

BEFORE THE KHYBER PUKHTUNKWA SERVICE
TRIBUNAL, PESHAWAR

In service appeal No. 5195/2021

Inayat Ali Amjad vs P.P.O and Others

Rejoinder on behalf of the appellant

Respectfully sheweth,

Preliminary Objections:

1. That para no.1 is incorrect the/appellant has been awarded the penalty without any cogent reason thus being an aggrieved Civil Servant he has got cause of action and locus stand to file the instant appeal.
2. That para no.2 is incorrect the appeal is filed within the time frame provided by the law, which has been competently filed before this Hon'ble Tribunal.
3. Contents incorrect. No rule of estoppel is applicable in the instant case.
4. Contents incorrect. The instant appeal is fully maintainable in its present form.
5. Contents incorrect. The appellant has come to this Hon'ble Tribunal with clean hands.
6. Contents incorrect. All the necessary parties have been arrayed as respondents in the matter.

On Facts:

1. That Para no.1 needs no reply.

2. That Para no.2 also needs no comments.
3. Contents of para 2 of the appeal are true and correct. Reply given to the para is incorrect, hence denied. Mst. Ayesha never approached the appellant or visited P.S for her grievances. In fact the appellant, on coming into knowledge about the issue in between the lady and one Inzimam, called them along with the elders of the locality to P.S to heard the issue. Inzimam did not turned up while Mst. Ayesha with her elders and also the elders of the locality and maternal uncle of Inzimam visited P.S and in the presence of her elders and the elders of the locality, Mst. Ayesha deposed that she has already settled the matter with Inzimam and she does not want to a proceed or lodge any complaint against the said Inzimam and to this effect proper endorsement was made in daily diary vide Naqalmad No. 12 dated 06.08.2019 in P.S Misri Banda. (Copy already attached with the main appeal).
4. No comments.
5. Contents of Para No. 5 of the appeal are true and correct, reply given to the para is false, hence denied. Charge Sheet may have drafted but neither communicated to the appellant nor he was informed about any inquiry proceedings. infact he was condemned unheard.
6. As submitted above the appellant was condemned unheard and the punishment was awarded without hearing him, which is illegal and as such not sustainable under the law.
7. No comments.
8. Contents incorrect. Infact he explained his position during personal hearing but this aspect has been ignored that even though the penalty is minor but it would certainly effect his spotless service carrier and would stigmatize his service carrier.
9. Contents incorrect. Contents of Para No. 9 of the appeal is correct.

Grounds:


SCANNED
KPST
Peshawar

All the Grounds taken in the appeal are legal and shall be substantiated during the course of arguments.

It is, therefore, prayed that the appeal may kindly be accepted as prayed for.

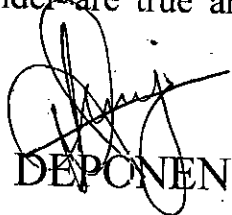

Appellant

Through.


Yasir Saleem
Advocate High Court
Peshawar

Affidavit:

It is stated on oath that the contents of the re-joinder are true and correct.


DEPONENT

