

BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER

PAKHTUNKHWA PESHAWAR.

IN

Service Appeal No.1341-P/2022

Sultan Rehman .....Appellant

**VERSUS**

Secretary to Govt of KP, E&SE Department , Civil Secretariat,  
Peshawar & others.....Respondents

REJOINDER ON BEHALF OF APPELLANT

*Respectfully Sheweth;*

Answer to Preliminary Objection

1. The appellant is a civil servant and has been removal without any legal reason, so he is aggrieved person, in the eyes of law, and the appeal is competent.
- 2,3,4 The respondents in these paras has not given any reason clarification as to why the appellant has got no cause of action, locus standi and unclean hands, and estoppel.
5. The appeal is very much maintainable as the appellant came to this court after acquittal from all criminal cases, as limitation starts from the date of acquittal as per Judgment of Superior Courts.
6. Incorrect, all the necessary party has been arrayed in the appeal.

7. Incorrect, both the orders are based on malafide, misconception of law, and for ulterior motives.

#### ON PARAWISE COMMENTS

- 1-2. Para 1, 2 not commented so admitted correct by the respondents.
3. Para-3 also admitted correct by the respondents, the appellant having 34 years of unblemished record, so should not have removed on baseless grounds.
4. Para-4 is incorrect the appellant was falsely and baselessly involved in FIR. No regular inquiry was conducted in the matter giving no chance of cross examination against the witnesses, besides removed by an incompetent persons the appellant has been acquitted from all the charges by the competent court of law, so has the right to be reinstated in service with all back / consequential service benefits, acquittal order already annexed with appeal.
5. Incorrect, as clarified in Para No.4, moreover the similarly placed removed from service along with the appellant has already been reinstated by the authority as well as by this Hon'ble Tribunal, so similar place be treated similarly according to the constitution of Pakistan, and Judgment of Superior Courts.
6. Para,6 incorrect, all the acquittal are Hon'ble according to the judgment of Superior, so appellant has a right to re instated into his services with all back benefits.
7. No replied, so admitted correct by the respondents.
8. Incorrect, no regular inquiry has been conducted giving right of cross examination of the witness, so improper inquiry if any cannot be used against the appellant.

9. Para,9 not replied so admitted correct by the respondents.
10. Para-10 also not replied so admitted correct by respondents.
11. Para-11 admitted correct by the respondents the complaint if any were not proved the appellant was acquitted from the criminal charges, all the acquittals are honorable, accordance to judgment of Superior courts, the department appeal was decided on merits, so delay if any was condoned by the appellate authority, the appellant having a right of reinstatement should have reinstate with all back consequential service benefits in the interest of justice.
12. Para No 12 and 13 not correct so admitted correct by the respondents.

**ON GROUNDS**

All the grounds of the appeal are correct and that of the reply incorrect.


It is, therefore, most humbly prayed that appeal of the appellant may kindly be allowed as prayed for.

Dated: ~~13.04.2023~~

Appellant

5/6/2023

Through

  
Muhammad Shabir Khan  
Advocate, Peshawar

**AFFIDAVIT**

I, do hereby affirm and declare on oath that the contents of the accompanying **Rejoinder** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



  
DEPONENT