

**BEFORE THE SERVICE TRIBUNAL**  
**KHYBER PAKHTUNKHWA, PESHAWAR**

**WRITTEN COMMENTS IN**  
**Appeal No #217/2024**

Bazid Khan S/o Muhammad Ali Khan (Ex: Bailiff, Establishment of Senior Civil Judge(Admn), Bannu) R/o Wanda Mochan Khel, Serai Nurang, District Lakki Marwat  
~~~~~ (Appellant)

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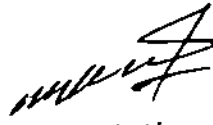
1. Senior Civil Judge(Admn), Bannu
2. District & Sessions Judge, Bannu(Appellate authority)

~~~~~ (Respondents)

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Dated: 08/11/2024

  
Representative of Respondent #2  
Superintendent  
District & Sessions Judge  
Bannu  
Superintendent  
Distt. & Sessions Judge,  
Bannu

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1. Senior Civil Judge(Admn), Bannu
2. District & Sessions Judge, Bannu(Appellate authority)

~~~~~(Respondents)

**Reply on behalf of Respondent No. 2.**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 17824

Dated 01-11-24

**Respectfully Sheweth:**

**PRELIMINARY OBJECTIONS.**

- (1) That, the appellant has no locus standi to file the instant appeal.
- (2) That, the appellant has not referred to /and of pointed out violation of any statutory provision which has been violated by respondents.
- (3) That the appellant is estopped by his own conduct from instituting the appeal.
- (4) That the appellant has not come to the Honourable Tribunal with clean hands. Apart from other infirmities the appeal suffers from grass concealment and misstatements of facts, the appellant is therefore, not entitled to any relief.
- (5) That the appellant was afforded full opportunity to explain the charges leveled against him, and the decision was made after careful consideration of the evidence presented and procedure outlined in the relevant rules.
- (6) That the respondent vehemently deny all the allegations made in the titled appeal and reiterate that the impugned order of compulsory retirement was made in accordance with the relevant rules.

**Facts:-**

1. That Para "A" of Appeal is correct.
2. That para "B" of the Appeal is correct to the submission of medical bills of his son. However, it is submitted that the bills were found bogus/ fake.
3. That para "C" of the Appeal is also correct.
4. That para 'D' of the Appeal is correct.

District & Sessions Judge,  
Bannu

5. That para "E" of the Appeal is correct.
6. That Para "F" of the Appeal is correct. In reply to this para, it is submitted that the order of compulsory retirement was made after careful consideration of the evidence presented and procedure outlined in the relevant rules..
7. That Para "G" of the Appeal is correct. It is submitted that the appellant was afforded full opportunity of hearing to explain the charges leveled against him.
8. Para "H" of the Appeal is incorrect. The appellant has no right to invoke the jurisdiction of this Hon'ble Tribunal through the titled appeal which is not maintainable in the eye of law.
9. That the appeal of the appellant being devoid of merits may kindly be dismissed on the following grounds.

**GROUND:-**

- a. That the ground-A of the Appeal is incorrect, hence strongly denied. It is submitted that the order of compulsory retirement was made in accordance with law and procedure outlined in the relevant rules.
- b. That ground-B is incorrect as laid and strongly denied. In reply to this ground, it is submitted that the answering respondents and inquiry officer rightly complied with the procedure as laid down under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011. Furthermore, the order of compulsory retirement of appellant is well reasoned.
- c. That ground-C is incorrect as laid and strongly denied. In reply it is submitted that the appellant submitted bogus and fake medical bills, which were verified from the concerned authority and the same were found bogus/fake. Admittedly appellants' son was admitted in Khalifa Gul Teaching Hospital, Township Kohat Road, Bannu and he claimed medical bills with the contention that his treatment was carried out in District Head Quarter Teaching Hospital, DI Khan Road, Bannu which are altogether two difference hospitals. It was his responsibility and to prepare and verify medical bills from Khalifa Gul Teaching Hospital, Bannu and to pass the genuine medical bills from the Competent Authority as per law. Resultantly, the appellant is found guilty of non-observance of discipline and grass misconduct.

District & Sessions Judge,  
Bannu

- d. That ground-D is incorrect. It is submitted that the impugned order of compulsory retirement of appellant was made on the basis of non-observance of discipline and grass misconduct.
- e. That ground-E is incorrect, hence denied. The appellant himself admitted / narrated in the facts of the titled Appeal that he was served with Show Cause Notice vide No. 665, dated 17.07.2023 and the same was replied by appellant, Final Show Cause Notice vide No. 908, dated 09.09.2023 and provided proper opportunity of hearing to appellant.
- f. That ground-F is incorrect.
- g. That ground-G is incorrect. The service of appellant is not above the board. The detailed reply has already been given in the above paras.
- h. That ground-H is incorrect.
- i. That ground-I need no reply.

It is therefore most humbly prayed that in light of above facts, submission the appeal of the appellant being devoid of merits, legal footing, may kindly be dismissed.

~~Respondent #02  
District & Sessions Judge  
Bannu  
Muzamil Shah Khattak  
Sessions Judge Bannu~~

8.11.23

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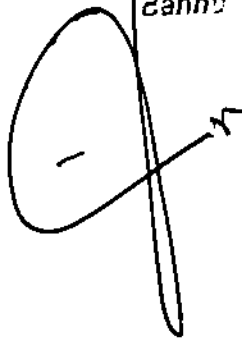
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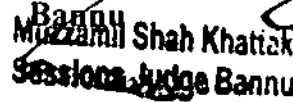
**AFFIDAVIT**

It is declared on oath that all the contents of written reply / comments are true and correct to the best of our knowledge and belief and nothing has been concealed from this Hon'ble Tribunal. Further stated on oath that the answering respondent has neither been ex-parte nor defense has been struck off. Also no cost is imposed.

Mohammad Iftikhar Wazir  
Oath Commissioner  
Bannu



Respondent #2  
District & Sessions Judge  
Bannu  
Muzamil Shah Khattak  
Sessions Judge Bannu



8.11.24