

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 3396

Dated 3-2-2023

In re:

S.A.No.913/2022

Mujahid Ali.....Appellant ---

Versus

District & Sessions Judge, PeshawarRespondents

REPLICATION/ REJOINDER ON BEHALF OF
APPELLANT

Sir,

Appellant humbly submits as under:-

PRELIMINARY OBJECTION

That all the preliminary objections are incorrect, misconceived, denied.

ON FACTS

1-6 That Paras No.1 to 6 of appeal have been admitted as pertains to record, means the same is admitted as there is no specific denial.

7. That in Para-7 of the reply, respondent held appellant as guilty of negligence only, although negligence too is not admitted but even for negligence major punishment, cant' be given as penalty must be proportionate to his guilty as held in following judgments:-

2002 SCMR 610
PLD 2019 SC 189
2006 SCMR 60
1998 SCMR 2268
2008 PLC CS 428c

- 8-10 That Paras No.8 to 10 of appeal have been admitted as pertains to record, means the same is admitted as there is no specific denial.
11. That Para No.11 of the reply is incorrect, denied. This para is not supplemented by Job-description of appellant, so as to keep Faisal Bhai Register in safe-custody s it is known to everyone that the Register is lying in open Court and appellant being human being, goes out of the Court for urination, drinking etc and appellant can't be held responsible for the same.
12. That Para No.12 of appeal is correct and that of reply is incorrect, denied. Explained above.
- 13-15. That Paras No.13 to 15 of appeal are correct and those of reply are incorrect, denied. Moreover, explained above.
16. That Para No.16 of appeal is correct and that of reply is incorrect. Moreover, respondent admitted working relation of Court as mutual confidence amongst Presiding Officer, reader, Steno, KPO, Chowkdiar, Peon, Naib Qasid, Bailiff inside the Court and Muharrir etc

outside the Court, so, in that eventuality when mutual confidence is essential for smooth working, appellant can't be held responsible for wrong and other who has been punished.

17. That Para No.17 of appeal has been admitted to the extent of human needs, then the Register Bhai is not given in solitary custody of reader, nor in charge report the same is taken. So, it can't be that sort of official belonging as alleged by respondent.
18. That Para No.18 of appeal is correct and that of reply is incorrect, hence denied.
19. That Para No.19 of appeal has not been demined specifically with respect to inquiry at the back of appellant, which means admission.
20. That respondent has not asserted that appellant was given right of cross-examination or confirmation with any documents, which means admission that the inquiry is faulty.
21. That proper reply of show cause notice in this para is not denied, which qualifies stance of appellant.
22. That Para No.22 of the appeal is correct and that of reply is incorrect, hence denied. This

answer/ reply of respondent is against preceding paras No.11 & 12 in reply.

23. That Para No.23 has not been denied, which means admission.
24. That Para No.24 of appeal is correct and that of reply is incorrect, hence denied.
25. That Para No.25 of appeal is correct and that of reply is incorrect, hence denied.
- 26-27 That Paras No.26 & 27 have not been denied, which means admission.
28. That Para No.28 of appeal is correct and that of comments is incorrect, hence denied. Moreover, there is no counter denial or question from said officers which means stance of appellant is correct.
- 19-32 That Paras No.29 to 32 are correct and those of reply are incorrect, hence denied.

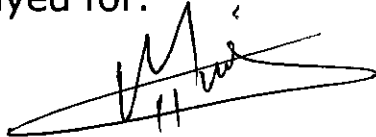
GROUND

- A-T All the grounds from A to T of appeal are correct and those of reply are incorrect. Moreover, major penalty of compulsory retirement for negligence, owing to his 22 years unblemished record of service is unprecedented and uncalled for in facts and circumstances of the case as per consistent judgments of Supreme Court. As for negligence major punishment can't be

awarded. Moreover, the concept of awarding punishment as per guilt and long service of 22 years as well as philosophy behind punishment has been ignored.

PRAYER

It is, therefore, humbly requested that appeal may please be accepted as prayed for.



Appellant

Through



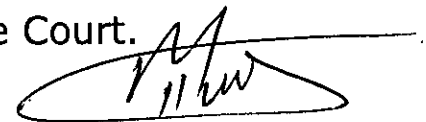
Amjid Ali (Mardan)

Advocate

Supreme Court of Pakistan

AFFIDAVIT

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



Deponent

