

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

Appeal No. 593/ 2023

Faridoon Khan APPELLANT

VERSUS

Province of KPK etc. RESPONDENTS

REJOINDER ON BEHALF OF APPELLANT (FARIDOON KHAN)

Respectfully Sheweth:

REPLY OF PRELIMINARY OBJECTIONS

All the objections taken by respondents are factually incorrect and legally untenable. The appellant has a legal cause of action and valid *locus standi* to file the instant appeal. The appellant appeared before the Tribunal/Court with clean hands and with a bonafide claim. All the necessary and proper parties have been impleaded in the appeal, hence objection is untenable. The appeal before the Tribunal is according to law and within time, thus objection is misconceived.

ON FACTS

1. Needs no reply
2. Needs no reply
3. Incorrect. The appellant never tendered any resignation to the department and the so called resignation is fake, fabricated and bogus manipulated by the officials of the office of respondent No-3 with malafide and ulterior motives to deprive the appellant from his livelihood, moreover, if any fault was committed by the appointing authority during the process of the appointment of the appellant, the settled and cardinal principle of law declared by the apex court of the country in plethora of judgments is that in case of any irregularity or fault of the appointing authority the appointee could not be harmed. Reliance is placed on the Judgments mentioned here in below:

1. 2009 SCMR- 663
2. 2006 SCMR- 678
3. 2004 SCMR- 303
4. 1996 SCMR- 413

4 That no reply of the para was offered by the respondents, hence the averment of appeal is correct.

ON GROUNDS

A to E

All the grounds taken by appellant are legal and valid, but not attended by respondents properly, therefore, they offered no reply of the same and actually they have no defense of the said grounds. The respondents have committed serious faults and the officials of the office of respondent No-3 are involved in such like mal-practice, which needs hard look.

In view of the matter it is humbly prayed that the relief may kindly be granted as prayed for in the appeal.

فریدون خان

APPELLANT

THROUGH



SHAHZADA IRFAN ZIA
ADVOCATE, PESHAWAR
CELL. 0300-9345297

AFFIDAVIT

I, Faridoon Khan, appellant, S/O Younas Khan, R/O Pishtakhara Payan, Peshawar, do hereby declare on oath that the contents of this rejoinder are true and correct to the best of my knowledge and nothing has been concealed from the court.

فریدون خان

DEPONENT

14-09-2023

