
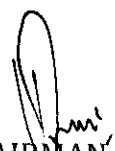
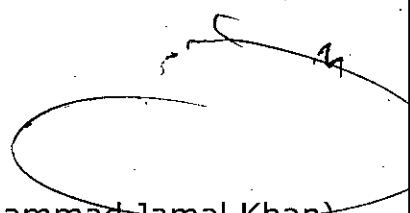


Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- 11404 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	29/09/2020	<p>The appeal of Mr. Samiullah resubmitted today by Mr. Nasir Mehmood Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	13.11.2020	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>13/11/2020</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Nemo for the appellant.</p> <p>Since the Members of the High Court as well as of the District Bar Associations, Peshawar, are observing strike today, therefore, learned counsel for appellant is not available today. Adjourned to 27.01.2021 on which date to come up for preliminary hearing before S.B.</p> <p style="text-align: right;"> (Muhammad Jamal Khan) Member (Judicial)</p>

27.01.2021

Mr. Nasir Mehmood, Advocate, for appellant is present.

It was contended by the learned counsel representing appellant that during rendition of duties as a Warder in Central Prison Bannu he became ill necessitating contact with DHQ Hospital Bannu where he was advised complete bed rest, this fact was communicated back to the jail authorities. It is worth to be mentioned that appellant was enabled to disburse salaries for the months of April, May and June as he has done his job during this period. It was on 13.07.2020 that he was conveyed information that he was removed from service where-after he preferred departmental appeal which was rejected on 31.08.2020 sans providing him any chance of audience having no other efficacious remedy he made resort to this tribunal through the instant service appeal

The point so agitated at the bar needs consideration. The appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 26.04.2021 before S.B.

Appellant Deposited  
Security & Process Fee

(MUHAMMAD JAMAL KHAN)  
MEMBER (JUDICIAL)

26.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 17.06.2021 for the same as before.

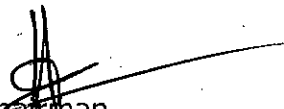
  
Reader

S.A No. 11404/20

17.06.2021

Junior to counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG for respondents present.

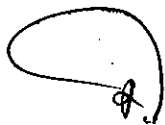
Learned AAG seeks time to submit reply/comments. He is required to contact the respondents for submission of written reply/comments in office within 10 days, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 04.11.2021 before the D.B.

  
Chairman

04.11.2021

Junior to counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Request for adjournment is made on behalf of Learned senior counsel for the appellant. Request is accorded. To come up for arguments on 10.01.2022 before the D.B.


  
(Rozina Rehman)  
Member(J)

  
Chairman

10.01.2022

Junior to counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG for respondents present.

Reply/comments on behalf of respondents are still awaited. Learned AAG sought time for submission of reply/comments. Last opportunity is granted to respondents to furnish reply/comments on or before next date, failing which their right to submit reply/comments shall be deemed as struck off by virtue of this order. To come up for arguments before the D.B on 25.01.2022.




(Atiq-Ur-Rehman Wazir)  
Member (E)

25.01.2022

Appellant in person present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Suleman Senior Instructor for respondents present.


Reply/comments on behalf of respondents are still awaited. Representative of respondents requested for short adjournment for submission of reply/comments. Last opportunity is granted to respondents to furnish reply/comments. To come up for reply/comments before the S.B on 28.01.2022.



(Atiq-Ur-Rehman Wazir)  
Member (E)

28.01.2022

Appellant in person present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Suleman Senior Instructor for respondents present and submitted reply/comments, which are placed on file and copy of the same is handed over to the appellant. To come up for rejoinder if any, and arguments before the D.B on 01.02.2022.



(Atiq-Ur-Rehman Wazir)  
Member (E)

ORDER

01.02.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondent present. Arguments heard and record perused.

Vide our detailed judgment of today, passed in Service Appeal bearing No. 11403/2020 "titled Arshad Khan Versus Inspector General of Prison, Khyber Pakhtunkhwa Peshawar and others", the instant service appeal is accepted. The impugned orders are set aside and the appellant is re-instated in service by converting the penalty of dismissal from service into minor punishment of censure. The appellant is held entitled to all back benefits. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED

01.02.2022



(AHMAD SULTAN TAREEN)  
CHAIRMAN




(ATIQ-UR-REHMAN WAZIR)  
MEMBER (E)

The appeal of Mr. Samiullah son of Ameer Ullah Ex-Warder Central Prison Bannu received today i.e. on 15.09.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Annexure-D of the appeal is illegible which may be replaced by legible/better one.


No. 2744 /S.T,

Dt. 22/09 /2020

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Nasir Mehmood Adv. Peshawar.

*Sir, resubmitted after doing the needful*

  
*29/09/2020*

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

11404  
Service Appeal No. \_\_\_\_/2020

**Sami Ullah..... Appellant**

**VERSUS**

**The IGP & Others ..... Respondents**

**I N D E X**

<b>S.No</b>	<b>Description of Documents</b>	<b>Annex</b>	<b>Pages</b>
1.	Service Appeal		1-7
2.	Affidavit		8
3.	Copy of removal Order dated 13.07.2020	A	9
4.	Copy of Service Appeal	B	10
5.	Copy of Medical Certificate	C	11
6.	Copy of Impugned Order dated 31.08.2020 <i>along with better copy</i>	D	12 to 12A
7.	Wakalat Nama		13

Appellant

Through:

  
**NASIR MAHMOOD**

Advocate, Supreme Court  
Of Pakistan



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

Khyber Pakhtunkhwa  
Service Tribunal

Service Appeal No. 11404/2020

Diary No. 10285

Dated 15/9/2020

Sami Ullah S/o Ameer Ullah, Ex-Warder Central Prison  
Bannu R/o Bogara Tehsil Takhat-e-Nusrati District  
Karak.

..... Appellant

**VERSUS**

1. The Inspector General Prison, KPK Peshawar
2. The Superintendent Circle Headquarter Prison D.I  
Khan.
3. The Superintendent Circle Headquarter Prison  
Bannu.

..... Respondents

Filed to-day

*ewm*  
Registrar  
15/9/2020

**APPEAL UNDER SECTION 4 OF**  
**KHYBER PAKHTUNKHWA SERVICE**  
**TRIBUNAL ACT 1974 AGAINST THE**  
**ORDER OF RESPONDENT NO. 1**  
**DATED 31.08.2020, WHEREBY**  
**DEPARTMENTAL APPEAL FILED BY**  
**THE APPELLANT AGAINST THE**  
**ORDER DATED 13.07.2020 PASSED**

Re-submitted to-day  
and filed.

*ewm*  
Registrar  
29/9/2020

**BY RESPONDENT NO 2, WHEREBY  
THE APPELLANT WAS REMOVED  
FROM SERVICE.**

---

**Prayer:**

On acceptance of this Appeal the impugned Orders dated 31.08.2020 and 13.07.2020 passed by the respondents No 1 & 2 may kindly be set aside and the Appellant may kindly be re-instated with all back benefit.

---

**Respectfully Sheweth:-**

1. That the appellant was appointed as Warder in Central Prison Bannu in January 2015, after fulfilling all legal and codal formalities and since then the appellant was performing his duty with full zest and zeal, devotion and honesty and not a single complaint has ever been made against the

appellant. It may be noted here the during his entire career of service he is performing his duty to the entire satisfaction of his superiors.

