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**BEFORE THE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL, PESHAWAR**

Service Appeal No.7749/2021

Abdul Aziz Baig

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 9901

Dated 14-12-2023

.....Appellant/petitioner

VERSUS

Director, Agriculture Engineering Khyber Pakhtunkhwa Tarnab &
others

.....Respondents

**REJOINDER ON BEHALF OF APPELLANT AGAINST
THE PARA WISE COMMENTS FILED BY THE
RESPONDENT NO- 01 TO 04 IN THE INSTANT
APPEAL.**

Reply on facts:

1. That the appellant working base Dozer Operator (BPS-7) in the respondent department since 20.06.2005.
2. That the appellant is regularly and sincerely perform his duties till date in the respondent department.
3. That the reply/comment of Para No:03 is totally incorrect hence denied, inquiry has not been made according to the modes and manner provided in the civil servant (Efficiency and Discipline Rules, 2020) and most importantly the Respondent No:04 to concern his corruption filed a bogus and baseless complaint against the appellant. Resultly the Respondent No:04 and the remaining Respondent department had badly failed to prove the baseless allegation filed against the appellant

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4. Reply of Para No: 04 need no comments detail already provided in ibid Para.
5. Reply of Para No:05 is incorrect because no case has been proved against the appellant and the inquiry committee^s has not been treated appellant as per prescribe Act/rules ETC . .
6. Reply of Para No:06 is incorrect hence denied.
7. Reply of Para No:07 is also incorrect because the Adhoc relief all 2017,2018 and 2019 has been deducted from the appellant salary in the month June 2021, which is illegal unauthorized and against the legal right of the appellant.

GROUND S:-

A. Reply of ground A is incorrect the respondent department illegally and malafide deducted adhoc relief and basic pay.

B&C. Reply of ground B and C are totally illegal and against the fact because the appellant his not been associated properly with the inquiry as per mandate provided the rules . Most importantly statements of Mr. Muzzafer Uddin choukidar and Mr. Gul Nayyab khan Junior storekeeper has been recorded, Whereas Mr.Gul Nayyab khan filed counter affidavit and stated that on the same day of alleged occurrence I was not on duty and I have not seen misbehaviour and mishap among the Appellant and Respondent No.04 but the Respondent No.04 mentioned my name as a witness of occurrence without

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my permission and malafide likewise the Eyewitness Mr.Muzzafer Uddin filed counter affidavit by alleging that I saw the occurrence while both the parties saying theft to each other and I patched up the matter on humanitarian ground but I did not see any beating and aggression from the appellant toward the Respondent No:04.(affidavit of Muzzafer Uddin and Gul Nayyab Khan are attached herewith).

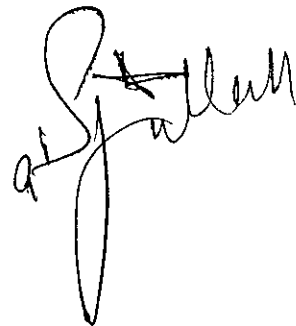
D to L. Reply of ground D to L of service appeal is incorrect, no inquiry has been proved against the appellant it is also an admitted fact that the respondent No:04 has badly failed to proved has stance, no CCTV footage nor any medical report and even no police report in shape of F.I.R and Roznamcha Etc has been produce by the respondent No.04 and resultly inquiry committee has imposed penalties against the appellant with any reasonable jurisdiction and the same is outcome of misreading and nonreading of evidence .

It is, therefore, most humbly prayed on conceding this rejoinder part and parcel of the service appeal , the service appeal of the appellant may kindly be accepted and decreed as per prayed of service appeal.

