





Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 571/2022 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	18/04/2022	<p>The appeal of Mr. Muhammad Zubair presented today by Mr. Attiqur-Rehman Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	20 th April, 2022	<p>This case is entrusted to Single Bench at Peshawar for preliminary hearing to be put there on <u>20/04/22</u>. Notices be issued to appellatant and his counsel for the date fixed.</p> <p> CHAIRMAN</p>
	20 th April, 2022	<p>None present for the appellatant. Let notice be issued to appellatant and his counsel for the date fixed. To come up for preliminary hearing on 20.06.2022 before S.B.</p> <p> Chairman</p>
	20.06.2022 <i>Noted</i> <i>AB</i> <i>21/7/22</i>	<p>None present for the appellatant.</p> <p>Let fresh notices be issued to appellatant and his counsel for the date fixed. To come up for preliminary hearing on 02.08.2022 before S.B.</p> <p> (Fareeha Paul) Member(E)</p>

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

In Re S.A. 571 / 2022

Muhammad Zubair S/O Shah *Nadeez*
Ex Warder Interment Centre Kohat.

----- (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa & Others

----- (Respondents)

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M. Zubair
Appellant

Through

Attiq Ur Rehman
ATTIQ UR REHMAN
Advocate High Court

①

BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR

In Re S.A 571 /2022

Muhammad Zubair S/O Shah ^{Nazir}
Ex Warder Internment Centre Kohat.

-----*(Appellant)*

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Home, Civil Secretariat, Peshawar
2. The Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar
3. The Superintendent Internment Centre, Kohat
4. The Superintendent Circle H/QS Prison DI Khan

-----*(Respondents).*

APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICES TRIBUNAL
ACT -1974 AGAINST THE IMPUGNED
"COMPULSORY RETIREMENT FROM
SERVICE" ORDER DATED 25/06/2021
WHEREBY THE APPELLANT WAS
COMPULSORY RETIREMENT FROM
SERVICE IN A CLASSICALLY CURSORY
AND WHIMSICAL MANNER.

Respectfully Sheweth;

1. That the appellant was inducted into service of the Police Department, after going through the mandatorily required test and interviews, since 2007.

2. That since recruitment in this prestigious Force, the appellant left no stone unturned in performance of his duties and he ever proved his mental, wetted skill and potential for rendering meritorious services and this is the reason that the appellant has always won the appreciation of his high ups.
3. That this was the back drop when the appellant fell seriously ill and was confined to bed for almost 48 days. (Copies of the medical prescription are annexed as annexure "A").
4. That because of the absence, which was certainly beyond the control of the appellant, the appellant was neither served with show cause Notices nor statements of allegations.
5. That respondents without giving an opportunity of personal hearing passed the impugned order.
6. That at last the appellant was compulsorily retired from service vide the impugned office order No. Endorsement No. 2509-12, dated 25/06/2021 by the Respondent No. 04. (Copy of the impugned order is annexed as annexure "B").
7. That the appellant preferred a departmental appeal quite well in time, but unfortunately the same was never responded/decided by the appellate authority/ by the respondent No. 02. (Copy of departmental appeal is annexure "C").

3

8. That even in spite of laps of this long period, the departmental appeal has not been decided hence the instant appeal upon the following grounds, inter alia:-

Grounds:

- A. That the compulsory retired order is wrong, illegal, vide ab-initio and is not sustainable at all.
- B. That the impugned compulsory retirement order is unwarranted, illogical and against the Rules so therefore not maintainable at all.
- C. That no proper inquiry was ever conducted in case of the appellant, nor the appellant was ever heard in person, nor was ever allowed to cross examine any witness and thus the appellant was condemned unheard.
- D. That the appellant was ill and remained confined to bed for the whole period of 48 days and thus could not report to the department and on the other hand the department took the same as deliberate absence from duty and was proceeded against departmentally.
- E. That even the appeal of the appellant was simply shelved without any rem or reason, nor the appellant was ever summoned by the appellant authority as per Appeal Rules 1986 and thus the appellant was double jeopardized.
- F. That the appellant belongs to a poor family, and is the only earning hand in the whole family to look after them.

