

BEFORE THE HONOURABLE, KHYBER PAKHTUNKHWA, SERVICE
TRIBUNAL PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No. 1482/2022

Diary No. 3486

Behroz Khan, Reader to SP (Investigation) District Nowshera.

Dated 9-2-2023
.....Appellant

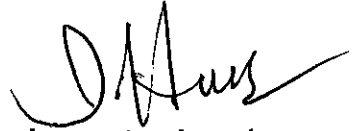
V E R S U S

Provincial Plice Officer, Khyber Pakhtunkhwa, Peshawar and others.

.....Respondents

I N D E X

S.No.	Description of documents	Annexure	Pages
1.	Reply of Respondents	-	1-3
2.	Affidavit	-	04


Inspector Legal,
Nowshera

(1)

**BEFORE THE HONOURABLE, KHYBER PAKHTUNKHWA, SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. 1482/2022

Behroz Khan, Reader to SP (Investigation) District Nowshera.

.....Appellant

V E R S U S

1. District Police Officer, Nowshera.
2. Regional Police Officer, Mardan.
3. Provincial Plice Officer, Khyber Pakhtunkhwa, Peshawar.

.....Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS 1,2&3

Respectfully Sheweth: -

PRELIMINARY OBJECTIONS: -

1. That the appellant has got no cause of action and locus standi to file the instant appeal.
2. That the appeal is badly barred by law and limitation.
3. That the appellant is estopped by his own conduct to file the instant appeal.
4. That the appeal is not maintainable in its present form.
5. That the appellant has not come to the Honourable Tribunal with clean hands.
6. That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.

Reply on Facts: -

1. Incorrect. That appellant while posted at Police Station, Pabbi, as per report of the then SDPO Pabbi that appellant has initiated an enquiry with regard to robbery of a motorcycle, a mobile set model G-5 and cash amount of Rs. 40000/- from Abdul Aleem r/o Pabbi and handed over the enquiry to SI Israr Khan on 14-03-2014 upon his transfer. It is worth to mention here that the said enquiry was re-entrusted to him on 25-05-2014 upon the transfer of SI Israr Khan which went missing.
2. Para correct to the extent that appellant was served with a Charge Sheet alongwith statement of allegations to which he submitted his reply. However, rest of the para is incorrect as the appellant while posted at Police Station, Pabbi, initiated an enquiry u/s 156(II) Cr.P.C with regard to robbery of a Motorcycle, a mobile set model G-5 and cash amount of Rs. 40,000/- from Abdul Aleem r/o Pabbi and handed over the enquiry to SI Israr Khan on 14-03-2014 upon his transfer. It is worth to mention here that the said enquiry was re-entrusted to the

appellant on 25-05-2014 upon the transfer of SI Israr Khan which went missing.

3. Incorrect. Enquiry against the appellant was conducted by fulfilling all legal and codal formalities and the enquiry officer in his report stated that though applicant/complainant did not want any further action on his application however, recommended the appellant for minor punishment of stoppage of 02 annual increments with cumulative effect on account of showing his slackness towards his official duties.
4. Para correct to the extent that respondent No. 01, on the recommendation of enquiry officer awarded minor punishment of stoppage of 02 annual increments with cumulative effect to the appellant.
5. Incorrect. It is not appealable to a prudent mind that 02 annual increments of the appellant were stopped and he was unaware of this fact.
6. Incorrect. All those Officers/Officials who are awarded major/minor punishments are provided copy of the order without any discrimination.
7. Para correct to the extent that against the punishment order, appellant moved departmental appeal before respondent No. 02 and the same was rejected being badly time barred. Feeling aggrieved, appellant moved mercy petition before the respondent No. 02 which was also filed being badly time barred.
8. That appeal of the appellant is liable to be dismissed inter-alia on the following grounds: -

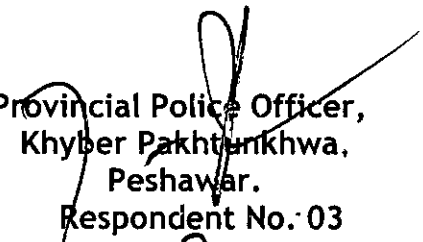
Reply on Grounds

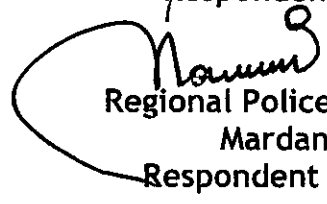
- A. Incorrect. Appellant has been treated in accordance with law and rules by the respondents hence orders passed by the respondents are liable to be maintained.
- B. Incorrect. A full-fledged enquiry against the appellant was conducted through the then DSP Nowshera Cantt:.
- C. Incorrect. No subsequent enquiry has been conducted in the same matter.
- D. Incorrect. Respondent No.01 after going through the enquiry report and on the recommendation of enquiry officer awarded punishment of stoppage of 02 annual increments with cumulative effect.
- E. Incorrect. Respondent No.02 & 03 rejected departmental appeal and revision petition on solid grounds as appeal of the appellant was badly time barred.
- F. Incorrect. Orders passed by the respondent are in accordance with law, rules and norms of natural justice.


- G. Para already explained above.
- H. The respondents also seek permission of this Honourable Tribunal to advance additional grounds at the time of arguments.

Prayers

It is, therefore, most humbly prayed that on acceptance of above submissions, the appeal of the appellant may very kindly be dismissed with costs, please.


 Provincial Police Officer,
 Khyber Pakhtunkhwa,
 Peshawar.
 Respondent No.: 03


 Regional Police Officer,
 Mardan.
 Respondent No. 02


 District Police Officer,
 Nowshera.
 Respondent No.01

BEFORE THE HONOURABLE. KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1482/2022

Behroz Khan, Reader to SP (Investigation) District Nowshera.

.....Appellant

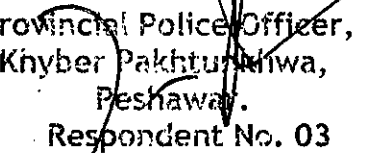
V E R S U S


- 1. District Police Officer, Nowshera.
- 2. Regional Police Officer, Mardan.
- 3. Provincial Plice Officer, Khyber Pakhtunkhwa, Peshawar.


.....Respondents

AFFIDAVIT

We the respondents No. 1, 2 & 3 do hereby solemnly affirm and declare on Oath that the contents of reply to the appeal are true and correct to the best of our knowledge and belief and nothing has been concealed from the Honourable tribunal.


 Provincial Police Officer,
 Khyber Pakhtunkhwa,
 Peshawar.
 Respondent No. 03


 Regional Police Officer,
 Mardan.
 Respondent No. 02


 District Police Officer,
 Nowshera.
 Respondent No.01