

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR

S.A No. 1609/2022

Muslim Khan

versus

CCPO & Another

REJOINDER

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 9608

Dated 20-11-23

Respectfully Sheweth,

PRELIMINARY OBJECTION

All the 07 Preliminary Objections are illegal and incorrect. No reason in support of the same is ever given as to why the appeal is badly bared by law / limitation, bad for mis and none joinder of necessary parties, unclean hands, no cause / locus standi, estoppel, concealment of material facts and none maintainable.

ON FACTS

- 1-2. In response to para No. 01 of the reply it is submitted that almost all five promotions were got by the appellant which speaks his efficiency and good performance of the official duties. Parent department has no grievance against him.
3. Not correct. When the respondents have no concern with the posting of retired Army Personnel's in LRH then he made complaint against appellant and not of the parent department. No complaint whatsoever was made against appellant by the parent department and he performed his official duties up to the mark.
4. Not correct. No complaint, whatsoever,, was ever made by the general public against appellant but it was the retired Brigadier who with the help of security guard Hazrat Khan did so. The complaints attached with the appeal are the live example of the interference of the retired personnel's in the hospital. They spoiled the peaceful atmosphere of the hospital as Armyian and Civilian cannot co-exists in one and the same matter.

5. Not correct. Appellant was never associated with the complaints, no explanation was ever called nor he was directed by the authority to mend his way. It is also incorrect to say that ACR is based on performance of the person but before recording such remarks, one should have been given warning or notice for mending his way. The remarks were not communicated well within time.
6. Admitted correct to the extent of representation and its rejection regarding expunction of adverse remarks. The so called complaint was made by the Director retired Army Personnel of the hospital and not by any personnel of the department.

GROUNDS:

All the grounds of the appeal are legal and correct while that of the reply are illegal and incorrect. The same are re-affirmed once again.

It is, therefore, most humbly prayed that the appeal be accepted as prayed for.



Appellant

Through



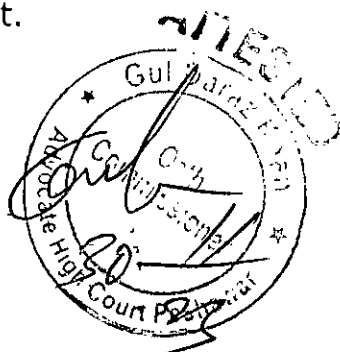
Saadullah Khan Marwat

Advocate,

Dated: 301-11-2023

AFFIDAVIT

I, Muslim Khan appellant do hereby solemnly affirm and declare that contents of the **Appeal & rejoinder** are true and correct to the best of my knowledge and belief while that of reply of respondents are illegal and incorrect.




DEPONENT