

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

S.A No. 7815/2021

Shahzad Jamal

versus

SP. Hqr: & Others

REJOINDER

Respectfully Sheweth,

Preliminary Objections:

Khyber Pakhtukhwa
Service Tribunal
Diary No. 5569
Dated 25/5/2023

All the 07 Preliminary Objections are illegal and incorrect. No reason in support of the same is ever given as to why the appeal is time barred, bad for mis and none joinder of necessary parties, unclean hands, without cause of action / locus standi, estoppel, concealment of facts and not maintainable.

ON FACTS

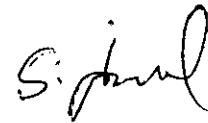
1. Not correct. Previous laxities, if any, already dealt with cannot be made basis for punishment as is held by the apex court in the judgments.
2. Not correct. The para of the comments is not context to the para of appeal regarding damage of kidneys. The Charge Sheet etc were not served upon appellant. As for as enquiry is conducted, the same was also one sided and he was never associated with the same. Legal formalities i.e. publication in two leading Newspapers was also not made.
3. Not correct. The para of the appeal is correct regarding none service of Charge Sheet upon appellant. He was never contacted on any cell number.
4. Not correct. Appellant was never associated with enquiry proceedings by the Inquiry Officer. No statement of any concerned was recorded what to speak of providing opportunity of cross examination.
5. Not correct. No codel formalities were ever observed by the Inquiry Officer and when the said absence period was treated as leave without pay, then no justification exists with the respondents to not allow appellant for duty and he was dismissed from service for no legal reason.
6. Not correct. After some recovery, appellant submitted representation which was rejected for no legal reason but with malafide.

7. Not correct. The para of the appeal is correct regarding submission of Mercy Petition and its rejection.

GRUNDS:

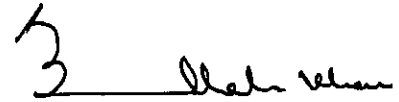
All the grounds of the appeal are legal and correct, while that of the reply are incorrect and illegal. The same are reaffirmed once again.

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



Appellant

Through



Saadullah Khan Marwat

Advocate

Dated: 25-05-2023



BEFORE THE KYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Appeal No: 7815 /2021

Mr. Shahzad Jamal

Versus

SP Hqr & others

Appellant

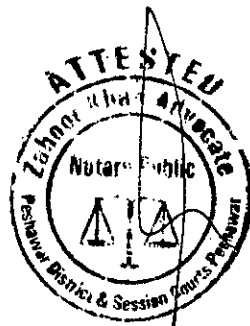
AFFIDAVIT

I, Shahzad Jamal Ex Constable Khyber Pakhtunkhwa Peshawar do hereby affirm and declare on oath that the contents of the rejoinder is true and correct to the best of my knowledge and belief nothing has been concealed from this Hon'ble Service Tribunal.

Deponent

S. Jamal

Dated 25.05.2023



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