

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

**SERVICE APPEAL NO. 908/2018**

Date of institution ... 22.05.2018

Date of judgment ... 16.10.2019

Mumtaz Mehal, Female Warder, presently attached to Judicial Lock-up  
Nowshera.

... (Appellant)

**VERSUS**

1. The Inspector General of Prison, Khyber Pakhtunkhwa, Peshawar.
2. The Superintendent Circle Head Quarters Prison, Mardan.

... (Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the order dated 20.12.2017, whereby the appellant has been awarded the major penalty of "reduction to lowest stage" against which her departmental appeal dated 06.01.2018 has also been rejected vide order dated 02.04.2018 communicated to the appellant on 24.04.2018.

Mr. Yasir Saleem, Advocate.

.. For appellant.

Mr. Ziaullah, Deputy District Attorney

.. For respondents.

MR. MUHAMMAD AMIN KHAN KUNDI

.. MEMBER (JUDICIAL)

MR. AHMAD HASSAN

.. MEMBER (EXECUTIVE)

**JUDGMENT**

**MUHAMMAD AMIN KHAN KUNDI, MEMBER:** Appellant

alongwith her counsel and Mr. Ziaullah, Deputy District Attorney for the respondents present. Arguments heard and record perused.

2. Brief facts of the case as per present service appeal are that the appellant was serving in Prison Department. She was imposed major penalty of removal from service on the allegation of absence from duty. After availing

*M. Amin*  
*16.10.2019*

departmental remedy she filed service appeal which was partially accepted, the appellant was reinstated in service and the department was held as liberty to conduct de-novo inquiry proceeding in accordance with law against the appellant vide judgment dated 02.10.2017. The respondent-department again conducted de-novo inquiry and after conducting de-novo inquiry, the appellant was again imposed major penalty of reduction to lower stage up to one year vide order dated 20.12.2017. The appellant filed departmental appeal on 06.01.2018 which was rejected on 02.04.2018 hence, the present service appeal on 22.05.2018.

3. Respondents were summoned who contested the appeal by filing written reply/comments.

4. Learned counsel for the appellant contended that the appellant was not treated in accordance with law. It was further contended that no proper procedure was followed before awarding major penalty upon the appellant. It was further contended that the appellant was not provided opportunity of personal hearing therefore, she was condemned unheard which has rendered the whole proceeding illegal therefore, it was vehemently contended that the impugned order is illegal and liable to be set-aside.

5. On the other hand, Deputy District Attorney for the respondents opposed the contention of learned counsel for the appellant and contended that the appellant was imposed major penalty of removal from service on the allegation of absence from duty. It was further contended that after availing departmental remedy, the appellant filed service appeal which was partially accepted, the appellant was reinstated in service and the department was held at liberty to conduct de-novo inquiry. It was further contended that the respondent-department again conducted de-novo inquiry and after fulfilling all the codal

*M. Anwar*  
16.10.2019

formalities the appellant was again imposed major penalty of reduction to lower stage up to one year vide order dated 20.12.2017. It was further contended that the period of reduction to lower stage up to one year has already been expired therefore, it was contended that the appeal in hand has become infructuous and prayed for dismissal of appeal.

6. Perusal of the record reveals that the appellant was imposed major penalty of removal from service on the allegation of absence from duty. The appellant filed service appeal after availing the remedy of departmental appeal. The service appeal of the appellant was partially accepted, the major penalty of removal from service was set-aside, the appellant was reinstated in service however, the respondent-department was held at liberty to conduct de-novo inquiry. The record further reveals that the respondent-department again conducted de-novo inquiry and the appellant has been imposed major penalty of reduction to lower stage up to one year vide order dated 20.12.2017. Admittedly, the punishment/penalty of reduction to lower stage up to one year has already been expired therefore, in our view the appeal has become infructuous hence, stand dismissed being infructuous. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

16.10.2019



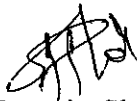
(AHMAD HASSAN)  
MEMBER



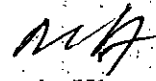
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

30.08.2019

Learned counsel for the appellant present. Mr. Usman Ghani learned District Attorney alongwith Mr. Suleman Senior Instructor for the respondent present. Representative of the respondents submitted relevant record of the inquiry proceedings including charge sheet/statement of allegations, Show Cause Notice which is placed on file. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments o 16.10.2019 before D.B.



(Hussain Shah)  
Member



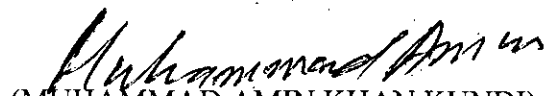
(M. Amin Khan Kundi)  
Member

16.10.2019

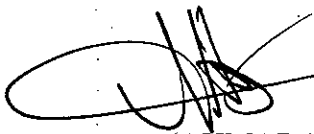
Appellant alongwith her counsel and Mr. Ziullah, Deputy District Attorney for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today consisting of three pages placed on file, the punishment/penalty of reduction to lower stage up to one year has already been expired therefore, in our view the appeal has become infructuous hence, stand dismissed being infructuous. Parties are left to bear their own costs. File be consigned to the record-room.

ANNOUNCED  
16.10.2019



(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER



(AHMAD HASSAN)  
MEMBER

15.05.2019

Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment to furnish rejoinder. Adjourned to 01.07.2019 for rejoinder and arguments before D.B.

  
(AHMAD HASSAN)  
MEMBER

  
(M. AMIN KHAN KUNDI)  
MEMBER

01.07.2019

Appellant alongwith counsel and Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Learned counsel for the appellant submitted rejoinder. Copy of the same is handed over to learned Assistant AG. Adjourned to 19.08.2019 for arguments before D.B.


  
(HUSSAIN SHAH)  
MEMBER

  
(M. AMIN KHAN KUNDI)  
MEMBER

19.08.2019

Appellant with counsel present. Mr. Zia Ullah learned Deputy District Attorney alongwith Mr. Suleman Senior Instructor for the respondents present.

Record reveals that the charge sheet statement of allegations and other relevant record of de-novo inquiry is not available on record. Representative of the respondents is directed to furnish all the relevant record of de-novo inquiry on the next date positively. Adjourned. To come up for record and arguments on 30.08.2019 before D.B.

  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

17.12.2018

Appellant in person present and submitted application for extension of time to deposit security and process fee. Application allowed with direction to deposit security and process fees within 7 days. Thereafter notices be issued to the respondents for written reply/comments. Adjourn. To come up for written reply/comments on 11.02.2019 before S.B.

  
Member

11.02.2019

Appellant in person present. Written reply not received. No one present on behalf of respondent department. Notice be issued to the respondent department with the direction to furnish written reply/comments. Adjourn. To come up for written reply/comments on 25.03.2019 before S.B.

  
Member

25.03.2019

Appellant in person and Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Junaid Assistant present. Representative of the respondent department submitted written reply/comments. Adjourn. To come up for rejoinder/arguments on 15.05.2019 before D.B

  
Member

03.09.2018

Counsel for the appellant present. Preliminary arguments heard. The appellant has filed the present service appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 20.12.2017 whereby she was awarded major penalty of reduction to lower stage up to one year in her present time scale for her misconduct/willful absence from duty. Departmental appeal of the appellant against the impugned order dated 20.12.2017 was rejected. Learned counsel for the appellant argued that the appellant has not been treated in accordance with law; that no proper procedure has been followed before awarding the impugned penalty. Further argued that the appellant was not provided fair opportunity of defense nor was granted personal hearing.

Points raised need consideration. The appeal is admitted for regular hearing subject to ~~call the legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notice be issued to the respondents for written reply/comments. To come up for written reply/comments on 31.10.2018 before S.B.~~

  
(M. Hamid Mughal)  
Member

31-10-18 Due to Retirement of Honorable Chairman the Tribunal is non functional therefore the case is adjourned to come up for the same on 17-12-18  
Note:- Security fee not deposited



  
Reader

Form -A

FORM OF ORDER SHEET

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

Case No. 908/2018

S.No.	Date of Order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	18/07/2018  19-7-2018	<p>The appeal of Mst. Mumtaz Mehal resubmitted today by Mr. Yasir Saleem Advocate may be entered in the Institution register and put up to the Wrothy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>The case is entrusted to S. Bench for preliminary hearing to be put up there on <u>3-9-2018</u></p> <p style="text-align: right;"> CHAIRMAN</p>



The appeal of Mst. Mumtaz Mehal Female Warder Presently attached to Judicial Lock up Nowshera received today i.e. on 22.05.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Annexures of the appeal may be flagged.
- 3- Copies of Medical prescription, show cause, order/letter bearing no. 1141-45 and 1149-53 dated 13.03-2016, departmental appeal and rejection order dated 18.7.2016 mentioned in the memo of appeal are not attached with the appeal which may be placed on it.
- 4- Copy of service appeal mentioned in the memo of appeal is not attached with the appeal which may be placed on it.
- 5- Four more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1073 /S.T,

Dt. 23/05 /2018.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Yasir Saleem Adv. Pesh.

*bro,*

*Re Submitted After Completion Alleged Date in Court,*

*18/7/18* *File RESUBMITTED*



*1- It HAS DULY SIGNED*

*2- " " " FLAGGED*

*3- FILED*

*4- ALSO ATTACHED*

*5- It HAS ALSO APPENDED Herewith*

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

Appeal No. 908/2018

Mumtaz Mehal, Female Warder, Judicial Lock up Nowshera.

(Appellant)

**VERSUS**

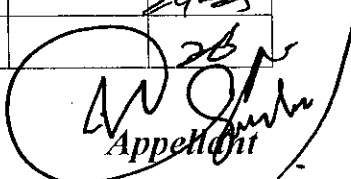
The Inspector General of Prison, Khyber Pakhtunkhwa, Peshawar  
and others.


(Respondents)

**INDEX**

S. No	Description of Documents	Annex ure	Page No
1	Memo of Appeal		1-4
2	Affidavit		3
2	Copies of the Medical Prescriptions.	A	5-7
3	Copy of the Show Cause Notice	B	8
4	Copy of the impugned orders dated 13.05.2016	C & D	9-10
5	Copies of the Departmental Appeal & Rejection Order dated 18.07.2016	E & F	11-14
6	Copies of Service Appeal and Order dated 02.10.2017	G and H	15-22
7	Copy of order dated 21.12.2017	I	23
8	Copies of Departmental Appeal dated 06.01.2018 & rejection order dated 24.04.2018	J & K	24-25
9	Vakalatnama		26

Through

  
Appellant

  
**YASIR SALEEM**  
Advocate High Court,  
Peshawar

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

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 753

Dated 22-5-2018

Appeal No. 908/2018

Mumtaz Mehal, Female Warder, presently attached to Judicial Lock up Nowshera.

(Appellant)

**VERSUS**

1. The Inspector General of Prison, Khyber Pakhtunkhwa, Peshawar.
2. The Superintendent Circle Head Quarters Prison, Mardan.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the order dated 20.12.2017, whereby the appellant has been awarded the major penalty of "reduction to lowest Stage", against which her departmental appeal dated 06.01.2018 has also been rejected vide order dated 02.04.2018 communicated to the appellant on 24.04.2018.

Filed to-day  
*[Signature]*  
22/5/18  
Registrar

Prayer in Appeal: -

On acceptance of this appeal the orders dated 20.12.2017 and 16.05.2018 may please be set-aside and the appellant may please be restored to her original position with all back wages and benefits.

Respectfully Submitted:

1. That the appellant was appointed as Warder in the Prison Department. She remained at different prison and was lastly attached to Judicial Lockup Malakand.
2. That ever since her appointment, the appellant is performing her duties as assigned with zeal and devotion and without giving any

Registrar

Re-submitted to-day  
and filed.

*[Signature]*  
21/5/18

chance of complaint whatsoever regarding her performance to his superiors.

