

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

Service Appeal No. 14225/20

SAQIB SHAHEEN.

.....Appellant

VERSUS

GOVERNMENT OF KPK & others

.....Respondents

REJOINER ON BEHALF OF APPELLANT.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 6357

Dated 11/7/2023

Respectfully Sheweth:

REPLY OF PRELIMINARY OBJECTIONS:

Para no 1 to 6 of preliminary objections of the comments are baseless, unjustified hence expressly denied having no legal footing.

REPLY ON FACTS.

Para no 1 & 2 of the comments need no reply.

Para no 3 of the comments is incorrect, baseless, unjustified hence expressly denied, in fact due to sudden and unfortunate incident the appellant was called/ informed by the police station Latamber, Karak about the murder incident of the sister of appellant on that reason the appellant inform his senior and after oral permission he left the training center and immediately reached to the concern police station as a complainant and lodge the FIR of the said murder, due to such sudden and unexpected crucial situation as well as enmity the appellant was mentally distorted and due to such anxiety and tuff situation the appellant remains absent from 04-07-2019 to 02-8-2019, the same fact is clear from order dated 27-2-2020 placed on page no 20. Further more due to such mental torture as the appellant was mentally disturbed meanwhile he started medical treatment and after medical examination disease of epilepsy and extreme depression was diagnosed, due to above cited facts the appellant remains absent from service/training in that connection final show cause notice bearing no 313/PA dated 17-9-2019 was issued to appellant by the respondent no 5, thereafter the appellant appeared before the concern office so many time but the appellant was not treated according to law deliberately and with mala-fide intention finally the appellant was removed from service without adopting proper procedure of enquiry nor medical record of the appellant was considered at that time such act of the respondents is against the law.

Para no 4 is incorrect, baseless hence denied in fact the appellant appeared before the concerned office for enquiry time and again along with medical record but the appellant was not treated according to law nor medical record/FIR of the incident produced by the appellant was considered without any proper enquiry the appellant was removed from service. It is pertinent to mention here that after

Proper treatment and complete bed rest the appellant is recovered and fit for job, now days serving as private security guard at Islamabad.

Para no 5 of comments is incorrect, based on baseless allegations hence denied, the appellant is hard worker but due to above tuff situation and incidents of his father and sister murder the appellant was mentally disturb, further more keeping in view medical record of the appellant and such crucial situation the appellant unable to join the duty/training such absentee of the appellant was un intentional, apart from that the appellant appeared before enquiry officer according to direction of the concern authority but all in vain.

Para no 6 of comments is correct to the extent that appellant was reinstated being sun of Shaheed, but at that time the appellant was not recovered, was suffering from the said disease, rest of the para is baseless hence denied the appellant is interested in his job therefore he filed the instant appeal before this Hon'ble tribunal for reinstatement of his service.

Para no 7 & 8 of the comments are incorrect, baseless hence denied, in fact appellant was directed by the concern authority to appear before the enquiry officer, in compliance of the said order the appellant visited time and again before the concern E. O along with relevant record i-e medical record and FIR etc but the appellant was not treated according to law no opportunity for defense was given to appellant, nor any single question was asked regarding absentee from appellant furthermore the record produced by the appellant was not considered by the concern enquiry officer and enquiry was concluded against the appellant without any cogent reason on that count such impugned enquiry report of E.O and removal from service order of the respondents is against the law and facts.

REPLY ON GROUNDS

Grounds A to H are incorrect, unjustified hence expressly denied, factual reply of the rejoinder showed gross violation at the part of the respondents which is cleared from the record placed on file.

Other ground if any will be raised at the time of arguments with prior permission of this Hon'ble tribunal

It is therefore, prayed that the instant appeal may kindly be accepted in favor of the appellant as prayed for.

Dated: 25/1/2023

Through

APPELLANT



Athar Abbas

Advocate High Court

VERIFICATION:

It is verified on oath that contents of the above rejoinder are true and correct to the best of my knowledge and belief.


DEPARTMENT.