2. That it was on 12.04.2020 that the appellant became ill while performing his duty in Central Prison Bannu, he attended DHQ Hospital Bannu wherein he was advised four days complete Rest which was duly communicated to the Jail authorities. **(Copy of the Medical Slip is attached)**
3. That the appellant was paid full salary for the month of April, May and June because he was performing his duty regularly and no explanation was served upon the appellant for his absence.
4. That it was on 13.07.2020 he was verbally informed that he has been removed from service, thereafter he is preferred departmental appeal to respondent no 1 which was rejected on 31.08.2020 without giving proper opportunity for being heard. The appellant thereafter has

procured his removal order from service. **(Copy of the Departmental Appeal, Removal Order and Order dated 31.08.2020 are attached)**

5. That the Appellant having aggrieved wherefrom approaches this Hon'ble Tribunal, for setting aside the impugned orders dated 31.08.2020 and 13.07.2020, inter alia on the following grounds:-

**GROUND S:-**

- A. That the impugned orders dated 31.08.2020 and 13.07.2020 of Respondent No 1 & 2 are illegal, unlawful, without authority as well as based on the malafide intentions.
- B. That while passing the impugned order date 13.07.2020 no proper procedure was followed as mentioned in Rule 9 of (E&D) Rule 2011.
- C. That the appellant was not served with any show cause or statement of allegation by the inquiry officer and all the proceedings conducting in the

back of the appellant, although the appellant was performing his duty under the command of Respondent No 2. So the plea of the Respondents as mentioned in the impugned orders that the appellant has willfully not appeared before the inquiry officer which is absolutely wrong and white lie.

D. That there is also not a single charge or complaint against the Appellant but the Respondent No 1 & 2 passed the order illegally and without any lawful reasons which is also against the law and the natural justice.

E. That the order dated 31.08.2020 and 13.07.2020 are against the law on the subject because the appellant became ill while performing his duty in Central Prison Bannu, he attended DHQ Hospital Bannu wherein he was advised four days complete Rest which was duly communicated to the Jail authorities but they have illegally initiated inquiry proceedings against the appellant at his

back and has not considered the clean record and illness of the appellant.

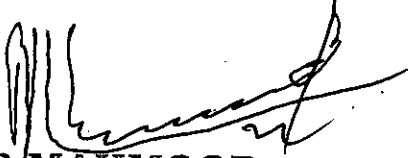
- F. That the appellant was condemned unheard when it is proved on record that the Respondents had paid salaries to the appellant for the months of April, May & June meaning thereby that he was very much performing his duties but the Respondents has illegally initiated the inquiry proceedings against the appellant consequently he was illegally removed from service.
- G. That any other ground will be raised at the time of arguments with prior permission of this Hon'ble Tribunal.

**It is, therefore, respectfully prayed that On acceptance of this Appeal the impugned Orders dated 31.08.2020 and 13.07.2020 passed by the respondents No 1 & 2 may kindly be set aside and the Appellant may kindly be re-instated with all back benefit.**

Any other relief deemed proper and fit in  
the circumstances of the case may also very  
graciously be granted to the appellant.

~~SM/11/11~~  
Appellant

Through:

  
**NASIR MAHMOOD**  
Advocate, Supreme Court  
Of Pakistan

**CERTIFICATE:-**

Certified that as per instructions of my client no  
such Service Appeal on behalf of the petitioner has  
earlier been filed in this Hon'ble Tribunal on the  
subject matter.

  
ADVOCATE

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Service Appeal No. \_\_\_\_/2020

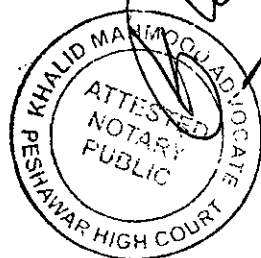
**Sami Ullah..... Appellant**

**VERSUS**

**The IGP & Others ..... Respondents**

**A F F I D A V I T**

I, Sami Ullah S/o Ameer Ullah, Ex-Warder Central Prison Bannu R/o Bogara Tehsil Takhat-e-Nusrati District Karak, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



*Sami*  
**DEPONENT**





(9)

Annexure "A"

**OFFICE ORDER**

WHEREAS, the accused official Mr. Sami Ullah Khattak s/o Amir Ullah attached to Central Prison Bannu was proceeded against under Rule-3 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges of his willful absence & misconduct as mentioned in the charge sheet/Show Cause Notice Served upon him. He was called for inquiry proceedings by the inquiry officer but he did not appear before the inquiry officer. He was called for personal hearing on dated 29.06.2020 through final showcause Notice No. 3128-30 dated 22.06.2020 but again he did not appear before the competent authority. He was again given the chance for personal hearing on 09.07.2020 through muharrar of Central Prison Bannu but he again did not appear before the competent authority.

AND WHEREAS, he did not furnish any reply.

AND WHEREAS, the undersigned being competent authority granted him the opportunity of personal hearing on 29.06.2020 & 09.07.2020 as provided for under rules ibid. The accused official did not appear before the competent authority and completely failed to defend his case with documentary proof/evidence.

NOW therefore, in exercise of powers conferred under Rule-145(5) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, having considered the charges, evidence on record, the explanation of the accused official and after affording the opportunity of personal hearing, the undersigned being competent authority, hereby award Major penalty of "REMOVAL FROM SERVICE" to Mr. Sami Ullah Khattak s/o Amir Ullah attached to Central Prison Bannu for his willful absence. The period of his absence from 15.04.2020 to 18.04.2020 is hereby treated as "LEAVE WITHOUT PAY".

SUPERINTENDENT  
CIRCLE HEAD PRISON DIKHAN

Endorsement No. 2584-87 / 13-07-2020

Copy of the above is forwarded to:-

1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information.
2. The Superintendent Central Prison Bannu. Necessary entry may please be made in the Service Book of official concerned under proper attestation.
3. DAO Bannu.
4. Warden Sami Ullah Khattak s/o Amir Ullah attached to Central Prison Bannu.

ATTESTED  
To Be True Copy

SUPERINTENDENT  
CIRCLE HEAD PRISON DIKHAN

(10)  
بخدمت جناب آئی جی جیل خانہ جات خیبر پختونخواہ Annexure "B"

اپیل برآمد منسوخی حکم نامہ سپرنٹنڈنٹ Prison سرکل ہیڈ کوارٹری آئی خان  
عنوان۔

جناب عالی

مودبانہ گزارش ہے کہ سائل مسیح اللہ خٹک ولد امیر اللہ بطور وارڈز عرصہ تقریباً پانچ سال سے ڈیوٹی سرانجام دے رہا ہوں۔ یہ کہ من سائل نے دوران ملازمت آفسران بالا کو کسی قسم کی شکایت کا موقع نہیں دیا۔ یہ کہ سائل کو جناب سپرنٹنڈنٹ جیل سرکل ہیڈ کوارٹری آئی۔ خان کے دفتر چھٹی نمبر 3583 جاری شدہ مورخہ 13-07-2020 کو ایک خیران کن حکم نامہ ملا جسکی رو سے مجھے بیک جمبش قلم ملازمت سے برخاست کیا گیا۔ مذکورہ حکم نامے کے تحت محض چار دن کی غیر حاضری کو بنیاد بنا کر بغیر کسی Explanation، Notice یا چارج شیٹ کے مجھے ملازمت سے برخاست کیا گیا جو کہ حد درجہ نا انصافی پر مبنی ہے۔ حکم نامہ مذکورہ میں جس چارج شیٹ یا ذاتی شنوائی کا جو ذکر کیا گیا ہے میں اسے بے بنیاد اور خلاف قانون تصور کرتا ہوں کیونکہ من سائل کو کسی قسم کا تحریری نوٹس یا چارج شیٹ نہیں ملا ہے۔ لہذا میری برطرفی کے دوران قانونی تقاضے پورے نہیں کئے گئے۔

