BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 7851/2021

Gul Nawaz..... (Appellant)

VERSUS

Inspector General of Police, Khyber Pakhtunkhwa etc

.....(Respondents)

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DEPONENT

DSP/ Legal,
CPO, Peshawar

27-2-24

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PARA-WISE COMMENTS BY RESPONDENT NO. 1

RESPECTFULLY SHEWETH:

That the respondents are submitted as under:-

PRELIMINARY OBJECTIONS:-

a) That the grievances of the appellant are not related to the answering respondent as he was never been on the strength of KP Police department.
b) That the appeal is not based on facts.
c) That the appeal is barred by law and limitation.
d) That the appeal is not maintainable in the present form.
e) That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.
f) That the appellant is estopped to file the instant appeal by his own conduct.
g) That the appellant has not come to this Honorable Tribunal with clean hands.
h) That the instant Service Appeal is badly time barred.
i) That the appellant has got no cause of action and locus standi to file the instant Service Appeal.

FACTS

1. Pertains to personal information of the appellant, not related to the answering respondent, hence no comments.
2. Pertains to the then appointing authority i.e the then Deputy Commissioner, FR Kohat, not related to the answering respondent, hence no comments.
3. Pertains to the then Deputy Commissioner, FR Kohat, not related to the answering respondent, hence no comments.
4. Pertains to the then Deputy Commissioner, FR Kohat, not related to the answering respondent, hence no comments.
5. Pertains to the then Deputy Commissioner, FR Kohat, not related to the answering respondent, hence no comments.
6. Pertains to the then Deputy Commissioner, FR Kohat, not related to the answering respondent, hence no comments.
7. Pertains to record of Hon'ble Peshawar High Court, needs no comment.
8. Pertains to Hon'ble Peshawar High Court dismissal of Writ Petition Order dated 23.11.2021 while the instant Service Appeal is badly time barred. The appellant was neither an employee nor related to the Police Department. The appellant wrongly and unnecessarily arrayed respondent No. 1 i.e. Inspector General of Police, Khyber Pakhtunkhwa as party whereas the Police Department has nothing to do with his appointment, dismissal, appeal or reinstatement inter-alia on the following Grounds.

GROUNDS

A. Pertains to the then appointing/ punishing authority i.e the then Deputy Commissioner, FR Kohat, hence, not related with answering respondent.

B. Incorrect, not related to the answering respondent. As the appellant was awarded major punishment of dismissal from service by the then Deputy Commissioner, FR Kohat before the merger of erstwhile FATA into the Khyber Pakhtunkhwa Province.

C. Incorrect, not related to the answering respondent hence, no violation of law/ rules/ policy or constitutional articles exist on the part of answering respondent.

D. Para is irrelevant, hence no comments.

E. Incorrect, the appellant never approached Police department being not related to the answering respondent.

F. The answering respondent may also be allowed to adduce additional grounds at the time of hearing of instant Service Appeal.

PRAYER:-

Keeping in view the above legal and factual circumstances, it is therefore humbly prayed that the appeal being not related with answering respondent, devoid of merits, law/ rules and is not maintainable may kindly be dismissed with costs or respondent No. 1 may be deleted from the panel of respondents, please.

(DR. MUHAMMAD AKHTAR ABBAS) PSP
DIG/ Legal, CPO
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 1)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

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.....(Respondents)

AFFIDAVIT

I, Respondent No. 1, do hereby solemnly affirm on oath that the contents of accompanying Reply to the Service Appeal are correct to the best our knowledge and belief. Nothing has been concealed from this Honorable Tribunal.

It is further stated on oath that in this Service Appeal, the answering respondent has neither been placed ex-parte nor their defense is struck off.

(DR. MUHAMMAD AKHTAR ABBAS) PSP
DIG/ Legal, CPO
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 1)

ATTESTED
Muhammad Raza Shah Advocate
Oath Commissioner
High Court Peshawar

30 NOV 2023

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.....(Respondents)

AUTHORITY LETTER

Mr. Faheem Khan DSP/ Legal, CPO, Peshawar is authorized to submit Para-wise comments/ reply in the instant Service Appeal in the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar and also to defend instant case on behalf of respondent No. 1.

(DR. MUHAMMAD AKHTAR ABBAS) PSP
DIG/ Legal, CPO
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 1)

BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No. 7851 /2021

Gul Nawaz (Ex-Levi Official) S/o Said Badshah R/o Asif Khel, Paya, Jawaki District Kohat.....**Appellant**

VERSUS

1. Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar

2. Deputy Commissioner Officer, Kohat

3. Secretary Home Khyber Pakhtunkhwa the then Secretary Law and Order Khyber Pakhtunkhwa, Levy & Kahsadar Section, Peshawar

.....**Respondents**

APPEAL UNDER SECTION 4 OF KP SERVICES TRIBUNAL ACT 1974 AGAINST THE ORDER DATE 14/12/2017 OF THE RESPONDENT NO. 3 WHERE BY APPEAL OF THE APPELLANT AGAINST THE TERMINATION ORDER 21/12/2016 IN WHICH THE RESPONDENT NO.2 AWARDING MAJOR PENALTY OF TERMINATION FROM SERVICE TO THE APPELLANT WAS DISMISSED

Late Diary
15th Nov. 2023

1. Later on, the reply as well as receipt of cost of Rs.12000/- was produced before the Court by the office as the same were received on 13.11.2023 but were not placed on file. Therefore, reply submitted and placed on file. To come up for arguments on 27.02.2024 before D.B

(Kalim Arshad Khan)
Chairman

*Mutazem Shah *