

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

Khyber Pakhtunkhwa  
Service Tribunal  
Diary No. 4896  
Dated 17/4/2023

In the matter of  
Appeal No. 1487/2019

Zabita Khan

..... (Appellant)

***VERSUS***

District & Sessions Judge, Nowshera, .....(Respondents)

**REJOINDER TO THE PARA WISE REPLY ON**  
**BEHALF OF THE APPELLANT**

**Respectfully Submitted:**

The appellant submits his rejoinder as under:

**ON PRELIMINARY OBJECTIONS:**

1. Contents incorrect and misleading, the appellant has illegally been awarded penalty, thus he being, aggrieved civil servant, has got the necessary cause action and locus standi to file the instant appeal.
2. Contents incorrect and misleading, all facts necessary for the disposal of appeal are brought before this honorable court and nothing has been concealed.
3. Contents incorrect, the appeal is filed well within time.

**ON FACTS**

1. Contents need no comments.
2. Contents as laid and incorrect. As the matter of fact the appellant was not treated in accordance with law. Material witnesses were not summoned by the Inquiry Officer nor the appellant was given fair chance of being heard. It is pertinent to mention here that the

accused lady was later-on sentenced to imprisonment in the light of the confessional statement.

3. Contents of para 3 of the appeal are true and correct. Reply given to the para is incorrect. The detail rely has already been given in para-2 of this rejoinder.
4. Contents of para 4 are true and correct while reply given to the para is incorrect, as the matter of fact the appellant brought the confessional statement of the accused lady on the margin of which he had obtained signature of Naib Qasid. It is a consistent view of the superior courts that punishment must commensurate to the magnitude of guilt, keeping in view the facts of the case the penalties imposed upon the appellant are harsh and comes under the definition of double jeopardy.
5. No comments.
6. No. 14 of the appeal are correct.

### **GROUND**

- A. Para A of the grounds of appeal are true and correct. Reply to the para false and incorrect. No codal formalities were fulfilled before the imposition of penalties.
- B. Para B of the grounds of appeal are true and correct. Reply to the para false and incorrect. The inquiry officer failed to appreciate the facts and evidences available on inquiry file, further, the material witnesses were not summoned by the inquiry officer, hence cannot be said that inquiry proceedings were conducted in accordance with the principles of natural justice. Moreover the appellant was not given right to cross examine those who deposed against him during inquiry proceedings.


C-E. Contents of grounds C-E of the appeal are true and correct. Reply given is false and incorrect. As submitted above it is a consistent view of the superior courts that punishment must commensurate to the magnitude of guilt. The appellant was penalized for the acts and omissions of other person which even otherwise was not proved against him.

*It is therefore humbly prayed that the appeal of the appellant may please be accepted as prayed for.*



*Appellant*

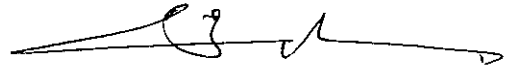
Through

**YASIR SALEEM**  
Advocate High Court

**AFFIDAVIT**

I do, hereby solemnly affirm and declare on oath that the contents of the above rejoinder as well as titled appeal are true and correct and nothing has been kept back or concealed from this Honorable Tribunal.



*Deponent*

