

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

Service Appeal No. 7850/2021

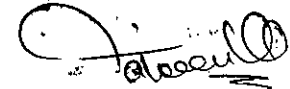
Sardar Ali..... (Appellant)  
VERSUS

Inspector General of Police, Khyber Pakhtunkhwa etc  
.....(Respondents)

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DEPONENT



DSP/ Legal,  
CPO, Peshawar

27-2-23

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

Service Appeal No. 7850/2021

Sardar Ali..... (Appellant)  
VERSUS

Inspector General of Police, Khyber Pakhtunkhwa etc  
.....(Respondents)

**PARA-WISE COMMENTS BY RESPONDENT NO. 1**

RESPECTFULLY SHEWETH:

That the respondents are submitted as under:-

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 9727

Dated 06-12-2023

**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

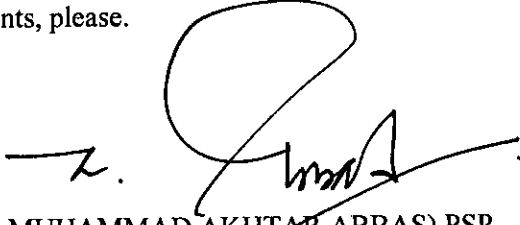
to do with his appointment, dismissal, appeal or reinstatement inter-alia on the following Grounds.

**GROUND**

- 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)

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TRIBUNAL, PESHAWAR**

Service Appeal No. 7850/2021

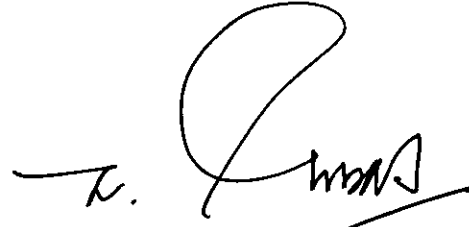
Sardar Ali..... (Appellant)  
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.....(Respondents)

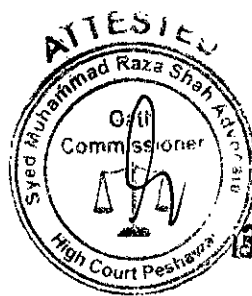
**AFFIDAVIT**

I, Respondent No. 1, do hereby solemnly affirm on oath that the contents of accompanying Para-wise Comments/ Reply to the Service Appeal are correct to the best of 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)



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

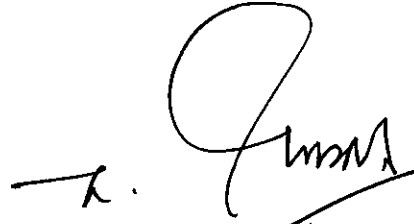
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Inspector General of Police, Khyber Pakhtunkhwa etc  
.....(Respondents)

**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  
PAKHTUNKHWA, PESHAWAR



Service Appeal No. 7850 /2021

Sardar Ali (Ex-Levi Official) S/o Gulab Khan R/o Qoume  
Fath Khel, Paya, Jawaki, P.O Bili Tang Tehsil &  
District Kohat.....Appellant

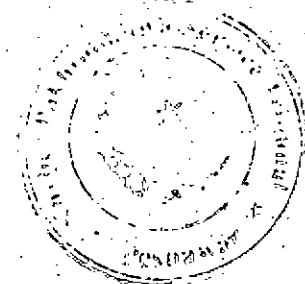
**V E R S U S**

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 & Kabsadar Section, Peshawar

.....Respondents

APPEAL UNDER SECTION 4 OF KP  
SERVICES TRIBUNAL ACT 1974  
AGAINST THE TERMINATION ORDER  
DATED 13/07/2015 IN WHICH THE  
RESPONDENT NO.2 AWARDED MAJOR  
PENALTY OF TERMINATION FROM  
SERVICE TO THE APPELLANT

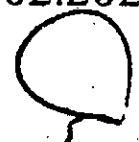
Certified to be true copy  
*[Signature]*  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar



Late Diary

15<sup>th</sup> 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



\*Mutazem Shah\*

Date of Presentation 06-12-23  
Number of Pages 2-P  
Copying Fee 10/-  
Urgent 5/-  
Total 15/-  
Name of Applicant  
Date of Filing  
Date of Disposal  
06-12-23  
06-12-23

(Kalim Arshad Khan)  
Chairman

Certified True Copy  
RA  
Khyber Pakhtunkhwa  
Service Tribunal