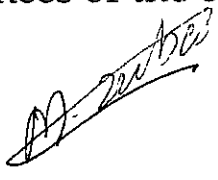
9

- G. That the appellant has 14 year service and that too unblemished, without any complaint ever against, on part of the appellant.
- H. That from every angle the appellant is liable to be re-instated into service into with all back benefits.
- I. That any other ground not raised here may graciously be allowed at the time of arguments.


It is, therefore, humbly prayed that on acceptance of the instant appeal, the impugned office order dated 25/06/2021 of the office of Respondent No. 04 whereby the appellant has been compulsory retired from Service may graciously be set-aside and by doing so the appellant may very graciously be re-instated into Service with all back benefits.

Any other relief not specifically asked for may also graciously be extended in favour of the appellant in the circumstances of the case.

Dated: 21/03/2022.

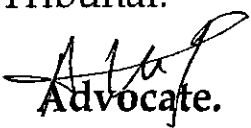

Appellant

Through


ATTIQ UR REHMAN
Advocate High Court
Peshawar.

NOTE:-

No such like appeal for the same appellant, upon the same subject matter has earlier been filed by me, prior to the instant one, before this Hon'ble Tribunal.


Advocate.

5

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

In Re S.A _____-P/2022

Muhammad Zubair S/O Shah *Nazir*
Ex Warder Interment Centre Kohat.

----- (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa & Others

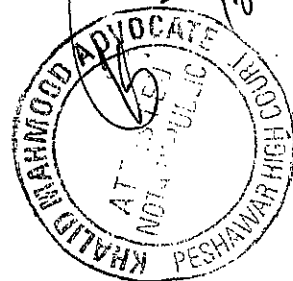
----- (Respondents).

AFFIDAVIT

I Muhammad Zubair S/O Shah Fraz Ex Warder Interment Centre Kohat, do hereby solemnly affirm and declare that all the contents of the accompanied appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Tribunal.

Atiq
Identified By:

ATTIQ UR REHMAN
Advocate High Court
Peshawar.



6

**BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR.**

In Re. C.M No. _____/2022

In S.A No. _____/2022

Muhammad Zubair..... **VERSUS**.....*Govt of KP*

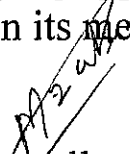
APPLICATION FOR CONDONATION OF DELAY

Respectfully Sheweth,

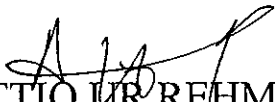
1. That the petitioner is filing the accompanying appeal the contents of which may graciously be considered as integral part of the instant petition.
2. That the petitioner had preferred departmental period within one month from the impugned compulsory retirement order, but the same was never decided till dated.
3. That delay in approaching this Tribunal was due to illness of appellant which was not under control of the appellant.
4. That law also favour adjudication on merits and technicalities of any sort must always be ignored while reaching a just and fair disposal of any les.
5. That for proper disposal of the accompanying case on its merits, the condonation of delay is indispensable.
6. That not only the appellant has got a prima facie case and having balance of convenience in his favour, but would suffer irreparable loss, if the instant petition is not allowed.

7

It is, therefore, most humbly prayed that on acceptance of the instant petition, the delay in filing the accompanying appeal i.e almost 120 days, may graciously be condoned and the accompanying appeal may very graciously be decided on its merits.


Petitioner/Appellant

Through


ATTIQ UR REHMAN
Advocates, High Court

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

In Re S.A _____-P/2022

Muhammad Zubair S/O Shah *Nasir*
Ex Warder Interment Centre Kohat

----- (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa & Others


----- (Respondents)

AFFIDAVIT

I, Muhammad Zubair S/O Shah Fraz Ex Warder Interment Centre Kohat do hereby solemnly affirm and declare that all the contents of the accompanied application are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Tribunal.

Attiq Ur Rehman
Identified By :

ATTIQ UR REHMAN
Advocate High Court

Muhammad Zubair
16-11-22
DEPONENT


9

BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR

In Re S.A _____-P/2022

Muhammad Zubair S/O Shah *Nadeez*
Ex Warder Interment Centre Kohat.

VERSUS

Government of Khyber Pakhtunkhwa & Others

ADDRESSES OF PARTIES

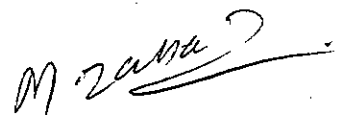
APPELLANT.

