BEFORE THE KP SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 2432/2023

Sikandar Shah V/S Police Deptt etc

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1.	Memo of Rejoinder	-----	01-02
2.	Copy of order dt: 05.09.1998	---R1---	03
3.	Copy of minutes dt: 01.08.2023	---R2----	04

APPELLANT

Through:

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

(1)

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 2432/2023

Sikandar Shah V/S Police Deptt etc

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REJOINDER ON BEHALF OF APPELLANT

.....

RESPECTFULLY SHEWETH:

Preliminary Objections:

(1-7) 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. Partially admitted correct by the respondents. Moreover no proof of blemished service record is attached by the respondents.

2. Incorrect, baseless and not replied as per contents of the Para-2 of the appeal. The said removal order was competently set-aside by the Service Tribunal vide its judgment dated 02.11.2004.

3. As explained in Para-2 above.

4. Admitted correct by the respondents so no comments. The element of out of turn promotion is never involved in the appeal. Moreover the appellant being a recruit of FRP has the right to be treated at par with his colleagues and batch mates.

5. As explained above the respondents have acted in a fanciful manner and repeatedly affected the seniority of appellant on one pretext or another. The respondents are legally required to at least treat the appellant at par with his colleagues and batch mates of FRP. Moreover, it is also established fact that the respondents have never communicated any adverse order to the appellant in time which affected his rights and all the adverse orders were passed at the back of appellant without giving him prior hearing which is against the principle of justice and fair play.

(2)

GROUNDS:

A. All Paras of ground of appeal are in favour of appellant along with legal position and the reply of the respondents is against facts, and available record.

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.

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

WAQAR KHAN MOHMAND ADVOCATE Peshawar High Court
ATTESTED
NOTARY PUBLIC
10/19

R-1 (3)

Copy of Endst:NO.16176-78/E-II, Dated 29.8.1998, from Inspector General of Police,NWFP,Peshawar,received over endst:NO.5109-10/EC, dated 2.9.1998 by the Commandant FRP N.W.F.P. Peshawar.

ORDER.

The following transfers/postings amongst Lower Subordinates with immediate effect :-

S.NO. NAME & NOs.	FROM.	TO.
1.Const: Sikendar Shah No.3011.	Peshawar Distt:	FRP N.W.F.P.
2.Const: Gohar Ali NO.422. LHC	FRP,NWFP,	Peshawar Distt:

Sd/-
/COMMANDANT,
FRONTIER RESERVE POLICE,
NWFP,PESHAWAR.

****

OFFICE OF THE SUPERINTENDENT OF POLICE, FRP,PESHAWAR RANGE,PESHAWAR

NO.1305-11 /FRP/PR/EC, Dated Peshawar, the 05-9- /1998.

Copy of above is forwarded for information and necessary action to :-

1. The Acctt/FRP/PR/Peshawar.
2. The SRC/FRP/PR/Peshawar.
3. The OSI/FRP/PR/Peshawar.

751
4-9-98

(MUHAMMAD AURANGZEB)
SUPERINTENDENT OF POLICE, FRP
PESHAWAR RANGE, PESHAWAR.
4.9

(1) He has been Recruit / Appointment F.A.R and his Lein / F.R.P FRP

MINUTES THE DEPARTMENTAL PROMOTION COMMITTEE MEETING HELD ON 01.08.2023 AT MALIK SAAD SHAHEED POLICE LINES PESHAWAR

A Meeting of the Departmental Promotion Committee was held on 01.08.2023 under the Chairmanship of SSP (Operations) Peshawar to examine seniority case of Inspector Sikandar Shah, Acting DSP Investigation of CCP Peshawar in the rank of Head Constable with effect from 26.08.2003 (with his colleagues) instead of 30.03.2005.

OFFICE OF THE S
INVESTIGATION, PES
DY No. 4842
Dt. 03-10-23
Enclosures: Nil

The following officer attended the meeting: -

1. Mr. Haroon Rashid Khan, T.ST, PSP, SSP (Operations) Peshawar — Chairman
2. Mr. Mir Faraz, PSP, SSP (Coordination) Peshawar — Member
3. Mr. Muhammad Nisar Khan, PSP, SSP (Investigation) Peshawar — Member
4. Mr. Rahim Hussain, SP (HQs) Peshawar — Member
5. Mr. Inam Khan, DSP Legal, Peshawar — Member
6. Mr. Noman Khan, Office Superintendent — Member
7. Mr. Amjad Bilal, EC-II — Member
8. Mr. Arshad Ali Shah, CRC — Member

The Committee thoroughly examined his case and unanimously concluded the following:

i. His case was not considered for promotion with his colleagues as he was under enquiry at the time of promotion and later on dismissed from service vide OB No. 3655 dated 08.10.2003. The Hon'ble Khyber Pakhtunkhwa Services Tribunal, Peshawar in its judgment dated 02.11.2004 decided his appeal and re-instated him in service while the period of termination was treated as extra ordinary leave without pay. Moreover, no back benefits were granted for the intervening period.

ii. The appellant agitated his case in the year 2023 which is badly time barred.

iii. The name of applicant officer exists at S.No. 330 in the seniority list of inspectors for the year 2022 which has been circulated to all the officers but the applicant has not challenged the same in time before the competent forum.

The Committee, therefore, recommend that the case may be filed.

CRC | EC-II | OS | DSP Legal

SP (HQs) Peshawar | SSP (Investigation) Peshawar | SSP (Coordination) Peshawar | SSP (Operations) Peshawar

Approved by:

Capital City Police Officer
Peshawar

Attested
Incharge Character Roll
Service Roll Office
Police Lines Peshawar