اصل صورت احوال یہ ہے کہ مورخہ 15-04-2020 کو مجھے بیماری لاحق ہوئی اور باقاعدہ DHQ ہسپتال بنوں سے علاج کروایا اور 19-04-2020 سے باقاعدہ ڈیوٹی سرانجام دے رہا ہوں۔ جس کا ثبوت یہ ہے کہ مجھے بلا تعلق ماہ جون 2020 تک بغیر کسی کٹوتی کے تنخواہ ملی ہے اگر میں غیر حاضر تھا تو میری تنخواہ بند کی جاتی اور مجھ سے غیر حاضری کی باقاعدہ Explanation طلب کی جاتی ہے مگر اس قسم کی کوئی کارروائی عمل میں نہیں لائی گئی۔

مندرجہ بالا حقائق کو مد نظر رکھ کر آپ جناب سے درخواست ہے کہ میری برطرفی کا حکم نامہ منسوخ کر کے دوبارہ بحالی کے احکامات جاری فرمائیں کیونکہ من سائل غریب بندہ ہے جو انی کے قیمتی سال نوکری میں گزار چکا ہوں اور اپنے بال بچوں کا واحد کفیل ہوں۔ لہذا آپ جناب سے پرزور اپیل کرتا ہوں کہ مجھے ذاتی شنوائی کا موقع دے کر انصاف کا بول بالا کر دے تا عمر دعا گور ہونگا۔

مہربانی ہوگی

سید مسیح اللہ خٹک ولد امیر اللہ خان

جیل وارڈز، سنٹرل جیل بنوں

موبائل نمبر: 0346-4866151 / 0348.5877285

ATTESTED

To Be True Copy



کاپی ٹو:-

۱۔ جناب سپرنٹنڈنٹ صاحب، سنٹرل جیل بنوں۔

۲۔ جناب سپرنٹنڈنٹ صاحب، جیل سرکل ہیڈ کوارٹری آئی۔ خان۔

(12)

Ameer "D"

OFFICE OF THE  
INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR  
No. 9210334, 9210408  
No. Escorted for KC - 307/18  
Date: 27-07-2020

ORDER

WHEREAS, Warden Sami Ullah S/O Ameer Ullah attached to Central Prison Bannu, was awarded the major penalty of "Removal from Service" by Superintendent HQ Prisons D.I Khan vide his order No 3683-87 dated 18.07.2020 due to his willful absence from duty with effect from 15-04-2020 to 18.04.2020.

AND WHEREAS, the said warden preferred his departmental appeal for setting aside the penalty awarded to him, which was examined in light of the available record of the case and it was observed that his appeal is without any substance and penalty was awarded to him by the competent authority due to his willful absence from duty as referred to above after observing all legal and codeal formalities as required under the E B D Rules,

NOW THEREFORE, Keeping in view the facts on record, the provision of rules in vogue and in exercise of power conferred under Rule-5 of Khyber Pakhtunkhwa Civil Servants Appeal Rules 1986, the decision of the competent authority is upheld and appeal of the appellant is hereby rejected being without any substance

INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA, PESHAWAR.

ENDST NO 30439-41

Copy of the above is forwarded to

1. The Superintendent, Headquarters Prison D.I Khan for information and necessary action with reference to his order referred to above.
2. The Superintendent, Central Prison Bannu for information and necessary action with reference to above. He is directed to inform the appellant accordingly and also to make necessary entry in his Service Book under proper attestation.
3. Warden Sami Ullah S/O Amir Ullah, C/O Superintendent Central Prison Bannu for information.

Office  
for immediate  
action

Aed  
DS  
7/16/2020

ASSISTANT DIRECTOR  
INSPECTORATE GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR

No. 2142  
7/19/2020

ATTESTED  
To Be True Copy

*(Signature)*

(12A)

**BETTER COPY**

Office of the  
Inspector General of Prisons  
Khyber Pakhtunkhwa Peshawar  
No.Estb/Ward / order No.KC-30438  
Dated 31/08/2020

**ORDER**

**WHEREAS**, warder Sami Ullah Son of Amir Ullah Attached to Central prison Bannu was awarded the major penalty of removal from service by Superintendent HQ Prisons DI Khan vide his order No.3583-87 dated 18/07/2020 due to his willful absence from duty with effect from 15/04/2020 to 18/04/2020.

**AND WHEREAS**, the said warder preferred his departmental appeal for setting the penalty awarded to him, which was examined in light of the available record of the case and it was observed that his appeal without any substance and penalty was awarded to him by the competent authority due to his willful absence from duty as referred to above after observing all legal and codal formalities as required under E&D Rules.

**NOW THEREFORE**, keeping in view the facts on record, the provision of rules in vogue and exercise of power conferred Under Rule 5 of Khyber Pakhtunkhwa Civil Servants Appeal Rules 1986, the decision of the competent authority upheld and appeal of the appellants is hereby rejected being without any substance.

Inspector General  
Prisons Khyber Pakhtunkhwa  
Peshawar

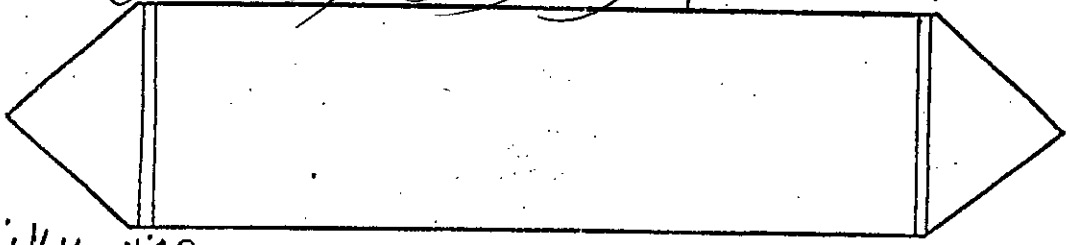
Endst: No.30439-41

Copy of the above is forward to:

- 1) The Superintendent of Head Quarter Prisons DI Khan for information and necessary action with reference to his order referred to above.
- 2) The Superintendent of Central Prisons DI Khan for information and necessary action with reference to his order referred to above. He is directed to inform the appellant accordingly and also to move necessary in his service under proper attestation.
- 3) Warder Sami Ullah Son of Amir Ullah C/o Superintendent of Central Prisons Bannu for information.

