

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No. 791/2022

Muhammad Ibrahim (Ex-Constable No.20RR) S/O Bakht Rawan R/O Malay Charbagh Swat.

..... Appellant

VERSUS

**Khyber Pakhtunkhwa
Service Tribunal**

1. District Police Officer Swat.
2. Regional Police Officer Malakand at Saidu Sharif Swat.

Diary No. 3434

Dated 7-2-2023

..... Respondents

INDEX

S.No:	Description of Documents	Annexure	Page
1	Para-wise Comments	-	1-3
2	Affidavit	-	4
3	Authority Letter	-	5


District Police Officer Swat

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..... Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENT No. 1 & 2

Respectfully Shewith,

PRELIMINARY OBJECTIONS.

1. That the appeal is badly barred by Law & limitation.
2. That the appellant has got no Cause of action and locus standi to file the present appeal.
3. That the appeal is bad due to misjoinder and nonjoinder of necessary parties.
4. That the appellant has not come to the Tribunal with clean hands.
5. That the instant appeal is not maintainable in its present form.
6. That the appellant has concealed the material facts from this Hon'ble Tribunal.

FACTS:

1. Pertain to record.
2. That every Police official while enlisted in Police Department will have to carried out basic training course from different training Centers.
3. Correct to the extent that Swat valley was in clutches of the miscreants, however the services of Police were direly needed for the protection of life and properties of public in the affected areas. The appellant being a part of Police department showed cowardice and left the duty and remained absent without proper permission or approved leave at the time when his services were direly needed by the department.

4. As stated above, appellant absented himself from his official duty at the time of insurgency and showed cowardice when his services were needed to the department. The appellant remained absented from duty vide DD No.39 dated 16/10/2008. He was issued charge sheet with statement of allegations and DSP/Legal Swat deputed as Enquiry Officer. The Enquiry Officer conducted fullfledge departmental enquiry against the appellant, wherein he recommended the delinquent official for major punishment, hence on the recommendation of Enquiry Officer, he was dismissed from service vide OB No.29 dated 23/02/2009.
5. Incorrect. The appellant has not filed departmental appeal (annexure "B" of appeal which did not carry date of filing nor available on record) to the competent authority (respondent No.01) within time.
6. Incorrect. No such application is available on record of this office.
7. Pertain to record, hence needs no comments.
8. Pertain to record, hence needs no comments. Appeal of the appellant is badly time barred and has wrongly challenged the legal and valid orders of the respondents before the honorable tribunal through unsound reasons/grounds.

GROUND:

1. Pertain to record.
2. Para already explained above in detail.
3. Pertain to record.
4. As stated above, the appellant willfully absented himself for lawful duty without prior permission or approved leave at the time when his services were direly needed by the department.
5. Incorrect. The appellant willfully absented himself for lawful duty without prior permission or approved leave which was gross misconduct on his part. Rest of the Para pertain to record.
6. Incorrect. The Order of respondents is legal and in accordance with law/rules.

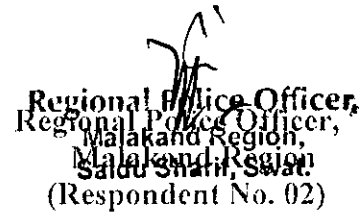
7. Incorrect. All the available opportunities in law/rules have been provided to the appellant but he deliberately absented himself from official duty due to fear of militants and showed cowardice.

PRAYER:

Keeping in view the above facts and circumstances, it is humbly prayed that the appeal of appellant being devoid of legal force may kindly be dismissed with costs.



District Police Officer
Swat
(Respondent No. 01)



Regional Police Officer,
Regional Police Officer,
Malakand Region,
Malakand Region,
Saldu Shah, Swat
(Respondent No. 02)

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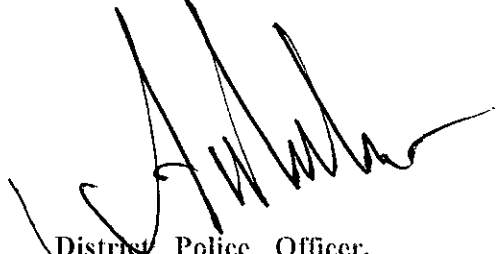
1. District Police Officer Swat.
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..... Respondents

AFFIDAVIT

We, the above respondents do hereby solemnly affirm on oath and declare that the contents of the appeal are correct/true to the best of our knowledge/ belief and nothing has been kept secret from the honorable Tribunal.


Regional Police Officer,
Malakand Region
Saidu Sharif Swat
(Respondent No. 02)


District Police Officer,
Swat
(Respondent No. 01)

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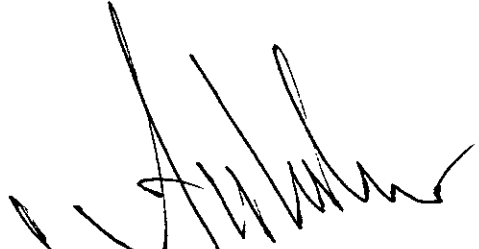
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AUTHORITY LETTER

We, the above respondents do hereby authorize Mr. Naeem Hussain DSP/Legal Swat to appear before the Tribunal on our behalf and submit reply etc in connection with titled Service Appeal.

Regional Police Officer
Regional Police Officer
Saidu Sharif Swat
Malakand Region
(Respondent No. 02)


District Police Officer,
Swat
(Respondent No. 01)