

**BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.**

30/1/17

Service Appeal No. 282/2017

Jamshed Khan

VS

~~Police Depto~~ Govt of K.P.K.

.....  
**REJOINDER ON BEHALF OF APPELLANT**  
.....

**RESPECTFULLY SHEWETH:**

**Preliminary Objections:**

- (1-6) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

**FACTS:**

1. First portion of para 1 is admitted correct while the rest of para 1 is incorrect hence denied as that the appellant was complainant in the FIR No.605 and he conveyed the situation to his superiors.
2. Incorrect. While para 2 of the appeal is correct.
3. Incorrect. the appellant has appellant has conveyed the situation of accident to his high ups which might not have been reached to the concerned officials either due to communication or misplacing the same at a stage in the communication channel.
4. Incorrect. While para 4 of the appeal is correct.
5. Admitted correct. Hence no comments.
6. Incorrect. While para 6 of the appeal is correct.
7. Incorrect. That first notification of penalty was issued before the show cause notice and then again issued another notification of penalty after the show cause notice which means that the proceeding was conducted haphazard manner which is the violation of rules and law.
8. Incorrect. The review petition of the appellant was rejected without giving any reason.

**GROUND:**

- A. Incorrect. The appellant did not violate rule (20) of KPK Misconduct Rules, 1987 therefore the impugned order dated 3.3.2017 and 13.12.2016 are against the law, facts, norms of justice and material on record, therefore not tenable and liable to be set aside.
- B. Incorrect. While para B of the appeal is correct.
- C. Incorrect. While para C of the appeal is correct.
- D. Incorrect. As explained in the proceeding paras.
- E. Not replied according to para E of the appeal. Moreover para E of the appeal is correct.
- F. Incorrect. first notification dated 18.8.2016 was issued wherein penalty of withholding of two annual increments for two years was imposed upon the appellant and after that show cause notice was issued to the appellant which is violation of law and rules.
- G. Not replied according to para G of the appeal. Moreover para G of the appeal is correct.
- H. Incorrect. While para H of the appeal is correct.
- I. No comments endorsed by respondents that para I of the appeal is correct.

It is, therefore, most humbly prayed the appeal of appellant may kindly be accepted as prayed for.

APPELLANT

Through:

M.ASIF YOUSAFZAI  
ADVOCATE SUPREME COURT  
&  
(TAIMUR ALI KAHN)  
ADVOCATE HIGH COURT

ATTESTED  
Oath Commissioner  
Zahoor Advocate  
Distt: Court Peshawar

22 NOV 2017

**AFFIDAVIT**

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.

DEPONENT