

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR.

Appeal No. 249/2023

IFTIKHAR KHAN

(Appellant)

Before Honourable
Service Tribunal

Case No. 5008

Dated 28/4/2023

VERSUS

IGP etc.

(Respondents)

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DEPONENT

①

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PARA WISE REPLY/COMMENTS OF RESPONDENTS NO.1 to 486

Respectfully Sheweth

The respondents respectfully submit as under: -

PRELIMINARY OBJECTIONS.

1. That the Appellant has got no cause of action.
2. That the Appeal is not maintainable under the law.
3. That the Appeal is barred by law & limitation.
4. That the Appellant has not been discriminated in any way.
5. That the Appeal is bad due to mis-joinder and non-joinder of necessary parties.
6. That the Appellant has approached the Honorable Tribunal with unclean hands.
7. That the Appellant has got no cause of action and locus-standi to file the instant Appeal.
8. That the Appellant has been estopped by his own conduct.

ON FACTS

1. Correct, hence need no Comments.
2. "According to ESTA Code serial No.42/reference correspondence in tendam with this Department circular memorandum No. S(R) 1151/1-26/SOXII, dated the 27th April, 1962 on the subject noted above, since the public interest is paramount in all cases, the fact that a Government servant is attending evening classes cannot in itself be a reason for not transferring himself. The competent authority, while allowing officials serving under them to study in evening classes, should, however, carefully go in to the question whether the officials is likely to be transferred to other stations. If so, permission in his case should be refused."
3. Pertain to record, hence need no comments.
4. Incorrect, the Appellant did not obtain NOC from the competent authority i.e Head of the Department (IGP KP). The appellant use this NOC as lame excuse for not performing his duty in other Circles or Districts.
5. Incorrect, the Appellant did not obtain NOC from the competent authority i.e Head of the Department (IGP KP).
6. Pertain to record. Need no comments.
7. Correct to the extent that, the Appellant appeared in person before the Respondent No.2 but his request was not considered because he has not obtained NOC from the Head of the Department.
8. Pertain to record, need no Comments.
9. Pertain to record, need no Comments.
10. Pertain to record, need no Comments.
11. Correct, hence need no Comments.

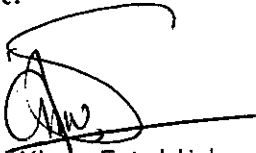
The Respondent Department may kindly be allowed to raise additional Grounds at the time of arguments.

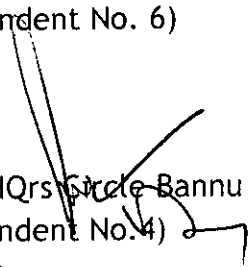
GROUNDS:

- A. Incorrect, the act of the Respondent is not against the law/ Rules and not based on malafide intention, ulterior motive; hence, such act is sustainable in the eye of law. The Appellant was transferred due to rise of militancy in District Lakki Marwat and paucity of Police personnel.
- B. Incorrect, the respondent No. 6 has not got any personal grudges with the appellant nor his transfer was based on any malafide or ulterior motive.
- C. Pertain to record, need no comments.
- D. Reply has been given in the above Para.
- E. Incorrect, the act of respondents is not violation of Article 4,25 and 25A of the Constitution of Islamic Republic of Pakistan, 1973 and the appellant was transferred to District Lakki Marwat due to exigency of service.
- F. The respondent department may kindly be given opportunity to advance other ground and material in time of arguments.


PRAYER:

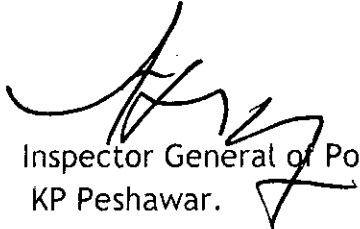
In view of the above Para wise comments, it is most humbly prayed that the Appeal of the Appellant may kindly be dismissed with cost.