3. That while serving in the said capacity, the appellant while posted at Judicial Lockup Nowshera, she was transferred to Judicial Lockup Malakand vide order 26.11.2015.
4. That in the meantime the appellant got seriously ill and remained under treatment at DHQ Mardan. Since the appellant was suffering from typhoid and malaria, therefore she was advised complete bed rest by the doctors from time to time. Due to her illness, the appellant could not resume her duty at new place of posting. **(Copies of the Medical prescriptions are attached as Annexure A)**
5. That after recovering from her illness, the appellant duly reported for duty at Judicial Lockup Malakand and started performing her duties regularly.
6. That thereafter the appellant was proceeded departmentally and was served with a show cause notice dated 20.02.2016, containing the allegations of absence. The appellant duly replied the show cause notice and refuted the allegations leveled against her.  
**(Copy of the notice dated 22.02.2016 is attached as Annexure B).**
7. That without conducting any regular inquiry, quite illegally the appellant had been simultaneously awarded the major penalties of Reduction in Time Scale and Removal from Service vides orders bearing No. 1141-45 and 1149-53 of even date 13.03.2016. **(Copies of the orders are attached as annexure C & D).**
8. That the appellant feeling aggrieved submitted her departmental appeal on 23.05.2016, however it has also been rejected vide order dated 18.07.2016. **(Copies of the Departmental Appeal & Rejection Order dated 18.07.2016 are attached as Annexure E & F).**
9. That the appellant also filed her service appeal bearing No. 828/2016 before this Honorable Tribunal which was partially allowed and the appellant has been reinstated in service, however the issue of back benefits was subjected to the outcome de-novo inquiry. **(Copies of Service Appeal and Order dated 02.10.2017 are attached as Annexure G and H)**

10. That after conducting the de-novo inquiry, the appellant was astonishingly again awarded the major penalty of reduction to lower stage upto one year in her present time and pay scale vide order dated 20.12.2017. *(Copy of order dated 21.12.2017 is attached as Annexure I)*

11. That feeling aggrieved from the order the appellant again preferred her departmental appeal dated 06.01.2018, however the same has also been dismissed vide order 02.04.2018 communicated to the appellant on 24.04.2018. *(Copies of Departmental Appeal dated 06.01.2018 & rejection order dated 24.04.2018 are attached as Annexure J & K)*

12. That the impugned orders are illegal unlawful without lawful authority and are thus liable to be set aside inter alia on the following grounds:

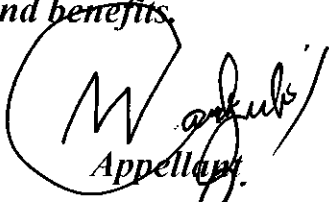
#### **GROUND OF APPEAL.**

- A. That the appellant has not been treated in accordance with law hence his rights secured and guaranteed under the law are badly violated.
- B. That no proper procedure has been followed before awarding the major penalty to the appellant, no proper inquiry has been conducted, the appellant has not been provided fair opportunity to defend her self against he charges leveled against her, thus the whole proceedings are defective in the eyes of law and orders based on such defective proceedings are thus liable to be set aside.
- C. That the appellant has not been provided proper opportunity of personal hearing thus he has been condemned unheard.
- D. That the de-novo inquiry was ordered by this Honorable Tribunal to be conducted just to decide the issue of back benefits of the appellant and the respondents by awarding the major penalty, exceeds their mandate.

- E. That adopting shorter procedure in the instant case was uncalled for and illegal the charges were never admitted by the appellant hence the issuance of show cause notice has prejudice her case and in fact he was condemned unheard.
- F. That the matter in hand required a full fledged regular inquiry, for the proof or otherwise of the charges, in the absence of regular inquiry major penalty can not be imposed.
- G. That the appellant has not committed any act or omission which can be termed as misconduct. The absence of the appellant was never willful but it was due to her illness, she duly submitted the medical certificates, however it were never considered before the removal from service of the appellant.
- H. That the impugned orders cannot be termed as *speaking order* as is provided under section 24-A of the General Clauses Act.
- I. That the penalty awarded to the appellant also does not commensurate to the charges leveled against her.
- J. That the appellant seeks permission of this Honorable Tribunal to rely on additional grounds at the time of hearing of the appeal.

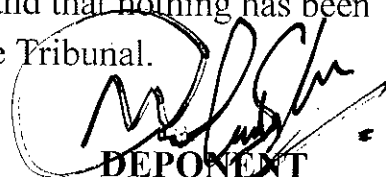
*It is therefore, humbly prayed that on acceptance of this appeal the orders dated 20.12.2017 and 16.05.2018 may please be set-aside and the appellant may please be restored to her original position with all back wages and benefits.*

Through

  
Appellant  
**YASIR SALEEM**  
Advocate High Court,  
Peshawar

**AFFIDAVIT**

I, **Mumtaz Mehal, Female Warder, Judicial Lock up Nowshera**, do hereby solemnly affirm and declare on oath that the contents of the above noted appeal are true and correct and that nothing has been kept back or concealed from this Honourable Tribunal.

  
DEPONENT

OUT-PATIENTS DEPARTMENT

NAME B. B. B.  
YEARLY NO 1344-663  
DATE 15-01-2016  
DISEASE \_\_\_\_\_

PAGE VALUE RUPEE

2as nouidat re  
1-1

Countersigned  
[Signature]  
Medical Superintendent  
D.H.G. Hospital Mardan

mecebrin  
1-1  
upstent  
1-1

gibruce  
1-1-11  
up 06

Ad. complete bed nest  
for 3 days  
1/16  
MEDICAL OFFICER  
D.H.G. HOSPITAL  
MARDAN

Nice

Approved: - [Signature] (17) (5)

No. \_\_\_\_\_ Rs. 5

OUT-PATIENTS DEPARTMENT

NAME Mumtaz Malik  
YEARLY NO 9811-118  
DATE 29-11-2015  
DISEASE Pol

PAGE VALUE RUPEES 5

LRP  
exp 14  
for  
cust  
Ad.  
MP  
2/11-12

Countersigned  
[Signature]  
Medical Superintendent  
D.H.G. Hospital Mardan

Epriofarin  
1-1 SW  
pendul  
1-1

X-ray  
Knee  
SP  
Planin NSA  
1-1

U. Mecebrin  
1-1

Ad. complete bed nest from  
29-11-2015 to 12-12-2015  
MEDICAL OFFICER  
D.H.G. HOSPITAL  
MARDAN

*Alger*

6

OUT-PATIENTS DEPARTMENT

NAME *Muhyar Mahud*

YEARLY NO *3040-118*

DATE *31-18-2015*

DISEASE

PAGE VALUE RUPEE

*F.S. Moudot sev*

*24. Uremia JS*

*Comers/enged 1-1*

*[Signature]*

*the patient was*

*1-1-1*

Medical Superintendent  
D.H.O. Hospital

*with seeds 20*

*U/O 1-1-*

*by sect u-u-a*

*Ag: complet bedrest for*

*31-12-2015 - 31-12-2015*

Medical Officer  
D.H.O. HOSPITAL

*[Signature]*  
*31-12-2015*



OUT-PATIENTS DEPARTMENT

No. RS. 5

NAME Mumtaz Mahmud

YEARLY NO 1013-118

DATE 15-12-2015

DISEASE

PAGE VALUE RUPEES

Counter signed

Medical Superintendent  
D.H.Q. Hospital Mardan

1-1-15  
Punston feet

1-1-15  
Shawan via

24  
Civilians

1/2 camp boat  
bedrest from

15-12-2015 TO 30-12-15  
D.H.Q. HOSPITAL  
MARDAN

*Mumtaz*

OUT-PATIENTS DEPARTMENT

7

NAME Mumtaz Mahmud

YEARLY NO 0355-3871

DATE 18-01-2016

DISEASE

Fitness certificate

PAGE VALUE RUPEES

Counter signed

Medical Superintendent  
D.H.Q. Hospital Mardan

It is certified that Mr

Mumtaz Mahmud 13 male

18-1-2016  
For his duty

MEDICAL OFFICER  
D.H.Q. HOSPITAL  
MARDAN  
18-01-2016

You Female Warden Mumtaz Mehal were relieved on 26-11-2015 from Judicial Lockup Nowshera upon transfer to Judicial Lockup Malakand vide Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar Order No.1818 dated 26-11-2015, but you reported for duty at Judicial Lockup Malakand on 18-01-2016 after laps of 52 days of full absence and submitted Medical leave certificate for the afore mentioned period at once. You have violated KPK Prisons rule 1083 under which Medical leave certificates should be submitted/ presented intermittently not at once, which constitutes gross conduct on your part.

I, Sahibzada Shah Jehan, Superintendent Headquarters Prison Mardan as Competent Authority, am satisfied by the report received vide the Superintendent Judicial Lockup Malakand No.240/WE dated 18-01-2016 and there is no need of holding any further inquiry.

Now therefore, you above named Female Warden are hereby called to show cause within 07 days of the receipt of this notice as to why you should not be dismissed from service for your above stated act of misconduct. You desire to be heard in person. In case your reply does not reach this office within stipulated period, ex-parte action shall be taken against you.

SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

Indorsement No: 517-18/- dated: 28/09/2016

- 1- Inspector General of Prisons Khyber Pakhtunkhwa, Peshawar please.
- 2- Superintendent Judicial Lockup Malakand with reference to memo No.240/WH
- 3- Above named Female Warden C/O Superintendent Judicial Lockup Malakand.

SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

8  
Mumtaz Mehal

OFFICE OF THE  
SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

No. 13 of 2016

ORDER

WHEREAS, the accused official Mst. Mumtaz Mehal D/O Habib Khan attached to Judicial Lockup Malakand, was proceeded against under Rule 3 read with Rule 10 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges of this misconduct as mentioned in the Show Cause Notice served upon him on his absence.

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

AND WHEREAS, the undersigned being competent authority granted him the opportunity of personal hearing on 08-03-2016 as provided for under rules 10(d) but the accused official not only appear for personal hearing on due date but failed to justify his willful absence.

NOW THEREFORE, in exercise of powers conferred under Rule 10(d) 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 "Reduction to Lowest Stage" to Mst. Mumtaz Mehal D/O Habib Khan attached to Judicial Lockup Malakand for her misconduct from the that of her absence i.e. 26-11-2015.

*Prior in time*

SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

Encl. No. 1141-45

Copies of the above is forwarded to the:-

1. Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information please.
2. Superintendent Headquarter Prison Peshawar for information please.
3. Superintendent Judicial Lockup Malakand for information with reference to his memo No. 3086 dated 01-12-2015.
4. District Accounts Officer Malakand for information please.
5. Official concerned C/O Superintendent Judicial Lockup Malakand.

*Alleged*

*13/03/2016*  
SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

10

Approved: D

OFFICE OF THE  
SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN  
No. P.B.D. 13 of 2016

FOR

WHEREAS Mst. Mumtaz Mehtab D/O Habib Khan, Judicial Lockup Malakand was proceeded against under Rule-3 read with relevant Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges of his long willful absence i.e. from 05-03-2016, and a notice at her home address served upon him vide Headquarter Prison Mardan notice No.733/P.B.D. dated 17-03-2016.

AND WHEREAS, due to non response from her, another notice published in the daily newspaper Masrui on 27-04-2016 as provided for under Rule-3.

AND WHEREAS the delinquent official not only failed to resume duties but also failed to justify his willful absence.

NOW THEREFORE, in exercise of powers conferred under Rule-9 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, the undersigned being competent authority after observing all legal procedural formalities hereby award major penalty of "Removal from Service" from the date of absence i.e. 05-03-2016 to Mst. Mumtaz Mehtab D/O Habib Khan attached to Judicial Lockup Malakand for her misconduct/willful absence.

SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

1149-53

- Endorsement of the above is forwarded to the:-
1. Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information please.
  2. Superintendent Headquarter Prison Peshawar for information please.
  3. Superintendent Judicial Lockup Malakand for information with reference to his memo No.733 dated 17-03-2016.
  4. District Accounts Officer Malakand for information please.
  5. Official concerned C/O Superintendent Judicial Lockup Malakand.

SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

Handwritten signature

V.P.

11

ANSWER E  


To

The Inspector General of Prisons,  
Government of KPK. Peshawar.

Subject: -

Appeal for re-instatement in service.

Sir,

Most humbly it is submitted as under: -

1. That I was serving as Female Warden in Prisons Department and was posted at Judicial lock up Nowshera.
2. That I was transferred from the above mentioned place to judicial lock up Malakand vide your goodself order No. 1818 dated 26/11/15.
3. That thereafter I fell ill and remained under treatment at DHQ Hospital, Mardan and I was advised complete bed rest for 52 days from time to time.
4. That when I recovered from my illness I reported for duty at Judicial Lock up Malakand and performed my duty there for 18/20 days regularly.
5. That thereafter my shift was changed and after 10 days when I attended my duty, I was delivered charge sheet and I replied for the same.
6. That an enquiry was conducted against me and I was provided the penalty of "Reduction to Lower Stage" vide Superintendent Circle HQ Prison Mardan order No. 1141-45 dated 13/5/16.
7. That I was suffering from typhoid and Malaria and remained under treatment from 5/3/16 to





24/4/16 and during this period I was advised rest and therefore could not attend the duty. Photo copies of medical certificates are attached herewith.

8. That due to my above absence from my duty, I was awarded punishment of Removal from service vide Superintendent Circle HQs. Prison Mardan order No. 1149-53 dated 13/5/16.

9. That I prefer this appeal before your honour for my re-instatement and setting aside the order of removal from service on the following grounds inter-alia: -

Grounds.

A. That my absence from my duty was neither intentional nor deliberate one and it was purely due to my illness and in support of my contention, photo copies of medical certificates (prescription chits) are attached herewith.

