# Appeal No.1895/2022

MUKHTAR ULLAH

(Appellant)

**VERSUS** 

PPO etc.

(Respondents)

# **INDEX**

S.No.	Description of Documents	Annexure	Page
1	Para-wise Reply		1-4
2	Authority Letter		5
3	Affidavit		6
4	Enguny end order.		7-17

DEPONENT

#### Appeal No.1895/2022

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# PARA WISE COMMENTS ON BEHALF OF RESPONDENTS NO.1 To 5

Respectfully Sheweth

The Respondents respectfully submit as under: -

Diary No 6443

## **PRELIMINARY OBJECTIONS.**

- 1. That the Appellant has got no cause of action.
- 2. That the Appeal is not maintainable under the law.
- 3. That the Appeal is barred by law & limitation.
- 4. That the Appellant has not been discriminated in any way.
- 5. That the Appeal is bad due to mis-joinder and non-joinder of necessary parties.
- 6. That the Appellant has approached the Honorable Tribunal with unclean hands.
- 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.

### **BRIEF FACTS:**

- 1. Correct to the extent that the appellant is a citizen of Pakistan, rest of the para pertain to record.
- 2. Correct hence, need no comments
- 3. Correct to the extent that initially the Appellant was serving as a constable in levies khassadar force of sub division Wazir and subsequently merged in KP Police of sub Division Wazir in Bannu in 2019. Rest of the para pertains of record hence needs no comments.
- 4. Incorrect, the Appellant was not absorbed as an ASI but as a constable by the Home and Tribal Affairs Department. Incorrect, DPO Bannu constituted a Scrutiny Committee in order to probe into suspicious/controversial notification regarding absorption of Levis/ Khassadar Police Force. Appellant along with other 10 colleagues were directly absorbed as an ASI despite the truth that, no Scrutiny Committee (comprising DPO, DC/ AG/APA and DAO) had recommended their names for absorption in the Rank of ASI. (Enquiry report is annexed)
- 5. Pertains to record hence need no comments
- 6. Correct to the extent that on 11.8.2021 the Appellant was selected for 03 months basic Police training by the DPO Bannu and the list was forwarded to AIG Police Training.

- To Correct to the entant that DAO Banne sent a general latter to A selected beparter Gene, deaf for twiling Training provision of deal of impector Sub-Inspector AshHC/Constends of an analy merge of Districts for the purpose of demand or vacar rece of laspector sub-increase. AICA Constal to far training and not for verification, (Letter is annexed to annexer a-A).
- 8. Correct to this extent, that Reio Samu constituted an Enquity Commission comprising its pector Mi langer at randog than NDPO Coult, impected Rizwan king with the long teached and substituted serport to Reo Samus The Enquity and submitted a report to REO Samus. The Enquity appear is conference of A.
- 9. The absorption of the Appellant was found met proper, dieretone the curvices the Appellant V as suspended on 25-11-2021 till and of proper verification from them. Recurrence,
- 40.4 Correct figures ar usual igna-
- 14. Pertains to termid bence no comes this
- 12. Perface to revoid himre no positions.
- O. Porrain, to record honce no is any min.
- 14. Pertains to a work hance we come or ...
- 18. Correct to colour that the Appullant received commentative withouter die to the particularities of inter-
- The factors of the wan pain of their duty.
- 17. Correspondence that OPO, training constrained the committee to probe into suspal and contraversial coefficients. The Committee observed that the climption of the Appellant shang with other columns was contrary to severable adult dur Act. 2019.
- 18. Correct to the exert it that a minimizer that the weal imposed in the Appellance the ing with 10 where collectives after Enquire proceedings conducted under the Chalmanushup of Audit uses springers.
- 19. Carrect honey no rotal scatter
- 20 Parence on the request of DPO. Banus in Artiguity Committee, was constituted at \$1.000 (1) layer to probe into the matter.
- M. foromect, or appoint his por no cause or settler to challenge the largest unlike of respondents

# CROUNDS

- A: Incurrect the imposped or endon order No. 1897,3006 dated 01 09.20 % in not agree of the few Rate Policy
- in water one finalizations of the of the species of has not been binimate violated by issuing the revenues and of the Appellant rather was to ned after serutiological the subject costs through brighty Committee and after the accumum dation of E.O. the immagn of secur was is read.
- 4. Into act the exercision decrebs not decade in law field on catain during and mall & eved to exercise.
- Do than area, the impugance mater was board after completing codal formalities.

- U. Incorrect the conduct of the respondent is legal and lawful to order 03 Enquiry Committees at different forum is not beyond the mandate and constitutional parameter set by the law.
- V. Incorrect the respondent is bound to probe the matter at District level, Regional level as well as Provincial level.
- W. Pertains to record hence no comments.
- **X.** The Respondent department may kindly be allowed to raise additional ground at the time of arguments.

### PRAYER:

It is therefore, most humbly prayed that the instant appeal may kindly be dismissed with cost.

District Police Officer,

(Respondent No. 05

Regional Police Officer, Bannu Region, Bannu. (Respondent No. 04)

Provincial Police Officer

KP, Peshawar.

(Respondent No. 03)

Deputy Secretary Home & Tribal Affairs

Civil Secretariat, Peshawar. (Respondent No. 2)

Secretary Home & Tribal Affairs, Civil Secretariat, Peshawar.

> Home Secretary, Khyber Pakhtunkhwa

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## AFFIDAVIT.

I MR. Muhammad Farooq Khan DSP Legal Bannu, representative for Respondent No.1 to 5 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.

DEPONENT



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## **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.

District Police Officer

\_Bannu\_\\_

(Respondent No.5)

Regional Police Officer, Bannu, Region Bannu ( Respondent No.4)

Provincial Police Officer

KP Peshawar.

(Respondent No.3)

Deputy Secretary Home& Tribal Affairs, Civil Secretariat KP Peshawar.

(Respondent No. 2)

Secretary Home& Tribal Affairs, Civil Secretariat KP Peshawar. (Respondenting 1559,

Khyber Pakhtunkhwa