Assistant Director  
Inspector General of Prisons  
Khyber Pakhtunkhwa  
Peshawar

# بعد الت خیر اختوانخوا سرویس ٹریبونل لیتھا اور



سید منجانب ایڈوانس  
بنام ۱۹۲ اور ٹریبونل

سرویس ایڈوانس

موزخہ  
مقدمہ  
دعویٰ  
جرم

## باعث تحریر آنگہ

مقدمہ مشدرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کارروائی متعلقہ لیٹھا اور کے لئے نا اہل شخص در ریڈ وکٹ کے لئے سید منجانب ایڈوانس کی

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز  
دیکھل صاحب کو راضی نامہ کرنے و تقرر ثالت ہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا ایڈیل کی برآمدگی اور منسوخی  
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ

پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب ہوگا۔  
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب باندہ ہوں گے۔ کہ پیروی  
مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سندرتے۔

ماہ ۱۵ ۲۰۲۰

المرقوم ۱۵

sami

کے لئے منظور ہے۔  
لیٹھا اور

بمقام

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR.**

In the matter of

Service Appeal No. 11404/2020

Sami Ullah S/O Ameer Ullah Ex-Warder.....(Petitioner)

**VERSUS**

1. The Inspector General of Prisons Khyber Pakhtunkhwa, Peshawar and others.  
..... (Respondents)

**INDEX**

S.NO.	DESCRIPTION OF DOCUMENTS	Annex	Page No.
1	Joint Para-wise comments	-	1-4
2	Affidavit	-	5
3	Detail of Penalties	A	6
4	Disciplinary Action	B	7
5	Statement of Allegations	C	8
6	Inquiry Report	D	9
7	Final Show Cause Notice	E	10
8	Superintendent Circle Headquarter D.I Khan Office Order 13/07/2020 Regard of his Removal from Service	F	11
9	Departmental Appeal	G	12-14
10	Worthy IG Prison Office Order Dated 31/08/2020	H	15

  
Deponent.

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

Appeal No. 11404/2020

Sami ullah s/o Ameer Ullah ex-warder Central Prison Bannu BPS (07), R/o Bogara Tehsil Takht-e-Nusrati District Karak.

..... (Appellant)

**VERSUS**

1. The Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
2. The Superintendent, Circle Headquarter Prison D.I.Khan.
3. The Superintendent Central Prison Bannu

..... (Respondents)

**PARAWISE COMMENTS ON BEHALF OF RESPONDENTS ARE AS UNDER**

Respectfully Sheweth;

**Preliminary objections**

- a. That the appellant has no locus standi to file appeal against the Respondents before this Honb'le Court.
- b. That the petitioner is estopped by his own conduct to file the instant appeal.
- c. That the petitioner has concealed material facts from this Honb'le Court.
- d. That the appellant has no cause of action against the Respondents

**Facts**

1. That the appellant has never been interested in his duties. During his short service of about 05 years there are about 05 red entries in his service book. Details of penalties awarded to him are given as **Annexure-A**
2. That the Superintendent Central Prison Bannu (respondent No.03) reported vide No. 2036 dated 11.05.2020 (**copy attached as Anenxure B**) that Ex-Warder Sami Ullah Khattak s/o Ameer Ullah have absented himself from line and duty w.e.f 15.04.2020 to 18.04.2020 without any permission. He had wilfully absented himself without any cogent reason.

3. That the appellant had been paid salary because his disciplinary proceedings were under process. After the outcome of final decision his absence period w.e.f 15.04.2020 to 18.04.2020 was treated as Leave without pay. Proper inquiry was conducted against him vide No. 2727 dated 21.05.2020 (copy attached as annexure- C). The inquiry officer called him again and again to appear before him but the appellant did not appear before the inquiry officer, which showed that the appellant was not interested in his duties. In the light of inquiry report (attached as Annexure D) final show cause notice was served upon the appellant vide No. 3128-30 dated 22.06.2020 (copy attached as Annexure-E) with personal hearing date on 29.06.2020 before the Superintendent Circle HQ Prison D.I.Khan (respondent No. 02) but the appellant did not appear for personal hearing on due date. He was again given opportunity of personal hearing and was called for personal hearing on 09.07.2020. However, the appellant, once again, did not bother to appear for personal hearing on 09.07.2020 before respondent No.02 which showed his utmost disinterest and negligence towards his duties. Therefore, he was awarded major penalty of Removal From Service vide No. 3584-87 dated 13.07.2020 (copy attached as Annexure-F) for his wilful absence.
4. That the appellant had been informed in time, therefore, he preferred departmental appeal before the Inspector General of Prisons Khyber Pakhtunkhwa Peshawar (Respondent No.01) which was rejected being without any substance (attached as Annexure G)
5. No comments


#### GROUNDS


- a. That the orders of removal from service passed by the Superintendent Circle Head Quarter Prison Dikhan (respondent No.02) No. 3584-87 dated 13.07.2020 (copy attached as Annexure-F) and order of Inspector General of Prisons Khyber Pakhtunkhwa Peshawar No. 30438 dated 31.08.2020 (attached as Annexure G) are lawful, legal and based on facts.

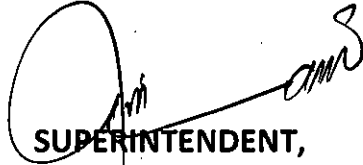



- b. That legal proceedings have been carried out against the appellant. Ample opportunities were granted to the appellant to defend himself. Proper disciplinary proceedings were carried out vide No. 2727 dated 21.05.2020 (copy attached as Annexure- C). The inquiry officer called him again and again to appear before him but the appellant did not appear before the inquiry officer, which showed that the appellant himself was not interested in his duties. In the light of inquiry report (attached as Annexure D) final show cause notice was served upon the appellant vide No. 3128-30 dated 22.06.2020 (copy attached as Annexure-E) with personal hearing date on 29.06.2020 before the Superintendent Circle HQ Prison D.I.Khan (respondent No. 02) but the appellant did not appear for personal hearing on due date. He was given ample opportunity of personal hearing and was again called for personal hearing on 09.07.2020.
- c. As of Para-b
- d. That the appellant the appellant had wilfully absented himself from duty while on duty and at Central Prison Bannu without any cogent reason. Moreover, in his short service of about 05 years there are about 05 red entries in his service book.
- e. That the appellant has neither become ill nor presented any medical certificates but he wilfully absented himself from duty and jail premises. Therefore, the disciplinary proceedings against him are legal, lawful and without any bias.
- f. That the appellant has been provided ample opportunity of defence for his wilful absence. The inquiry officer called him again and again to appear before him but he never bothered to appear before the inquiry officer. Then the respondent No.02 gave the appellant, the opportunity of personal hearing on 9.06.2020 to which he did not appear. Then again he was called for personal hearing on 09.07.2020. Moreover, he had drawn his salaries during that period because his disciplinary proceedings were under process.
- g. No comments.

In view of the above reply it is humbly requested that the  
said appeal may kindly be dismissed with cost.

  
INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA  
PESHAWAR  
(RESPONDENT NO. 01)

  
25-1-2022

  
SUPERINTENDENT,  
CIRCLE HEAD PRISON,  
D.I.KHAN  
(RESPONDENT NO. 02)

  
THE SUPERINTENDENT,  
CENTRAL PRISON,  
BANNU  
(RESPONDENT NO.03)

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

Appeal No. 11404/2020

Sami ullah s/o Ameer Ullah ex-warder Central Prison Bannu BPS (07), R/o Bogara Tehsil Takht-e-Nusrati District Karak.