B. That the punishment awarded to me is harsh one and against justice.

C. That I have served in this Department for 14 days and have spotless record.

D. That during my whole tenure I have performed my duties to entire satisfaction of my superiors, honestly and efficiently.

E. That I belong to a poor family and have got three school going children. My husband is

*Allysa*

13



jobless and I am their only source of income and due to my removal from service their education has badly been effected.

It is, therefore, humbly prayed that on acceptance of this appeal, the order of my removal from service may kindly be set-aside and I may be re-instated in service.

Dated: - 23/5/16.

Appellant,

Mumtaz Mahal  
Mumtaz Mahal,

Ex-Female Warden.



14  
OFFICE OF THE  
INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR

091-9210334, 9210406 091-9213445

No.Estb/Ward-/Orders/ 17826 1-

Dated 18-07-2016 1- (15)


ORDER

WHEREAS, Ex-Female warder Muntaz Mehal D/O Zahid Habibullah attached to Judicial Lockup Malakand, was awarded the major penalty of "Removal from Service" by the Superintendent Headquarters Prison Mardan vide his office order No.1148-53 dated 13-5-2016 due to her willful absence from duty for 69 days with effect from 05-3-2016 to 13-5-2016.

AND WHEREAS, the said Female warder preferred her departmental appeal for setting-aside the penalty awarded to her, which was examined in light of the available record of the case and it was observed that the appellant remained absent for the period as mentioned above and legal/procedural formalities as required under Rule-9 of E&D Rules -2011 have also been observed by the competent authority.

AND WHEREAS, she was afforded an opportunity of personal hearing on 14-7-2016. During the course of hearing she failed to defend / justify her willful absence.

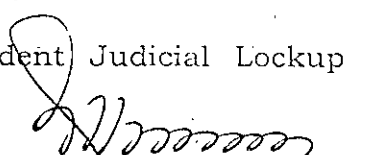
NOW THEREFORE, keeping in view the facts on record, the provision of rules in vogue and in exercise of power conferred under Rule-5 of Khyber Pakhtunkhwa Civil Servants Appeal Rules 1986, the decision of the competent authority is upheld and appeal of the appellant is hereby rejected being without any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

  
INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA, PESHAWAR.

ENDST;NO. 17827-8291.

Copy of the above is forwarded to :-

1. The Superintendent, Headquarters Prison Mardan for information and necessary action with reference to his letter No.1422 dated 13-6-2016.
2. The Superintendent, Judicial Lockup Malakand for information and necessary action with reference to the Superintendent HQ Prison Mardan order referred to above. He is directed to inform the appellant accordingly and also to make necessary entry in her Service Book under proper attestation.
3. The appellant concerned C/O the Superintendent Judicial Lockup Malakand for information.

  
ASSISTANT DIRECTOR (ADMIN)  
FOR INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA PESHAWAR.



15  
1  
APPEAL 9

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

Appeal No. \_\_\_\_/2016

Mumtaz Mehal, Ex- Female Warder, Judicial Locup Malakand.

(Appellant)

**VERSUS**

1. The Inspector General of Prison, Khyber Pakhtunkhwa, Peshawar.
  2. The Superintendent Circle Head Quarters Prison, Mardan.
- (Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the orders No.1141-45 dated 13.05.2016, and 1149-53 dated 13.05.2016, whereby the appellant has been awarded simultaneously the major penalties of “reduction to lowest Stage”, and removal from service respectively vide separate orders, against which her departmental appeal dated 23.05.2016, has also been rejected vide order dated 18.05.2016.

Prayer in Appeal: -

On acceptance of this appeal the order No.1141-45 dated 13.03.2016, order No. 1149-53 dated 13.03.2016, and order dated 18.07.2016, may please be set-aside and the appellant may please be re-instated into service with all back wages and benefits.

Respectfully Submitted:

1. That the appellant was appointed as Warder in the Prison Department. She remained at different prison and was lastly attached to Judicial Lockup Malakand.

2. That ever since her appointment, the appellant is performing her duties as assigned with zeal and devotion and without giving any chance of complaint whatsoever regarding her performance to his superiors.
3. That while serving in the said capacity, the appellant while posted at Judicial Lockup Nowshera, she was transferred to Judicial Lockup Malakand vide order 26.11.2015.
4. That in the meantime the appellant got seriously ill and remained under treatment at DHQ Mardan. Since the appellant was suffering from typhoid and malaria, therefore she was advised complete bed rest by the doctors from time to time. Due to her illness, the appellant could not resume her duty at new place of posting. (Copies of the medical prescriptions are attached as Annexure A)
5. That after recovering from her illness, the appellant duly reported for duty at Judicial Lockup Malakand and started performing her duties regularly.
6. That thereafter the appellant was proceeded departmentally and was served with a show cause notice dated 20.02.2016, containing the allegations that:

*"You female warder Mumtaz Mehal were relieved on 26.11.2016 from Judicial Lockup Nowshera upon transfer to Judicial Lockup Malakand vide Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar Order No. 1818 dated 26.11.2015, but you reported for duty at Judicial Lockup Malakand on 18.01.2016, after laps of 52 days of will full absence and submitted Medical leave Certificate for the afore mentioned period at once. You have violated KPK Prison rule 1083 under which medical certificates should be submitted/ presented intermittently not at once, which constitutes gross conduct on your part."*

The appellant duly replied the show cause notice and refuted the allegations leveled against her.

*(Copy of the notice dated 22.02.2016 is attached as Annexure B).*

7. That without conducting any regular inquiry, quite illegally the appellant has been simultaneously awarded the major penalties of Reduction in Time Scale and Removal from Service vides orders bearing No. 1141-45 and 1149-53 of even date 13.03.2016. (Copies of the orders are attached as annexure C & D).

8. That the appellant feeling aggrieved submitted her departmental appeal on 23.05.2016, however it has also been rejected vide order dated 18.07.2016, copy of the rejection order was however communicated to the appellant on which was communicated to the appellant on 22.07.2016. (*Copies of the Departmental Appeal & Rejection Order dated 18.07.2016 are attached as Annexure E & F*).
9. That the impugned orders are illegal unlawful without lawful authority and are thus liable to be set aside inter alia on the following grounds:

**GROUND OF APPEAL.**

- A. That the appellant has not been treated in accordance with law hence his rights secured and guaranteed under the law are badly violated.
- B. That no proper procedure has been followed before awarding the major penalty to the appellant, no proper inquiry has been conducted, the appellant has not been provided fair opportunity to defend her self against he charges leveled against her, thus the whole proceedings are defective in the eyes of law and orders based on such defective proceedings are thus liable to be set aside.
- C. That the appellant has not been provided proper opportunity of personal hearing thus he has been condemned unheard.
- D. That the appellant has never been served with any charge sheet or statement of allegations thus she has not been given fair opportunity to defend her self against the charges.
- E. That no absence notice or has ever been served upon the appellant nor has any publication been made in the news paper regarding absence of the appellant. The impugned order is thus passed in violation of express provisions of the Government Servants Efficiency & Discipline Rules, 2011.



- F. That at the one hand the appellant had been awarded the penalty of reduction in time scale on 13.05.2016, while on the same day she has been removed from service vide a separate order, thus awarding double punishment for the same set of allegations amounts to double jeopardy.
- G. That while awarding the penalty of reduction to lowest stage, no period has been specified for which the penalty could remain in force as such the impugned order is violation of FR-29 and is thus not sustainable being a defective order.
- H. That the impugned order of removal from service has been issued with retrospective effect, since no penalty can be imposed with retrospective effect, therefore on this score alone being not sustainable in the eyes of law hence liable to be set aside.
- I. That adopting shorter procedure in the instant case was uncalled for and illegal the charges were never admitted by the appellant hence the issuance of show cause notice has prejudice her case and in fact he was condemned unheard.
- J. That the matter in hand required a full fledged regular inquiry, for the proof or otherwise of the charges, in the absence of regular inquiry major penalty can not be imposed.
- K. That the appellant has not committed any act or omission which can be termed as misconduct. The absence of the appellant was never willful but it was due to her illness, she duly submitted the medical certificates, however it were never considered before the removal from service of the appellant.
- L. That the impugned orders cannot be termed as *speaking order* as is provided under section 24-A of the General Clauses Act.
- M. That the appellant has at her credit a long and spotless service career, the penalty awarded to her is too harsh and is liable to be set aside.
- N. That the penalty awarded to the appellant also does not commensurate to the charges leveled against her.

19

O. That the appellant seeks permission of this Honorable Tribunal to rely on additional grounds at the time of hearing of the appeal.

*It is therefore, humbly prayed that on acceptance of this appeal the order No.1141-45 dated 13.03.2016, order No. 1149-53 dated 13.03.2016, and order dated 18.07.2016, may please be set-aside and the appellant may please be re-instated into service with all back wages and benefits.*

*Appellant*

Through

**IJAZ ANWAR**  
Advocate, Peshawar  
&

**SAJID AMIN**  
Advocate, Peshawar



20

Approved H

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 828/2016

Date of Institution ... 01.08.2016

Date of Decision ... 02.10.2017



Mumtaz Mehal, Ex-Female Warder, Judicial Lockup Malakand,

(Appellant)

VERSUS

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

(Respondents)

MR. Yasir Saleem,  
Advocate

For appellant.

MR. ZIAULLAH,  
Deputy District Attorney

For respondents.

MR. AHMAD HASSAN,  
MR. MUHAMMAD HAMID MUGHAL

MEMBER(Executive)  
MEMBER(Judicial)

JUDGMENT

AHMAD HASSAN, MEMBER. Arguments of the learned counsel for the

parties heard and record perused.

FACTS

2. The brief facts are that the appellant was serving as Warder in the Prisons Department. She was transferred from judicial lockup Nowshera to Judicial Lockup Malakand vide order dated 26.11.2015. That the appellant fell ill seriously and remained under treatment at DHQ Mardan. After recovery she joined duty. Thereafter, the appellant was proceeded departmentally and a show cause notice was served on her. That without conducting regular inquiry, the appellant has been awarded the major penalty of reduction to lower stage in time scale and thereafter removed from service vide order dated 13.03.2016.

**ATTESTED**

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

21

She preferred departmental appeal on 23.05.2016 which was rejected on 18.07.2016, hence the instant appeal.

ARGUMENTS

3. The learned Counsel for the appellant argued that she was transferred from Judicial Lockup Nowshera to Judicial Lockup Malakand vide order dated 26.12.2015. However, due to illness she was advised complete bed rest by the doctor and as such she was unable to assume the charge at the place of her new posting. After serving show cause notice major penalty of reduction to lower stage in time scale was imposed vide impugned order dated 13.05.2016. Similarly, on account of willful absence w.e.f 05.03.2016 to 13.05.2016 major penalty of removal from service was imposed vide impugned order dated 13.05.2016. In both the cases prior to imposition of major penalty regular enquiry was not conducted. The superior courts in various judgments held that incase major penalty is to be awarded/imposed regular inquiry should invariably be conducted. Reasons for dispensing with regular enquiry were not mentioned while serving show cause notice on the appellant. Similarly time period was also not mentioned while imposing major penalty of reduction to lower stage, as such conditions laid down in FR-29 were violated. Procedure specified in Rule-9 of E&D Rules-2011 was not followed in toto. Notice was required to be published in two leading newspapers but in the case in hand, it was published only in one newspaper. Punishment awarded with retrospective effect was against the spirit of the rules. Opportunity of defense and personal hearing were denied to the appellant.

*[Handwritten signature]*

*[Handwritten signature]*

ATTESTED

*[Handwritten signature]*  
Peshawar

4. On the other hand the Learned DDA argued that on account of willful absence from duty from 26.11.2015 to 18.01.2016 major penalty of reduction

21A

to lower stage in time scale was imposed on her. Subsequently, major penalty of removal from service was awarded to the appellant for the period of absence from 05.03.2016 till the date of imposition of penalty i.e. 13.05.2016 in accordance with the procedure laid down in Khyber Pakhtunkhwa Government Servant (Efficiency & Disciplinary), Rules, 2011. Needless to add that she remained willfully absent from duty and was guilty of misconduct. That she also violated Rule 1083 of Prison Rules, whereby the appellant was required to inform the Superintendent Judicial Lockup Malakand, through notice about her illness.

CONCLUSION.

