

**BEFORE THE HONOURABLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,**  
**PESHAWAR.**

Service Appeal No. 338/2023

Ghulam Rabani Khan s/o Rustam r/o Mandhran Saidan Tehsil & District Dera Ismail Khan  
Sub Inspector Police (Retired). ... (Appellant)

**Versus**

1. Government of Khyber Pakhtunkhwa through Secretary to Govt of Khyber Pakhtunkhwa, Peshawar.
2. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
3. The Regional Police Officer, D.I. Khan ... (Respondents)

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 5605  
Dated 25/5/2023

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**DEPONENT**

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**WRITTEN REPLY ON BEHALF OF RESPONDENTS No. 2 & 3**

**PRELIMINARY OBJECTIONS**

1. That the appellant has got no cause of action.
2. That the appeal is bad for misjoinder/non-joinder of necessary parties.
3. That the appeal is badly barred by law & limitation.
4. That the appellant has not come to the Honourable Tribunal with clean hands.
5. That the appellant is estopped due to his own conduct.
6. That the appellant has concealed the material facts from the Honourable Tribunal.
7. That the instant appeal is badly time barred.
8. That the instant appeal is not maintainable in its present form.

**REPLY ON FACTS**


1. Pertains to personal information of appellant, need no comments.
2. Pertains to record.
3. Pertains to record.
4. Pertains to record.
5. Pertains to record.
6. Pertains to record.
7. Pertains to record.
8. Incorrect. The appellant's application is time-barred; Infact the impugned list is prepared every year, but the appellant has not submitted any application or objection after the completion of 02 year tenure.
9. Correct to the extent but due to some legal complication the matter was delayed and now the impugned list has been revised from the date vide RPO Office DIKhan letter No. 2549-52/ES, dated 12.04.2023.
10. That the directives have been implemented and the impugned list has been revised from the date vide RPO Office DIKhan letter No. 2549-52/ES, dated 12.04.2023.
11. As stated above.
12. Incorrect. The appellant's appeal is badly time-barred, he is not entitled to the same. Infact the appellant would have promptly submitted an application to the authorities in case of his non-confirmation after completion of two year tenure, but he did not do so. The impugned list is updated/revised annually, but the appellant has not submitted any objections in this regard
13. Incorrect. Supra Par-12.
14. Incorrect. The delay is caused by the appellant, hence not entitled for the same.
15. In view of above this instant appeal is not maintainable on the following grounds.


### REPLY ON GROUNDS

- A. Incorrect the orders were passed by the respondent in accordance with law/rules.
- B. Incorrect. As stated above.
- C. Incorrect. As stated above.
- D. Incorrect. No such violation has been caused and the orders were passed by the respondents in accordance with law/rules.
- E. Pertains to record.
- F. Correct to the extent but the appellant has not submitted any application or raised the objection after the completion of 02 year tenure.
- G. Correct to the extent and in this regard, a Regional Scrutiny Committee was formed, who revised the impugned list from the date vide RPO Office DIKhan letter No. 2549-52/ES, dated 12.04.2023.
- H. Incorrect. The instant appeal is badly time barred. Infact at this stage, when sufficient time has passed, objections are against the law/rules. However, the impugned list has been revised from the date vide RPO Office DIKhan letter No. 2549-52/ES, dated 12.04.2023 and sent to the Respondent No.2.
- I. That the scrutiny committee has been now revised the impugned list from the date.
- J. That the retired officer have also been considered.
- K. Pertains to record.
- L. Incorrect. The delay is caused by the appellant, hence not entitled for the same.
- M. That the impugned list has been revised with the appellant's rights in mind.
- N. The Respondents also seek permission to produce additional documents/grounds at the time of arguments.

### PRAYER

In view of above, it is prayed that on acceptance of these Parawise Comments the instant appeal may kindly be dismissed being meritless and time barred, please.

  
Provincial Police Officer,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No.2)

  
Regional Police Officer,  
Dera Ismail Khan  
(Respondent No.3)

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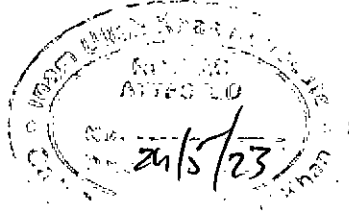
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**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENTS**

We, the respondents do hereby solemnly affirm and declare on oath that the contents, of Comments/Written reply to Appeal are true & correct to the best of our knowledge and nothing has been concealed from this Honourable Tribunal.



A handwritten signature in black ink, likely belonging to the Inspector General of Police.

Inspector General of Police  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No.2)

Regional Police Officer  
Dera Ismail Khan  
(Respondent No.3)

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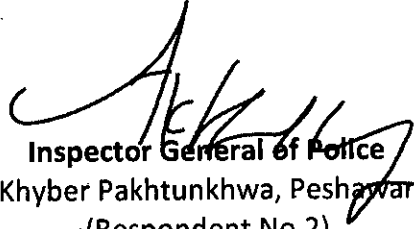
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**A U T H O R I T Y**

We, the respondents do hereby authorised Inspector/Legal, DIKhan to appear before the Service Tribunal Khyber Pakhtunkhwa, Peshawar, on our behalf, He is also authorised to produce/ withdraw any application or documents in the interest of Respondents and the Police Department.

  
Inspector General of Police  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No.2)

  
Regional Police Officer  
Dera Ismail Khan  
(Respondent No.3)