

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR**

**Service Appeal No. 1510/2022**

**Siraj Khan S/O Zarwali Jan R/o Kotka Shewa Jan Baka Khel District  
Bannu.....**

**Appellant**

**VERSUS**

**Deputy Commissioner, Bannu and three others.....**

**Respondents**

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DEPONENT

(1)

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR**

**Service Appeal No. 1510/2022**

Siraj Khan S/O Zarwali Jan R/o Kotka Shewa Jan Baka Khel District  
Bannu.....Appellant

**VERSUS**

Deputy Commissioner, Bannu and three others ..... Respondents

**Joints Para-wise reply on behalf of respondents No. 1 to 4.**

**Respectfully Sheweth.**

Joints Para-wise Reply by Respondents No. 1 to 4 are as under: -

**Preliminary Objections.**

1. That the appeal of the appellant is barred by law and limitation.
2. That the appeal is not maintainable in its present form.
3. That the appellant has concealed the actual facts from this Hon'ble Tribunal.
4. That the appeal is bad in law due to mis-joinder and non-joinder of the necessary parties.
5. That the appellant did not come to this Hon'ble Tribunal with clean hands.
6. That the appellant was terminated on 09.09.2014, and he filed the present case/appeal in the end of year 2022. The appellant had a remedy of appeal within thirty days as provided in Rule-11 of the Federal Levies Force (Amended) Service Rule, 2013 which he did not avail, therefore, the present appeal is badly time barred and is liable to be dismissed with cost.
7. That the appellant has got no cause of action and locus-standi to file the instant appeal.
8. That the appellant has been estopped by his own conduct to file the instant appeal.

(2)

**OBJECTIONS ON FACTS:**

1. Subject to proof hence no comments.
2. No comments.
3. Pertains to record.
4. Incorrect. The appellant was not regular in duty and officers were not satisfied with his performance.
5. As submitted above, the appellant was not regular in duty and remained absent from duty for sufficient period of time. He was served with several notices to join duty his willful absence from duty but he did not pay any heed. (Copy of attendance register page is enclosed as annexure-A and notices annexure. B). After that, the appellant was suspended from service on 09.09.2014.
6. Incorrect. Detail reply is already submitted in the above paras.
7. Comments in the case sought by the Section Officer (L&K), Law & Order Department FATA Secretariat Peshawar have been submitted vide letter no.295/DC/Levy Clerk dated 18.11.2015. Copy enclosed as Annexure-C.
8. Correct.
9. Pertains to record.
10. Incorrect. The appellant had a remedy of appeal within thirty days as provided in Rule-11 of the Federal Levies Force (Amended) Service Rule, 2013 which he did not avail. Therefore, the instant appeal is liable to be dismissed with costs.

**OBJECTION ON GROUNDS:**

- A. As submitted in the above para, it is submitted that neither the present appeal nor the departmental appeal has been filed within the stipulated period of time.
- B. As the appellant was not regular in his duty and remained absent for sufficient period of time, therefore, notice has been

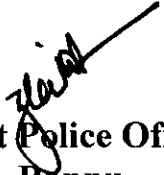
served upon him. He was also telephonically informed to resume his duty but in vain. Inquiry was not conducted in the case rather in the opinion of the authority the conduct of the appellant was sufficient to be proceeded against straight away.

- C. Incorrect. The appellant has been terminated vide order dated 09.09.2014 while nomenclature of the post of the high-up's has been changed in year 2018.
- D. Incorrect. The appellant has been served with several notices to resume his duty but he failed to attend the office for duty.
- E. Incorrect. Several notices were issued to him but he remained absent. He was not interested in his job/duty, therefore, did not pay any attention neither to the notice nor the termination order of respondent.
- F. That for rebuttal to the arguments of the appellant, the respondents may be allowed to raise additional grounds & material at the time of arguments.

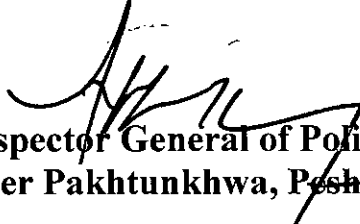
It is, therefore, requested that the instant appeal of the appellant being devoid of merit, baseless, frivolous, illegal and against the facts/record, be dismissed with heavy cost.

  
Deputy Commissioner,  
Bannu

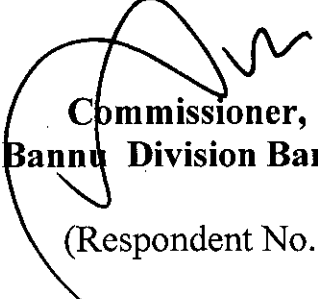
(Respondent No.1)

  
District Police Officer,  
Bannu

(Respondent No.3)

  
Inspector General of Police  
Khyber Pakhtunkhwa, Peshawar

(Respondent No. 4)

  
Commissioner,  
Bannu Division Bannu

(Respondent No.2)

(4)

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR**

**Service Appeal No. 1510/2022**

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Appellant**

**VERSUS**


**Deputy Commissioner, Bannu and three others.....**

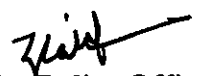
**Respondents**

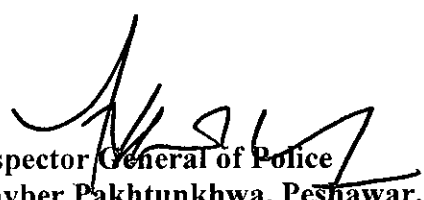
**AUTHORITY LETTER.**


Mr. Muhammad Farooq Khan DSP Legal Bannu, is hereby authorized to appear before Honorable Tribunal on behalf of the undersigned in the above cited Appeal.

