

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

SERVICE APPEAL No. 1633/2019

Ijaz Ahmed DSP/DFU Abbottabad.

.....Appellant.

VERSUS


Government of Khyber Pakhtunkhwa etc

.....Respondents.

Para wise comments on behalf of Respondents.

INDEX

S.No.	Detail of Documents	Annexure	Page No.
1	Reply	-	1 to 3
2	Affidavit	-	4
3	TOTAL <i>Authority letter</i>	-	04 Pages <i>5 Total = 5</i>


DSP Legal, Abbottabad.

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR dated 13-06-23

SERVICE APPEAL No. 1633/2019

Ijaz Ahmed DSP/DFU Abbottabad.

.....Appellant.

VERSUS

Government of Khyber Pakhtunkhwa etc

.....Respondents.

Para-wise comments by Respondent No. 1 to 5.

Respectfully Sheweth

PRELIMINARY OBJECTIONS:-

- a. That the appeal is not based on facts.
- b. That the appeal is not maintainable in the present form.
- c. That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.
- d. That the appeal is barred by law & limitation.
- e. That the appellant is stopped to file the appeal by his own conduct.
- f. That the appellant has not come to this Honorable Tribunal with clean hands.
- g. That the appellant has got no cause of action and locus standi to file instant service appeal.

ON FACTS:-

1. Pertains to posting of appellant, needs no comments.
2. Pertains to record, needs no comments.
3. Pertains to record, needs no comments.
4. Correct to the extent that CPO issued seniority list of DSsP (BPS-17) dated 19-09-2019, wherein the name of appellant placed at Serial No. 82 while the remaining Para is incorrect and misleading.

5. Correct to the extent of departmental appeal while remaining Para is incorrect as appellant has assigned due seniority in accordance with Regional Police Officer's recommendations under Police Rules, 13-15(1).
6. The departmental appeal of the appellant was rejected vide Letter No. E-I/CPO/1232, dated 21.10.2019, on the grounds for that seniority on the basis of date of confirmation in the rank of Inspector not covered under the Rules.
7. The appeal of the appellant is not maintainable on the following Grounds.

ON GROUNDS:-

- a. Incorrect, seniority list dated 19.03.2029, is quite valid and in accordance with law / Rules. Furthermore, no discrimination has been done by the answering respondents with the appellant.
- b. Incorrect as already explained in Para No.6 of Facts that seniority on the basis of confirmation in the rank of Inspector not covered under the rules. Thus seniority list is quite legal and in accordance with law/Rules and no need to be rectified ibid list of seniority. Furthermore, seniority in the list "F" i.e. Provincial level is prepared on the recommendation of Region office under Police Rules 13.15(1) of confirmed Sub-inspectors.
- c. Incorrect. The impugned order is in accordance with law/ rules and facts hence not liable to be set aside.
- d. Incorrect. The order is quite legal having legal effects under the existing rules.
- e. Incorrect as already explained in preceding Paras.
- f. Incorrect as already explained however, no violation of fundamental rights of appellant has been done by the answering respondents.
- g. The respondents may also be allowed to raise additional Grounds at the time of hearing of the instant service appeal.

PRAYER.

Keeping in view the above stated facts and rules, it is therefore humbly prayed that the appeal is not maintainable being devoid of merits hence, may kindly be dismissed with costs, please.

17/12/2021

Chief Secretary,
Government of Khyber Pakhtunkhwa,
Peshawar.
(Respondent No.1)

10/12/2021

Additional Inspector General of Police,
Establishment, Khyber Pakhtunkhwa,
(Respondent No. 3)

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

Additional Inspector General of Police,
Hqrs: Khyber Pakhtunkhwa,
(Respondent No. 4)

Regional Police Officer,
Hazara Region, Abbottabad
(Respondent No.5)

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

SERVICE APPEAL No. 1633/2019

Ijaz Ahmed DSP/DFU Abbottabad.

.....Appellant.

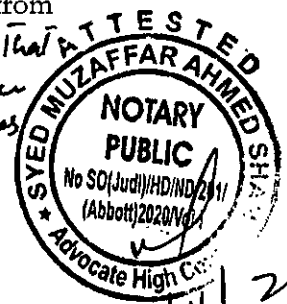
VERSUS

Government of Khyber Pakhtunkhwa etc

.....Respondents.

AFFIDAVIT.

We, do hereby affirm on oath that the contents of written reply are true to the best of our knowledge & belief and nothing has been concealed from the honorable Service Tribunal. *it is further stated on oath that in this appeal the answering respondents have neither been Submitted please. Place ex- parte nor their defences has been struck off!*



JJ
17/12/2021

Chief Secretary,
Government of Khyber Pakhtunkhwa,
Peshawar.
(Respondent No.1)

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

3
17/12/2021

Additional Inspector General of Police,
Establishment, Khyber Pakhtunkhwa,
(Respondent No. 3)

Alw
Additional Inspector General of Police,
Hqrs: Khyber Pakhtunkhwa,
(Respondent No. 4)

Kusro
Regional Police Officer,
Hazara Region, Abbottabad
(Respondent No.5)

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR, CAMP COURT,
ABBOTTABAD.**

SERVICE APPEAL NO. 1633/2019.

Ejaz Ahmed DSP DFU, Abbottabad.

.....Appellant.

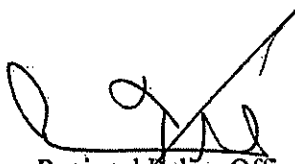
VERSUS

1. Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar
2. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
3. Addl: IGP Establishment, Khyber Pakhtunkhwa, Peshawar
4. Addl: IGP Hqrs: Khyber Pakhtunkhwa, Peshawar
5. Regional Police Officer, Hazara Region, Abbottabad.

.....Respondents.

AUTHORITY LETTER.

I, Regional Police Officer, Hazara Region, Abbottabad do hereby authorize Mr. Muhammad Tanveer DSP Legal, Abbottabad to appear before the Honourable Service Tribunal, Khyber Pakhtunkhwa to defend and filed comments / reply, if any on behalf of Respondents during proceedings in the Service Appeal titled above.


Regional Police Officer,
Hazara Region, Abbottabad
~~Regional Police Officer,
Hazara Region, Abbottabad~~