Mr. Javed Khan Establishment Clerk,
RPO Office Bannu
(Respondent No. 6)


SDPO HQrs ~~Circle~~ Bannu
(Respondent No.4)


District Police Officer
Lakki Marwat
(Respondent No.3)


Regional Police Officer,
Bannu Region, Bannu
(Respondent No.2)


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

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(Appellant)

VERSUS

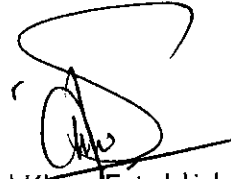
IGP etc.

(Respondents)

AUTHORITY LETTER.

Mr. Muhammad Farooq Khan DSP Legal Bannu, is hereby authorized to appear before Honorable Tribunal on behalf of the undersigned in the above cited Appeal.

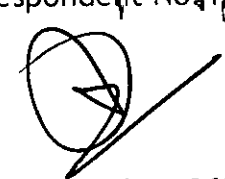
He is authorized to submit and sign all documents pertaining to the present Appeal.



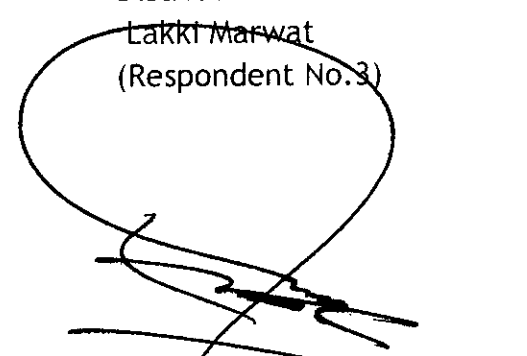
Mr. Javed Khan Establishment Clerk,
RPO Office Bannu
(Respondent No. 6)



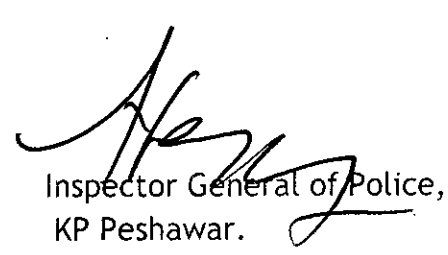
SDPO HQs Circle Bannu
(Respondent No. 4)



District Police Officer
Lakki Marwat
(Respondent No. 3)



Regional Police Officer,
Bannu Region, Bannu
(Respondent No. 2)



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

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(Appellant)

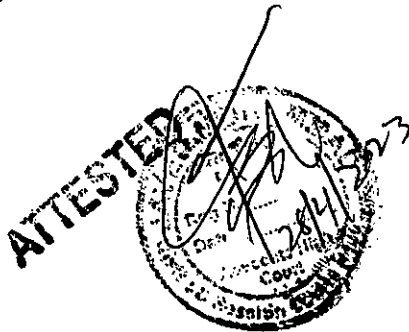
VERSUS

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AFFIDAVIT.

I MR. Muhammad Farooq Khan DSP Legal Bannu, representative for Respondent No.1 to 6 do hereby solemnly affirm and declare that the contents of the accompanying comments submitted by us are true and correct to the best of our knowledge and belief and that nothing has been concealed from this Honorable Tribunal.




DEPONENT

10-12-2020

5

OFFICE OF THE
REGIONAL POLICE OFFICER
BANNU REGION, BANNU

Phone No: 0928-9270075
Fax No: 0923-9270075

Dated _____ / _____ / 2020.

No. _____ / PA

NO OBJECTION CERTIFICATE

It is certified that Mr. Iftikhar Khan is working as LHC bearing No. 599 in Police Department since 25.05.2006. He desires admission in LL-3 in Danish Kaddha Bannu affiliated with Gomal University D.I.Khan. The undersigned got no objection over his admission.

Regional Police Officer
Bannu Region, Bannu

No. 2566-67 Dated 10/12/2020

Copy of information and necessary action.

1. District Police Officer, Bannu with direction to post the above named LHC on day duty only in HQrs Circle and he will attend his regular classes in the evening.
2. LHC Iftikhar Khan No. 599.

Regional Police Officer
Bannu Region, Bannu

SRL
For refraction

2.

11/4

11/9