

BEFORE THE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL PESHAWAR

Service Appeal No.663/2022

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 4537

Dated 27/3/2023

Manzoor Khan Son of Alamzeb Ex. Constable No. 4754/EF, Police
Department Mardan.

Appellant

VERSUS

1. The Secretary, Home Department, Khyber Pakhtunkhwa, Peshawar.
2. The Commandant Elite Force, KPK Police, Peshawar.
3. The Deputy Commandant Elite Force Khyber Pakhtunkhwa,
Peshawar. **Respondents.**

=====

SUBJECT:- REJOINDER ON BEHALF OF APPELLANT

=====

Respected Sir,

Preliminary Objection:

All Preliminary Objections are misconceived, incorrect. Denied.

On Facts:

Paras 1 to VI.

- I. Para No.I, is correct, which has not denied by the respondents hence stand admitted on their part.
- II. Para No.II of the reply is incorrect, wrong, illegal, against the law and facts of the case, hence denied. The Appellant was falsely implicated in a criminal case vide FIR No. 256 dated 14.02.2020 U/S 302/ 324/ 353 / 7ATA/, he was arrested in the consequence of the said case, later on, the appellant was honourably acquitted by a competent court of law, vide judgment dated 06.01.2022. the appellant was innocent he was never involved in the said case, all the departmental proceeding in respect of the appellant service were conducted in absentia, his dismissal from service is wrong, illegal.
- III. Para No.III, is incorrect, wrong, illegal, against the law and facts of the case, hence vehemently denied, The Appellant was falsely implicated in a criminal case vide FIR No. 256 dated 14.02.2020 U/S 302/ 324/ 353/ 7ATA/, after a regular trial he was honourably acquitted by a competent court of law, vide judgment dated 06.01.2022, before the conclusion of the criminal case, disciplinary proceedings in absence of the appellant were initialed,

which culminated in his dismissal from service. Unilateral inquiry proceedings were conducted in which neither statement of the appellant was recorded nor afforded an opportunity of personal hearing. copy of the inquiry report was not provided, thus he was condemned unheard. Opportunity of fair trial was not provided to him.

IV. Para No. IV needs no reply.

V. Para No. V also needs no reply.

VI. Para No. VI, is incorrect, wrong, illegal against the law and facts of the case, hence vehemently denied.

On Grounds :-

1. Para No.01, needs no reply.

2. Para No.102, is incorrect, wrong, illegal, against the law and facts of the case, hence vehemently denied, the allegation of the appellant in a criminal case are false, which is evident from the fact that the competent court of law has honourable acquitted him from the charges, vide judgment dated 06.01.2022.

3. Para No. V also needs no reply.

4. Para No. V also needs no reply.

5. Para No. V also needs no reply.

6. Para No. V also needs no reply.

7. Para No. V also needs no reply.

8. Para No. V also needs no reply.

9. Para No. V also needs no reply.

It is therefore humbly prayed that setting aside the impugned dismissal order, the appellant may be reinstated into service, with all back service benefits.

Any other relief deemed fit may also be graciously granted please.

Dated: 27- 03-2023

Appellant Through Counsel

AFFIDAVIT

I, **Manzoor Khan** Son of Alamzeb Ex. Constable No. 4754/EF, Police Department Mardan, do hereby solemnly affirm that the contents of Rejoinder are true and correct to the best of my knowledge and belief. Nothing has been concealed from this Hon'able Tribunal.

Deponent

16701 -227558

(Signature)
ATTEST
Notary Public
Mardan
27/03/23