..... (Appellant)

**VERSUS**

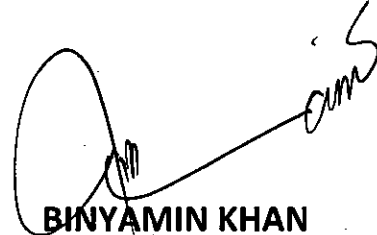
1. The Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
2. The Superintendent, Circle Headquarter Prison D.I.Khan:
3. The Superintendent Central Prison Bannu

..... (Respondents)

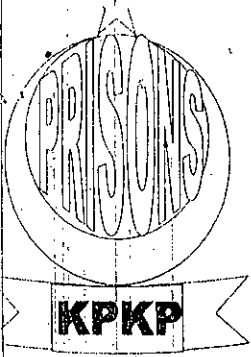
**AFFIDAVIT**

I, Mr. Binyamin Khan, Superintendent, Circle Headquarter Prisons D.I.Khan do hereby solemnly affirm and declare on oath that the contents of Parawise Comments in above appeal are correct and true to the best of my knowledge and belief that nothing has been concealed from this Honourable Court:

**DEPONENT**



**BINYAMIN KHAN**  
**SUPERINTENDENT**  
**HEADQUARTER PRISON,**  
**D.I.KHAN**  
**RESPONDENT NO.02**



OFFICE OF THE SUPERINENDENT  
PRISONS CIRCLE HEAD QUARTER D.I.KHAN  
No. \_\_\_\_\_ / HQ Date \_\_\_\_\_  
PH&FAX \No. 0966-9280299  
cpdikhan1@gmail.com

Table-B

S. No	Detail of penalties awarded
01	Awarded minor punishment of Censure and his absence period treated as leave without pay w.e.f 05.09.2016 to 11.09.2016 vide HQ D.I.Khan No. 393 dated 19.01.2017.
02	Awarded minor penalty of stoppage of one increment for one year and absence period from 24.06.2017 to 04.07.2017 treated as leave without pay vide HQ D.I.Khan No. 9402 dated 31.08.2020.
03	Awarded minor penalty of censure and absence period from 20.08.2017 to 25.08.2017 treated as leave without pay vide HQ D.I.Khan No. 2928-31 dated 05.10.2017.
04	Awarded minor punishment of censure and period of absence w.e.f 17.10.2019 to 18.11.2019 treated as leave without pay vide HQ D.I.Khan No. 698 dated 05.03.2020
05	Awarded major penalty of Removal from Service and absence period from 15.04.2020 to 18.04.2020 treated as Leave Without Pay vide HQ D.I.Khan No. 3583 dated 13.07.2020.

AC  
SUPERINTENDENT  
CIRCLE H/QS PRISON DIKHAN.



Tel& Fax#0928-633327  
Email:cpbannu@gmail.com

Ref

OFFICE OF THE  
SUPERINTENDENT  
CENTRAL PRISON BANNU  
No. 2036  
Dated: 11/1/05/2020

To

The Superintendent,  
Circle Headquarters Prison, D.I. Khan.

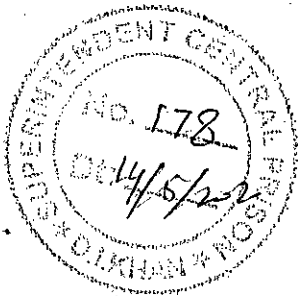
Subject: - DISCIPLINARY ACTION.

Memo:

The following waders absented themselves from their duty and line without the permission of competent authority as noted below against each:-

S#	Name of Warder	Faults
1.	Warder Arshad Khan	absented himself from line and duty w.e.f 02.04.2020 to 29.04.2020 (26 days)
2.	Warder Sami Ullah Khattak	absented himself from line and duty w.e.f 15.04.2020 to 18.04.2020 (03 days)
3.	Warder Hameed Ullah Khattak	He was granted 07 days casual leave w.e.f 13.04.2020 and was subject to resume his duty on 21.04.2020 but he absented himself and resumed duty on 28.04.2020 after remaining absent for 07 days.
4.	Warder Ameer Ullah	He was granted 03 days Medical rest by Jail Medical Officer w.e.f 08.04.2020 and was subject to resume his duty on 11.04.2020 but he absented himself till date
5.	Warder Sami Ullah/03	He was granted 05 days casual leave w.e.f 19.03.2020 and was subject to resume his duty on 24.03.2020 but he absented himself and resumed duty on 13.04.2020 after remaining absent for 20 days.

It is therefore, requested that stern disciplinary action be initiated against the said warders under the Efficiency & Discipline Rule-2011 please.



*[Handwritten signature]*  
*[Handwritten signature]*  
*[Handwritten signature]*

*[Handwritten signature]*  
SUPERINTENDENT  
CENTRAL PRISON BANNU  
*[Handwritten signature]*



OFFICE OF THE SUPERINENDENT  
PRISONS CIRCLE HEAD QUARTER D.I.KHAN  
No. 2727 / HQ Date \_\_\_\_\_  
PH&FAX \No. 0966-9280299  
cpdikhan1@gmail.com

### DISCIPLINARY ACTION

I, Muhammad Binyamin Khan Superintendent Headquarter Prison DIKhan as competent authority, am of the opinion that Warders Arshad Khan, Sami Ulla h Khattak, Hameed Ullah Khattak, Ameer Ullah and Sami Ullah No. 03 attached to Central Prison Bannu have rendered themselves liable to be proceeded against them committed the following acts of misconduct within the meaning of Section 3 of the Khyber Pakhtunkhwa (Efficiency & Discipline) Rule 2011.

#### STATEMENT OF ALLEGATIONS.

that Warder Arshad Khan attached to Central Prison Bannu absented himself from line and duty w.e.f 02.04.2020 to 29.04.2020.

Warder Sami Ullah Khattak absented himself from line and duty w.e.f 15.04.2020 to 18.04.2020.

Warder Hameed Ullah Khattak was granted 07 days casual leave w.e.f 13.04.2020 and was subject to resume duty on 21.04.2020 but he absented himself and resumed duty on 28.04.2020 after remaining 07 days absent.

Warder Ameer Ullah was granted 03 days medical rest by jail medical officer w.e.f 08.04.2020 and was subject to resume his duty on 11.04.2020 but he absented himself till date.

Warder Sami Ullah No. 03 was granted 05 days casual w.e.f 19.03.2020 and was subject to resume duty on 24.03.2020 but he absented himself and resumed duty on 13.04.2020 after remaining 05 days absent.

- Mr. Ijaz Ahmed Assistant Superintendent Jail attached to Central Prison D.I.Khan hereby appointed as Inquiry Officer.
- The Inquiry Officer shall in accordance with the provisions of the Ordinance provide a reasonable opportunity of hearing to the accused, record his findings and make within fifteen days of receipt of this order, recommendation as to punishment or other appropriate action against the accused officials.
- The accused officials and a well conversant representative of the department shall join the proceedings at the date, time & place fixed by the Inquiry Officer.

