

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

Service Appeal No. 275/2023

Tahir Pervez..... (Appellant)  
VERSUS

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

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DEPONENT



DSP/ Legal,  
CPO, Peshawar.

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

Service Appeal No. 275/2023

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

**REPLY BY RESPONDENTS NO. 1 & 2**

RESPECTFULLY SHEWETH:

That the respondents are submitted as under:-

**Khyber Pakhtunkhwa  
Service Tribunal**

Diary No. 6530

Dated 18/7/2023

**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 estopped 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 instant Service Appeal is badly time barred.
- h) 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 needs no comments.
2. Incorrect and misleading, The appellant is concealing the fact of his absence from official duty w.e.f 13.01.2019 till his removal from service dated 27.01.2019, without prior permission/ leave from concerned competent authority. According to details Mr. Tahir Pervez Junior Clerk, was nominated as a member of paper preparation Committee of 153<sup>th</sup> Advance Course commencing from 14.01.2019. He did not join duty and sent a message to SI Shoukat Hayat which reads as 'Sorry for not attending your call Bye Bye PSTM Farewell Khyber Pakhtunkhwa Police'.
3. Incorrect and misleading, The appellant above noted attitude triggered initiation of departmental proceedings against him. He was properly charge sheeted and statement of allegation served upon him vide No. 269/SRC, dated 07.03.2019. During the course of enquiry, the appellant did not bother to appear or sent reply in defense, hence evidential statements were recorded and the enquiry officer holding him guilty of gross misconduct recommended for suitable punishment. On receiving the enquiry report, the competent authority issued Final Show Cause Notice to him but the same also gone unanswered. Resultantly, the competent authority issued order of removal from service vide Order No. 27.01.2020. The departmental appeal of the appellant against impugned order dated 27.01.2020 was

badly time barred and without lawful effect hence was rightly rejected accordingly on 03.01.2023.


4. Appellant, Mr. Tahir Pervez live in the world of dreams, some time willing to do job and sometime say 'Fare well to it'. Whatsoever, he has been treated in accordance with law/ rules and policy and a fair play of justice has been done with him, hence his appeal is devoid of law and merits, may be dismissed on the following Grounds.


**GROUND**

- A. Incorrect, the respondents had treated the appellant in accordance with law, rule and policy. Furthermore, no violation of Constitution of Islamic Republic of Pakistan, 1973 has been committed by the answering respondents.
- B. Incorrect as already explained in detail in Para No. 3 of Facts.
- C. Incorrect, as already explained in detail in Para No. 3 of Facts.
- D. Incorrect misleading as already explained above, Furthermore no violation of law/ rules as well Constitution of Islamic Republic of Pakistan has been committed by the answering respondents.
- E. Incorrect, the order passed with lawful authority.
- F. Incorrect, the appellant deliberately absented himself from lawful duties and showed negligence in performance of official duties.
- G. Incorrect misleading and misconceived, as already explained above in Paras No. 2 & 3 of Facts.
- H. Incorrect, the punishment awarded to the punishment on accounts of willful absence from official duties without prior permission of competent authority.
- I. The answering respondents may also be allowed to adduce additional grounds at time of hearing of instant Service Appeal.

**PRAYER:-**

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

  
Deputy Inspector General of Police,  
Training, Khyber Pakhtunkhwa,  
Peshawar  
(Respondent No. 2)

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

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AFFIDAVIT

I, Tariq Usman Acting DSP/ Legal, CPO do hereby solemnly affirm on oath that the contents of accompanying Comments on behalf of respondents No. 1 & 2 are correct to the best my knowledge and belief. Nothing has been concealed from this Hon'ble Tribunal.

*It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck off cost.*

DEPONENT



(MUHAMMAD TARIQ USMAN)

DSP/ Legal,  
CPO, Peshawar.  
14202-2175088-1  
0332-0538618



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

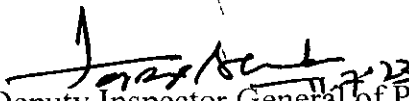
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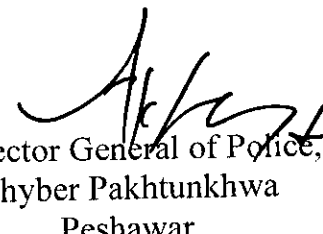
Tahir Pervez..... (Appellant)  
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Inspector General of Police, Khyber Pakhtunkhwa etc  
.....(Respondents)

**AUTHORITY LETTER**

Mr. Tariq Usman Acting DSP/ Legal, CPO, Peshawar is authorized to submit  
Para-wise comments/ reply in above captioned Service Appeal on behalf of respondents  
in Hon'ble Khyber Pakhtunkhwa Service Tribunal.

  
Deputy Inspector General of Police,  
Training, Khyber Pakhtunkhwa,  
Peshawar  
(Respondent No. 2)

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