

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 1344/2022

Farman Ali (Constable Special Police Force Belt No.3590) S/O Fazal Mahmood resident of Faizabad Saidu Sharif Tehsil Babozai District Swat.

..... Appellant

VERSUS

Inspector General of Police KPK at Central Police Office Peshawar & others

..... Respondents

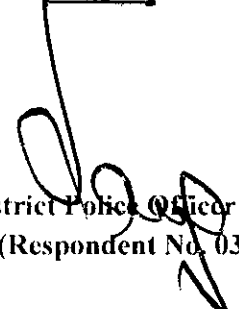
Khyber Pakhtunkhwa
Service Tribunal

Diary No. 3435

7-2-2023

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District Police Officer Swat
(Respondent No. 03)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 1344/2022

Farman Ali (Constable Special Police Force Belt No.3590) S/O Fazal Mahmood
resident of Faizabad Saidu Sharif Tehsil Babozai District Swat.

..... **Appellant**

VERSUS

Inspector General of Police KPK at Central Police Office Peshawar & others

..... **Respondents**

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS

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 service record of appellant, hence needs no comments.
2. Pertain to personal information of appellant, hence needs no comments.
3. Incorrect. That the date of birth of appellant was recorded correctly in his service book as provided by him at the time of enlistment. The date of birth once entered in service book could only be changed or modified within two years of enlistment, however the appellant neither informed the department regarding correction in his date of birth nor any proof is available on record in this regard. The appellant was required to apply for correction of his date of birth within first two year of enlistment, but he failed to do so and after a lapse of prescribe period of two year, his date of birth could not be changed at this belated stage.i.e lapse of stipulated period of two years, the date of birth of appellant will be presumed as correct and final.
4. Incorrect. As stated above, the date of birth once entered in service book could only be changed or modified within first two years of enlistment, however the appellant neither informed the department regarding correction in his date of birth nor any proof is available on record in this regard. The appellant was required to apply for correction of his date of birth within first two year of enlistment, but he failed to do so.
5. Incorrect excuse. Appeal in this specific case is devoid of rules/regulations prescribed.


6. The appellant has wrongly invoked the jurisdiction of this honorable tribunal through unsound grounds.


GROUND:


- 1) Incorrect. That action/inaction of the respondents are lawful, legal and in accordance with law/rules.
- 2) Incorrect. As stated above, appellant was required to apply for the rectification of his date of birth within first two years after joining service in Police department, however he did not apply for the same with statutorily period of two year, therefore under rules, correction regarding his date of birth at this belated stage cannot be entertained, after the lapse of stipulated period of two years, the date of birth of appellant will be presumed as correct and final.
- 3) Incorrect. As stated above, the appellant did not apply for the same with statutorily period of two year, therefore under rules, correction regarding his date of birth at this belated stage cannot be entertained, after the lapse of stipulated period of two years, the date of birth of appellant will be presumed as correct and final.
- 4) Incorrect. The date of birth of appellant was recorded correctly in his service book as provided by him at the time of enlistment.
- 5) Incorrect. The appellant has been treated in accordance with law/rules.
- 6) This Para explained above in Facts with detail.
- 7) That other grounds not specifically answered in the reply, will be agitated with the permission of honorable Tribunal at the time of arguments.

PRAYER:

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


Inspector General of Police,
Khyber/Pukhtunkhwa, Peshawar
(Respondent No. 01)


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


Regional Police Officer,
Malakand Region,
Saidu Sharif, Swat.
District Police Officer Swat
(Respondent No. 03)

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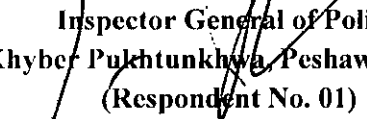
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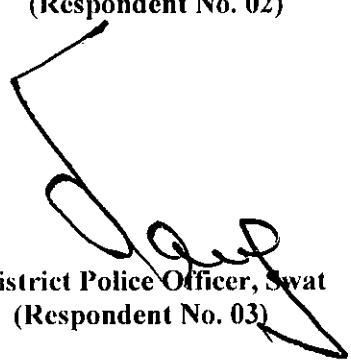
..... Respondents

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.


Inspector General of Police,
Khyber Pakhtunkhwa Peshawar
(Respondent No. 01)


Regional Police Officer
Malakand Region
(Respondent No. 02)


District Police Officer, Swat
(Respondent No. 03)

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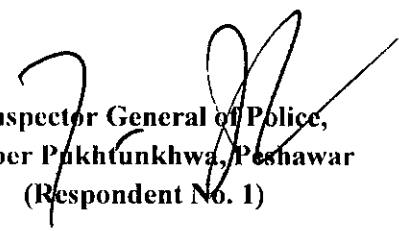
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..... Respondents

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.


Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 1)


Regional Police Officer
Malakand Region
(Respondent No. 2)


District Police Officer, Swat
(Respondent No. 3)