He is authorized to submit and sign all documents pertaining to the present Appeal.

  
**Deputy Commissioner  
Bannu  
(Respondent No.1)**

  
**District Police Officer  
Bannu  
(Respondent No.3)**

  
**Inspector General of Police  
Khyber Pakhtunkhwa, Peshawar.  
(Respondent No. 4)**

  
**Commissioner,  
Bannu Division Bannu  
(Respondent No.2)**

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**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR**

**Service Appeal No. 1510/2022**

**Siraj Khan S/O Zarwali Jan R/o Kotka Shewa Jan Baka Khel District Bannu.....  
Appellant**

**VERSUS**

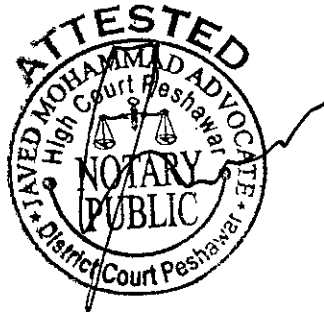
**Deputy Commissioner, Bannu and three others.....  
Respondents**

**AFFIDAVIT.**

I MR. Muhammad Farooq Khan DSP Legal Bannu, representative for Respondent No.1 to 4 do hereby solemnly affirm and declare that the contents of the accompanying comments submitted by us are true and correct to the best of our knowledge and belief and that nothing has been concealed from this Honorable Tribunal

it is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense is struck off.

  
DEPONENT





7 B ختم عالی

الرجوع إلى جاني رت. مورخه 2014/8/3  
بموجب القرار رقم 15  
الرجوع إلى جاني رت. مورخه 2014/8/3  
بموجب القرار رقم 15  
الرجوع إلى جاني رت. مورخه 2014/8/3  
بموجب القرار رقم 15

- 1- عبد الحنف ولد عبد
- 2- سبيح خاوا وبنو زرد علي و...
- 3- السيد محمد وبنو واديت خان

لهذا باق...  
الرجوع إلى جاني رت. مورخه 2014/8/3  
بموجب القرار رقم 15

Aug 03/09/2014  
L.C.

محمد صالح

R/cir.

Report 7 (Lor) Clerk is submitted for Perusal.  
The above three (3) persons were found absent from  
last 4/5 months without permission. It is therefore  
suggested that their services may kindly be  
terminated pl.

A.P.A.F.R.

submitted pl.

27/9/14



(18)

OFFICE OF THE  
**COMMISSIONER**  
BANNU DIVISION

P.O. Box 12 Postal Code 28100, Bannu  
Phone: 0928-9270092/224  
Fax: 0928-9270041/223  
e-mail: commissionerbannu1@gmail.com

C

No. 247 READER/F  
Date: 12-01-23

Most Immediate/Court Matter.  
The Deputy Commissioner,  
Bannu.



Subject: SUMMON IN CASE-TITLED SIRAJ KHAN VERSUS DEPUTY COMMISSIONER BANNU ETC.

I am directed to enclose herewith a copy of appeal No 1510, dated 16/01/2023 in the case titled mentioned above, received from Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar and to request you to depute your representative to attend the Court on behalf of Commissioner Bannu Division (Respondent No. 2) on the date fixed and subsequent dates of hearing please.

Secretary to Commissioner,  
Bannu Division

Even no. & date:  
Copy forwarded to the:

- 1. PS to Commissioner Bannu Division.

Secretary to Commissioner,  
Bannu Division

884  
27-01-23

Handwritten notes in Urdu script at the bottom left of the page.

09

e

BEFORE THE SECRETARY LAW AND ORDER, FEDERAL BUREAU OF INVESTIGATION,  
MARKS ROAD, PESHAWAR.

Appeal No. \_\_\_\_\_ of 2015

Siraj Khan son of Zarwail Jan W/O Motia Sazid Jan Bannu District,  
District, Bannu.....

VERSUS

- 1- Deputy Commissioner/Commandant L.V. Force Bannu.
- 2- Political Tehsildar F.R, Bannu.....

APPEAL AGAINST THE IMPUGNED ORDER DATED 09/09/2014 ISSUED BY THE  
DEPUTY COMMISSIONER/COMMANDANT L.V. FORCE BANNU WHEREIN THE  
SERVICE OF THE APPELLANT HAS BEEN TERMINATED.

PRAYER: on acceptance of this Appeal the impugned order dated  
09/09/2014 passed by respondent# 01 against the appellant in  
service of the appellant may be annulled.

Respectfully Sheweth:

GROUNDS:

- 1. That the appellant has been serving in the law force to the entire satisfaction of his superior officers.
- 2. That the appellant did not absent from his duty but was absent as Political Tehsildar himself but as the Political Tehsildar he has grudges and thus conceived a false story against the appellant.
- 3. That the so called inquiry is also one sided and biased against the respondent# 02.
- 4. That no show cause notice was served upon the appellant and he was kept in darkness about the impugned order issued by respondent# 01 as respondent# 02 was introduced in the service of the appellant from his service.
- 5. That the appellant belongs to a poor family and he is unable to pay the fine for refusal from duty as he is alleged by respondent# 01.
- 6. That the appellant seeks permission to be allowed to appear in the time of arguments.

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Keeping in view, the above facts, it is humbly requested that the impugned order, dated 09/09/2014 passed by Deputy Commissioner/Commandant levy force, F.R, Bannu be set aside and the services of the appellant may kindly be restored with all back benefits.

Dated: 09/10/2015

Appellant Sir, Khan  
through



Muhammad Rashid Khan (Wazir)  
Advocate, High Court.

9/10/15

