

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

S. A. No. 1451 /2022

Adnan

versus

SP & others

**REPLICATION**

Khyber Pakhtunkhwa  
Service Tribunal

Case No. 12755

Dated 14-05-2024

**Respectfully Sheweth,**

**Answer To Preliminary Objections:**

All the 06 preliminary objections are illegal and incorrect. No reason in support of the same is ever given as to why the appeal is barred by law and limitation, the same is bad for mis and non-joinder of necessary parties, he has no cause of action and locus standi, he has not come to the hon'ble Tribunal with clean hands, he is estopped by his own conduct and is trying to conceal material facts from the hon'ble Tribunal.

In the judgment, respondents were directed to hold denovo enquiry in 90 days but the same was not conducted in stipulated period of time, so the order of removal from service was legally incorrect.

**ON FACTS**

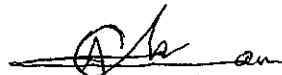
1. Admitted correct by the respondents regarding Service Appeal for reinstatement in service.
2. As above.
3. Not correct. In law there exists no room to only reinstate servant for denovo enquiry, even nothing was paid to him after performance of duty from the date of reinstatement in service and till removal from service.
4. Admitted correct by the respondents that as per Mad No. 06 appellant was present for enquiry.
5. Needs no comments regarding Charge Sheet and reply there to. The enquiry was not conducted as per mandate of law. Self-made report was prepared turning it as enquiry.

6. Not correct. No evidence was ever recorded of anyone regarding the enquiry and as stated earlier, self-made report was prepared which cannot be termed as enquiry. Neither any statement of any concerned was recorded nor appellant was provided opportunity of cross examination.
7. Needs no comments regarding representation and its rejection. The rejection order is not supported by any reason. When period of absence was treated as leave without pay, then his service was regularized and he then cannot be removed from service.
8. Not correct. No statement, if any, recorded was supplied to the appellant what to speak of the enquiry report and other relevant documents.

**GROUND:**

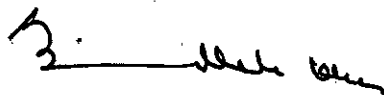
All the grounds of the appeal are legal and correct, while that of the reply are illegal and incorrect.

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



Appellant

Through

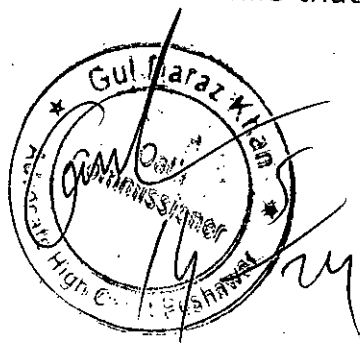


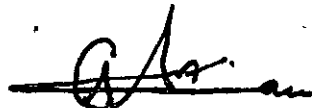
Saadullah Khan Marwat  
Advocate,

Dated: 07-05-2024

**AFFIDAVIT**

I, Adnan, appellant do hereby solemnly affirm and declare that contents of the **Appeal & replication** are true and correct to the best of my knowledge and belief while that of reply of respondents are illegal and incorrect.





DEPONENT