

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

Appeal No. 1056/23

Arshad Khan (Ex. PASI)

(Appellant)

VERSUS

IGP etc.

(Respondents)

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DEPONENT

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(Appellant)

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PARA WISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1 to 3

Respectfully Sheweth

The respondents respectfully submit as under: -

Service Tribunal
Case No. 1056/23
Dated 14/09/23

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. Pertains to record.
2. Pertains to record.
3. Incorrect, when it was established that the appellant had secret relations with notorious car lifter (Sakhat). Proper charge sheet and statement of allegations were served upon the appellant. Departmental enquiry was conducted against the appellant by Addl. SP Bannu. The Enquiry Officer conducted impartial Enquiry. The allegations leveled against the appellant were based on Forensic Science and are undeniable. After the technical analysis of cell phone recovered from the notorious car lifter (Sakhat), it revealed that the appellant had contacted him (17) times on audio call and (sakhat) (9) times vice versa during the last three days before the death of Sakhat. Moreover, The appellant has sent photos and videos of Police Officials, who were tasked to trace him. (Enquiry is annexed as Annexure A)
4. Incorrect, Charge Sheet and statement of allegations were duly served upon the appellant. The appellant reply was found un-satisfactory to the charge sheet. Thus, impugned order dated 14.02.2023 was issued by W/ DPO Bannu. (Charge sheet+ Statement of allegation is duly annexed).
5. Incorrect, being a member of a discipline Force such acts are not tolerable by discipline Force. Thus, the impugned order dated 14.02.2023 was issued and his appeal was rejected being devoid of merits.

ON GROUNDS:

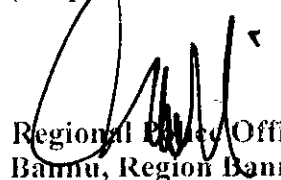
- A. Incorrect, the impugned orders dated 14.02.2023 and 12.04.2023 are according to law, facts, norms and principle of Justice.
- B. Incorrect, the enquiry report, charge sheet and statement of allegation were served upon the appellant. Moreover, he was heard in person on 13.02.2023 but he failed to rebut the allegations.
- C. Incorrect, proper departmental Enquiry was conducted all relevant documents were placed before him by enquiry Officer but he badly failed to rebut the allegations.
- D. Incorrect, the impugned order and rejection of his appeal was quite legal and was issued according to law and rules after thorough probe.

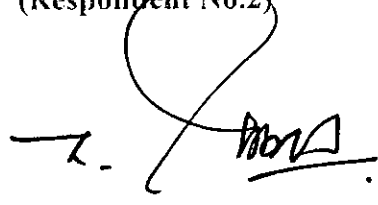
- E. Incorrect, departmental proceedings were unbiased and the appellant was given every opportunity to prove his innocence but failed to do so.
- F. Incorrect, every opportunity of self defense was given to the appellant but he cannot prove his innocence. Furthermore, he was heard in person in Orderly Room held in W/RPO Bannu dated on 06.04.2023.
- G. The answer to this para is given in above para No.F
- H. Incorrect, every opportunity was given to the appellant. When the notorious car lifter was neutralized during encounter vide FIR NO. 806 dated 12.10.2022, a cell phone was recovered from his possession. The mobile phone was sent to lab for technical analysis and Inter Alia found that the appellant was in contact with him and also sent pictures of Police Officials to him, who were tasked to trace Sakhat and also leaked official information to him to escape from lawful arrest. Such acts of appellant are against service discipline and amounts to gross misconduct in official duty.
Moreover, during enquiry proceedings he was heard in length.
- I. Incorrect, the impugned orders are in accordance with law/ rules and policy.
- J. Incorrect, proper departmental enquiry was conducted and all the charges leveled against the appellant were proved. (Copy of CDR + video Call photos are annexed).
- K. Incorrect, the report of CDR is not limited. The appellant had contacted the notorious (Sakhat) 17 times during the last three days before his death.
- L. Incorrect, every opportunity of cross examination and documents of enquiry were duly examined by the appellant.
- M. Incorrect, nothing was done unfair to the appellant. He was dealt in accordance with law /rules and policy.
- N. Incorrect, proper charge sheet and statement of allegations were issued but his reply was found unsatisfactory. Every opportunity was provided to him during the course of departmental enquiry.
- O. The answer of this para is given in above para No. N.
- P. As replied in above paras.
- Q. As replied in above paras.
- R. The Respondent Department may kindly be allowed to raise additional Grounds at the time of arguments.

PRAYER:

In view of the above Para wise comments, it is most humbly prayed that the Appeal of the Appellant may kindly be dismissed with cost.


District Police Officer
Bannu
(Respondent No.3)


Regional Police Officer
Bannu, Region Bannu
(Respondent No.2)


Provincial Police Officer
KP, Peshawar.
(Respondent No.1)

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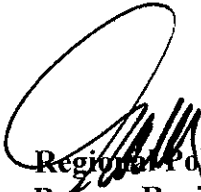
(Respondents)

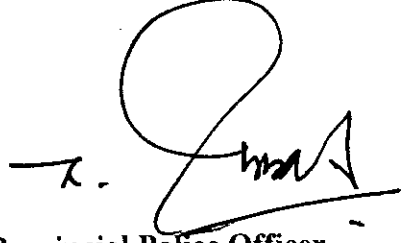
AUTHORITY LETTER.

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.3)**


**Regional Police Officer
Bannu, Region Bannu
(Respondent No.2)**


**Provincial Police Officer
KP, Peshawar.
(Respondent No.1)**

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AFFIDAVIT.

I MR. Muhammad Farooq Khan DSP Legal Bannu, representative for Respondent Nos.1 to 3 , 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