

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

Muhammad Kifayat Ullah

VERSUS

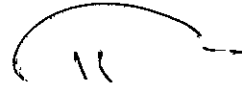
Deputy Commandant & Others

INDEX

Sr#	Description of documents.	Annexure	Page
1)	Rejoinder		1-3
2)	Copy of Transfer Order / posting etc		4-8

Appellant

Through



Arbab Saiful Kamal
Advocate,

22-02-2024
Peshawar

1

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR

S.A No. 1675/2023

Muhammad Kifayat Ullah versus Deputy Commandant & Others

REJOINDER

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 11242

Dated 20-02-2024

Respectfully Sheweth,

PRELIMINARY OBJECTION

All the Preliminary Objections from "a" to "h" are illegal and incorrect. No reason in support of the same is ever given as to why the appeal is not based on facts, bared by law / limitation, not maintainable, bad for mis and none joinder of necessary parties, estoppel, time barred, unclean hands and without cause of action and locus standi.

ON FACTS

1. Needs no comments regarding appointment and promotion up to the post of Sub-Inspector.
2. Not correct. Constable Tariq Aziz was on leave at the time of giving statement to the news channel at Mardan. He was not present at the time of the statement in the Police Station and appellant cannot be held responsible for the acts of others.
3. Admitted correct to the extent of Show Cause Notice while on the other hand, appellant cannot be held responsible for personal act. For example, some officials kill someone then whether the In-charge will be held responsible for that act or otherwise.

4. Not correct. It is not the duty of appellant to satisfy someone in case when he is out of station. Appellant cannot go behind someone to his village to do or not to do such act, yet appellant had maintained discipline over all the officials present in the station.
5. Not correct while not ad-hearing to law the authority mis-used her power by dismissing appellant from service and that too with major punishment of dismissal.
6. Admitted correct by the respondents regarding submission of departmental appeal before the authority.

Note: - That the appellant was transferred to the Platoon No. 57 on 07-04-2023. He performed his official duties efficiently. On 23-04-2023, the official (Tariq Aziz) left for 03 days leave on the occasion of Eid, while on 25-04-2023 explosion happen at Swat wherein a lot of officials were killed, the said official (Tariq Aziz) gave statement on private channel on 25-04-2023 which is his private act, however the appellant reported the matter in daily diary on 25-04-2023. The official (Tariq Aziz) leave was up to 26-04-2023, so the act of statement against high ups was his personal act which he did during leave i.e. on 25-04-2023 for which appellant cannot be held responsible.

Moreover, the appellant was then transfer from Platoon No. 57 to Platoon No. 111 vide order dated 28-04-2023, so the appellant only remained in Platoon No. 57 for 20 days wherein he performed his duty efficiently by giving instructions to the officials of platoon to be hold discipline and not to give statement to media as it is against the discipline. The fact of efficient duty is apparent from the fact that other officials maintained discipline in the Platoon but only one official (Tariq Aziz) violated the discipline which was his personal act. (Copies Attached)


GRUNDS:

All the grounds of the appeal are legal and correct while that of the reply are illegal and incorrect. The same are re-affirmed once again.

It is, therefore, most humbly prayed that the appeal be accepted as prayed for.


Appellant

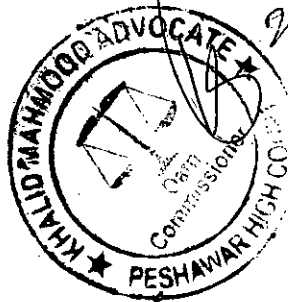
Through


Arbab Saiful Kamal
Advocate,

Dated: 20-02-2024

AFFIDAVIT

I, Muhammad Kifayat Ullah, (appellant) do hereby solemnly affirm and declare that contents of the **Appeal & rejoinder** are true and correct to the best of my knowledge and belief while that of reply of respondents are illegal and incorrect.




