


Cost of Rs. 3000/- received in Service Appeal No. 1386/2022,

Titled Fouzia Akram vs. Police

in the office of Assistant Registrar, Vide Order 15/08/23, submitted Dated: 05/10/2023.


Assistant Registrar
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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

Appeal No1386/2022

Fouzia Akram

(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: -

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 81/31

Dated 05/10/23

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 stopped by his own conduct, as she had herself requested, thus cant challenge the impugned order after the acceptance of her request.

BRIEF FACTS:

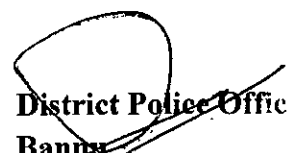
1. Pertain to record.
2. Correct.
3. Correct, hence needs no comments.
4. Correct due to absentees the appellant was dismissed from service on 06.08.2018.
5. Correct.
6. Due to absence from duty without permission from lawful authority. The appellant was charge sheeted along with statement of allegations. After proper departmental enquiry the appellant was awarded major punishment Dismissal from Service. Copy of the charge sheet+ statement of allegations+ Enquiry is annexed A+B+C.
7. Incorrect, the penalty of Compulsory Retirement from service was accorded on the request of the appellant. (Copy attached as annexure D)
8. Correct to the extent, that departmental appeal was submitted to W/RPO Bannu but was rejected being devoid of merit.
9. Pertain to record. However, the appeal is badly time barred.
10. Correct.
11. Pertain to record. Further, show cause notice was duly served upon the appellant. (Copy is attached as annexure E)
12. Incorrect, all codal formalities were adopted during enquiry proceedings.
13. Incorrect, the departmental enquiry was conducted according to law/Rule/Policy.
14. Incorrect, proper show cause notice was issued in the parameter of law.
15. Pertain to record.

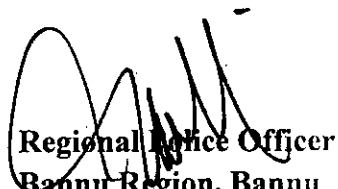
GROUND:

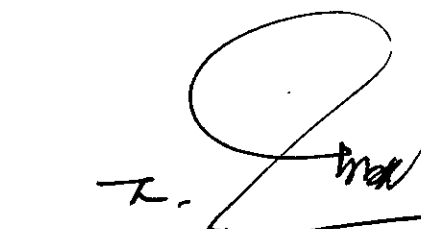
- A. Incorrect, the impugned order was issued on the sweet will and request of the appellant in Orderly Room.
- B. Incorrect, the appellant was treated according to law/Rule/Policy and all opportunity of defense was afforded but she badly failed to substance his innocence.
Rest of the para pertains to record.
- C. Incorrect, the appellant has not been condemned unheard and treated according to law/rules/policy. All opportunity was provided but she failed rebut her allegations leveled against her. Furthermore, no void order was issued.
- D. Incorrect, the appellant was given all opportunity regarding her defense, but reply was found unsatisfactory.
- E. Incorrect, the appellant was not condemned unheard and has been treated in accordance with law. All kind opportunity of personal hearing was provided, in which she requested for compulsory retirement. Moreover, the order was not illegal, but was according to land laws.
- F. The respondents department seeks permission of this Honorable Tribunal for further/ 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.2)


Regional Police Officer
Bannu Region, Bannu
(Respondent No.1)


Provincial Police Office
KP, Peshawar
(Respondent No.3)

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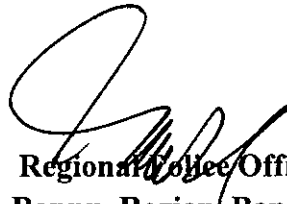
(Respondents)


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.2)**


**Regional Police Officer
Bannu, Region Bannu
(Respondent No.1)**


**Provincial Police Officer
KP, Peshawar
(Respondent No.3)**

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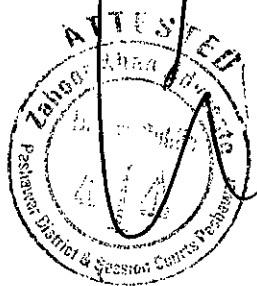
(Respondents)

AFFIDAVIT.

I MR. Muhammad Farooq Khan DSP Legal Bannu, representative for Respondent No. 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.

*It is further stated
on oath in this appeal
The - answers respondents has
submitted that placed in - before me
their defence has been - checked & correct*


DEPONENT



10 2 OCT 2023