

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

S.A No. 1230/2022

Amjid Khan

versus

DPO & Others

REJOINDER

Respectfully Sheweth,

Preliminary Objections:

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 4356

Dated 15/3/2023

All the 06 Preliminary Objections are illegal and incorrect. No reason in support of the same is ever given as to why appellant has not approached this hon'ble Tribunal with clean hands, concealment of facts, no cause of action or locus standi, estoppel, baseless etc and barred by law and limitation.

ON FACTS

1. Admitted correct to the extent of appointment as Constable. Rest of the para is not correct. Previous laxities, if any, dealt with does not form basis for punishment because when he was reinstated in service, this means that his former order of dismissal from service was incorrect and illegal.
2. Not correct. The para of the appeal is correct supported by medical evidence regarding illness of her sister. More so, absence if any, does not constitute misconduct when the same is not willful but was due to the compelling circumstances stated above.
3. Not correct. Plausible reasons is given for the purpose and the apex court Condon more than twelve years absence in the circumstances. (2008 SCMR 1666)
4. Admitted correct by the respondents regarding dismissal from service but with retrospective effect. As for as issue of Charge Sheet is concerned the same was never served upon appellant as he was out of station.
- 5-6. Admitted correct to the extent of submission of representation as well as Revision Petition. And when appellant was never associated with the enquiry proceeding, then how full pledge opportunity was given to him.

GRUNDS:

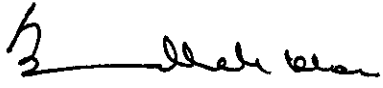
All the grounds of the appeal are legal and correct, while that of the reply are incorrect and illegal. The same are reaffirmed once again.

It is, therefore, most humbly requested that the Appeal be accepted as prayed for.



Appellant

Through



Saadullah Khan Marwat
Advocate

Dated: 15-03-2023