DEPONENT


ضابطہ - ضابطہ
MHC

0454
EF

بجائزہ اور جوڑے کے ذریعے ایئر / ٹرین سٹیشن پر پہنچانے کے لئے
جس کی آڈیٹنگ 4548-52/EF سے 07/04/23 کو شروع ہو گی

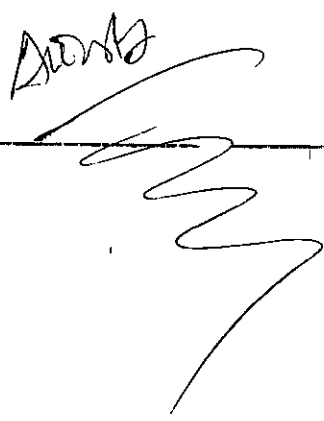
- 1. ایک ڈیوٹی فون نمبر 648/MHC سے 58 ڈیوٹی فون نمبروں تک 68
- 2. ایک بیس فون نمبر 605/MHC سے 70 ڈیوٹی فون نمبروں تک 109
- 3. ایک سیل فون نمبر 798/MHC سے 111 ڈیوٹی فون نمبروں تک 110
- 4. ایک کنٹیکٹ نمبر 769/MHC سے 71 ڈیوٹی فون نمبروں تک 57
- 5. ایک واٹس ایپ نمبر 417 سے 41 ڈیوٹی فون نمبروں تک 05
- 6. ایک بیس فون نمبر 1226 سے 11 ڈیوٹی فون نمبروں تک 05
- 7. ایک ایئر / ٹرین سٹیشن 375 سے 11 ڈیوٹی فون نمبروں تک 05

ضابطہ
07/04/23



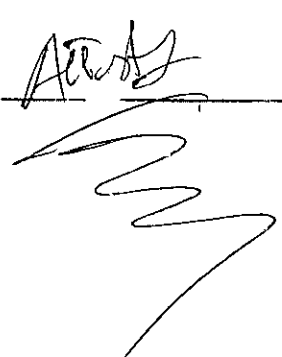
368

Adams



25 رپورٹ کتابت 760 بذیل 760 ایف ایف بیلاٹول نمبر 57 دفعہ 20:19:19
 حرف 04 25 آئے تھے صفحہ جو جوگی۔ دوران معلوم ہوا ہے چند
 023
 پولیس جانان سے سوشل میڈیا میں ایک ویڈیو سٹیٹنگ بنا کر ان کو
 صفحہ حکم پولیس میں جو پھر ریٹیک کے ایک ظلم کے اور افسران بلا
 کے خلاف بائیں کر کے اور حرف 05 023
 کار اٹھانے کے لیے سچے اور بیانے شہر پورے میں اس بات
 معلوم ہے کہ ان میں سے ایک کنڈل طارق عزیز نمبر 4886 ملان
 نمبر 57 صفحہ تھانہ عدالت جو کہ فی الحال، حوالہ دینے یا حرف 04 23
 023
 سے سید لیویہ اور حرف 04 26 کو واسیہ ہے جو تھانہ سوشل میڈیا
 کے غلط استعمال سے متعلق افسران بلا کے طرف سے احکامات
 جاری ہو کر گتے میں کی بار جانان کو سچا یا گتے ہے جو تھانہ
 بلا کھیل ان احکامات کو خاطر میں نہ رکھ کر غیر قانونی سوشل
 میڈیا گروپ بنا کر افسران بلا کے خلاف اور حکم پولیس کے خلاف
 میڈیا اور بیانے شہر کر رہے ہیں۔ اور دوسرے جانان کو بھی اکتان
 کی کوشش کر رہے ہیں جو افسران بلا کے احکامات اور ڈھیلے
 کے حوالے خلاف دیر ہے۔ لیٹریڈ ریکورڈ بلا کھیل کے خلاف
 رپورٹ رہے روزنامہ پھرتی ہے۔ ان میں بلا کے نوٹس میں لاکر
 نوٹس کاروائی نقل حرف پور افسران طرف سے بھیجیں۔
 رپورٹ طرف سے ضابطہ

نقل عیال اصل ہے
 Sir, for...
 P. S. Khall
 AMH

Atty


7

وہ - لا - لا - لا
MHC

OASJ
EF

کامیاب کارکنان کے ذیل درجہ فہرست پیش کیا گیا ہے، سبڈیوژن (جی) امرتسر
5435-38/OASJ-EF 18⁰⁴ 23
پلاٹون نمبر 57 سے مختلف
پلاٹونز کو تبدیل ہوئے ہیں

