

Appeal No. 1883/2023

BEFORE THE LEARNED KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

MAQSOOD KHAN

APPELLANT

VERSUS

INSPECTOR GENERAL OF POLICE KP & OTHERS

RESPONDENTS

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23rd April, 2024

APPELLANT

MAQSOOD KHAN(HEAD CONSTABLE)

Through

Mohammad Masoom

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24-04-2024

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REJOINDER ON BEHALF OF APPELLANT, TO COMMENTS FILED BY
RESPONDENT NO. 1, 2 & 3:-

Respectfully Sheweth

Appellant humbly submits as under:

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 12362

Dated 24-04-2024

REPLY TO PRELIMINARY OBJECTIONS:-

- A. That objection (a) is baseless and without legal justification, hence denied rather raised with mala-fide intention.
- B. That objection (b) is baseless & without any legal justification, hence denied. That the instant appeal has been filed after fulfillment of all legal formalities.
- C. That objection (c) is baseless & without any legal justification, hence denied. All proper and necessary parties to the appeal have been arrayed in the appeal.
- D. That objection (d) is baseless & without legal justification, hence denied.
- E. That objection (e) is baseless & without any legal justification, hence denied. The appellant has come to the instant Court with clean hands and nothing has been concealed from this Honourable Court.

It is pertinent to mention herein that the Preliminary Objections (a) to (e) raised by the respondents are baseless, without any legal justification, hence are out rightly denied by the appellant, moreover, they are only raised for the sake of objection.

REPLY ON FACTS:-

1. Para No.1 of the comments needs no reply.
2. Para No.03 to 07 of the comments needs no reply, as no denial has come forward to the paragraphs on behalf of the replying respondents.
3. That in reply to para No.8 of the comments it is submitted that the appellant was behind the bars in false, fabricated and concocted case and at the time of selection for the Intermediate Course the appellant was not over age and was not hit by the legal Age embargo as stipulated in Standing Order 09/2014 read with Police Rules 13.9 (A) in regard to the upper age limit.

It is pertinent to mention herein that as per the CNIC (Annex-A), the date of birth of appellant is 03/09/1973 & the Intermediate Course Selection 2021 was initiated on 29/06/2021 or prior, hence at the time said time the appellant was 47 years old.

4. That in reply to para No.9 of the comments it is submitted that the appellant was fit for promotion on all aspects including Seniority cum Fitness, if the appellant was not suspended & behind because of the fake & factitious case, in which the appellant got Honourary Acquitted of all the baseless & fabricated charges by the Learned Additional District & Session Judge, Peshawar vide order 26/09/2022(Annex-D). Hence the laws/Rules & dictum's of Superior Courts support the case of the appellant in all aspects.
5. That in reply to para No. 10 it is stated that at the time of the Intermediate Course 2021 the appellant had not attained the age of 48 & the appellant was serving time behind the bar's in a false & factitious case, in which the learned Court Honourary Acquitted him.
6. That para No.11 is denied. The appellant after being acquitted approached the concerned quarters/respondents for award of all back Benefits including Promotion(s), arrangement of Intermediate Course & Salaries/emoluments but the same were out-rightly denied by the respondents for reasons best known to them.

REPLY TO GROUNDS:-

- A. That para (A) of the grounds narrated by the respondents is incorrect without any legal justification, whereas Para (A) of the grounds of the

appellant is correct. Further more a detailed reply has already been given in the preceding para graphs.

B. That para (B) of the grounds narrated by the respondents is incorrect without any legal justification, whereas Para (B) of the grounds of the appellant is correct. The appellant never wilfully involved himself in the fictitious case and moreso, the appellant was acquitted from all the charges by the Learned A.S.J Peshawar.

C. That para (C) of the grounds narrated by the respondents is incorrect without any legal justification, whereas Para (C) of the grounds of the appellant is correct.

D. That para (D) of the grounds narrated by the respondents is incorrect without any legal justification, whereas Para (D) of the grounds of the appellant is correct. An elaborate reply to the stance of the respondents have already been given in the preceding paragraphs of the rejoinder.

E. That para (E) of the grounds stated in comments is vague hence denied.

F. That para (F) of the grounds narrated by the respondents is incorrect without any legal justification, whereas Para (F) of the grounds of the appellant is correct.

G. That para (G) of the grounds narrated by the respondents is incorrect without any legal justification, whereas Para (G) of the grounds of the appellant is correct.

PRAYER:-

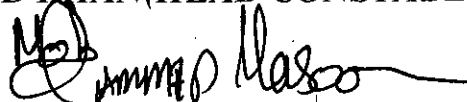
It is humbly requested that the appeal of the appellant may graciously be accepted in terms of the prayers as requested in the main appeal by the appellant.

Anyother relief not specifically prayed for but deemed fit & appropriate in the facts and circumstances of the case may graciously be awarded to the appellants.

23rd April, 2024

Through

APPELLANT
MAQSOOD KHAN(HEAD CONSTABLE)


MOHAMMAD MASOOM SHAH
ADVOCATE.

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AFFIDAVIT

As per instructions of my, I Mohammad Masoom Shah Advocate
(Counsel of Appellant) solemnly affirm & declare that the contents of
the instant rejoinder are true & correct & nothing has been concealed
from this Honourable Court.

Mohammad Masoom

DEPONENT

Mohammad Masoom Shah Advocate.

CNIC No. 17301-3680088-5

B.C No. 10-4795

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