

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 1643/2023

Abdul Khanan (Appellant)

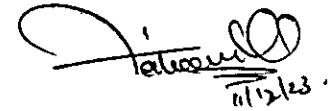
VERSUS

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

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DEPONENT



DSP/ Legal,
CPO, Peshawar

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL, PESHAWAR

Service Appeal No. 1643/2023

Abdul Khanan..... (Appellant)

VERSUS

Inspector General of Police, Khyber Pakhtunkhwa etc

.....(Respondents)

PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS. NO. 1

RESPECTFULLY SHEWETH:

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 9796

Dated 11-12-2023

PRELIMINARY OBJECTIONS:-

- a) That the appeal is not based on facts.
- b) That the appeal is barred by law and limitation.
- c) That the appeal is not maintainable in the present form.
- d) That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.
- e) That the appellant is estopped to file the instant appeal by his own conduct.
- f) That the appellant has not come to this Honorable Tribunal with clean hands.
- g) That the appellant has got no cause of action and locus standi to file the instant Service Appeal.

FACTS

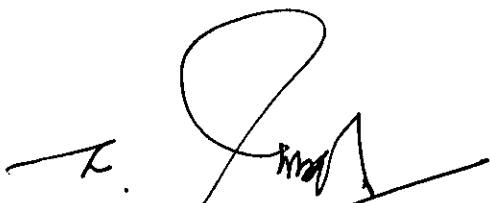
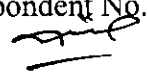
1. Para pertains to the record, hence no comments.
2. Para pertains to the record, hence no comments.
3. Para pertains to the record, hence no comments.
4. Para pertains to the record, however needs to be proved by the appellant.
5. Correct to the extent that Departmental Promotion Committee meeting held in the Central Police Officer, Peshawar on 19.04.2023. Promotions in Police Department are always subject to seniority-cum-fitness basis and availability of vacancies. The DPC examined the case of appellant and he was deferred from promotion to the rank of Offg: Inspector due to mandatory period as per Standing Order No. 21/2014 read with Rule 13.10(2) of Police Rules, 1934 (amended 2017).
6. Incorrect and denied, no such departmental appeal is available in CPO, Peshawar. The instant Service appeal is liable to be dismissed on following Grounds.

GROUND

- a. Incorrect, as already explained above that the appellant was deferred from promotion to the rank of Inspector due to mandatory period as per Standing Order No. 21/2014 reader with Rule 13.10(2) of Rule ibid 2017. Promotions in Police Department are always subject to seniority-cum-fitness basis and availability of vacancies.
- b. Incorrect and denied as the appellant did not accomplish mandatory period of other Unit as per Standing Order and Rule ibid.
- c. Incorrect and denied as appellant did not serve in other Unit which is otherwise mandatory for promotion to the rank of Inspector as per spirit of Standing Order No. 21/2014 read with Rule 13.10(2) of Police Rules 1934 amended 2017.
- d. Incorrect and mere repetition of preceding paras as the appellant got deferred due to non performance of mandatory period in other Units as per Standing Order and Rule ibid.
- e. Incorrect, appellant was left from promotion as he did not fulfill mandatory period of other Unit mentioned in Standing Order ibid and Rule ibid.

PRAYER:-

Keeping in view the above stated facts and circumstances, it is therefore humbly prayed that the appeal is not maintainable being devoid of merits hence, may kindly be dismissed with costs, please.


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


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PESHAWAR

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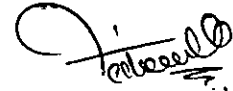
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AFFIDAVIT

I, Faheem Khan DSP/ Legal, CPO, Peshawar, do hereby solemnly affirm on oath that the contents of accompanying Para-wise Comments/ Reply on behalf of answering respondent in the instant Service Appeal are correct to the best my 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 his defense is struck off. *Cost -*



(FAHEEM KHAN)
DSP/ Legal,
CPO, Peshawar



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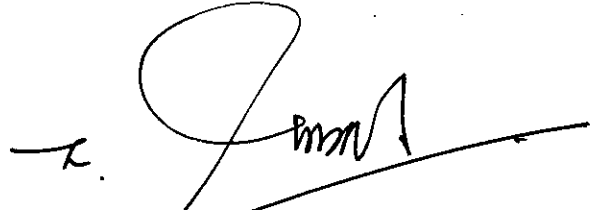
VERSUS

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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 Service Appeal on behalf of respondent No. 1.



(DR. MUHAMMAD AKHTAR ABBAS) PSP
DIG/ Legal, CPO
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 2)