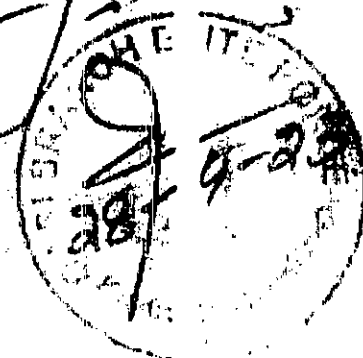
Sl. No.	Name	Platoon	To
1.	SI Muhammad Kiliyat	Platoon No.57	Platoon No.111
2.	ASI Akbar Ali No.11/M	Platoon No.57	Platoon No.112
3.	ASI Ihsan Ul Haq No.21/M	Platoon No.57	Platoon No.71
4.	IIC Rahim Dost No.18	Platoon No.57	Platoon No.58
5.	HC Asghar Khan No.41	Platoon No.57	Platoon No.70
6.	HC Bakhtiar Ul Haq No.2913	Platoon No.57	Platoon No.71
7.	HC Wajid Ahmad No.67	Platoon No.57	Platoon No.111
8.	HC Ibrahim No.2129	Platoon No.57	Platoon No.112
9.	HC Zahoor Ahmad No.527	Platoon No.57	Platoon No.59
10.	IIC Ikram Ullah No.53	Platoon No.57	Platoon No.60
11.	HC Fazal Hussain No.74	Platoon No.57	Platoon No.61
12.	IIC Irfan Ullah No.550	Platoon No.57	Platoon No.108
13.	HC Bakht Baidar No.57	Platoon No.57	Platoon No.107
14.	HC Shabir Hussain No.97	Platoon No.57	Platoon No.106
15.	LHC Ismail Khan No.10	Platoon No.57	Platoon No.54
16.	LHC Wahid Zaman No.518	Platoon No.57	Platoon No.54
17.	FC Gul Bahadur No.42	Platoon No.57	Platoon No.55
18.	FC Sher Wali No.5503	Platoon No.57	Platoon No.55
19.	LHC Sardar Ali No.5464	Platoon No.57	Platoon No.56
20.	LHC Muhammad Iqbal No.5397	Platoon No.57	Platoon No.56
21.	LHC Lal Zada No.4637	Platoon No.57	Platoon No.106
22.	LHC Inayat ur Rehman No.2988	Platoon No.57	Platoon No.106
23.	LHC Hazrat Hussain No.5445	Platoon No.57	Platoon No.109
24.	LHC Gulzar Ahmad No.1400	Platoon No.57	Platoon No.109
25.	LHC Arsala Khan No.16	Platoon No.57	Platoon No.110
26.	FC Bakht Shuhzaib No.1	Platoon No.57	Platoon No.110
27.	LHC Khastan Ullah No.520	Platoon No.57	Platoon No.107
28.	FC Fazal Hussain No.2	Platoon No.57	Platoon No.107
29.	FC Sajjad Ali No.4634	Platoon No.57	Platoon No.108
30.	FC Muhammad Saleem No.4631	Platoon No.57	Platoon No.108
31.	FC Umar Zada No.545	Platoon No.57	Platoon No.116
32.	FC Nizam ud Din No.3	Platoon No.57	Platoon No.116
33.	FC Karim Dad No.5531	Platoon No.57	Platoon No.58
34.	FC Saif Zaman No.618	Platoon No.57	Platoon No.58
35.	FC Imran No.2815	Platoon No.57	Platoon No.70
36.	FC Shehzad Khan No.84	Platoon No.57	Platoon No.70
37.	FC Aqeel Zaman No.6	Platoon No.57	Platoon No.71
38.	FC 5447	"	PL 71
39.	FC/5589	"	PL 111
40.	FC San ul Haq 5519	"	PL 111

Adhb

8

1.	FC Izhar No. 678		Platoon No. 57	Platoon No. 112
2.	FC Azeem Ullah No. 3157		Platoon No. 57	Platoon No. 112
3.	FC Fazal Subhan No. 5425		Platoon No. 57	Platoon No. 59 ✓
4.	LHC Asghar Ali No. 5399		Platoon No. 57	Platoon No. 59 ✓
5.	FC Noor Zamin No. 4632		Platoon No. 57	Platoon No. 60 ✓
16.	FC Syawal Khan No. 5468		Platoon No. 57	Platoon No. 60 ✓
17.	LHC Younsaf Khan No. 5401		Platoon No. 57	Platoon No. 61 ✓
18.	FC Muhammad Hassan No. 5564		Platoon No. 57	Platoon No. 61 ✓

15/10/10
عقود
9-23



Handwritten signature or scribble at the bottom of the page.