5. We are of the considered view that the appellant has failed to justify her deliberate and willful absence from duty. As a government servant, she should have applied for leave in the prescribed manner and upon sanction, she could proceed on leave. Even the appellant was granted leave by the respondents, when she applied for the same. As such she is guilty of misconduct. So far as major penalty of reduction to lower stage in time scale is concerned though direct show cause notice was served on the appellant but reasons for dispensing with regular inquiry were not recorded by the Competent Authority. In addition to this procedure laid down in Rule-9 of E&D Rules 2011 should have been followed and upon conclusion only major penalty of removal from service could be imposed. Even, if, procedure provided in Rule-9 is followed the superior courts in various judgments held that incase major penalty is to be imposed then regular inquiry should be conducted. That no specific period was mentioned in the impugned order, hence, FR-29 was violated. So far as punishment of removal from service is concerned, it was imposed with

*[Handwritten signature]*

*[Handwritten signature]*

EXAMINER  
KHYBER PAKHTUNKHWA  
SERVICE COMMISSION

*[Handwritten signature]*

ATTESTED



retrospective effect in violation of rules. As such the impugned order is not sustainable in the eyes of law. Though Rule-9 of E&D Rule was followed in this case but instead of publishing the notice in two leading newspapers, it was published only in one newspaper in contravention of instructions contained in invogue rules. The appellant has more than twenty years service at her credit and the penalty imposed seems too harsh.

6. As a sequel to above, the present appeal is accepted, the impugned orders are set aside and the appellant is reinstated in service with back benefits. However, as the appellant admittedly remained absent from her duty for a period of 52 days w.e.f 26.11.2015 to 17.01.2016 and again for 69 days w.e.f 05.03.2016 till the issuance of impugned order dated 03.05.2016, hence, the appellant, shall not be entitled to the salary/back benefits of the above mentioned period of 52 days and 69days respectively. The Department is at liberty to conduct *de-novo* inquiry/proceedings in accordance with law against the appellant and in case of *de-novo* inquiry/proceeding against the appellant the issue of back benefits shall be subject to the outcome of *de-novo* inquiry. Parties are left to bear their own costs. File be consigned to the record room.

*SD/-*  
(AHMAD HASSAN)  
MEMBER

*SD/-*  
(MUHAMMAD HAMID MUGHAL)  
MEMBER

ANNOUNCED  
02.10.2017

*Certified*  
*Signature copy*  
MEMBER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Presentation of Application 06-10-17  
Number of Words 1600  
Copying Fee 10-  
Urgent 2-  
Total 12-  
Name of Copy [Signature]  
Date of Completion 06-10-17  
06-10-17

*[Signature]*

0300-9047883

- 01/01/01





23

Fazal Hameed I

## OFFICE OF THE SUPERINTENDENT CIRCLE HQS. PRISON MARDAN

No. /PB Dated: 20/12/2017, E-Mail: mardanjail@gmail.com, 0937-843114

OFFICE ORDER.

**WHEREAS**, the accused official Mst. Mumtaz Mehal D/o Habib Khan was proceeded against under Rule-3 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges of her misconduct as mentioned in the Statement of Allegation / Charge Sheet No. 3156-59 dated. 02-11-2017, served upon her and de novo inquiry was conducted as per orders vide Judgment dated 02-10-2017, in Service Appeal No. 2017/2018 Khyber Pakhtunkhwa Service Tribunal Peshawar, wherein Mr. Bakht Rawan Senior Assistant Superintendent Jail, Central Prison Mardan was appointed as Inquiry Officer.

**AND WHEREAS**, she furnished her written reply/defence without any documentary proof/evidence to the inquiry officer and the allegations/charges against her were fully proved.

**AND WHEREAS**, she was proceeded against under Rule-3 on the charges of her misconduct/wilful absence as mentioned in the Show cause Notice vide No. 3448-50 dated 05.12.2017.

**AND WHEREAS**, she furnished her written reply/defence without any documentary proof/evidence which was found un-satisfactory.

**AND WHEREAS**, the undersigned being competent authority granted her the opportunity of personal hearing on 20-12-2017 as provided for under rules ibid. The accused official completely failed to defend her case with documentary proof/evidence.

**NOW THEREFORE**, in exercise of powers conferred under Rule-14(5) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, being 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 after observing all legal procedural formalities, is hereby award major penalty of "**Reduction to lower stage up to one year**" in her present time and pay scale to Mst. Mumtaz Mehal D/o Habib Khan presently attached to Central Prison Mardan for her misconduct/wilful absence with effect from 30-11-2015 to 18-01-2016 fifty (50) days and from 05-03-2016 (FN) to 13-05-2016 (FN) sixty nine (69) days, are hereby treated as leave without pay.

(FAZAL HAMEED KHAN KHEL)  
SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

Endst: No. 3592-98

Copy of the above is forwarded to:

1. The Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar for information with references his letter No. 23996 dated 13.10.2017 please.
2. The Superintendent Central Jail Mardan.
3. The Superintendent Judicial Lockup Malakand.
4. The District Accounts Officer Mardan/Malakand.
5. Mr. Bakht Rawan Senior Assistant Superintendent Jail, Central Prison Mardan for information and with reference to his inquiry report dated.30-11-2017.
6. The Female Warder Mumtaz Mehal C/O Superintendent Central Jail Mardan.

For information and necessary action please.

31/12/17  
31/12/17

A. Q. A.

(FAZAL HAMEED KHAN KHEL)  
SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

بخدمت جناب G.P. صاحب (جیل خانہ جات) خیبر پختونخوا پشاور۔

اپیل برخلاف حکم و فیصلہ مورخہ 20-12-2017 سپریمینڈنٹ سرکل ہیڈ کوارٹرز جیل خانہ جات مردان۔

جناب عالی! سائلہ حسب ذیل عرض کرتی ہے۔

۱۔ یہ کہ سائلہ محکمہ جیل خانہ جات خیبر پختونخوا میں بطور فیمیل وارڈر جوڈیشل لاک اپ نو شہرہ میں ڈیوٹی سر انجام دے رہی ہے۔

۲۔ یہ کہ سائلہ کے خلاف حکم مورخہ 20-12-2017 سپریمینڈنٹ سرکل ہیڈ کوارٹرز جیل خانہ جات مردان نے پاس کیا ہے۔

(نقل حکم لف ہے)

۳۔ یہ کہ مذکورہ حکم کے رو سے سائلہ کو ایک سال کے لئے لورسٹیج میں منتقل کیا گیا ہے۔

۴۔ یہ کہ سائلہ کے خلاف مذکورہ آرڈر غلط طور پر پاس ہوا ہے۔ کیونکہ سائلہ کی غیر حاضری قصداً عمدانہ تھی بلکہ سائلہ حاملہ تھی جس کی وجہ سے سائلہ ڈیوٹی پر حاضر نہ ہو سکی تھی۔

(نقل میڈیکل لف ہے)

۵۔ یہ کہ سائلہ چار بچے ہیں جو کہ مختلف پرائیوٹ سکولوں میں زیر تعلیم ہیں اور ان کے تعلیم و تربیت پر بہت سارے اخراجات برداشت کرنے پڑتے ہیں۔

۶۔ یہ کہ مذکورہ حکم کی وجہ سے سائلہ اس قابل نہ رہے گی کہ وہ اپنے بچوں کی صحیح تعلیم و تربیت کر سکے اور اس طرح سائلہ کے بچوں کا مستقبل تباہ ہونے کا خدشہ ہے۔

۷۔ یہ کہ سائلہ نے ہمیشہ اپنی ڈیوٹی تندہی اور جانفشانی سے سرانجام دی ہے اور سائلہ نے کبھی بھی اپنے فرائض سے کوتاہی نہ برتی ہے۔

۸۔ یہ کہ سائلہ آئندہ کے لئے بھی اپنی ڈیوٹی پابندی کے ساتھ کرے گی اور اس میں کسی قسم کی کوتاہی نہیں کرے گی۔

لہذا آپ صاحبان سے استدعا ہے کہ بوجوہات بالا سائلہ کے مقدمہ پر رحم لائے غور فرمایا جائے اور سائلہ کی سزا ختم کرنے کے احکامات صادر فرمائے جائے۔ سائلہ تاحیات آپ کی دعا گور ہے گی۔

عارض

مسماة ممتاز گل دختر حبیب خان سکنہ محلہ شاہجہان خیل ڈھیری کٹی خیل تحصیل ضلع نوشہرہ۔

مورخہ 06-01-2018

25 ~~10~~ ~~10~~ 3 10

OFFICE OF THE  
**INSPECTOR GENERAL OF PRISONS**  
**KHYBER PAKHTUNKHWA PESHAWAR**  
☎ 091-9210334, 9210406 🏠 091-9213445  
No.Estb/Ward-/Orders/ 10381  
Dated 2-4-18

ORDER

WHEREAS, Female warder Mst Mumtaz Mahal D/O Habib Khan, presently attached to Lockup Nowshera was ordered that the period of her absence from 30-11-2015 to 2016 (50 days) and from 05-03-2016 to 13-05-2016 (69 days) treated as leave without pay and was awarded the major penalty of "reduction to lower stage upto one year" by the Superintendent Headquarters Prison Mardan vide his office order No.3591 dated 20-12-2017 for her negligence/misconduct.

AND WHEREAS, the said Female Warder preferred her departmental appeal for setting aside the penalty awarded to her and grant of back benefit which was examined in the light of available facts of the case and it was observed that all legal/ procedural formalities as required under Prison Rules -2011 have also been observed by the competent authority.

AND WHEREAS, she was afforded an opportunity of personal hearing on 20-03-2018. During the course of hearing she failed to justify her appeal as the competent authority has taken lenient decision.

NOW THEREFORE, keeping in view the facts on record, the provision of rules in this regard and in exercise of power conferred under Rule-5 of Khyber Pakhtunkhwa Civil Servants (General) Rules 1986, the decision of competent authority is upheld and her appeal is hereby dismissed being without any substance.

**INSPECTOR GENERAL OF PRISONS,**  
**KHYBER PAKHTUNKHWA , PESHAWAR.**

NO. 10382-85 /

- Copy of the above is forwarded to:-
- The Superintendent, Headquarters Prison Mardan for information and necessary action with reference to his letter No. 301 dated 02-02-2018.
- The Superintendent, CP Mardan for information and necessary action.
- District Accounts Officer concerned for information.
- Official concerned.

*[Signature]*  
**ASSISTANT DIRECTOR(ADMN)**  
**FOR INSPECTOR GENERAL OF PRISONS,**  
**KHYBER PAKHTUNKHWA PESHAWAR.**

DS-1/20/PB  
for Ma H.

*[Signature]*  
**Supdt**  
4-4-18

*[Signature]*

**POWER OF ATTORNEY**

In the Court of Khyber Pakhtun Khwa Service Tribunal Pesh  
Mumtaz Mehel

} For  
} Plaintiff  
} Appellant  
} Petitioner  
} Complainant

**VERSUS**

IGP & others

} Defendant  
} Respondent  
} Accused

Appeal/Revision/Suit/Application/Petition/Case No. \_\_\_\_\_ of \_\_\_\_\_  
Fixed for \_\_\_\_\_

I/We, the undersigned, do hereby nominate and appoint

**YASIR SALEEM ADVOCATE, HIGH COURT**

\_\_\_\_\_ my true and lawful attorney, for me in my same and on my behalf to appear at Pesh to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions. An appeal, statements, accounts, exhibits. Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc, and to apply for and issue summons and other writs or subpoena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us


IN WITNESS whereof I/we have hereto signed at \_\_\_\_\_  
the \_\_\_\_\_ day to \_\_\_\_\_ the year \_\_\_\_\_  
Executant/Executants \_\_\_\_\_  
Accepted subject to the terms regarding fee \_\_\_\_\_

**YASIR SALEEM**  
Advocate Peshawar

ADVOCATES, LEGAL ADVISORS, SERVICE & LABOUR LAW CONSULTANT  
FR-3 & 4, Fourth Floor, Bilour Plaza, Saddar Road, Peshawar Cantt

To,

The Member (Judicial)  
KPLC Service Tribunal  
Permanar.

  
17/12/2018

Subject: Extension of time for submission  
of Security and process fee in  
appeal no. 98/2018.

Sir,

It is submitted that I did not  
submit Security in the above cited  
appeal in time. It is therefore requested  
that I may kindly be time for  
submission of Security and process  
fee.

Mumtaz mehal  
Appellant  
Mumtaz mehal

BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

In the matter of

Service appeal No. 908 of 2018

Mumtaz Mehal, Female Warder, presently attached to Judicial Lockup, Nowshera

(Appellant)

----VERSUS----

3. The Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
4. The Superintendent Circle Headquarters Prison, Mardan.

(Respondents)

S.No	Description of Documents	Annexure	Pages
1.	Para wise comments/ reply	-----	1---3
2.	Inquiry report	A	4---40
3.	<i>office orders</i>	B	41---42
<b>Total</b>			<b>42 Pages</b>



BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

In the matter of

Service appeal No. 908 of 2018

Mumtaz Mehal, Female Warder, presently attached to Judicial Lockup, Nowshera

(Appellant)

---VERSUS---

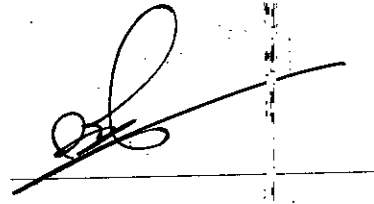
1. The Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
2. The Superintendent Circle Headquarters Prison, Mardan.