Dated ; 14/12/2023

Through Appellant

Saif Ullah Mongol
Advocate, High court



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AFFIDAVIT

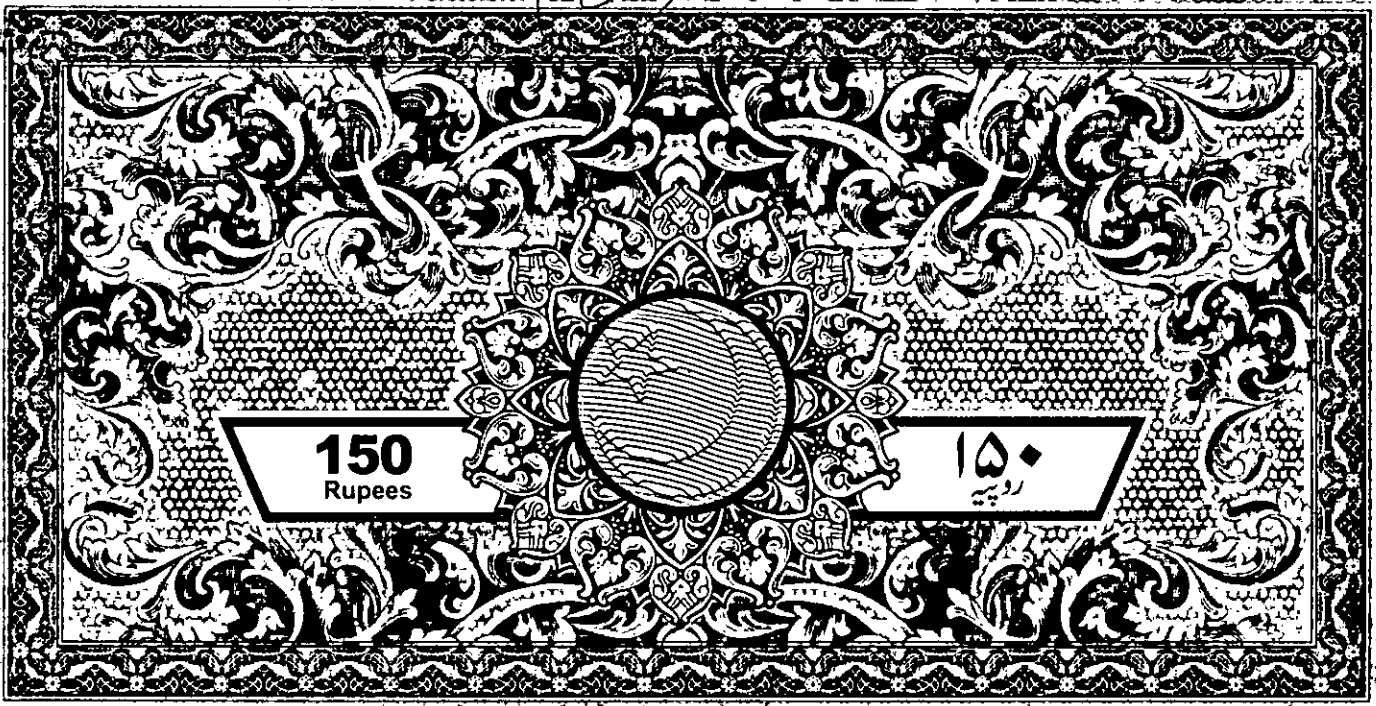
I, Abdul Aziz Baig S/o Lal Zaman Baig R/o Village Muzgole,
Tehsil Torkhow Mulkhaw, District Upper Chitral, do hereby
solemnly affirm and declare on oath that the contents of the
accompanying **Rejoinder Application** are true and correct to
the best of my knowledge and belief and nothing has been
concealed from this Hon'ble Court.




DEPONENT



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طے بیان

مکہ سے فقہ الدین ولد فطوف علیاں ساکنہ تنگ بازار کے ال لہر
 بندوبست سے پیدا حلقہ بیان ہیں۔ کہ شرح 24 اپریل 1950ء کو
 میں اپنے ڈیوٹی میں موجود تھا۔ اس دوران میں باغیچہ روم میں موجود تھا
 باہر بیٹورک افاز میں کمر میں باغیچہ روم کے باہر لنگر ٹوڈی لگا کر سے عبد القدر
 بیگ اور سید باقوت علیہما السلام الی میں دست گریباں میں لہر لہر ہوئے
 کو جو ر کھ رہے ہیں انہی کے ساتھ میرا لہر لہر کا وقت ان کے ساتھ ساتھ
 کر گیا اور شروع کیا۔ اس کے علاوہ میں ان کے باہر میں آگے سے
 لہر لہر میں ہیں۔

