

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.7814/2021.

Jehanzeb Khan.....Appellant.

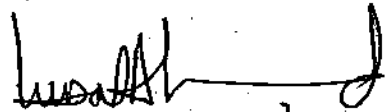
VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar..... Respondent.

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DEPONENT


SP/Courts & Litigation,²
CPO, Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

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Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar..... Respondent.

PARA-WISE COMMENTS BY RESPONDENT NO. 1

Respectfully Sheweth:-

PRELIMINARY OBJECTIONS:-

1. That the appeal is badly barred by law & limitation.
2. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
3. That the appellant has not come to Hon'ble Tribunal with clean hands.
4. That the appellant has no cause of action and locus standi to file instant appeal.
5. That the appellant is estopped by his own conduct to file the instant appeal.
6. That the appellant has concealed the material facts from this Hon'ble Tribunal.
7. That the appeal is not maintainable being devoid of merits.

REPLY ON FACTS:-

1. Correct to the extent that as per averments of writ petition annexed as Annexure 'A' facts have been narrated therein. In the said writ petition, the appellant had prayed for his appointment as ASI under deceased sons quota.
2. Correct to the extent that said writ petition came up for hearing and was decided vide Order dated 23.10.2013 wherein the Hon'ble Peshawar High Court, Peshawar disposed of the said writ petition that the respondents shall honor their commitment by appointing the petitioner then appellant against the post of Junior Clerk on his own turn in accordance with the seniority and merit list.
3. Pertains to record.
4. Para to the extent of failure to honour its commitment by the department is not plausible because, the Hon'ble Peshawar High Court vide its judgment dated 23.10.2013 rendered in Writ Petition No. 2844/2012 has categorically mentioned that the petitioner be appointed against the post of junior Clerk on his own turn in accordance with the merit list for the purpose. However, the Hon'ble Court was informed that at present there is no vacant post of Junior Clerk in the respondent department. However, it was assured that the petitioner will be accommodated against the post of Junior Clerk in terms of Sub-Rule 4 of Rule 10 of APT Rules, 1989.
5. Para to the extent of occurring of numerous vacancies and ignoring the appellant is totally whimsical rather fanciful while rest of the Para to the extent of filing of 2nd COC is correct however, the appellant was appointed against the post of Junior Clerk on his own turn vide Notification dated 24.05.2018.

Khyber Pakhtunkhwa
Service Tribunal
Case No. 16195
Dated 30-09-24

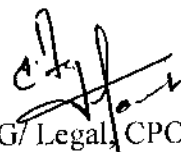
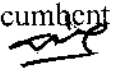
6. Para already explained vide Paras above.
7. Plea taken by the appellant is totally ill based rather against the law/ rules as there is no concept of antedated appointment.
8. Para is incorrect and against the facts. The instant Service Appeal is barred under law/ rules and not maintainable on the following grounds amongst the others.

REPLY ON GROUNDS

- a) Incorrect. The appellant has already been enlisted as Junior Clerk under deceased sons quota on his own turn.
- b) Incorrect. The respondents have acted strictly in accordance with the law/ rules whereas appellant was treated as per law/ rules.
- c) Incorrect. The appellant was appointed as Junior Clerk under deceased son's quota on his own turn strictly in accordance with law/ rules. However, the plea taken by the appellant regarding antedated appointment is not plausible rather against the law/ rules. As there is no concept of antedated appointment in respondent department. And under the law /rules.
- d) Incorrect. There is no lapses on the part of the respondent department rather appellant was treated strictly as per law/ rules.
- e) Incorrect. There is no malafide or discrimination on the part of respondents. The appellant was appointed as Junior Clerk under deceased sons' quota on his own turn strictly in accordance with law/ rules. Furthermore, the order of Hon'ble Court has been implemented in accordance with merits and law/rules.

PRAYERS:-

It is therefore most humbly prayed that in light of above facts and submissions, the appeal of the appellant being devoid of merit and legal footing, may kindly be dismissed with cost please.


AIG/ Legal CPO
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
Respondent No. 1
(MUHAMMAD ASIF)
Incumbent


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Service Appeal No. 7814/2021


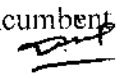
Jehanzeb KhanAppellant

VERSUS.

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar..... (Respondents)

AUTHORITY LETTER

Mr. Wisal Ahmad SP/Courts & Litigation, CPO, Peshawar is authorized to submit application for restoration of right of defense in submission of Para-wise comments/ reply in the captioned Service Appeal in the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar.


AIG/ Legal CPO
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 1)
(MUHAMMAD ASIF)
Incumbent


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AFFIDAVIT

I, Muhammad Asif AIG/Legal, CPO, Peshawar, do hereby solemnly affirm on oath that the contents of accompanying Para-wise Comments/ Reply on behalf of respondent to the Service Appeal are correct to the best of my knowledge and belief. Nothing has been concealed from this Honorable Tribunal. *The answering respondent have neither been place en-paste nor their defense struck off last*

[Signature]
AIG/Legal, CPO

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
(MUHAMMAD ASIF)
Incumbent



30 SEP 2024