(Respondents)

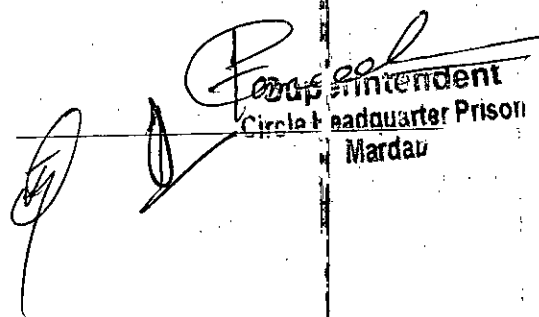
AFFIDAVIT OF THE RESPONDENTS.

We, the respondents, do hereby solemnly affirm and declare on oath that the contents of the reply/Para wise comments are true and correct to the best of our knowledge and belief and nothing material fact has been concealed and kept secret from this Honorable Tribunal.

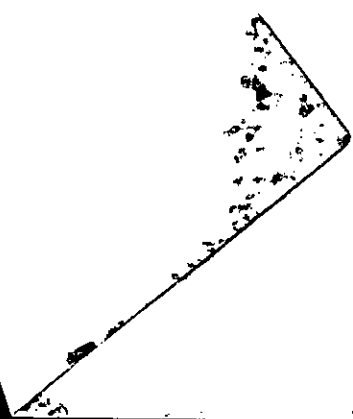
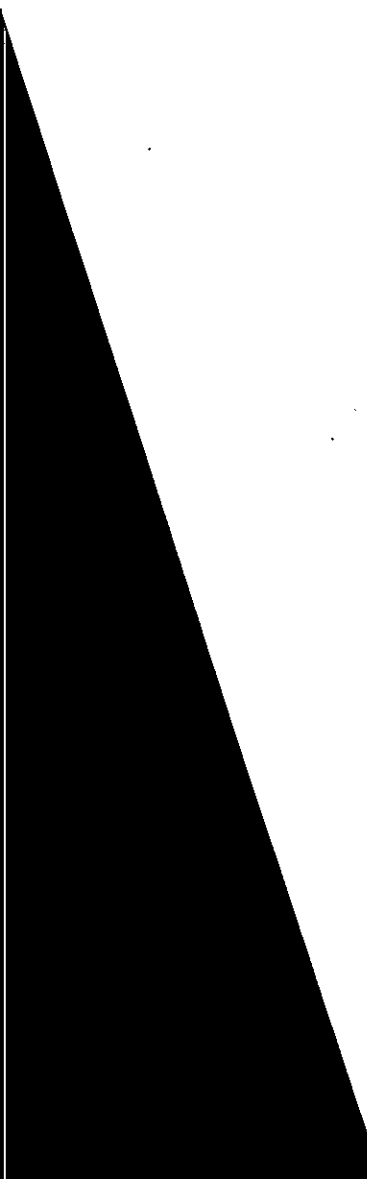
1. INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR.



2. SUPERINTENDENT  
HEADQUARTER PRISON MARDAN



Superintendent  
Circle Headquarters Prison  
Mardan



BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

In the matter of

Service appeal No. 908 of 2018

Mumtaz Mehal, Female Warder, presently attached to Judicial Lockup, Nowshera

(Appellant)

----VERSUS----

1. The Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
2. The Superintendent Circle Headquarters Prison, Mardan.

(Respondents)

**PRELIMINARY OBJECTIONS**

1. That the appeal is incompetent, badly time barred and is not maintainable in its present form.
2. That the appellant is estopped by her own conduct to bring the present appeal.
3. That the appellant has got no cause of action.
4. That the appellant has no locus standi.
5. That the appellant is bad for mis-joinder and non-joinder of necessary party.
6. That the appeal is hit by laches.

**PARA-WISE COMMENTS OF THE RESPONDENTS**

**RESPECTFULLY SHEWETH.**

1. Correct, pertains to record, hence no comment.
2. Incorrect, misleading as it was the misconduct and willful absence from her duties without permission and sanction of leave from the competent authority which resulted into the award of punishment.
3. Correct, pertains to record, hence no comment.
4. Incorrect, misleading as the appellant failed to provide any kind proof in the form of medical tests during the inquiry proceedings.
5. Incorrect, misleading, as the appellant remained willfully absent from her duties without permission and sanction of leave from the competent authority violating rule 1082 and 1083 of the Khyber Pakhtunkhwa, Prison Rules 2018.
6. Correct, pertains to record, hence no comment.
7. Correct to the extent that the appellant was awarded the penalties of Reduction

to Lower stage in her present scale and Removal from service in accordance with the law and Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules 2011.

8. Correct, pertains to record, hence no comment.
9. Correct, pertains to record, hence no comment.
10. Correct, pertains to record, hence no comment.
11. Correct, pertains to record, hence no comment.
12. Incorrect, misleading as the order of the competent authority dated 02.12.2017 and of the appellate Authority dated 02.04.2018 are in accordance with the law, facts, material on record, and procedure as laid down in the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 and are not liable to be set aside.

**GROUND.**

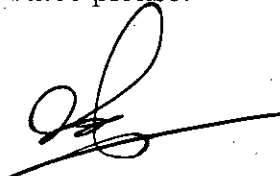
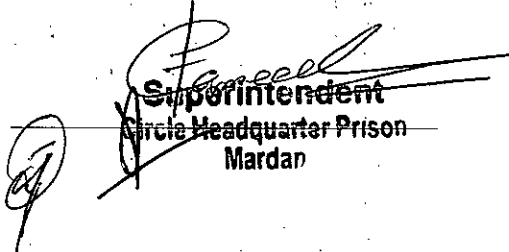
- A. Incorrect, misleading, as the appellant has been treated in accordance with the law and her rights guaranteed by the law has never been violated by the respondents.
- B. Incorrect, misleading, as proper procedure as laid down in the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 was adopted by serving Charge Sheet/Statement of Allegation, conducting of Inquiry into the allegation, serving final Show Cause Notice and the appellant was also provided a reasonable opportunity of hearing and defense by the competent authority as required under the rules *ibid* (**Annexure-A**).
- C. Incorrect, misleading, as the appellant was provided ample opportunity of personal hearing by the competent authority as well as by the appellant authority as required under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 (**Annexure-B**).
- D. Incorrect, misleading, as the orders of the Hon'able Tribunal has been misconstrued by the appellant as the Department was allowed to conduct *de novo* inquiry into the allegations of absence from duties by the appellant and the issue of back benefit from the date of removal from service till the date of reinstatement into service was subjected to the outcome of the *De novo* inquiry.

- E. Incorrect, misleading, as proper procedure as laid down in the Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules 2011 has been followed and the allegations leveled against the appellant were fully proved and the appellant was provided ample opportunity of hearing and defense.
- F. Incorrect, misleading as proper and regular inquiry has been conducted into the allegations leveled against the appellant.
- G. Incorrect, misleading as the appellant remained absent from her duties willfully and she was awarded the penalty of "Reduction to Lower Stage in her present time pay scale up to one year" and the appellant has not been awarded the punishment of "Removal from Service".
- H. Incorrect, misleading, however, elaborated in the above Paras.
- I. Incorrect, misleading as the punishment is lenient one as compared to the charges leveled against the appellant.
- J. Additional grounds of appeal will be replied with prior permission of this Hon'able Tribunal at the time of Argument.

It is, therefore, humbly prayed that the appeal filed by the Appellant may be rejected being not covered with law and rules please.

1. INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR.

2. SUPERINTENDENT  
CENTRAL PRISON MARDAN

Superintendent  
Circle Headquarter Prison  
Mardan

INQUIRY REPORT

Regarding the willful absence of Female warder Mumtaz Mahal

①

The instant inquiry against Female warder (BPS-05) Mst. Mumtaz Mahal presently attached to Central Prison Mardan was ordered by the Superintendent Headquarter Prison Mardan, the competent authority, under rule 03 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 vide his office No. 3155 dated 02.11.2017 and appointed me, the undersigned, as inquiry officer under the same order.

It had been alleged/charged that Female warder (BPS-05) Mst. Mumtaz Mahal;

- i. Relieved on 26-11-2015 from Judicial Lockup Nowshera upon transfer to Judicial Lockup Malakand but she failed to report for duty on expiry of joining time and reported for duty on 18-01-2016 after lapse of fifty two (52) days willful absence and submitted Medical certificates for the afore mentioned period.
- ii. She was granted seven(07) days causal leave from 26-02-2016 to 05-03-2016(F.N) but she failed to report for duty on 05-03-2016 on the expiry of casual leave.
- iii. She was served with an absence Notice on her home address by the Superintendent Headquarter Jail Mardan with the direction to resume her duties within fifteen days of the receipt of the said letter to which she did not responded.
- iv. Absence Notice was also published in the leading Newspapers of the province directing him to resume her duties within fifteen days of the publication of the said notice to which she did not responded as well.

The accused official submitted her written reply/defense along with photocopy of medical certificate (Discharge Slip) on 13.11.2017 wherein she stated that;

- 1. She was ill and was unable to perform her duties.
- 2. She had been admitted in Naseem Hospital Mardan on 07.02.2017 and was discharged on 08.02.2017 and that she is still under treatment.
- 3. She did not remained absent from duties willfully but remained absent from duties due to illness.

However, on perusal of the written reply and medical certificate, it was found that the same was not related to the period of absence for which inquiry has been ordered by the competent authority (Annexure-A).

To probe into the allegations and to provide a reasonable opportunity of hearing and defense, the accused official was directed through the Superintendent Central Prison Mardan to appear before the undersigned on 18.11.2017 at 09:00am along with evidences, if any, in Central Prison Mardan. The Superintendent Headquarter Prison Mardan and Judicial Lockup Malakand were requested to provide the relevant record of the case on the date fixed.

As per schedule, the accused official appeared before the undersigned for inquiry proceedings. Relevant record of the case was also produced by Muhammad Umar head warder Headquarter Prison Mardan and Mr. Afsar Khan, warder/Lines Muharror Judicial Lockup Malakand on the date fixed i.e 18.11.2017. Statements of the accused official, Lines Muharror Judicial Lockup Malakand and representative of the Superintendent Headquarter Prison Mardan were recorded and cross examined.

The accused official Female warder (BPS-05) Mst. Mumtaz Mahal stated on oath that;

- i. She was relieved from Judicial Lockup Nowshera for Judicial Lockup Malakand upon transfer on 26.11.2015 and that she was required to report for duty at Judicial Lockup Malakand on 29.11.2015.
- ii. But she suddenly suffered from sever back pain and went to Hospital in Mardan who prescribed medicines for her and advised complete bed rest.
- iii. She remained under treatment and she was advised medical rest on each visit until 18.01.2016 when she was declared medically fit for duty and she reported for duty on the same day at Judicial Lockup Malakand.
- iv. She submitted medical rest certificates to the Superintendent Judicial Lockup Malakand and that she did not remained absent from duty willfully rather she was suffering from illness.
- v. She was granted seven (07) days casual leave on 26.02.2016 and that she was required to resume her duties on 05.03.2017 on the expiry of casual leave.
- vi. She suffered from *Malaria* during casual leave due to which she was unable to resume her duties.
- vii. After recovery from illness, she reported for duty, but she was told that she had been dismissed from service by the Superintendent Headquarter Prison Mardan for absence from duty.

**Replying to a number of questions**, the accused official Female warder (BPS-05) Mst. Mumtaz Mahal stated that **(Annexure-B)**;

- a. She has Master Degree in Islamiyat and her husband is resident of Tehsil Kabal District Swat and that her father had already shifted from Jehangirabad Takht Blai to District Nowshera.
- b. She was suffering from backache and she were not advised any kind of medical tests OR X-Ray on 29.11.2015.
- c. She had neither sent an application for leave nor medical certificates to the Superintendent Judicial Lockup Malakand as there was no adult person in her home to take application/medical rest certificate to Judicial Lockup Malakand.
- d. She was residing with her mother in Qaidabad District Charsadda when she was relieved from Judicial Lockup Nowshera.
- e. She suffered from Malaria in March 2016 due to which she could not resume her duties on the expiry of casual leave. She conducted test for the diagnoses of Malaria in District Charsadda.
- f. She had neither sent application for extension of leave nor submitted medical rest to the Superintendent Judicial Lockup Malakand.
- g. She had a mobile set having No. 0347-7817881 which remained switched off during leave in March 2016 as it was broken by her son.
- h. She was appointed in the Prisons Department as female warder in October 2002.
- i. She has already produced medical rest certificates as evidence of her absence and she does not intends to produce further evidences regarding absence.

