

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

Service Appeal No. 2274/2023

Kifayat Ullah

V/S

Police Deptt etc.

.....

**REJOINDER ON BEHALF OF APPELLANT**

.....

Kifayat Ullah  
Service Tribunal

Case No. 12706

Dated 13-05-2024

**RESPECTFULLY SHEWETH:**

**Preliminary Objections:**

(1-07) 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. Incorrect, hence denied. While the para-1 of the appeal is correct. Moreover, The previous service record of the appellant is clear even a single complaint was not registered against the appellant. while the allegation mentioned by the respondent in respected para is not prove against the appellant yet it is worth to mention here that when the charge is not prove against the appellant then he shall be presumed innocent in the eyes of law.
2. Incorrect hence denied. While the para-2 of the appeal is correct. Moreover, the story narrated by the respondents was concocted one, and not supported by the any evidence.
3. Incorrect hence denied. While the para-3 of the appeal is correct. Moreover, the reply of the appellant was not properly perused.
4. Incorrect and misleading, hence denied. While the para-4 of the appeal is correct. Moreover, that according to Police Rules 1975, universal principal of natural justice and As per Article 10-A of the constitution of Islamic Republic of Pakistan clearly provided for fair trail and without opportunity of cross examination fair trail cannot be possible. Further it is added that as per Judgment of Supreme Court the statement any recorded not subjected to cross examination has no evidentiary value in eye of law.

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5. Incorrect hence denied. While the record was not perused properly by the authority.
6. Incorrect hence denied. While the codal formalities was not followed by the respondents department and reject the departmental appeal without showing any cogent reason which is totally against the Judgment of Superior Court 1991-SCMR #2530.

**GROUNDS:**


- A) Incorrect, hence denied. While Para-A of grounds of the appeal is correct. Moreover, the order dated 16.06.2023 & is against the law, facts and norms of justice, there not tenable and liable to be set side.
- B) Incorrect, hence denied. While it is pertinent to mention here that through out the inquiry even a single chance of cross examination was not provided to the appellant which is against police Rules, 1975 and also against the Judgment of Superior Court's 1996 SCMR-802 and 2023-SCMR-1135.
- C) Incorrect, hence denied. The appellant fulfilled all the codal formalities but the record was not perused properly.
- D) Incorrect, hence denied. While Para-D of grounds of the appeal is correct.
- E) Incorrect, hence denied. While Para-E of grounds of the appeal is correct.
- F) Incorrect, hence denied. While Para-F of grounds of the appeal is correct.
- G) Incorrect, hence denied. That Article-10A of the Constitution Islamic Republic of Pakistan, 1973 provides that the chance of fair trial meanwhile even a single chance of defence was not provided to the appellant the inquiry was totally in shadow of doubts.
- H) Incorrect, hence denied. While inquiry was totally against the Police Rules 1975.
- I) Incorrect, hence denied. While Para-I of grounds of the appeal is correct.

- J) Incorrect, hence denied. While Para-J of grounds of the appeal is correct.
- K) Incorrect, hence denied. While Para-K of grounds of the appeal is correct. Moreover as explained in Above paras.
- L) Incorrect, hence denied. While Para-L of grounds of the appeal is correct.
- M) Legal.

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

  
**APPELLANT**

Through:

  
**(M. ASIF YOUSAFZAI)**  
**ADVOCATE SUPREME COURT**  
**OF PAKISTAN.**

  
**(SYED NOMAN ALI BUKHARI)**  
**ADVOCATE HIGH COURT**

  
**(HILAL ZUBAIR)**  
**ADVOCATE PESHAWAR**

**AFFIDAVIT**

It is affirmed and declared that the contents of rejoinder and appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from Hon'able Tribunal.

  
**DEPONENT**