Muhammad Zubair S/O Shah Fraz
Ex Warder Interment Centre Kohat.

ADDRESSES OF RESPONDENTS

1. Government of Khyber Pakhtunkhwa through Secretary Home, Civil Secretariat, Peshawar
2. The Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar
3. The Superintendent Internment Centre, Kohat
4. The Superintendent Circle H/QS Prison DI Khan

Dated: 21/03/2022


Appellant

Through


ATTIQ UR REHMAN
Advocate High Court

10

D.H.Q TEACHING HOSPITAL M.T.I BANNU

Out Patient Department

Name

[Handwritten Name]

Age

Address

OPD NO: 2961

Dated: 24/2/22



96

UB
Pain

Tab: *[Handwritten]*

[Handwritten]
Tab: *[Handwritten]*

Tab: *[Handwritten]*

Tab: *[Handwritten]*

Cap: *[Handwritten]*

Complete home ~~rest~~ rest for two weeks.

LT Medical Officer
D.H.Q Teaching Hospital
Bannu

Medical Officer
D.H.Q Teaching Hospital
Bannu

ATTESTED

11

D.H.Q TEACHING HOSPITAL M.T. BANNU

Out Patient Department



RSY20:00

Name

[Handwritten signature]

Age

Sex

Address

OPD NO.

93816

11/2/21

40

*Kambay, Spun
Spun*

Mr. Fady Spun
[Signature]
Medical Officer
D.H.Q Teaching Hospital
Bannu

by Foad / 10/15
by medical / 10/15
[Signature]
(10)

*emptied home
bed rest for
two weeks*

[Signature]
Medical Officer
D.H.Q Teaching Hospital
Bannu

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Welgosi
[Signature]
at home
accs

ATTESTED

12

D.H.Q TEACHING HOSPITAL M.T.I BANNU

Out Patient Department

RS:20.00

Name

M. J. J.

Age

73518

Sex

M

Address

OPD NO

Date

15/3/22

u
Lumbago
Spine
pain

M. J. J.
15/3/22

Dr. Gulshan
17

Dr. Gulshan
17

Dr. Gulshan
M. J.

Complaint have been
left for two weeks

Medical Officer

D.H.Q Teaching Hospital
Bannu

Medical Officer

D.H.Q Teaching Hospital
Bannu

ATTESTED

13

D.H.Q TEACHING HOSPITAL M.T.I RANNU

Out Patient Department

Name

M. J. J.

Age

3519

Sex

M

Address

OPD NO: 3698

Date

2/3/22

RS-1000

31 Tramadol 1m
32 Gunt 1m
~~*Lumbosacral pain*~~
200 Myral 17 sup
0210
200 Cal 1000 sup
200 Mefenidol
200
200

Completed home
Bed rest for
few weeks

Medical Officer
D.H.Q Teaching Hospital
Rannu

Medical Officer
D.H.Q Teaching Hospital
Rannu

ATTESTED

15

D.H.Q TEACHING HOSPITAL M. T. BANNU

Out Patient Department

RS 2000

Name

[Handwritten Name]

Age

Sex

73516
MAY 16 2014

Address

OPD NO

104862
15/12/14

40

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[Arabic]

imbar, Spun
Spun

0310 4y' ketrimid suspension
[Arabic]

Tab. Proxin 500mg
1 - 7

Ad

70y Spun

Tab. nrengisein
1 - 2

1 - 2

1 - 2

Valfron 500mg
1 - 7

BSL

ASO

Medical Officer
D.H.Q Teaching Hospital
Bannu

Complete home bed rest
for two weeks

Medical Officer
D.H.Q Teaching Hospi
Bannu

ATTESTED

16

D.H.Q TEACHING HOSPITAL M.T.I BANNU

Out Patient Department

RS 20:00

Name

[Handwritten Name]

Age

Stamp: 352, 06/11/22

Address

OPD NO: 736

Date: 06/11/22

40
Cambar Spine
pin

any! Discharge form

Pass retained
17

2/8 Vertigo
17

#d
BSR
1 day

2/8 Dizziness
17

[Signature]
Medical Officer
D.H.Q Teaching Hospital
Bannu

Dr. [Signature]

Complete home and
not for two weeks

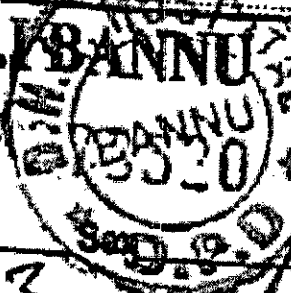
Medical Officer
D.H.Q Teaching Hospital
Bannu

ATTESTED

17

D.H.Q TEACHING HOSPITAL M.T. BANNU

Out Patient Department



Name

[Handwritten signature]

Age

Address

OPD NO.