Mr. Afsar Khan, warder/Lines Muharror, Judicial Lockup Malakand produced the relevant record of the case and submitted his written statement regarding the absence. He stated on oath that **(Annexure-C);**

- i. Female warder Mumtaz Mahal was relieved from Judicial Lockup Nowshera for Judicial Lockup Malakand on 26.11.2015 and she was required to resume her duties on 29.11.2017 but she failed to report for duty.
- ii. The accused official reported for duty at Judicial Lockup Malakand on 18.01.2016.
- iii. Medical certificates of the accused official were sent to the Headquarter Jail Mardan for further necessary action.
- iv. The accused official was granted seven days casual leave on 26.02.2016 and she was required to resumed her duties on 05.03.2016 but she did not resume her duties.

**Replying to a number of questions,** Mr. Afsar Khan, Lines Muharror Judicial Lockup Malakand replied that;

- i. The accused official neither submitted application for leave nor sent medical rest certificate on the expiry of joining time.
- ii. They had informed the competent authority regarding the absence of the accused official from duties with the request to take disciplinary action against the official concerned.
- iii. The accused official reported for duty on 18.01.2016 and submitted medical rest certificates for forty nine (49) days which were submitted to the Headquarter Jail for necessary action.
- iv. The accused official failed resume her duties on the expiry of casual leave on 05.03.2016.
- v. The accused official neither submitted application for extension of leave nor sent medical rest certificates.
- vi. They requested the Superintendent Headquarter Jail Mardan for taking necessary disciplinary action against the accused official on 17.03.2016.

Muhammad Umar Head warder representative of the Superintendent Headquarter attended the inquiry proceedings and produced the relevant record regarding the absence of the accused official who stated on oath that **(Annexure-D);**

- 1. As per available record, the accused official was relieved by the Superintendent Judicial Lockup Nowshera on 26.11.2015 for Judicial Lockup Malakand upon transfer.
- 2. The accused official failed to report for duty on the expiry of joining time and reported for duty on 18.01.2016 after fifty(50) days willful absence and submitted medical rest certificates.
- 3. The accused official was served Show cause Notice for violation of rule 1083 of the Khyber Pakhtunkhwa Prison rule and that the accused official properly submitted her written reply to the show cause notice.
- 4. The accused official was called for personal hearing on 08.03.2016 and 21.03.2016 through Superintendent Judicial Lockup Malakand but the accused official absented herself again from duty with effect from 05.03.2016.



- ④
5. The accused official was served an absence Notice on her home address with the direction to report for duty forthwith on the receipt of the said Notice otherwise she will be proceeded against under the rules.
  6. Absence Notice was received back undelivered and an absence Notice was published in the newspapers of the province on 27.04.2016 with the direction to the accused official to report for duty within fifteen days of the publication of the said Notice but she did not respond.

**Replying to a number of questions** Muhammad Umar Head warder, stated that;

- a. Inquiry was not conducted into the absence of the accused official. However, reason of dispensing with inquiry had properly been mentioned as required under the rules.
- b. The accused official properly submitted her written reply defense and she was called for personal hearing as well but she did not appear for personal hearing.
- c. They had requested the Director Information for publication of absence Notice in the leading Newspapers of the province.
- d. The accused official was provided a reasonable opportunity of defense by sending an absence Notice at her home address by providing an opportunity of personal hearing and publication of an absence Notice in the leading Newspapers of the province.

#### FINDING OF THE INQUIRY/OBSERVATION.

After perusal of the statements of the accused official, witnesses and cross questions, and perusal of the relevant record, it was found that;

1. The accused official Female warder (BPS-05) Mumtaz Mahal, was appointed in the Prisons Department Khyber Pakhtunkhwa in October 2002.
2. She was relieved by the Superintendent Judicial Lockup Nowshera upon transfer to Judicial Lockup Malakand on 26.11.2015 allowing three (03) days joining time.
3. She failed to report for duty at Judicial Lockup Malakand on the expiry of three (3) days joining time and reported for duty on 18.01.2016 after a lapse of fifty (50) days absence and submitted medical rest certificates for fifty (50) days violating 1083 of the Khyber Pakhtunkhwa Prison Rules 1985(Annexure-E).
4. The accused official was served Show Cause Notice for absence from duties and violation of ibid Prison rules.
5. The accused official had submitted her written reply to the show cause Notice.
6. The accused official was called for personal hearing on 08.03.2016 and again on 21.03.2016 through Superintendent Judicial Lockup Malakand but she had already absented herself again on 05.03.2016 on the expiry of seven (07) days casual leave(Annexure-F).
7. She could not be contacted telephonically by the Superintendent Judicial Lockup Malakand at cell number 0347-7817881 she provided at the said Jail.
8. The accused official reported for duty on 18.01.2016 and submitted medical rest certificates on the expiry of medical rest for the absence period with effect from 29.11.2015 to 17.01.2016 fifty (50) days.
  - i. Under rule 13 of the Khyber Pakhtunkhwa Government Servants Revised leave Rules 1981, "leave applied for on medical grounds shall not be

refused" meaning thereby that medical leave on medical grounds shall be applied for whenever it is advised.

- ii. However second part of the said rule says that "the leave sanctioning authority, may, at its discretion, secure second medical opinion by requesting a civil surgeon or Medical Board to medically examined the applicant".
  - iii. The accused official not only violated rule 1083 of the Khyber Pakhtunkhwa Prison Rules 1985 by submitting medical rest certificates on the expiry of medical rest but also violated rule 13 of Khyber Pakhtunkhwa Government Servants Revised Leave Rules 1981.
  - iv. She also deprived the leave sanctioning authority of securing second medical opinion through Medical Board.
9. Replying to a question, the accused official stated that when she went to the Doctor on 29.11.2015, she had neither been advised any kind of medical test OR X-ray etc nor she conducted any.
- i. However, on perusal of the medical certificates, it was found that she had been advised test MP, Typhedot and X-Ray Lumber meaning thereby that she had not been examined by the Doctor and the medical certificates are fabricated and fake.
  - ii. Medical Officer has advised two weeks medical rest each in three different Medical certificates for the periods from 29.11.2015 to 14.12.2015, from 15.12.2015 to 30.12.2015 and from 31.12.2015 to 14.01.2016. Medical Officer is not authorized to advise more than three days medical rest (Annexure-G).
10. The accused official was granted seven (07) days casual leave on 26.02.2016 by the Superintendent Judicial Lockup Malakand and she was required to resume her duties on 05.03.2016 on the expiry of casual leave.
11. But the accused official failed to resume her duties on the expiry of causal leave and absented herself on 05.03.2016 without extension of leave.
12. The accused official was served an absence Notice at her home address by the Superintendent Headquarter Jail Mardan, the competent authority, under rule 09 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 with the direction to report forthwith for duty to the Superintendent Judicial Lockup Malakand which was received back undelivered.
13. An absence Notice was published in daily Mashriq Peshawar on 27.04.2016 directing the accused official to resume her duties within fifteen(15) days of the publication of the absence Notice (Annexure-H).
14. The accused official had submitted medical rest certificates for the absence period from 05.03.2016 to 17.05.2016 with her departmental appeal to the appellate authority.
15. Replying to question the accused official stated that she was suffering from Malaria during the absence period.
- a. However, on perusal of the Medical certificates, she had been shown as suffering from *tambar spine pain, Rt. leg sciatica*.
  - b. She had been advised medical rest with effect from 05.03.2016 to 21.03.2016 (17) days, from 22.03.2016 to 07.04.2016 (17) days, from

08.04.2016 to 23.04.2016 (16) days, from 24.04.2016 to 16.05.2016 (23) days. (Total rest=17+17+16+23=73 days) (Annexure-I).


6

- c. The medical rest has been advised by a Medical Officer without proper pathological tests who is not authorized to advise medical rest for more than three days at a time which shows that the medical certificates are fabricated (Annexure-J).

#### CONCLUSION/RECOMMENDATIONS.

After perusal of the statements of the accused official, witnesses and perusal of the relevant record, medical certificates produced by the accused official with her written reply and appeal; it was concluded that;

- i. The accused official namely Female warder (BPS-05) Mst. Mumtaz Mahal was relieved by the Superintendent Judicial Lockup Nowshera upon transfer to Judicial Lockup Malakand on 26.11.2015 allowing three (03) days joining time.
- ii. She reported for duty on 18.01.2016 after a lapse of fifty (50) days absence and submitted medical rest certificates for fifty (50) days violating 1083 of the Khyber Pakhtunkhwa Prison Rules 1985.
- iii. The accused official not only violated rule 1083 of the Khyber Pakhtunkhwa Prison Rules 1985 by submitting medical rest certificates on the expiry of medical rest but also violated rule 13 of Khyber Pakhtunkhwa Government Servants Revised Leave Rules 1981.
- iv. The accused official stated that when she went to the Doctor on 29.11.2015, she had neither been advised any kind of medical test OR X-ray etc nor she conducted any.
- v. However, on perusal of the medical certificates, it was found that she had been advised test MP, Typhedot and X-Ray Lumber meaning thereby that she had not been examined by the Doctor and the medical certificates are fabricated and fake.
- vi. The accused official also remained absent from duty on the expiry of casual leave on 05.03.2016 to 13.05.2016 and she submitted medical rest certificates for the absence period on the expiry of medical rest.
- vii. again the accused official not only violated rule 1083 of the Khyber Pakhtunkhwa Prison Rules 1985 by submitting medical rest certificates on the expiry of medical rest but also violated rule 13 of Khyber Pakhtunkhwa Government Servants Revised Leave Rules 1981.
- viii. Medical Officer has advised two weeks medical rest each in three different Medical certificates for the periods from 29.11.2015 to 14.12.2015, from 15.12.2015 to 30.12.2015 and from 31.12.2015 to 14.01.2016.
- ix. Again she was advised medical rest with effect from 05.03.2016 to 21.03.2016 (17) days, from 22.03.2016 to 07.04.2016 (17) days, from 08.04.2016 to 23.04.2016 (16) days, from 24.04.2016 to 16.05.2016 (23) days. (Total rest=17+17+16+23=73 days).
- x. Medical Officer is not authorized to advise more than three days medical rest at a time without all kinds pathological tests.

In light of the above facts, contradictions in the statement of the accused official and medical certificates and unauthorized medical rest, it was concluded that the accused official namely Female warder (BPS-05) Mst. Muntaz Mahal **remained willfully absent** from her duties for the period from 29.11.2015 to 18.01.2016 (50)days and for the period from 05.03.2016 to 13.05.2016 (69) days violating rule 1083 of the Khyber Pakhtunkhwa Prison Rules 1985. 

7

Allegations leveled against the accused official ~~namely~~ **were fully proved.**

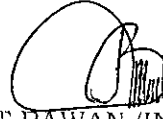
Submitted for further disposal as required under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011.



BAKHT RAWAN (INQUIRY OFFICER)  
SENIOR ASSISTANT SUPERINTENDENT  
CENTRAL PRISON MARDAN

CERTIFICATE.

certificated that the Inquiry Report contains seven(07) pages duly signed and numbered by me.