SUPERINTENDENT  
CIRCLE H/QS PRISON DIKHAN

Endst: No. 2728-30 dated: 21/05/2020

Copy of the above is forwarded to the:-

- Mr. Ijaz Ahmed Assistant Superintendent Jail attached to Central Prison DIKhan Inquiry Officer for initiating proceedings against the above named warders under the meaning of Section 3 of the Khyber Pakhtunkhwa (Efficiency & Discipline) Rule 2011.
- Warder Warders Arshad Khan, Sami Ulla h Khattak, Hameed Ullah Khattak, Ameer Ullah and Sami Ullah No. 03 attached to Central Prison Bannu with the directions to appear before the Inquiry Officer for the purpose of inquiry proceedings.
- Superintendent Central Prison Bannu for information with reference to his memo; No 2036 dated 11.05.2020 with the request to produce the relevant record before the Inquiry Officer and assist them during the inquiry proceedings. One copy of the same duly signed and dated by above named officials may be returned to this office as a token of receipt.

SUPERINTENDENT  
CIRCLE H/QS PRISON DIKHAN

The Superintendent,  
Circle Headquarter Prisons .  
DIKhan.

Subject:- **INQUIRY REPORT**

R/Sir;

I have been appointed as inquiry officer against Warder Arshad Khan, Warder Sami Ullah Khattak, Warder Hameed Ullah Khattak and Warder Sami Ullah\*No.03 Vide Superintendent Headquarter Prisons DIKhan Endst Nos. 2728-30 dated 21.05.2020 to conduct inquiry for the allegations leveled against them by Superintendent Central Prison Bannu. The aforesaid officials were directed to appear before the undersigned at Central Prison DIKhan on 02.06.2020.

**STATEMENT OF ABOVE SAID WARDERS:-**

In the above said warders only Hameed Ullah Khattak appeared for personal hearing before the inquiry officer on 02.06.2020 at Central Prison DIKhan (Written statement attached).

Rest of 03 warders Arshad Khan, Sami Ullah Khattak and Sami Ullah No.03 remained absent after calling two to three times telephonically through Central Prison Bannu line Muharar Hajat Khan and line officer Saad Ullah.

**RECOMMENDATIONS:-**

After conducting the inquiry from different sources and going through the statement of the concerned official on record, I recommend the following punishments to the said warders.

S#	Name of warders	Punishment
1	Warder Arshad Khan	As he did not appear before the inquiry officer, so I recommend major penalty.
2	Warder Sami Ullah Khattak	As he did not appear before the inquiry officer, so I recommend major penalty.
3	warder Sami Ullah No.03	As he did not appear before the inquiry officer, so I recommend major penalty.
4	Warder Hameed Ullah Khattak	His absentee period be treated as leave without pay.

*17/6/20*  
*Agreed, Final case to be sent for removal Sumit.*  
*11/6/20*  
*[Signature]*

IJAZ AHMED  
ASSISTANT SUPERINTENDENT  
CENTRAL PRISON DIKHAN.  
(INQUIRY OFFICER)

FINAL SHOW CAUSE NOTICE

I, Binyamin Khan Superintendent Headquarter Prison D.I.Khan, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, do hereby serve you Warder Sami Ullah Khattak attached to Central Prison Bannu as follow;

1. (i). that consequent upon Inquiry conducted against you under Khyber Pakhtunkhwa Peshawar Govt Servants Efficiency and Disciplinary Rule 2011 vide No. 2727 dated 21.05.2020.

(ii). On going through the findings and the material on record and other connected papers including your defence. I am satisfied that you have committed the following acts / omissions specified in rule-3 of the said rules;

You **Warder (BPS-07)** Sami Ullah Khattak attached Central Prison Bannu have absented himself w.e.f 15.04.2020 to 18.04.2020 from duty and jail premises of Central Prison Bannu. Moreover, you did not appear before the Inquiry Officer although you were called by the inquiry Officer again and again.

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of **Removal From Service** under rule-4 of the said rules.

3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

4. If no reply to this notice is received within seven days or no more than fifteen days of its delivery, it shall be assumed that you have no defence to put in and in that case as ex-parte action shall be taken against you.

5. You can appear for personal hearing before the undersigned on 29-06-2020, if you wish to.

SUPERINTENDENT

CIRCLE HEAD QUARTER PRISON DIKHAN

Endst No. 3128-30 dated 22/06/2020

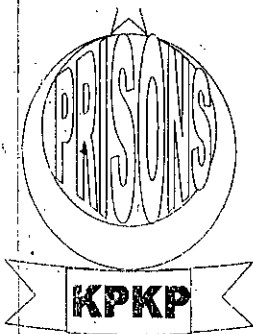
Copy of the above is forwarded to :-

1. Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information please.
2. superintendent Central Prison Bannu for information please.
3. Warder (BPS-07) Sami Ullah Khattak attached to Central Prison Bannu c/o superintendent Central Prison Bannu.

SUPERINTENDENT  
CIRCLE HEAD QUARTER PRISON DIKHAN

*DS/PB  
EX. Parson  
Service terminated  
9/9/20*





OFFICE OF THE SUPERINENDENT  
PRISONS CIRCLE HEAD QUARTER D.I.KHAN  
No. \_\_\_\_\_ / PB Date \_\_\_\_\_  
PH&FAX \No. 0966-9280299  
cpdikhan1@gmail.com

P.B

OFFICE ORDER

WHEREAS, the accused official Mr. Sami Ullah Khattak s/o Amir Ullah attached to Central Prison Bannu was proceeded against under Rule-3 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges of his willful absence & misconduct as mentioned in the charge sheet/Show Cause Notice Served upon him. He was called for inquiry proceedings by the inquiry officer but he did not appear before the inquiry officer. He was called for personal hearing on dated 29.06.2020 through final showcause Notice No. 3128-30 dated 22.06.2020 but again he did not appear before the competent authority, he was again given the chance for personal hearing on 09.07.2020 through muharrar of Central Prison Bannu but he again did not appear before the competent authority.

AND WHEREAS, he did not furnish any reply.

AND WHEREAS, the undersigned being competent authority granted him the opportunity of personal hearing on 29.06.2020 & 09.07.2020 as provided for under rules ibid. The accused official did not appear before the competent authority and completely failed to defend his case with documentary proof/evidence.

NOW therefore, in exercise of powers conferred under Rule-14 (5) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, having considered the charges, evidence on record, the explanation of the accused official and after affording the opportunity of personal hearing, the undersigned being competent authority, hereby award Major penalty of **"REMOVAL FROM SERVICE"** to Mr. Sami Ullah Khattak s/o Amir Ullah attached to Central Prison Bannu for his willful absence. The period of his absence from 15.04.2020 to 18.04.2020 is hereby treated as **"LEAVE WITHOUT PAY"**.

SUPERINTENDENT  
CIRCLE HQS PRISON DIKHAN

Endorsement No. 3584-87 13-07-2020

Copy of the above is forwarded to:-

1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information.
2. The Superintendent Central Prison Bannu. Necessary entry may please be made in the Service Book of official concerned under proper attestation.
3. DAO Bannu.
4. Warder Sami Ullah Khattak s/o Amir Ullah attached to Central Prison Bannu.