1583

Dated

31/1/22

40
Lumbago
pain

Spine

inj. Levamisole / 100

inj. Tramadol / 100

Tas. Prox ⁵⁰⁰

1/10

Tas. Voltaren ⁸⁰⁰

Ty. ¹⁰⁰⁰

~~At~~
BSIL
x dry find

Medical Officer
D.H.Q Teaching Hospital
Bannu

Ad. 1. Complete home bed rest
for two weeks.

Medical Officer
D.H.Q Teaching Hospital
Bannu

ATTESTED

OFFICE ORDER

WHEREAS, the accused Mr. Muhammad Zubair s/o Shah Naraz (warder attached to Internment Centre Kohat) was proceeded against under Rule-3 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges that he was relieved by the Superintendent, Central Prison Bannu on 27.04.2021 with all days joining time and he was due to resume duty at Internment Centre Kohat on 28.04.2021 but he absented himself from duty w.e.f 28.04.2021 to 15.06.2021.

AND WHEREAS, he furnished reply but the same was found unsatisfactory.

AND WHEREAS, the undersigned being competent authority granted him the opportunity of personal hearing on 04.06.2021 as provided for under rules ibid. The accused official 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 "COMPULSORY RETIREMENT FROM SERVICE" to Mr. Muhammad Zubair s/o Shah Naraz warder attached to Internment Centre Kohat for his willful absence. The period of his absence w.e.f 28.04.2021 to 15.06.2021 is hereby treated as Leave Without pay.

SUPERINTENDENT
CIRCLE HQS PRISON DIKHAN

Endorsement No. 2509-12

Copy of the above is forwarded to :-

1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information please.
2. The Superintendent Internment Centre Kohat. Necessary entry may please be made in the Service Book of official concerned under proper attestation
3. DAO Kohat.
4. Warder Muhammad Zubair s/o Shah Naraz attached to Internment Centre Kohat.

SUPERINTENDENT
CIRCLE HQS PRISON DIKHAN

ATTESTED

(18)

LEGIBLE COPY

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

No. 508/PE Dated 25.06.2021

OFFICE ORDER

WHEREAS, the Accused Mr. Muhammad Zubair S/o Shah Naraz Warder attached Internment Centre Kohat was proceeded against under Rule 3 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges that he was relieved by the Superintendent Central Prison Bannu on 27.04.2021 with all days joining time and he was due to resume duty at Internment Centre Kohat on 28.04.2021 but he absented himself from duty w.e.f 28.04.2021 to 15.06.2021.

AND WHEREAS, he furnished reply but the same was found unsatisfactory.

AND WHEREAS, the undersigned being competent authority granted him the opportunity of personal hearing on 04.06.2021 as provided for under rules ibid. the Accused official completely failed to defend his case with documentary proof/evidence.

NOW therefore, in exercise of powers conferred under Rules 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 **"COMPULSORY RETIREMENT FROM SERVICE"** to Mr. Muhammad Zubair S/o Shah Naraz warder attached to Internment Centre Kohat for his willful absence. The period of his absence w.e.f 28.04.2021 to 15.06.2021 is hereby treated as **LEAVE WITHOUT PAY**.

SUPERINTENDENT
CIRCLE H/QS PRISON DIKHAN

Endorsement No. 2509-12/

Copy of the above is forwarded to:-

1. The Inspector General of Prison Khyber Pakhtunkhwa Peshawar for information please.
2. The Superintendent Internment Centre Kohat. Necessary entry may please be made in the Service Book of official concerned under proper attestation.
3. DAO Kohat.
4. Warder Muhammad Zubair S/o Shah Naraz attached to Internment Centre Kohat.

