

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

Appeal No1471/2023

Muhammad Zaman

(Appellant)

VERSUS

PPO etc.

(Respondents)

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*One copy is enclosed
to appellant. (on seat)*


DEPONENT

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

Appeal No. 1471/2023

Muhammad Zamian

(Appellant)

VERSUS

PPO etc.

(Respondents)

PARA WISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1 & 2

Respectfully Sheweth

The respondents respectfully submit as under: -

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. Correct hence needs no comments.
2. Pertain to record hence needs no comments.
3. Pertain to record.
4. Pertain to record.
5. Pertain to record.
6. Pertain to record.
7. Correct to the extent, that the appellant submitted an application to the competent authority on 07.06.2023 for explaining the position of the case by dropping his name from promotion. The respondent No. 2 through letter no. 1975/EC dated 23.06.2023 Bannu requested to respondent No.1 regarding the above subject matter. However, the CPO Peshawar through its letter no. CPO/CPB /233 appraised respondent no.2 that the appellant was heard in person by the competent authority and his ACRs were not forwarded on time as were required by CPO in its letter No. S/113-37 dated 17.01.2023 therefore; he was deferred in last DPC. He will be considered for promotion to the next higher rank upon the availability of vacancy, completion of required criteria, and seniority cum fitness on his own turn if DPC meeting held before his retirement. (Copy of DPC minutes is attached)
8. Pertain to record.
9. The Rank of Officiating Inspector was not Honored due to non availability of his ACRs at the time of departmental promotion Committee held at CPO Peshawar dated 19.04.2023.

GROUNDS:

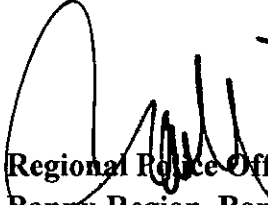
- A. Incorrect, the appellant was in range of promotion but his ACRs up to the year 2021 were not furnished well in time as was asked by CPO in its letter No. S/113-37 dated 17-01-2023.


- B. In order to dig out the facts a departmental enquiry has already been initiated against the Clerk concern that why he sent documents of others to the office of respondent no.1 and left documents of appellant.
- C. Pertains to record.
- D. The order of rejection is based on legal footing that the required credentials were absent at the time of DPC held at CPO.
- E. Incorrect, the order is as per mandate of law and not based on malafide intentions.

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.


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


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

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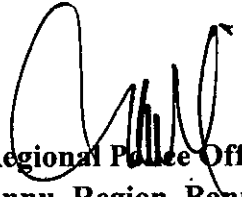
PPO etc.

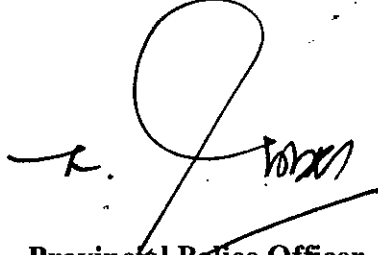
(Respondents)

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.


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


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

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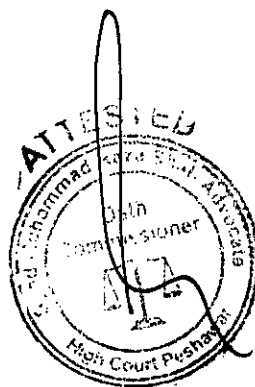
AFFIDAVIT.

I MR. Muhammad Farooq Khan DSP Legal Bannu, representative for Respondent No. 1 & 2, 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 that the accompanying Respondent have neither been placed ex-parte nor their defense struck off/cost.

[Signature]

DEPONENT



06 NOV 2023