SUPERINTENDENT  
CIRCLE HQS PRISON DIKHAN



**KPKP**

OFFICE OF THE SUPERINTENDENT  
PRISONS CIRCLE HEAD QUARTER D.I.KHAN

No. 4383/4 HQ Date 20-07-2020

PH&FAX \No. 0966-9280299

cpdikhan1@gmail.com

To, The Inspector General Of Prisons,  
Khyber Pakhtunkhwa Peshawar.

Subject: DEPARTMENTAL APPEAL.

Respected Sir,

Kindly refer to your memo No. 25959-/we dated 27.07.2020.

It is submitted that the superintendent Central Prison Bannu reported vide No. 2036 dated 11.05.2020 that warder Sami Ullah Khattak absented himself from line and duty w.e.f 15.04.2020 to 18.04.2020. Therefore, disciplinary action vide this office No. 2727 dated 21.05.2020 was initiated against the said warder and Mr. Ijaz Ahmed Assistant Superintendent Jail attached to Central Prison DIKhan was nominated as inquiry officer.

The inquiry officer reported that he called warder Sami Ullah khattak s/o Ameer ullah for inquiry proceedings, again and again, but the said warder did not bother to give any response to the inquiry officer. Therefore, major penalty of removal from service was recommended by the inquiry officer.

Showcause Notice No. 3128-30 dated 22.06.2020 was served upon him through superintendent Central Prison Bannu with personal hearing date fixed for 29.06.2020. However, he not only failed to appear before the undersigned on due date of personal hearing nor gave any response to the showcause notice, therefore, major penalty of removal from service was awarded to above mentioned warder.

S. No	Name and parentage	Rank	Date of birth	Date of appointment	Detail of postings	Penalty if any
01	Sami Ullah S/O Ameer Ullah	Warder	16.06.1990	29.01.2015	Given in table-A	Given in table-B

Table-A

S. No	Name of Jail	Period of posting
01	Cental Prison Mardan	29.01.2015 to 30.07.2015
02	Central Prison Bannu	31.07.2015 to 01.01.2019
03	Central Prison Mardan	15.01.2019 to 08.10.2019
04	Central Prison Bannu	18.11.2019 to 13.07.2020.

بخدمت جناب آئی جی جیل خانہ جات خیبر پختونخواہ

اپیل برآمد منسوخی حکم نامہ پیرٹینڈنٹ Prison سیرکل ہیڈ کوارٹر ڈی۔ آئی۔ خان

عنوان

جناب عالی

موربانہ گزارش ہے کہ سائل مسیح اللہ خٹک ولد امیر اللہ بطور وارڈن عرصہ تقریباً پانچ سال سے ڈیوٹی سرانجام دے رہا ہوں۔ یہ کہ من سائل نے دوران ملازمت آفسیران بالا کو کسی قسم کی شکایت کا موقع نہیں دیا۔ یہ کہ سائل کو جناب پیرٹینڈنٹ سیرکل ہیڈ کوارٹر ڈی۔ آئی۔ خان کے دفتر چشمی نمبر 3583 جاری شدہ مورخہ 13-07-2020 کو ایک خیران کن حکم نامہ ملا جس کی رو سے مجھے ایک جیش قلم ملازمت سے برخاست کیا گیا۔ مذکورہ حکم نامے کے تحت شخص جاردن کی غیر حاضری کو بنیاد بنا کر بغیر کسی Explanation Notice چارج شیٹ کے مجھے ملازمت سے برخاست کیا گیا جو کہ حد درجہ نا انصافی پر مبنی ہے۔ حکم نامہ مذکورہ میں جس چارج شیٹ یا ذاتی شنوائی کا جو ذکر کیا گیا ہے اس سے بے بنیاد اور خلاف قانون تصور کرتا ہوں کیونکہ من سائل کو کسی قسم کا تحریری نوٹس یا چارج شیٹ نہیں ملا ہے۔ لہذا میری برطرفی کے دوران تقابلی نقصان پورے نہیں کئے گئے۔

اصل صورت احوال یہ ہے کہ مورخہ 15-04-2020 کو مجھے بیماری لاحق ہوئی اور باقاعدہ DHQ ہسپتال میں سے علاج کروایا اور 19-04-2020 سے باقاعدہ ڈیوٹی سرانجام دے رہا ہوں جس کا ثبوت یہ ہے کہ مجھے بلا تامل ماہ جون 2020 تک بغیر کسی کٹوتی کے تنخواہی ہے اگر میں سیر حاضر تھا تو سب سے پہلے ہی جاتی اور مجھ سے سیر حاضری کی یا قاعدہ Explanation طلبہ کی جاتی ہے مگر اس قسم کی کوئی کارروائی عمل میں نہیں لائی گئی۔

مندرجہ بالا احقائق کو مد نظر رکھ کر آپ جناب سے درخواست ہے کہ میری برطرفی کا حکم نامہ منسوخ کر کے دوبارہ بحالی کے احکامات جاری فرمائیں کیونکہ من سائل غریب بندہ ہے جو ان کے قیمتی سال نوکری میں گزار چکا ہوں اور اپنے بال بچوں کا اہل کفیل ہوں۔ لہذا آپ جناب سے پر زور اپیل کرتا ہوں کہ مجھے ذاتی شنوائی کا موقع دے کر انصاف کا بول بالا کر دے تا عمر و دعا گوار ہوگا۔

مہربانی ہوگی

مسیح اللہ خٹک ولد امیر اللہ خان

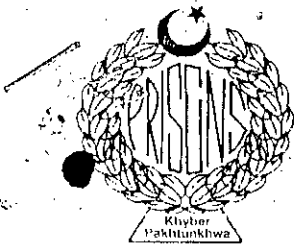
جیل وارڈن، سیرکل ہیڈ کوارٹر

موبائل نمبر: 0348.5877285 / 0346-4866151



۱۔ جناب پیرٹینڈنٹ صاحب، سیرکل جیل ہاؤس۔

۲۔ جناب پیرٹینڈنٹ صاحب، جیل سیرکل ہیڈ کوارٹر ڈی۔ آئی۔ خان۔



INSPECTORATE GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR

299

091-9210334, 9210406

09 091-9213445

<https://www.facebook.com/kpkprisons>  
prisonsig@gmail.com

No. KE 25959-474

Dated. 27-07-2021

To,

The Superintendent,  
Circle Headquarters Prison, D.I. Khan.

Subject:- **DEPARTMENTAL APPEAL**

Memo:

I am directed to refer to the subject and to forward herewith a copy of departmental appeal/application (self-explanatory) submitted by Ex- Warder **Sami Ullah S/o Ameer Ullah** on the captioned subject for information.

Please look into the matter and your views/comments alongwith history of his service on the below noted format may be furnished to this office for further necessary action:-

S.No.	Name & Parentage	Rank	Date of Birth	Date of appointment.	Detail Of Postings	Penalty if any awarded
-------	------------------	------	---------------	----------------------	--------------------	------------------------

*[Handwritten signature]*  
*[Handwritten signature]*



*[Handwritten signature]*  
ASSISTANT DIRECTOR  
INSPECTORATE GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR



*[Handwritten signature]*

OFFICE OF THE  
INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR.