30/11/2017  
BAKHT RAWAN (INQUIRY OFFICER)  
SENIOR ASSISTANT SUPERINTENDENT  
CENTRAL PRISON MARDAN

بیان مسماہ ممتاز محل، فیملی وارڈز

17

میں مسماہ ممتاز محل، فیملی وارڈز، حال سسٹرنل محل مردان حلقہ

اقرار کرتے دکھوادتی ہوں کہ میں جب جوڈیشل لاک ٹوشہرہ سے

مکواضہ 26-11-2015 کو جوڈیشل لاک ملاکنڈ کے لیے فارغ کی گئی تو

مجھے تین یومر کا جاسٹنگ ٹائم دیا گیا اور مجھے 29-11-2015 ملاکنڈ

میں حاضری کرنی تھی مگر میرے گھر میں اجازت درد شروع ہوئی

اور میں نغرض مہمانہ مردان میں ہسپتال گئی اور ڈاکٹر نے معائنہ کے

بعد دوائیاں دی اور مکمل آرام کا مشورہ دیا اور یہ کہ میں متعلقہ

ہسپتال سے علاج جاری رکھا اور قہی دن کے وقفہ کے بعد آرام کھا

مشورہ دیا اور یہ کہ ڈاکٹر نے 18-01-2016 کو مجھے تندرست قرار

دیا اور میں نے اسی دن متعلقہ جیل میں حاضری کی اور ملاکنڈ

جیل کے سپرنٹنڈنٹ کو میڈیکل سرٹیفکیٹ حوالہ کیں اور

یہ کہ میری غیر حاضری کی وجہ بیماری ہے اور یہ کہ میں قصداً و

عمداً غیر حاضری نہیں کی ہے۔ اور یہ کہ مجھے 26-02-2016

کوسات یومر رخصت ضروری دی گئی اور یہ کہ مجھے جیل کے اختتام

پر 5-03-2016 کو ڈلوٹی پر حاضر ہونا تھا مگر جیل کے دوران مجھے

ملیریا ہمار ہو گیا اور میں ڈلوٹی پر حاضر ہونے کی قابل نہ تھی اور

مجھے مجبوراً غیر حاضر ہونا پڑا۔ اور یہ کہ جب میں صحت یار ہو کر

ملاکنڈ میں ڈلوٹی کے لیے حاضر ہوئی تو مجھے بتایا گیا کہ تمہیں لوٹری

سے درخواست کی گئی ہے۔

Attested

Mumtaz Mahal  
ممتاز محل، فیملی وارڈز  
سسٹرنل محل مردان

یہ کہ میں اسلامیات میں ماسٹر کیا ہے اور یہ میرا شوہر  
شاہ ڈھیری، تحصیل کسب ضلع سوات کا مستقل باشندہ ہے  
یہ درست ہے کہ میرا والد چھانگیر آباد، تخت کھائی میں رہائش  
پذیر تھا مگر انہوں نے وہاں سے نقل مکانی کر کے ضلع  
نوشہرہ میں رہائش پذیر ہے۔ یہ درست ہے کہ جب میں

2015-11-29 مردان ہسپتال گئی تو ڈاکٹر نے معائنہ کے بعد  
کسی قسم کے ٹیسٹ و ایکس رے وغیرہ کرانے کی ہدایت نہیں کی۔ یہ بھی  
درست ہے کہ میرے کمر میں درد تھا جس کے علاج کے لیے میں ہسپتال  
گئی۔ یہ درست ہے کہ میڈیکل ریسیٹ کی ہدایت کے بعد میں  
نے سپرنٹنڈنٹ ملاکنڈ جیل کو نہ کوئی درخواست بھیجی تھی  
اور نہ میڈیکل سپرنٹنڈنٹ بھیجے تھے کہونکہ درخواست یا میڈیکل  
ریسیٹ پہنچانے کے لیے کوئی بندہ نہیں تھا۔ یہ کہ نوشہرہ  
جیل سے فارغ ہونے کے بعد میں ضلع چارسدہ میں گاؤں  
قائد آباد مردان روڈ پر اپنے والدہ کے ساتھ رہائش پذیر تھی۔  
یہ درست ہے کہ چھٹی کے لیے درخواست نہ بھیج کر چھوٹے  
غلطی ہوئی ہے۔ یہ درست ہے کہ چارسدہ میں بھی ہسپتال  
ہے اور ڈاکٹر بھی ہیں۔ یہ درست ہے کہ میڈیکل ریسیٹ  
کی ہدایت کے بعد متعلقہ حجاز افسر سے اجازت لینا ضروری ہے۔

(ہاری ہے)

Attested  


یہ درست ہے کہ مارچ 2016ء کو چھٹی کے دوران مدیر یا بحار  
 ہو گیا جسکی وجہ سے میں چھٹی کے اختتام پر اپنی ڈیوٹی پر حاضر  
 ہونے سے قاصر رہی۔ یہ درست ہے کہ مجھے مدیر یا بحار  
 تشخیص کے لیے ٹیسٹ کروائے تھے مگر وہ ٹیسٹ میں نے  
 حارسہ کے ہسپتال میں کروائے تھے۔ یہ بھی درست ہے  
 کہ میں نے سہیل لیکل ریسیٹ اور نہ چھٹی کے لیے درخواست  
 سیرٹیفکیٹ ملاکنڈ جیل کو بھیجی تھی۔ یہ درست ہے کہ  
 میرا موبائل نمبر 0347-7817881 ہے مگر مارچ میں چھٹی کے  
 دوران میرا موبائل میرے بیٹے نے توڑ دیا تھا جس کی وجہ سے  
 میرا موبائل بند رہا۔ یہ درست ہے کہ 29-11-2015 سے  
 18-01-2016 کے غیر حاضری کی وجہ سے مجھے شوکار نوٹس ملا تھا  
 جس کا میں نے باقاعدہ جواب جمع کرا لیا تھا۔ یہ درست ہے  
 کہ مجھے میرے گھر کے پتہ "تھانڈیر آباد تخت چالی" پر بھیجے گئے  
 نوٹس مجھے نہیں ملے تھے کیونکہ میرے والد وہاں سے  
 نو سال پہلے نقل مکانی کر کے نوشہرہ میں رہائش  
 پذیر ہو چکے تھے۔ یہ غلط ہے کہ میں اخبار میں شائع  
 ہونے والے نوٹس سے اجنبی تھی۔

(حاری ہے)

Attested  


(8)

(11)

x x x

یہ درست ہے کہ میں اکتوبر 2002ء میں بحیثیت

فیصل وارڈر بھرتی ہوئی۔ اور یہ کہ میرے چارجے ہیں اور

یہ کہ میں آج ضلع نوشہرہ میں اپنے ماں کے پاس رہائش  
نذیر ہوں۔ یہ کہ میں نے اپنی غیر حاضری کے بارے میں میڈیکل سرٹیفکیٹ  
لکھور شہادت پیش کیے تھے اور مزید شہادتیں پیش نہیں کرنا چاہتی  
یہ غلط ہے کہ میں دوبار اپنی ڈلوٹی سے قصداً و عمدتاً  
غیر حاضر رہی تاکہ میں بوجہ بیماری و مجبوری اپنی ڈلوٹی سے  
غیر حاضر رہی۔ خود میرے کردار سے تسلیم کیا۔

Muntaz Makhel  
ممتاز محمل، فیصل وارڈر  
سنٹرل جیل مردان

Attested  




(Annexure)

بیان افسر خان، انسپر محترم جوڈیشل لار آب ملاکنڈ

(9)

سین لائن محترم افسر خان جوڈیشل لار آب ملاکنڈ

حلفاً بیان دیتا ہوں کہ فیصل وارڈر ممتاز محل کو  
26-11-2015 پر جوڈیشل لار آب لائسنس سے خارج ہوئی

صبح 29/11/2015 پر حاضری تھی جو حاضر نہ ہوئی

ممتاز محل رپورٹ کے مطابق 2016-1-18 پر جوڈیشل لار آب ملاکنڈ  
میں حاضر ہوئی۔ جسکی ریکارڈ دید لیگی وغیرہ تمام حکم نے صدر کو وارڈر  
کو بھیجی۔ بعد ازاں 2016-2-26 کو پیرانہ کو (7) لاکھی جھٹی ملی  
صدر مقامی 2016-3-5 کو حاضری تھی جو حاضر نہ ہوئی

حکم نے صدر کو وارڈر کو لیکر بھیجی ہے۔ جو ریکارڈ پر موجود ہے

18/11/2017

لینچ اور رپورٹ عکس ہے

Attested  
(Signature)

افسر خان، انسپر محترم  
جوڈیشل لار آب ملاکنڈ

xxx یہ درست ہے کہ ممتاز محل نے جائینگ ٹائم ختم ہونے کے بعد نہ  
جھٹی کی درخواست بھیجی تھی اور نہ میڈیکل ریسٹ بھیجے تھے  
یہ بھی درست ہے کہ ہم نے حجاز انٹھارٹی کو لیکر بھیجا تھا کہ  
ممتاز محل ڈیوٹی سے غیر حاضر ہے اور قانونی کارروائی کی درخواست  
کی تھی۔ یہ بھی درست ہے کہ ممتاز محل 2016-01-18 کو ڈیوٹی

(جاری)

کے لیے حاضر ہوئی اور سابق (49) لوہ کے مسیڈ لیکل  
ریسٹ پیش کیں جو کہ ضروری کارروائی کے لیے سیرٹیفکٹ  
ہیڈ کوارٹر جیل ارسال کیں۔ یہ بھی درست ہے کہ مہماہ ممتاز  
محل 05-03-2016 بعد از اختتام جھٹی ڈیوٹی پر حاضر نہ ہوئی۔  
یہ درست ہے کہ ملزمہ نے جھٹی کے لیے کسی قسم کی درخواست نہیں  
کھی تھی اور نہ مسیڈ لیکل ریسٹ ارسال کیا تھا۔ یہ درست ہے  
کہ ملزمہ کے خلاف غیر حاضری کی مابت ضروری کارروائی کرنے  
کے لیے سیرٹیفکٹ ہیڈ کوارٹر جیل مردان کو 17-3-2016 کو  
(سیرٹیفکٹ) بھیجا تھا۔ یہ غلط ہے کہ ہم نے ملزمہ کے خلاف سیر  
وقت لگا فالوئی کارروائی نہیں کی ہے۔

Attested





OFFICE OF THE SUPERINTENDENT  
JUDICIAL LOCKUP MALAKAND  
Tel: 0932-413050, Fax: 0932-413050

No 240/WE Dated 18/01/2016

Handwritten marks and numbers: a circled '14', a circled '11', and other illegible scribbles.

To,

The Superintendent,  
Circle Head Quarter Prison, Mardan.

Subject: MEDICAL REST/ ARRIVAL REPORT OF FEMALE WARDER  
MST. MUMTAZ MAHAL

Memo,

Enclosed please find herewith medical rest of Forty Nine Days (49) of Female Warder captioned in subject as she was relieved by the Superintendent Judicial Lockup Nowshera on 26-11-2015 vide his office memo No.1818, dated 26-11-2015 and she reported for duty to this jail on 18-01-2016.

Submitted for further necessary action as deemed appropriate please.

Handwritten signatures and stamps:  
A large signature on the left, possibly 'DCI'.  
A signature in the center, possibly 'PB'.  
A signature on the right, possibly 'J. Singh'.  
A stamp: SUPERINTENDENT 19/1/16, JUDICIAL LOCKUP MALAKAND.

Dr No 204  
dt: 12/2/16

Registered

OFFICE OF THE  
SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

No. 3464 P.B/Dt: 31.12.2015

(88)

(15)

To,

Female Warder Mumtaz Mahal D/O Habib Ullah,  
R/O Arbi Kalay, Jehangeer Abad Takht Bhai District Mardan.

(11)

Subject: Absent Notice  
Memo;

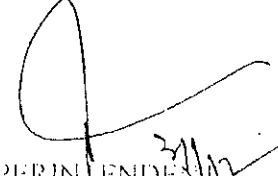
You were relieved on 26-11-2015 from Judicial Lockup Nowshera upon transfer to Judicial Lockup Malakand but you failed to report for duty and is still at large. You are directed to resume your duties immediately after receiving of this notice otherwise strict disciplinary action will be taken against you.

  
SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

Endorsement No: 3465-67 /

Copy of the above is forwarded to:

1. The Inspector General of Prisons Khyber Pakhtunkhwa, Peshawar for information with reference to memo No.35745 dated 17-12-2015.
2. Superintendent Judicial Lockup Malakand for information.
3. Superintendent Judicial Lockup Nowshera for information

  
SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

(Annexure-D)

بیان محمد عمر بیڈ وارڈر، ہیڈ کوارٹر جیل مردان

(16)

میں محمد عمر بیڈ وارڈر، ہیڈ کوارٹر جیل مردان حلفاً اقرار کرتے  
مکھو ادیتا ہوں کہ بمطابق ریکارڈ جیل ہذا، مسماۃ ممتاز محل  
فیمل وارڈر مورخہ 26-11-2015 کو سپرنٹنڈنٹ جوڈیشل  
لاڈ آف نوشہرہ نے اپنی ڈیوٹی سے فارغ کیا اور ہدایت کی جوڈیشل  
لاڈ آف ملاکنڈ میں ڈیوٹی کے لیے حاضر ہو جاؤ لیکن انہوں نے

ملاکنڈ جیل میں ہر وقت حاضر نہ ہوئی اور مورخہ 18-01-2016

کو (50) یوم غیر حاضری کے بعد حاضر ہوئی اور غیر حاضری کی وجوہات  
کے بابت ہیڈ کوارٹر سپرنٹنڈنٹ پیش کیے اور یہ فیمل وارڈر کو قاعدہ

1083 کی خلاف ورزی کرنے پر سپرنٹنڈنٹ ہیڈ کوارٹر جیل مردان

نے شوکار نوٹس جاری کر دیا اور یہ انہوں نے شوکار نوٹس کا جواب

ارسال کر دیا اور یہ کہ متعلقہ فیمل وارڈر کو سپرنٹنڈنٹ

ہیڈ کوارٹر جیل نے (Personal Hearing) کے لیے مورخہ 03-03-2016

اور 21-03-2016 بذریعہ سپرنٹنڈنٹ جیل ملاکنڈ بلا دیا مگر

وہ دوبارہ مورخہ 05-03-2016 کو بعد از اختتام چھٹی اپنی


ڈیوٹی سے غیر حاضر تھی اور یہ کہم فیمل وارڈر کو اس کے

گھر کے پتہ پر غیر حاضری نوٹس بھیجا گیا اور ہدایت کی

گئی کہ نوٹس کے وصول ہوتے ہی فوراً اپنی ڈیوٹی پر

حاضر ہو جاؤ بصورت دیگر سبقت قانونی کارروائی کی جائے گی

(جاری ہے)

