*MF*

**DEPONENT**

**ATTESTED**  
PESHAWAR  
02-02-2023