

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,  
PESHAWAR.

Appeal No. 2017/2022

MUSHAHID WADOOD

(Appellant)

VERSUS

GOVT. OF KPK & OTHERS

(Respondents)

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DEPONENT

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

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 6435

Dated 13/7/2023

**Appeal No. 2017/2022**

**MUSHAHID WADOOD**

**(Appellant)**

**VERSUS**

**GOVT. OF KPK & OTHERS**

**(Respondents)**

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

Respectfully Sheweth

The respondents respectfully submit as under: -

**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 initially the Appellant was serving in Levis/ Khasadar force as a constable and subsequently merged in KP Police.
2. Incorrect the Appellant was initially absorbed in KP Police as a constable and not as an ASI. Rest of the Para pertains to record.
3. Pertains to record hence no comments.
4. Correct hence need no comments.
5. Correct to the extent that DPO, Bannu sent a letter to Assistant Inspector General of Police (Training) regarding provision of data of HC, Constable/ ASI and Inspector of newly merged Districts for the purpose of demand of vacancies for training purpose and not for verification. (Letter is annexed as annexure. "A")
6. Correct to the that the then RPO, Bannu constituted an Enquiry Committee regarding, scrutinizing absorption of members of Levies and Khasadar Force in Bannu Region. The Enquiry Committee scrutinized and dug out all facts of the merger. (Enquiry report is enclosed).

7. The merger of the Appellant was found not proper, therefore the services of the Appellant was suspended on 25.11.2021 till arrival of proper verification from Home Department.
8. Correct hence no comments.
9. Pertains to record hence need no comments.
10. Pertains to record hence need no comments.
11. Pertains to record hence need no comment.
12. Correct to the extent that the Appellant received some certificate due to his duty during Jani Khel agitations.
13. Incorrect DPO Bannu constituted a Scrutiny Committee in order to probe the suspicious/ controversial notification regarding absorption of Levis/ Khasadarin Police Force as the Appellant along with other 10 colleagues were directly absorbed as ASIs in despite of the fact that, no Scrutiny Committee (comprising DPO, DC/ AG/APA and DAO) had recommended these names for their absorption in the Rank of ASIs. (Enquiry report is annexed).
14. Correct to the extent that in light of the recommendation of the Enquiry Committee the DPO, Bannu issued the impugned order dated 01.09.2022 and reverted the Appellant along with other colleagues from the rank of ASIs to the rank of constable (Being their original Rank).
15. Pertains to record has no comments.
16. Correct to the extent that the Appellant filed writ petition No. 761-B/2022 in Peshawar High Court Bannu Bench. The case was decided with the direction to RPO, Bannu to decide the Appeal within 30 days. In compliance with the order of High Court Bannu Bench the W/RPO, Bannu checked/ vetted the subject appeal, but turned down being un-plausible and unjustified.
17. Correct to the extent that on the request of DPO, Bannu the Home Department constituted a committee vide notification No. 1498-1503, dated 10.11.2022 to dig out the real facts.

**GROUND:**

- A. Incorrect the impugned reversion orders dated 01.09.2022 is not against the law facts and norms of natural justice and material on the record.
  - B. That the Appellant has been treated by the respondent in accordance with law and Rules on the subject noted above and the Respondent did not violate Article 04 & 25 of the Constitution of the Islamic Republic of Pakistan, 1973.
  - C. Pertains to record has no comments.
  - D. Pertains to record has no comments.
  - E. Incorrect the respondent department did not act in an arbitrary and malafide manner by imposing major punishment of reduction in Rank.
  - F. Incorrect the impugned reversion order dated 01.09.2022 was not passed in a hasty manner and nor it was against the rule and law/ natural justice.
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**(Appellant)**

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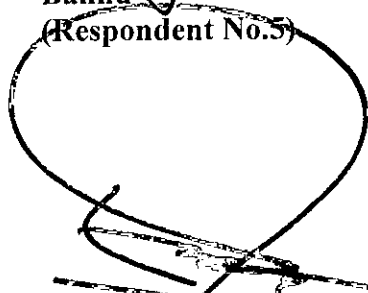
**(Respondents)**

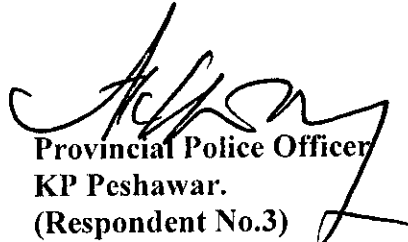
**AUTHORITY LETTER.**


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.

  
**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.  
(Respondent No. 1)  
Home Secretary,  
Khyber Pakhtunkhwa**

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(Respondents)

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.

ATTESTED


DEPONENT

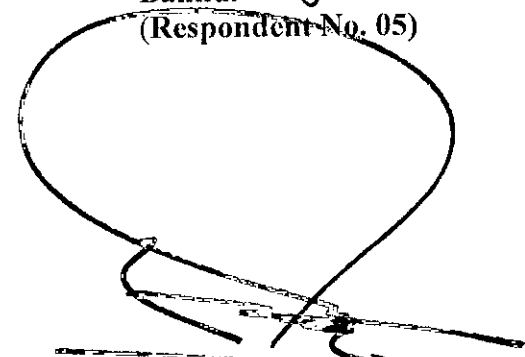



G. This office may kindly be allowed to advance additional grounds at the time of arguments.

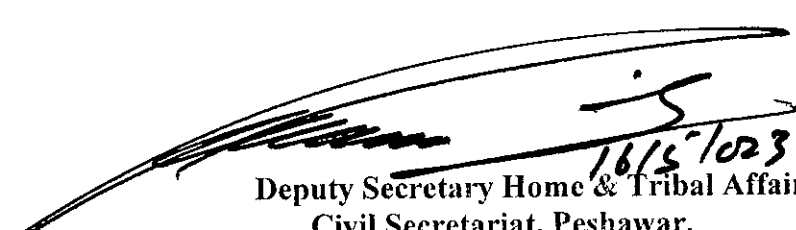
**PRAYER:**


It is therefore, most humbly prayed that the appealed of the appellant may kindly be dismissed with cost.

  
District Police Officer,  
Bannu.  
(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. 02)

  
Secretary Home & Tribal Affairs,  
Civil Secretariat, Peshawar.  
(Respondent No. 01)  
Home Secretary,  
Khyber Pakhtunkhwa