

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR.

C.M NO.02/2024

IN

SERVICE APPEAL NO. 104 of 2023

Khushal.....petitioner

VERSUS

The Inspector general of police, Khyber Pakhtunkhwa, Peshawar
and other.

..... Respondents

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Deponent

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

C.M NO.02/2024

IN

APPEAL NO.104/2023

Mr. Khushal, constable No. 536,
Police Lines, District
Mansehra.....

APPELLANT

VERSUS

**Khyber Pakhtunkhwa
Service Tribunal**

1. The inspector General of Police, Khyber Pakhtunkhwa,
Peshawar.
2. The Deputy Inspector General of Police, Hazara Division
Abbottabad.
3. The District Police Officer, District
Mansehra.....

Diary No. 14563

Dated 29-07-24

RESPONDENTS

**REPLY TO APPLICATION UNDER ORDER-6 RULE-17 OF CPC FOR
NECESSARY AMENDMENTS IN THE ABOVE MENTIONED APPEAL**

RESPECTFULLY SHEWETH:

PRELIMINARY OBJECTION:-

- a) That petition is not based on facts and petitioner has got no cause of action or locus standi.
- b) That petition is not maintainable in the present form.
- c) That petition is bad for non-joinder of necessary and mis-joinder of unnecessary parties.
- d) That petitioner is stopped by his own conduct to file the appeal.
- e) That petition is barred by the law and limitation.
The petitioner has not come to the Honorable Tribunal with clean hands.

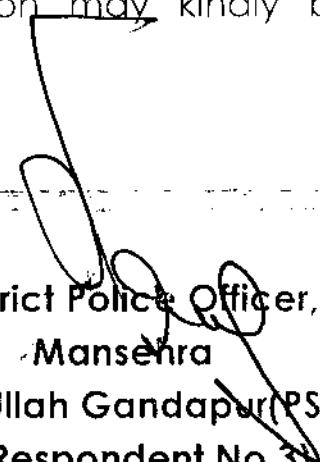
FACTS:-

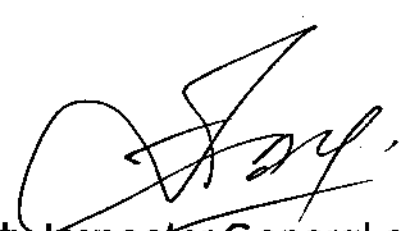
- 1) Correct.
- 2) Correct. That the petitioner was reinstated into service in compliance of order of Honorable service tribunal dated 20/02/2018. Copy of order is enclosed as annex A.
- 3) Correct. That competent authority (Respondent No.2) had rejected his departmental appeal vide dated 27/03/2023. The petitioner was heard in person and he had complete knowledge of rejection of his departmentally appeal which he concealed from this honorable tribunal in order to save his service appeal from dismissal on the ground of limitation. The instant petition is liable to rejection.

4) That the instant petition has not been filed with clean hands therefore, the honorable tribunal may kindly not allow the same.

Prayer:

In view of above, the instant petition may kindly be rejected with cost.


District Police Officer,
Manshra
Shafi Ullah Gandapur (PSP)
(Respondent No 3)


Deputy Inspector General of Police,
Hazara Region Abbottabad
Tahir Ayub Khan (PSP)
(Respondent No 2)

BEFORE THE SERVICE TRIBUNAL KHYBERPAKHTUNKHWA PESHAWAR

SERVICE APPEAL NO.104 of 2023

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3. The District Police Officer, District Mansehra.....

RESPONDENTS

AFFIDAVIT

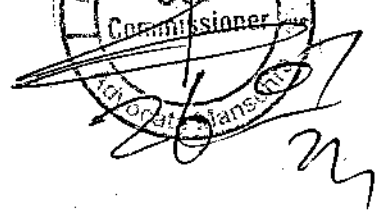
I, Shafi Ullah Gandapur district police officer do solemnly affirm and declare that the contents of the application are true and correct to my knowledge and belief and that nothing has been concealed from this Honorable tribunal.

*It is further stated on oath
answering respondent's
on-Part. no. 11
defense struck off*

*That the
been place*

District Police Officer,
Mansehra
Shafi Ullah Gandapur (PSP)
(Respondent No. 03)

ATTESTED
Malik Muhammad Adil
Oth
Commissioner
Mansehra



(04)

Annex (A)



POLICE DEPARTMENT

DISTRICT MANSERHA

ORDER

Constable Khushal No. 538 of this district was reinstated in service vide this office order Endst: No. 11140-42/OHC, dated 03.09.2018 and Order Book No. 133 dated 03.09.2018 on conditionally basis in compliance of Inspector General of Police, Khyber Pakhtunkhwa, Peshawar, memo: No. 2626/legal at 20.08.2018 till the decision of CPLA lodged by the department before the honorable Supreme Court of Pakistan through Law Department, Khyber Pakhtunkhwa. The CPLA has been dismissal by the honorable Supreme Court on the basis of time barred.

Therefore, constable Khushal No. 538 is hereby adjusted on permanent basis with effect from 01.09.2018.

[Signature]
19/08/22

District Police Officer
Mansehra

No. 9488 /OHC dated Mansehra the 19/08/2022.

Copy to:-

- 1. District Account Officer Mansehra
- 2. Pay Officer, DPO Office Mansehra
- 3. SRC, DPO Office Mansehra

SRC
FOR n/g
[Signature]
DPO, Mansehra

076
142
22-08-2022

Attested
[Signature]
DSP LEGAL
MANSEHRA

BEFORE THE SERVICE TRIBUNAL KHYBERPAKHTUNKHWA PESHAWAR

SERVICE APPEAL NO.104 of 2023

Mr. Khushal, constable No. 536,
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2. The Deputy Inspector General of Police, Hazara Division Abbottabad.
3. The District Police Officer, District
Mansehra.....

RESPONDENTS

AUTHORITY LETTER

I, District Police Officer, Mansehra, hereby authorized Haq Nawaz ASI Legal Mansehra to attend Honorable Service Tribunal, KPK, Peshawar in above mentioned Service Appeal.

District Police Officer,
Mansehra
Shafi Ullah Gandapur(PSP)
(Respondent No. 03)