

**BEFORE THE HONORABLE SERVICE TRIBUNAL, PESHWAR**

Service Appeal No. 1643/2023

Abdul Khanan ..... (Appellant)

Versus

Inspector General of Police Khyber

Pakhtunkhwa.....(Respondents)

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Respondents through

DSP/ Legal,  
CPO, Peshawar  
0333-8878882

22-09-23

Pesh

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

Service Appeal No. 1643/2023

Abdul Khanan..... (Appellant)

VERSUS

Inspector General of Police, Khyber Pakhtunkhwa etc

.....(Respondents)

**PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS. NO. 1**

RESPECTFULLY SHEWETH:

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 7794

Dated 22/09/23

**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 appellant has got no cause of action and locus standi to file the instant Service Appeal.

**FACTS**

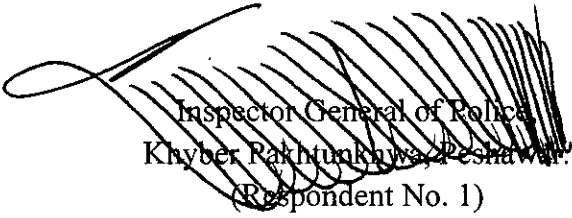
1. Para pertains to the record, hence no comments.
2. Para pertains to the record, hence no comments.
3. Para pertains to the record, hence no comments.
4. Para pertains to the record, however needs to be proved by the appellant.
5. Correct to the extent that Departmental Promotion Committee meeting held in the Central Police Officer, Peshawar on 19.04.2023. Promotions in Police Department are always subject to seniority-cum-fitness basis and availability of vacancies. The DPC examined the case of appellant and he was deferred from promotion to the rank of Offg: Inspector due to incomplete mandatory period as per Standing Order No. 21/2014 read with Rule 13.10(2) of Police Rules 1934 (amended 2017).
6. Incorrect and denied, no such departmental appeal is available in CPO, Peshawar. The instant Service appeal is liable to be dismissed on following Grounds.

## GROUNDS

- a. Incorrect, as already explained above that the appellant was deferred from promotion to the rank of Inspector due to not fulfilling mandatory period as per Standing Order No. 21/2014 read with rule 13.10(2) of Rules ibid. Promotions in Police Department are always subject to seniority-cum-fitness basis and availability of vacancies.
- b. Incorrect and denied as the appellant did not accomplish mandatory period of other Unit as per Standing Order and Rule ibid.
- c. Incorrect and denied as appellant did not serve in other Unit which is otherwise mandatory for promotion to the rank of Inspector as per spirit of Standing Order No.21/2014 read with Rule 13-10 (2) of Police Rules 1934 amended 2017.
- d. Incorrect and mere repetition of preceding paras as the appellant got deferred due to non performance of mandatory period in other Units as per Standing Order and Rule ibid.
- e. Incorrect, appellant was left from promotion as he did not fulfill mandatory period of other Unit mentioned in Standing Order ibid and Rule ibid.

## 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.

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

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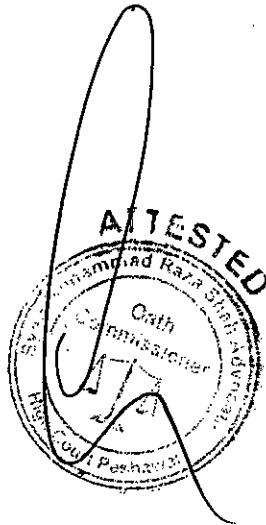
Inspector General of Police, Khyber Pakhtunkhwa etc .....  
(Respondents)

**AFFIDAVIT**

I, Tariq Umar DSP/ Legal, CPO, do hereby solemnly affirm on oath that the contents of accompanying comments on behalf of Respondent No.1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar 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 progress report, the answering respondents have neither been placed ex-parte nor their defense is struck off *Cost*.

DEPONENT

*Tariq Umar*  
\_\_\_\_\_  
(TARIQ UMAR)  
DSP/ Legal,  
CPO, Peshawar.



22 SEP 2023

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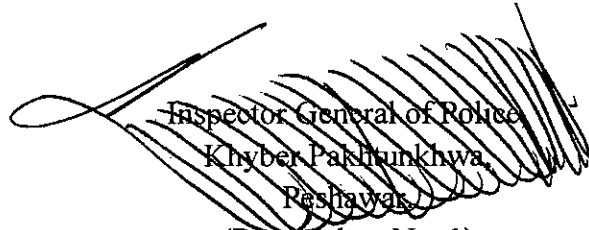
VERSUS

Inspector General of Police, Khyber Pakhtunkhwa etc

.....(Respondents)

**AUTHORITY LETTER**

Mr. Tariq Umar DSP/ Legal, CPO is authorized to defend the above mentioned Service Appeal and submission of Para-wise comments on behalf of undersigned.

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