91-9210334, 9210406 091-9213445

No. Estb/Ward-/Orders/ 100-30438-

Dated 31-08-2020

**ORDER**

**WHEREAS, Warder Sami Ullah S/O Ameer Ullah** attached to Central Prison Bannu, was awarded the major penalty of "Removal from Service" by Superintendent HQ Prisons D.I Khan vide his order No.3583-87 dated 18-07-2020 due to his willful absence from duty with effect from 15-04-2020 to 18-04-2020.

**AND WHEREAS,** the said warder preferred his departmental appeal for setting-aside the penalty awarded to him, which was examined in light of the available record of the case and it was observed that his appeal is without any substance and penalty was awarded to him by the competent authority due to his willful absence from duty as referred to above after observing all legal and codal formalities as required under the E & D Rules.

**NOW THEREFORE,** keeping in view the facts on record, the provision of rules in vogue and in exercise of power conferred under Rule-5 of Khyber Pakhtunkhwa Civil Servants Appeal Rules 1986, the decision of the competent authority is upheld and appeal of the appellant is hereby rejected being without any substance.

INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA, PESHAWAR.

ENDST; NO. 30439-41-1

Copy of the above is forwarded to :-

1. The Superintendent, Headquarters Prison D.I Khan for information and necessary action with reference to his Order referred to above.
2. The Superintendent, Central Prison Bannu for information and necessary action with reference to above. He is directed to inform the appellant accordingly and also to make necessary entry in his Service Book under proper attestation.
3. Warder Sami Ullah S/O Amir Ullah, C/O Superintendent Central Prison Bannu for information.

*[Handwritten signature]*  
ASSISTANT DIRECTOR  
INSPECTORATE GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR



**Government of Khyber Pakhtunkhwa**  
 District Accounts Office Bannu  
 Monthly Salary Statement (May-2020)



Personal Information of **Mr SAMI ULLAH KHAN d/w/s of AMEERULLAH KHAN**

Personnel Number: 00739532      CNIC: 1420393411017      NTN:  
 Date of Birth: 16.06.1990      Entry into Govt. Service:      Length of Service: 00 Years 00 Months 000 Days

Employment Category: Active Temporary

Designation: WARDER      S0000756-GOVERNMENT OF KHYBER PAKH

DDO Code: BU4021-SUPERINTENDENT CENTRAL JAIL BANNU

Payroll Section: 001      GPF Section: 005      Cash Center:

GPF A/C No:      Interest Applied: Yes      GPF Balance: 28,544.00

Vendor Number: -

Pay and Allowances:      Pay scale: BPS For - 2017      Pay Scale Type: Civil      BPS: 07      Pay Stage: 4

Wage type		Amount	Wage type		Amount
0001	Basic Pay	13,430.00	1000	House Rent Allowance	1,589.00
1210	Convey Allowance 2005	1,932.00	1300	Medical Allowance	1,500.00
1547	Ration Allowance	1,000.00	1567	Washing Allowance	150.00
1646	Constabulary R Allowance	300.00	1931	Prison Allowance(2009)	9,220.00
2148	15% Adhoc Relief All-2013	270.00	2199	Adhoc Relief Allow @ 10%	183.00
2211	Adhoc Relief All 2016 10%	943.00	2224	Adhoc Relief All 2017 10%	1,343.00
2247	Adhoc Relief All 2018 10%	1,343.00	2264	Adhoc Relief All 2019 10%	1,343.00
5801	Adj Basic Pay	32,000.00			0.00

**Deductions - General**

Wage type		Amount	Wage type		Amount
3007	GPF Subscription	-1,010.00	3501	Benevolent Fund	-600.00
4004	R. Benefits & Death Comp:	-690.00			0.00

**Deductions - Loans and Advances**

Loan	Description	Principal amount	Deduction	Balance

**Deductions - Income Tax**

Payable: 0.00      Recovered till MAY-2020: 0.00      Exempted: 0.00      Recoverable: 0.00

Gross Pay (Rs.): 66,546.00      Deductions: (Rs.): -2,300.00      Net Pay: (Rs.): 64,246.00

Payee Name: SAMI ULLAH KHAN

Account Number: 7900478903

Bank Details: HABIB BANK LIMITED, 221468 Takht Nusrati Bala, Karak, Takht Nusrati Bala, Karak., KARAK

Leaves:      Opening Balance:      Availed:      Earned:      Balance:

Permanent Address:

City:      Domicile: NW - Khyber Pakhtunkhwa      Housing Status: UNKNOWN

Temp. Address:

City:      Email: samikt750@gmail.com

**Government of Khyber Pakhtunkhwa**  
**District Accounts Office Bannu**  
**Monthly Salary Statement (June-2020)**



Personal Information of **Mr SAMI ULLAH KHAN d/w/s of AMEERULLAH KHAN**

Personnel Number: 00739532 CNIC: 1420393411017 NTN:  
 Date of Birth: 16.06.1990 Entry into Govt. Service: Length of Service: 00 Years 00 Months 000 Days

Employment Category: Active Temporary

Designation: WARDER S0000756-GOVERNMENT OF KHYBER PAKH

DDO Code: BU4021-SUPERINTENDENT CENTRAL JAIL BANNU

Payroll Section: 001 GPF Section: 005 Cash Center:

GPF A/C No: Interest Applied: Yes GPF Balance: 29,554.00

Vendor Number: -

Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 07 Pay Stage: 4

Wage type		Amount	Wage type		Amount
0001	Basic Pay	13,430.00	1000	House Rent Allowance	1,589.00
1210	Convey Allowance 2005	1,932.00	1300	Medical Allowance	1,500.00
1547	Ration Allowance	1,000.00	1567	Washing Allowance	150.00
1646	Constabulary R Allowance	300.00	1931	Prison Allowance(2009)	9,220.00
2148	15% Adhoc Relief All-2013	270.00	2199	Adhoc Relief Allow @10%	183.00
2211	Adhoc Relief All 2016 10%	943.00	2224	Adhoc Relief All 2017 10%	1,343.00
2247	Adhoc Relief All 2018 10%	1,343.00	2264	Adhoc Relief All 2019 10%	1,343.00

**Deductions - General**

Wage type		Amount	Wage type		Amount
3007	GPF Subscription	-1,010.00	3501	Benevolent Fund	-600.00
4004	R. Benefits & Death Comp:	-690.00	4200	Professional Tax	-1,000.00

**Deductions - Loans and Advances**

Loan	Description	Principal amount	Deduction	Balance

**Deductions - Income Tax**

Payable: 0.00 Recovered till JUN-2020: 0.00 Exempted: 0.00 Recoverable: 0.00

Gross Pay (Rs.): 34,546.00 Deductions: (Rs.): -3,300.00 Net Pay: (Rs.): 31,246.00

Payee Name: SAMI ULLAH KHAN

Account Number: 7900478903

Bank Details: HABIB BANK LIMITED, 221468 Takht Nusrati Bala, Karak, Takht Nusrati Bala, Karak., KARAK

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address:

City: Domicile: NW - Khyber Pakhtunkhwa Housing Status: UNKNOWN

Temp. Address:

City: Email: samikt750@gmail.com