ATTESTED

SUPERINTENDENT
CIRCLE H/QS PRISON DIKHAN

19

To,

The Inspector General of Prison
Khyber Pakhtunkhwa Peshawar

**Subject:- DEPARTMENTAL APPEAL AGAINST THE
IMPUGNED ORDER DATED 25.06.2021
WHEREBY THE MAJOR PENALTY OF
COMPULSORY RETIREMENT FROM SERVICE
OF THE APPELLANT HAS BEEN IMPOSED.**

Respectfully Sheweth,

1. That the Appellant was inducted into service of the Police Department, after going through the Mandatory required test and interviews, since 2007.
2. That since recruitment in this prestigious Force, the Appellant left no stone unturned in performance of his duties and ever proved his mental, wetted skill and potential for rendering meritorious services and this is the reason that the Appellant has always won the appreciation of his high ups.
3. That this was the back drop when the Appellant fall seriously ill and was confined to bed for almost 48 days.
(Copies of Medical prescription are attached)
4. That because of the absence, which was certainly beyond the control of the Appellant, the Appellant was neither served with show cause notices nor statements of allegations.

ATTESTED

20

5. That the Superintendent Circle H/Qs Prison DI Khan without giving an opportunity of personal hearing passed the impugned order No 2509-12 dated 25.06.2021 vide which the Appellant was compulsory retired from service. (Copy of the impugned Order dated 25.06.2021 is attached)

It is therefore, humbly and respectfully prayed that on acceptance of this appeal, the impugned Order of Compulsory Retirement from Service dated 25.06.2021 may kindly be set aside and the Appellant may kindly be allowed to perform his duties on his post.

Dated: 23.07.2021

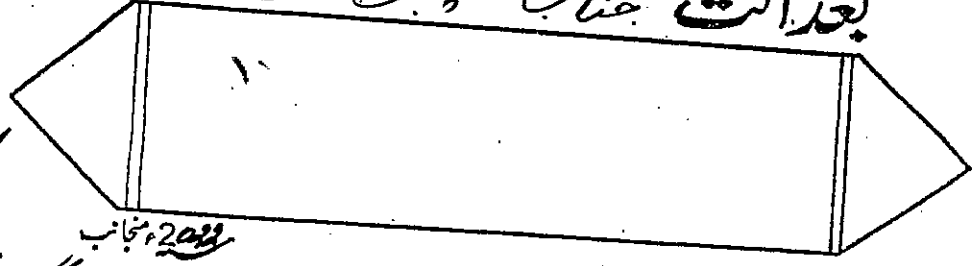
M. Zubair

Muhammad Zubair
son of Shah Naraz
Ex-Warder Internment
Centre Kohat

ATTESTED

21

بعدالت جناب صاحب محترم خدمت خود سرور من لیسٹون لیسٹون



Appellant

محمد زبیر بنام گورنمنٹ آف پنجاب 1914ء

مورخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی اور جواب دہی وکل کاروائی متعلقہ
 آن مقام کے لیے عقوبت الرحمن کیلئے
 مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
 وکیل صاحب کو رضی نامہ کرنے و تقریر ثالثہ فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور
 بصورت ڈگری کرنے اجراء اور وصولی چیک دروپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرف یا اپیل 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 کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لے جانے بجائے تقریر 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 جائد التوائے مقدمہ کے سبب سے ہوگا۔
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
 مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ مندر ہے۔

Accepted and receipt

المرقوم _____

واہ العبد

بمقام سرور من لیسٹون لیسٹون کے لئے منظور ہے۔

Appellant

محمد زبیر ولد شاہ لہرا زخان

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No. Regd

SB

APPEAL No. 571 of 20 22.

Muhammad Zubair

Appellant/Petitioner

Versus

Govt of KPK through Secy Home Civil Secretariat Peshawar

RESPONDENT(S)

Notice to Appellant/Petitioner Muhammad Zubair s/o Sheh Naraz
Ex Worden Interment Centre Kohat

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 20/06/2022 at 9:00 am

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

gpm

Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

B

No.

APPEAL No..... of 20

571

22

Muhammad Zubair

Appellant/Petitioner

Versus

Govt. of KPK through Say Home

RESPONDENT(S)

Notice to Appellant/Petitioner

Attia us Rehman Advocate
High court Peshawar.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 20/6/2022 at 9:00 am

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

Received
Attia
17-06-22


Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.