25-5-23
 لہر لہر سے طے بیان ہے۔

مکہ الدین

KHADIMULAKBAR
 Advocate & Notary Public
 Dist. Courts Chitral (U)
 25/5/23

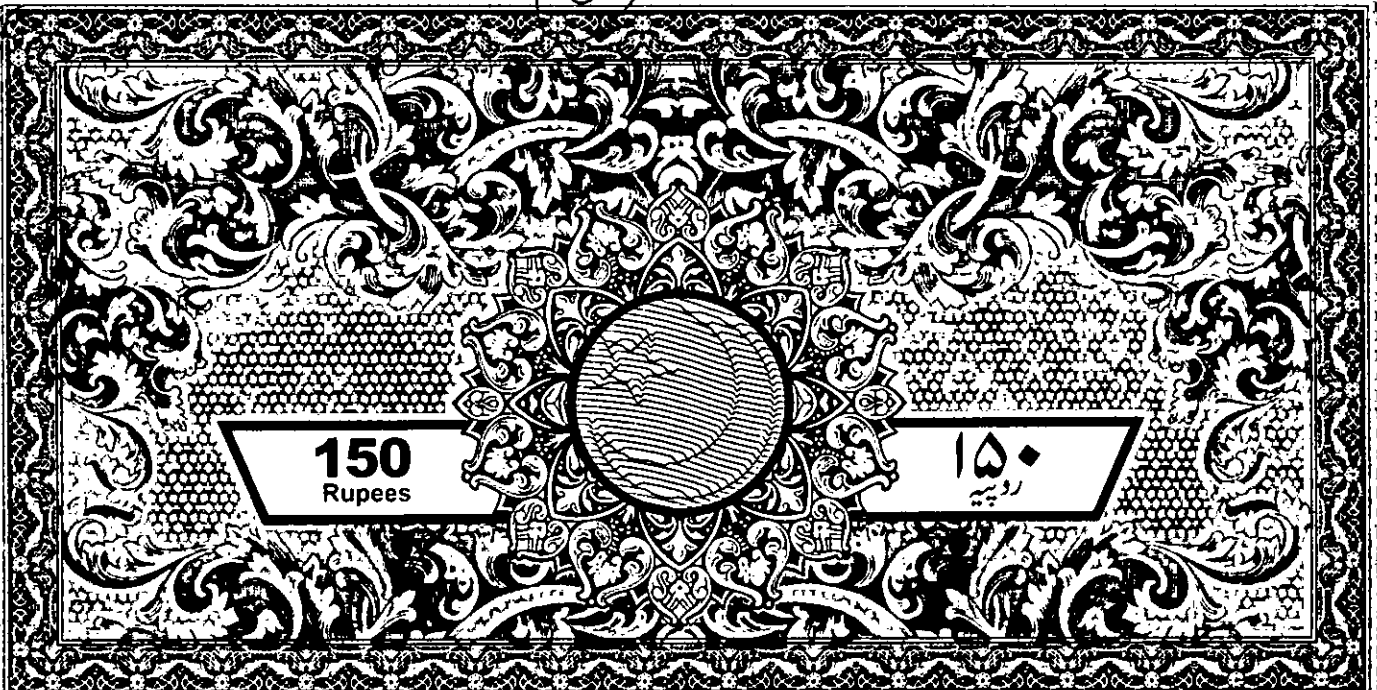
فقہ الدین ولد فطوف علیاں
 ساکنہ تنگ بازار کے ال لہر
 9-661766-058-05201

مذکورہ کی طرف سے مندرجہ ذیل کے لئے منظور شدہ رقموں کی تفصیل
مذکورہ کی طرف سے منظور شدہ رقموں کی تفصیل

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25/5/23

~~DISTRICT ACCOUNTS OFFICE~~
12 Feb 2023
~~COMPTROLLER~~



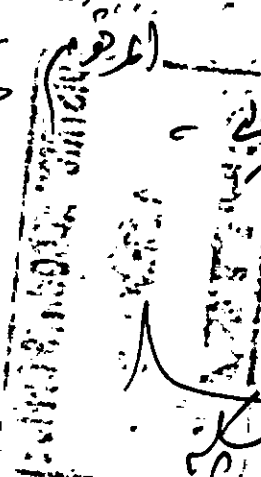
150 Rupees

۱۵۰ روپیہ

طے بیان

مکرمہ حکم بنیاب خان ولد مراد ساکن پیرسان نرسیم آباد تحصیل
 لہور ہڈیہ تختہ بندہ اعلیٰ انوار کے مکرم بنیاب ہوں۔ کہ سہی
 عبدالغنی بنیاب امیر سید باقوت علی شاہ کے چھوٹے کے دین میں اس میں
 میں موجود زمین تھا۔ میں ان کے درمیان چھوٹے کے نسبت
 سہی چیز اٹھا لیا ہوں۔ میرا نام پیر اجازت کے لہور
 بطور حواہ میں کیا گیا ہے۔

۲۵/۵/۲۳



گنیز پیر طے بیان ہے۔

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حکم بنیاب خان ولد مراد ساکن
 پیرسان نرسیم آباد تحصیل لہور
 ۱۵۵۰۱-۵۵۵۴۵۵۸-۵

Attested
 KHADIMULAKBAR
 Advocate & Notary Public
 Dist. Courts Chitral (L)
 25/5/23

Handwritten text in Urdu script, likely a signature or address, written in a cursive style.

Ma.nid Nawaz
Stamp Vende.
Chitral

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25/5/23

DISTRICT ACCOUNTS OFFICE
10 MAY 2023
CHITRAL