

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR

S.A No. 1861/2022

Irfan Khan

versus

DPO & Others

REJOINDER

Respectfully Sheweth,

PRELIMINARY OBJECTION

Member Peshawar
Service Tribunal
5039
Dated 2/5/2023

All the 05 Preliminary Objections are illegal and incorrect. No reason in support of the same is ever given as to why appellant has not approached with clean hands, has suppressed material facts, appeal is not based on facts, is bad for none and mis-joinder of parties and estopped by his own conduct.

ON FACTS

- 1-6. Admitted correct by the respondents regarding entry of accused Wasif into the house of Mst. Fehmida and marking of application to ASI Fazal Nabi for necessary action, scribing of murasala in the hospital for killing of Mst. Fehmida and Mst. Amina, charging of accuse Bacha Khan and Kashif for the murder of the said ladies, lodging of FIR, suspension of appellant from service for charge of inefficiency and corruption, patching the matter between the parties, serving of appellant with Show Cause Notice regarding involvement of substitute instead of real accused Wasif Khan.
7. Admitted correct to the extent that Bacha Khan submitted application before R. No. 01 for facilitating real accused party.
8. Admitted correct by the respondents by submitting reply to the Show Cause Notice.
- 9-10. Correct by issuing Charge Sheet to appellant by R. No. 01 and submission of reply to the same.
11. Admitted correct to the extent of enquiry and recommendation of appellant for imposing suitable punishment along with ASI Fazal Nabi.

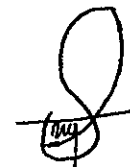
12. Admitted correct by respondents to the extent of Final Show Cause Notice and its reply.
13. Admitted correct to the extent of punishment of reversion from the rank of Sub-Inspector to the rank of ASI by R. No. 01.
- 14-15. Admitted correct to the extent of departmental appeal and denovo enquiry by SP Investigation Mardan recommending appellant for suitable punishment.
- 16-17. Not correct. The para of the appeal is correct by rejecting representation of appellant despite the fact that appellant was recommended for minor punishment. And by showing efficiency since 2021 till 2022.
18. Admitted correct to the extent of Revision Petition before R. No. 03 and its rejection.

GROUND S:

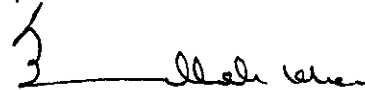
All the grounds of the appeal are legal and correct while that of the reply are illegal and incorrect. The same are re-affirmed once again.

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

Through



Appellant



Saadullah Khan Marwat

Advocate,

Dated: 27-04-2023