

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

SERVICE APPEAL NO. 1394/2023

Mr. Sulman Khan, Assistant Public Prosecutor (BP-17), District Kohat

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 2798

Dated 2/11/23

Appellant.....

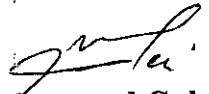
VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Chief Secretary, Govt. of Khyber Pakhtunkhwa.
2. The Secretary Home & Tribal Affairs Department, Khyber Pakhtunkhwa, Peshawar.
3. Director General Prosecution, Khyber Pakhtunkhwa, Peshawar

Respondents.....

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Muhammad Gulzar Ali
(Superintendent)
Directorate of Prosecution,
Khyber Pakhtunkhwa

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 1314/2023

Sulman Khan, Assistant Public Prosecutor (BPS-17) District Kohat.

.....APPELLANT

VERSUS

- 1. Government of Khyber Pakhtunkhwa, through Chief Secretary Khyber Pakhtunkhwa, Civil Secretariat Peshawar.**
- 2. Secretary to the Government of Khyber Pakhtunkhwa, Home & Tribal Affairs Department, Civil Secretariat Peshawar.**
- 3. Director General Prosecution, Khyber Pakhtunkhwa, Peshawar.**

..... RESPONDENTS

Comments On Behalf Of Respondents No.1, 2 & 3

PRELIMINARY OBJECTIONS:

1. That the Appellant has got no cause of action to file the instant Service Appeal.
2. That the Appellant has concealed material facts from this Honourable Tribunal, which is bad in eyes of law.
3. That the penalty was imposed in pursuance of a comprehensive Inquiry conducted in accordance with law.
4. That the Appellant was found guilty of inefficiency as he showed no interest in sending correct data/information to the Directorate of Prosecution, still a lenient view was taken and minor penalty of "censure" was awarded.
5. That the instant Service Appeal is not maintainable in its present form.
6. That the Appellant is estopped by his own conduct to file the present Service Appeal.
7. That the instant Service Appeal has no legal footings.

PARAWISE REPLY:-

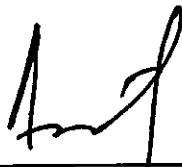
1. Pertains to record.
2. Pertains to record.
3. Pertains to record.
4. Pertains to record. However, it is submitted that the allegations were based on sound reasons.
5. Pertains to record. However, it is submitted that all the codal formalities were complied during the Inquiry and each step of the Inquiry was conducted in accordance with law impartially.
6. Pertains to record. However, it is submitted that the decision on Departmental Appeal was based on Merits.
7. No comments.

GROUNDS


- A. Incorrect, hence denied.
- B. Incorrect, hence denied. Appellant has been treated in accordance with law and no injustice has been done by the Respondent Department.
- C. Incorrect, hence denied. Right of personal defense was duly provided to the Appellant and his statement was also recorded during Inquiry. Charge sheet and statement of allegations were served upon the Appellant and he submitted his reply. His statement was also recorded during the course of Inquiry and before awarding the penalty, a show cause notice was also issued, which was replied by the Appellant.
- D. Incorrect, hence denied. In fact the relevant record was obtained and checked. The Inquiry Report is comprehensive. The Appellant showed no interest in sending correct data/information to the Directorate of Prosecution, still a lenient view was taken and minor penalty of "censure" was awarded to the Appellant in light of Inquiry.
- E. Incorrect, false, mis-statement, hence denied. As replied vide Para-C above.
- F. Incorrect, hence denied. It was also the duty of Appellant to have taken interest in the matter being attached to the court concerned.
- G. As replied vide "D" above
- H. Incorrect, hence denied, detailed reply already given vide Para-D above.
- I. That the Respondents also seek permission to advance other grounds at time of hearing.

PRAYER:

In light of the above facts and circumstances of the case, the Service Appeal is devoid of any merit and legal substance; therefore, the same may kindly be dismissed, please.

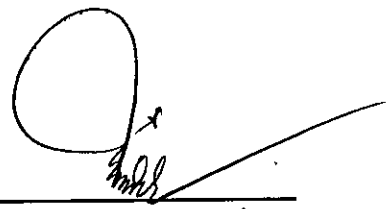


Chief Secretary
Government of Khyber Pakhtunkhwa
Respondent No.1



Secretary to Government
Home & Tribal Affairs Department
Khyber Pakhtunkhwa
Respondent No.2

Home Secretary,
Khyber Pakhtunkhwa



Director General Prosecution
Khyber Pakhtunkhwa
Respondent No.3

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TRIBUNAL, PESHAWAR**

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Appellant.....

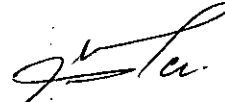
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3. Director General Prosecution, Khyber Pakhtunkhwa, Peshawar

Respondents.....

AFFIDAVIT

I, Muhammad Gulzar Ali, Superintendent, Directorate of Prosecution, Khyber Pakhtunkhwa, do hereby solemnly affirm and declare on oath that the contents of the Service Appeal No. 1314/2023, are true and correct to the extent of office record and nothing has been concealed from Service Tribunal Khyber Pakhtunkhwa. It is further stated on oath that in this Appeal the answering respondents have neither been placed ex-parte nor their defense struck off.


Deponent

CNIC No: 17301-1440140-1

Cell No: 0332-9279260

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SERVICE APPEAL NO. 1314/2023

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..... RESPONDENTS

AUTHORITY LETTER

Muhammad Gulzar Ali, Superintendent, Directorate of Prosecution Khyber Pakhtunkhwa, is hereby nominated by the undersigned to submit para wise comments before the Khyber Pakhtunkhwa Service Tribunal, Peshawar, on behalf of Directorate of Prosecution, in Service Appeal No. 1314/2023.

**Director General
Directorate of Prosecution
Khyber Pakhtunkhwa
Peshawar**

ATTESTED
Miss Rozina Qureshi
Advocate
CATHEDRAL CHURCH
District Council Peshawar

02 - 11 - 023