

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

S.A No. 1145/2022

Samiul Haq Ex-FC EF.....APPELANT

Verses

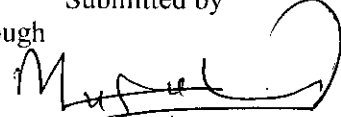
PPO KPK etcRESPONDENTS

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Submitted by

Through



DSP Legal Elite Force

Khyber Pakhtunkhwa Peshawar

Mob: 0315-9869601

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

Service Appeal No. 1145/2022

Sami ul Haq (Ex-FC Elite Force)..... (Appellant)
VERSUS

Inspector General of Police, Khyber Pakhtunkhwa, Peshawar
etc..... (Respondents)

REPLY BY RESPONDENTS NO. 1 TO 4

RESPECTFULLY SHEWETH:

PRELIMINARY OBJECTIONS:-

- a) That the appeal is not based on facts.
- b) That the appeal is barred by law and limitation.
- c) That the appeal is not maintainable in the present form.
- d) That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.
- e) That the appellant is stopped to file the instant 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 the instant service appeal.

FACTS:-

1. Pertains to service record of the appellant.
2. Pertains to service record of the appellant hence.
3. First portion of this Para is pertains to record while in remaining para it is submitted that appellant taken arms/ ammunition from boxes of Constables namely Muhammad Alam and Rehman Ali which were later on recovered from the possession of the appellant. Furthermore, the appellant absented himself from lawful duties without prior permission of the Competent Authority. On the basis of this misconduct he was proceeded against departmentally in accordance with law/ rules.
4. Incorrect. The appellant badly failed to defend himself therefore he was proceeded against departmentally in accordance with law/ rules.

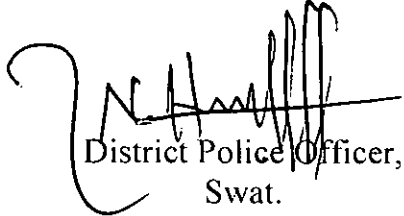
5. Incorrect. Proper departmental proceedings adopted in accordance with law/ rules.
6. Incorrect. The departmental appeal of the appellant was rejected on cogent reasons.
7. Incorrect. The appellant was reinstated for purpose of de-novo enquiry. De-novo enquiry was conducted in accordance with law/ rules. The appellant badly failed to prove his innocence therefore, on the recommendations of enquiry officer he was dismissed from service.
8. Incorrect. The departmental appeal of the appellant was rejected as the appellant badly failed to advance any plausible grounds in his self defense. Furthermore, he was directed time and again to attend the office of appellate authority in connection with his departmental appeal but he did not attend the office of appellate authority therefore, his departmental appeal was rejected.
9. Incorrect. The revision petition of the appellant was rejected being badly time barred.
10. Incorrect. The appellant has got no cause of action, therefore, the instant Service Appeal may kindly be dismissed on following Grounds:-


GROUND S:-

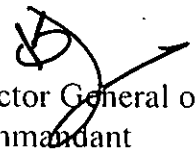
- A. Incorrect. The order of dismissal is legal and issued by the Competent Authority in accordance with rules.
- B. Incorrect. As already explained in Para No. 8 of Facts.
- C. Incorrect and misleading. All codal formalities were adopted and after fulfillment of formalities the appellant was dismissed from service.
- D. Incorrect. As already explained in Para No. 8 of Facts.
- E. Incorrect. As already explained in preceding Paras.
- F. Incorrect. As already explained in Para No. 8 of Facts.
- G. Incorrect. The orders passed by the authorities in accordance with law/ rules and under the competency.
- H. The answering respondents may be allowed to raise additional grounds at the time of hearing of instant Service Appeal.

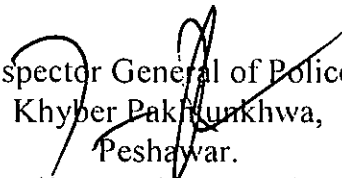
PRAYER:-

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


District Police Officer,
Swat.
(Respondent No. 4)


Deputy Commandant,
Elite Force, Khyber Pakhtunkhwa,
Peshawar.
(Respondent No. 3)


Additional Inspector General of Police/
Commandant
Elite Force, Khyber Pakhtunkhwa,
Peshawar.
(Respondent No. 2)


Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.
(Respondent No. 1)

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S:A No: 1145/2022

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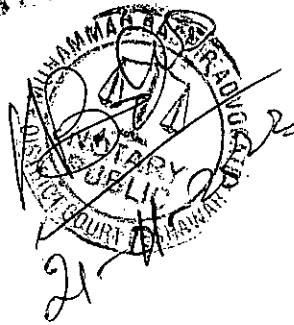
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AFFIDAVIT

I, Mian Niaz Muhammad DSP Legal Elite Force Khyber Pakhtunkhwa Peshawar, do hereby solemnly affirm and declare on oath that the contents of the accompanying comments are true and correct to the best of knowledge and belief and nothing has been concealed from this Hon'ble Court.

ATTESTED



DEPONENT

CNIC: 17301-1519386-1

CELL No: 0341-9094099