

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

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**Service Appeal No. 1890/2022**

Khalid Khan ASI No. 85/MR Rapid Response Force, Peshawar (RRF)  
.....Appellant.

**VERSUS**

The Regional Police Officer, Mardan and others.....Respondents.

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**Para-wise comments by respondents:-**

**Respectfully Sheweth,**

**PRELIMINARY OBJECTIONS**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 5802

Date: 05-06-23

1. That the appellant has not approached this Hon'ble Tribunal with clean hands.
2. That the appellant has concealed the actual facts from this Hon'ble Tribunal.
3. That the appellant has got no cause of action or locus standi to file the instant appeal.
4. That the appellant is estopped by his own conduct to file the instant Service Appeal.
5. That the appeal is unjustifiable, baseless, false and vexatious and the same is liable to be dismissed with special compensatory cost in favour of respondents.
6. That the appeal is bad for miss-joinder and non-joinder of necessary parties.

**Reply on Facts**

1. Para to the extent of enlistment in Police Department pertains to record needs no comments. While rest of para is incorrect, because every Police Officer is under obligation to perform his duty upto the entire satisfaction of his superiors.
2. Para to the extent of completion of requisite/mandatory and professional trainings pertains to record needs no comments.
3. Correct to the extent that Standing Order No. 02/2016 was issued according to which Regions/Districts have been accorded share in different ranks in Central Units.
4. Correct to the extent that the appellant was promoted as officiating ASI in the Departmental Promotion Committee meeting held in Region Office Mardan dated 20.09.2019 and subsequently confirmed in the same rank after fulfillment of all legal and codal formalities including completion of probation period as enunciated in Police Rules 1934 Chapter 13 and his name was brought on promotion list "E" with immediate effect.
5. Para to the extent of getting knowledge by the appellant regarding promotion of his batch is not related needs no comments while para regarding filing application is correct as the application of the appellant was received by the office of respondent No. 04 but lien of the appellant was attached to Mardan Region vide Central Police Office Peshawar order No. 2274-76/E-IV dated 24.02.2016 with the condition of according bottom seniority while placing his name on promotion list "D". Hence, the appellant was promoted as officiating Assistant Sub Inspector and subsequently confirmed in accordance with order of merit/seniority. However, para to the extent of not handing over the rejection

order to the appellant is not plausible rather he has taken this plea just to save his skin from the issue of limitation.

6. That appeal of the appellant is liable to be dismissed on the following grounds amongst the others.

**REPLY ON GROUNDS:**

- A. Incorrect. Stance of the appellant is totally devoid of merit because the appellant has been promoted to the rank of officiating ASI in accordance with his seniority accorded to him in light of lien transfer order, hence the same is in accordance with facts, law, rules, norms of justice and fair play therefore the same is liable to be maintained.
- B. Incorrect. Plea taken by the appellant is totally ill based as discussed earlier he has been promoted on account of his turn.
- C. Para already explained needs no comments.
- D. Incorrect. The appellant has not been deprived of any of his right because the respondent department has no grudges against him.
- E. Para explained earlier needs no comments.
- F. Plea taken by the appellant is not plausible because every case has its own facts and circumstances, therefore, the instant issue does not fall within the ambit of judgment mentioned by the appellant.
- G. Para already explained needs no comments.
- H. Plea taken by the appellant is bereft of any substance.
- I. The respondents also seek permission of this honorable tribunal to adduce additional grounds at the time of arguments.

**PRAYER:-**

Keeping in view the above narrated facts, it is most humbly prayed that the appeal of the appellant being badly barred by law and limitation, may kindly be dismissed with costs please.

  
**Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.**  
(Respondent No. 01)

  
**AIG/Establishment CPO,  
Khyber Pakhtunkhwa, Peshawar.**  
(Respondent No. 02)

  
**Deputy Commandant, FRP  
Khyber Pakhtunkhwa, Peshawar.**  
(Respondent No. 03)

  
**Regional Police Officer,  
Mardan.**  
(Respondent No. 4)

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**COUNTER AFFIDAVIT.**

We, the respondents do hereby declare and solemnly affirm on oath that the contents of the Para-wise comments in the service appeal cited as subject are true and correct to the best of our knowledge and belief and nothing has been concealed from this Honourable Tribunal.

*IT IS further stated on oath that in this appeal, the opposing Respondents have been placed on their defence is struck off.*

**Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar**

(Respondent No. 01)

**AIG/Establishment CPO,  
Khyber Pakhtunkhwa, Peshawar.**

(Respondent No. 02)

**Deputy Commandant, FRP  
Khyber Pakhtunkhwa, Peshawar.**

(Respondent No. 03)

**Regional Police Officer,  
Mardan.**

(Respondent No. 4)

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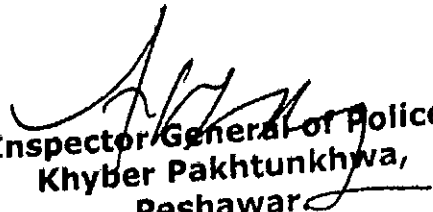
.....Appellant.


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**AUTHORITY LETTER.**

Mr. Atta-ur-Rehman Inspector Legal Branch, (Police) Mardan is hereby authorized to appear before the Honourable Service Tribunal, Khyber Pakhtunkhwa, Peshawar in the above captioned service appeal on behalf of the respondents. He is also authorized to submit all required documents and replies etc. as representative of the respondents through the Addl: Advocate General/Govt. Pleader, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

  
**Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar**  
(Respondent No. 01)

  
**AIG/Establishment CPO,  
Khyber Pakhtunkhwa, Peshawar.**  
(Respondent No. 02)

  
**Deputy Commandant, FRP  
Khyber Pakhtunkhwa, Peshawar.**  
(Respondent No. 03)

  
**Regional Police Officer,  
Mardan.**  
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