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Khyber Pakhtunkhwa
Service Tribunal

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Diary No. 11708

Service Appeal No. 616/2023

Dated 12-03-2024

Masood-ud-Rehman.

.....Appellant

VERSUS

Secretary Home Department Govt. of KPK etc.

.....Respondents

REJOINDER ON BEHALF OF APPELLANT TO THE COMMENTS/REPLY OF RESPONDENTS.

Respectfully Sheweth:-

Preliminary objections:

1. That this para is incorrect and misconceived.
2. That this para is also incorrect and misconceived.
3. That this para is also incorrect and baseless.
4. That this para is also incorrect and baseless.
5. That this para is also incorrect and baseless.
6. That this para is also incorrect and baseless.

ON FACTS:

1. That this para needs no reply.
2. That this para also needs no reply.
3. That this para also needs no reply.
4. That this para is also incorrect and baseless. The objection of respondents in respect of posts reserved for FR Tank is not sustainable as after 25th Amendment Act of constitution (Act No. XXXVII of 2018) FATA and FR have been merged in the province of Khyber Pakhtunkhwa in pursuance of amendment of constitution referred to above, therefore the objection of the respondents in respect of FR is baseless and without foundation.

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D. B
Peshawar

5. That this para needs no reply.
6. That this para is incorrect, misconceived and self-stated story of Respondents as neither any regular inquiry has been conducted in the matter nor any charge-sheet, statement of allegations or show cause Notice has been served upon the Appellant but straight away an order of major penalty of removal from service has been passed against the Appellant.
7. That this para is also incorrect, misconceived and self-stated story of Respondents as explained in Para-6 above.
8. That this Para is also incorrect and misconceived.
9. That this Para is also incorrect and misconceived. Service of the Appellant has been regularized vide Notification dated 25.11.2022 and after regularization of service the Appellant has become regular civil servant, copy of Notification is already enclosed as **Annexure - E** to the appeal.

GROUNDS:

- A. That this para is incorrect and misconceived.
- B. That this para is also incorrect and baseless. The objection of respondents in respect of posts reserved for FR Tank is not sustainable as after 25th Amendment Act of constitution (Act No. XXXVII of 2018) FATA and FR have been merged in the province of Khyber Pakhtunkhwa in pursuance of amendment of constitution referred to above, therefore the objection of the respondents in respect of FR is baseless and without foundation.
- C. That this para is incorrect, misconceived and self-stated story of Respondents as neither any regular inquiry has been conducted in the matter nor any charge-sheet, statement of allegations or show cause Notice has been served upon the Appellant but straight

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away an order of major penalty of removal from service has been passed against the Appellant.

- D. That this para needs no reply.
- E. That this para is incorrect and baseless as per reply given in Para-B above.
- F. That this para is incorrect and baseless.
- H. That this para is also incorrect and baseless.
- J. That this para needs no reply.

It is, therefore, prayed that the Appeal may please be accepted and the Appellant may please be reinstated in the service with all back benefits as the Appellant has not been gainfully employed elsewhere and is jobless since the date of his removal from service.

Dated: 8/03/2024

Your Humble Appellant,

Masood

Masood-ur-Rehman

Through Counsel

Gul Tiaz Khan

GUL TIAZ KHAN MARWAT,
Advocate High Court, D.I.Khan

AFFIDAVIT:

I, Masood-ur-Rehman Ex-Sweeper KPK Emergency Rescue Service (Rescue-1122) FR Tank, the Appellant do hereby solemnly affirm and declare on Oath that the contents of the rejoinder are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Court.

Masood

DEPONENT

