

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL No. 1227/2022

Imtiaz Khan..... (Appellant)

VERSUS

Regional Police Officer Mardan & others(Respondents)

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Respondents

Through



Abdul Khaliq

Focal Person for

DPO Mohmand.

Cell: 0345-9426323

CNIC: 17301-1965811-9

Dated: 07/08/2023

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL No. 1227/2022

Khyber Pakhtunkhwa
Service TribunalDiary No. 6921Imtiaz Khan..... (Appellant) Dated 08/08/23**VERSUS**

Regional Police Officer Mardan & others.....(Respondents)

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO 1,2 & 3

RESPECTFULLY SHEWETH:

Preliminary Objections:-

1. That the instant service appeal is not maintainable under the law.
2. That the appeal is not based on facts.
3. That the appellant has got no cause of action and locus standi.
4. That the appellant has concealed the real facts from the honorable Tribunal.
5. That the appellant is estopped to file the service appeal by his own conduct.
6. That the appeal is barred by law & limitation.

REPLY ON FACTS:-

1. Pertains to record.
2. Pertains to record.
3. Pertains to the period before merger of FATA.
4. Incorrect, after merger of erstwhile FATA in to Khyber Pakhtunkhwa the appellant absorbed in KP Police on 23-07-2020. After absorption appellant was detailed for mandatory basic training 31.05.2021. He was time and again directed via wireless control room to report at training center but gave deaf ear to the order and failed to report at training center. To scrutinize the conduct of the appellant he was issued the charge sheet together with statement of allegations an inquiry was entrusted to Mr. Pasham Gul (DSP Ambar). The inquiry office after fulfilling codal formalities reported his findings, wherein he reported that the appellant was contacted time and again to appear before the enquiry officer, but he failed and remained absent, which showed that he was no more interested in police service. He was recommended for ex-parte action vide order dated 21.12.2021. Hence the appellant was dismissed from service. It is pertinent to mention here that basic recruit training is compulsory for all Khasadars and levy personals after absorption in KP Police.
5. Incorrect, the Appellant was time and again directed via wireless control room to report at training center but gave deaf ear to the order and failed to report at training center selected for basic recruit course and gone absent.
6. Correct, that the appellant filed departmental appeal, which was rejected on 13.06.2022.
7. Appellant has got no cause of action, therefore, the instant appeal may kindly be dismissed on the following grounds.


REPLY ON GROUNDS:-

- A. Incorrect, both the orders were convincing, based on cogent reasons and in accordance with rules/Policy of Government and the Departmental Appeal being unsatisfactory, hence rejected. Answering respondents never violated Article 4 of the constitution of Islamic Republic of Pakistan.
- B. Incorrect, already explained in preceding paras.
- C. Incorrect, already explained in preceding paras.
- D. Incorrect, both the orders were convincing, based on cogent reasons and in accordance with rules/Policy of Government and Answering respondents never violated section 24-A of General Clauses Act.
- E. Incorrect, proper inquiry was conducted against appellant and opportunity of personal hearing and defense was afforded to the appellant, and Answering respondents never violated Khyber Pakhtunkhwa Government Servant (E&D) Rules, 2011.
- F. Incorrect, already explained in preceding paras.
- G. Incorrect, statement of allegation and charge sheet is already annexed with the service appeal of the appellant on page 10 and 11, and answering respondent never violated Article 10-A of the constitution of Pakistan.
- H. Incorrect.
- I. Incorrect, already explained in preceding paras.
- J. Respondent may kindly be allowed to add any other grounds/ documents at the time of hearing.
- K. Incorrect, the appeal is time barred, may kindly be dismissed please.

PRAYERS:

Keeping in view the above stated facts it is humbly prayed that the appeal being not maintainable, barred by law/ limitation may kindly be dismissed with costs, please.


(Respondent No. 3)


District Police Officer,
Mohmand
District Police Officer,
Mohmand

(Respondent No. 1)


Regional Police Officer,
Mardan

(Respondent No. 2)


Inspector General of Police,
Khyber Pakhtunkhwa
Peshawar.

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**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR**

SERVICE APPEAL No. 1227/2022

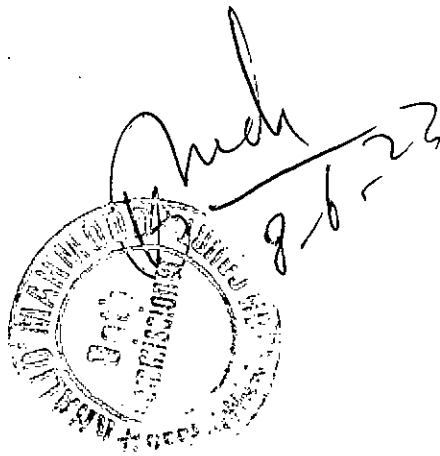
Imtiaz Khan..... (Appellant)

VERSUS


Regional Police Officer Mardan & others.....(Respondents)

AFFIDAVIT

I, **Abdul Khaliq** Focal Person for, District Police Officer, Mohmand do hereby solemnly affirm on oath that the contents of accompanying comments on behalf of Respondents No. 1, 2 & 3 is correct to the best of my knowledge and belief. Nothing has been concealed from this Honorable Khyber Pakhtunkwa Service Tribunal Peshawar. It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defence has been struck off/cost.



DEPONENT


ABDUL KHALIQ
Focal Person for,
DPO, Mohmand
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OFFICE OF THE DISTRICT POLICE OFFICER,
MOHMAND TRIBAL DISTRICT AT HQ GHALLANAI

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No. 211 /DPO/M
Dated:- 24/03/2021

AUTHORITY LETTER

I do hereby authorized Mr. Abdul Khaliq No.1154 (Focal Person for District Police Officer Mohmand), to submit legal documents, comments and affidavit on my behalf before the Honorable Service Tribunal, Peshawar.

(SALAH U'D DIN KUNDLI)
DISTRICT POLICE OFFICER
MOHMAND TRIBAL DISTRICT

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