Attested  


2  
9/8

یہ کہ مذکورہ غیر حاضری نوٹس بیڈ کو اسٹریٹس و ایسٹس وصول ہو کر، فیملی وارڈر کو ڈیوٹی پر حاضر ہونے کے لیے اخبار میں غیر حاضری نوٹس شائع کر دیا جو کہ 27-04-2016 کو روزنامہ مشرق میں شائع ہوا اور یہ کہ انہیں اشاعتی نوٹس میں ہدایت کی گئی کہ وہ بندرہ آیام کے انڈر انڈر اینٹی ڈیوٹی پر حاضر ہو جاؤ مگر وہ نہ ڈیوٹی پر حاضر ہوئی اور نہ خط و کتابت کے ذریعے کوئی اطلاع دی اور یہ کہ فیملی وارڈر کو 13-05-2016 کو نوکری سے قانون کے مطابق بٹا دی گئی۔

بیان خود پڑھ کر درست تسلیم کیا گیا

محمد عمر بیڈ وارڈر  
بیڈ کو اسٹریٹس جیل مردان

Attested

xxx

یہ درست ہے کہ مقدمہ کے خلاف غیر حاضری کی بابت انکوٹری نہیں کرائی گئی جس کا باقاعدہ ذکر شوکار نوٹس مجرہ 20-02-2016 میں کیا گیا ہے جو کہ درست اور قانون کے مطابق ہے۔ مزید یہ کہ فیملی وارڈر نے باقاعدہ شوکار نوٹس کا جواب دیا اور انہیں (Personal Hearing) کا بھی موقع دیا گیا جس کے لیے وہ حاضر نہ ہوئی۔

(جاری ہے)

xxx یہ غلط ہے کہ غیر حاضری نوٹس صرف ایک اخبار میں  
 شائع کرنا ہے بلکہ ہم نے ڈائریکٹر انفارمیشن خیر بھٹو کو  
 کولمبیا میں (Leading Newspapers) میں شائع کرنے کا کہا لکھا  
 تھا لیکن ہمیں صرف ایک اخبار ملا، دوسرے اخبار  
 میں ہم کافی تلاش کیا مگر نہیں ملا کیونکہ نہ ڈائریکٹر  
 انفارمیشن نے اخبار بھیجا اور اخبار کے مالک متعلقہ تاریخ  
 اخبار بھیجا۔ یہ غلط ہے کہ فیصل وارڈر کو اپنی غیر حاضری کی  
 بابت صفائی کا موقع نہیں دیا گیا، بلکہ نہ صرف نہیں ان کے گھر کے  
 پتہ پر غیر حاضری کا نوٹس بھیجا گیا بلکہ انہیں مجاز اٹھارٹی نے  
 (Personal Hearing) کا بھی موقع دیا گیا اور انہیں اخبار کے ذریعے  
 شائع شدہ نوٹس میں بھی ہدایت کی گئی کہ وہ اپنی ڈیوٹی پر حاضر  
 ہو کر اپنی غیر حاضری کی وجوہات بیان کرے مگر وہ حاضر نہ ہوئی

محمد عمر بیڈ وارڈر  
 بیڈ کوارٹر جیل ہردان

Attested  




UM  
→

SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN  
No. 597 /P.B/Dt: 01/03/2016

To,

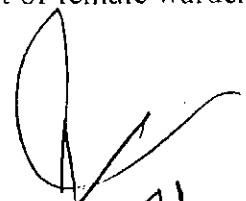
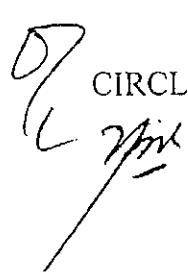
The Superintendent  
Judicial Lockup Malakand

(16) (19)  
(11)

Subject: PERSONAL HEARING

R/Sir,

It is submitted that Female warder Mst Mumtaz Mehal Bibi D/O Habib Khan attach to your Jail may please be directed to attend this office for personal hearing on 08-03-2016, along with his service book. Furthermore leave account of female warder concerned too, may please be forwarded to this office before 08-03-2016.

  
01/3  
SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN  




OFFICE OF THE  
SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

No. 679 /P.B/Dt: 16/03/2016

7  
68  
20  
17  
10

To.

The Superintendent  
Judicial Lockup Malakand

Subject:

PERSONAL HEARING

In continuation this office letter No.597 dated 01-03-2016

R/Sir,

It is submitted that Female warder Mst Mumtaz Mehal Bibi D/O Habib Khan  
attach to your Jail may please be directed to attend this office for personal hearing on 21-03-  
2016.

07  
SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN



**OFFICE OF THE SUPERINTENDENT**

**JUDICIAL LOCKUP MALAKAND**

Tel: 0932-413050, Fax: 0932-413050

No 240/WZ Dated. 18/01/2016

(28)

(B)

To,

~~(Signature)~~

The Superintendent,  
Circle Head Quarter Prison, Mardan.

**Subject: MEDICAL REST/ ARRIVAL REPORT OF FEMALE WARDER  
MST. MUMTAZ MAHAL**

Memo,

Enclosed please find herewith medical rest of Forty Nine Days (49) of Female Warder captioned in subject as she was relieved by the Superintendent Judicial Lockup Nowshera on 26-11-2015 vide his office memo No.1818, dated 26-11-2015 and she reported for duty to this jail on 18-01-2016.

Submitted for further necessary action as deemed appropriate please.

ok

~~(Signature)~~  
SUPERINTENDENT  
JUDICIAL LOCKUP MALAKAND

ملاحظات  
 1- ...  
 2- ...  
 3- ...  
 4- ...  
 5- ...  
 6- ...  
 7- ...  
 8- ...  
 9- ...  
 10- ...

108	6	45	108	6	45
98	4	15	98	4	15

108	6	45	108	6	45
98	4	15	98	4	15

108	6	45	108	6	45
98	4	15	98	4	15

108

7/15

(Annexure - F)

28

06-2-2016

جسٹس عالی  
 دفتر الوریڈیٹری  
 جسٹس عالی  
 لیسوا لہ پورہ

06	02	198	06	مفتی محمد رفیع
06	-	06	-	مفتی محمد رفیع
-	-	-	-	مفتی محمد رفیع
-	-	-	-	مفتی محمد رفیع
-	-	-	-	مفتی محمد رفیع
01	-	01	-	مفتی محمد رفیع
09	-	09	01	مفتی محمد رفیع
-	-	-	-	مفتی محمد رفیع
01	-	01	-	مفتی محمد رفیع
6	-	05	01	مفتی محمد رفیع
23	-	20	3	مفتی محمد رفیع
33	2	28	3	مفتی محمد رفیع
56	02	198	06	مفتی محمد رفیع

27/1/14

کون

کون

کون



OFFICE OF THE SUPERINTENDENT  
JUDICIAL LOCKUP MALAKAND  
Tel: 0932-413050, Fax: 0932-413050

No 783 Dated 17/03/2016

22 25



To,

The Superintendent,  
Circle Head Quarter Prison Mardan.

Subject: DISCIPLINARY ACTION MST. MUMTAZ MAHAL.

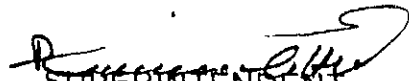
Memo,

It is submitted for your kind information that the Female Warder Mumtaz Mahal was preceded for (07) days causal Leave w.e.f. 26-02-2016 to 05-03-2016. After expiry of the said period, the above mentioned Female Warder failed to report for duty, and remained absent till date without permission of the competent authority.

Moreover, the contact number i.e. 0347-7817881 provided by the concerned female warder is switched off from the date when she depart for casual leave from this office and still no contact is possible.

It is requested that strict disciplinary action may be initiated against the said Female Warder Efficiency & disciplinary Rules 2011.

Submitted for further necessary action please.

  
SUPERINTENDENT  
JUDICIAL LOCK UP MALAKAND

No 1.

Copy of the above is forwarded to the Worthy Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information please.

Def No 665-  
2/3/16

SUPERINTENDENT  
JUDICIAL LOCK UP MALAKAND

(26)

(1)

~~Amos...~~

No. \_\_\_\_\_ Rs. 5  
 OUT-PATIENTS DEPARTMENT  
 NAME Mumtaz Mg  
 YEARLY NO 7811-118  
 DATE 09-11-2015  
 DISEASE py  
 PAGE VALUE RUPEES 5

LRP  
 comp 14  
 45. appropriate  
 AC/1  
 NP  
 24-12-15  
 Medical Superintendent  
 D.H.O. Hospital, Sarda  
 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

Adc Compent bed nest fason  
 09-11-2015 TO 14-12-2015  
 09-11-15

21. Mecc 5-1-15

No. \_\_\_\_\_ Rs. 5  
 OUT-PATIENTS DEPARTMENT  
 NAME Mumtaz Mg  
 YEARLY NO 1013-118  
 DATE 15-12-2015  
 DISEASE  
 PAGE VALUE RUPEES 5

Registered  
 Medical Superintendent  
 D.H.O. Hospital, Sarda

24. Compent bed nest fason  
 15-12-2015 TO 30-12-2015  
 30-12-15

24. Compent bed nest fason  
 15-12-2015 TO 30-12-2015  
 30-12-15

(6)

(46)

(27)  
(D)

OUT-PATIENTS DEPARTMENT  
 NAME Muniraj Meher  
 YEARLY NO 3040-118  
 DATE 31-18-2015  
 DISEASE

PAGE VALUE RUPEE

F.S. 17 500  
26 0000 50  
 Counter signed 1-1

*[Signature]*  
 Medical Superintendent  
 H.O. Hospital

1-1  
1-1  
1-1

1-1  
1-1  
1-1

1-1

Ad: Complete bed rest

31-12-2015 - 31-12-2015  
 MEDICAL OFFICER  
 D.H.O. HOSPITAL  
 MANGALURU  
 31-12-2015

OUT-PATIENTS DEPARTMENT  
 NAME Shree  
 YEARLY NO 1394-663  
 DATE 15-01-2016  
 DISEASE

PAGE VALUE RUPEE

UNREGISTERED 1-1 500  
28 0000 50  
 Counter signed 1-1

*[Signature]*  
 Medical Superintendent  
 H.O. Hospital

1-1  
1-1

1-1  
1-1  
1-1

1-1

Ad: Complete bed rest

31-12-2015  
 MEDICAL OFFICER  
 D.H.O. HOSPITAL  
 MANGALURU  
 31-12-2015

(E)

(SH)



28

PATIENTS DEPARTMENT

NAME Murugan  
YEARLY NO 0355-3871  
DATE 18-01-2016  
DISEASE FITNESS CERTIFICATE  
PAGE VALUE RUP

It is certified that Mr.

Unemployed

Murugan is now

Fit for his duty.  
18-1-2016  
Medical Superintendent  
D.H.O. Hospital, Sarsai

MEDICAL OFFICER  
D.H.O. HOSPITAL  
SARSAI  
18-1-2016

Copy sent to ...  
18-1-2016

No. 5

OUT PATIENTS DEPARTMENT

NAME M. Subramanian  
YEARLY NO 8432  
DATE 17-5-2016  
DISEASE

FITNESS CERTIFICATE

It is certified that I have  
examined Mrs. Subramanian  
at Sarsai on 17/5/2016.

She is now fit to resume  
his duty.

MEDICAL OFFICER  
D.H.O. Hospital  
Sarsai  
17/5/16

FACE VALUE RUPERS 55

44

(~~ANNEXURE~~)

29

OFFICE OF THE  
SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

No. 733 /P.B/Dt: 22/03/2016

*Ref*

To,

Female Warder MST Musmtaz Mahal D/O Zahid Habib Ullah,  
R/O Arabi Kalay P/O Jehangirabad Tehsil Takht Bhai District  
Mardan.

Subject:

ABSENT NOTICE

Memo;

As per report of Superintendent Judicial Lockup Malakand you were granted 07 days of casual leave on 26-02-2016 to 05-03-2016 (F.N). But you failed to report for duty on 05-03-2016 and still at large. Ensure your presence at Judicial Lockup Malakand ~~within 05 days~~ <sup>present</sup> after receiving of this notice otherwise strict disciplinary action will be taken against you.

*27/3*  
SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN  
*7/3*

Endorsement No: 734-35

Copy of the above is forwarded to the:-

- 1- Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar for information please.
- 2- Superintendent Judicial Lockup Malakand for information with reference to his memo No.783 dated 17-03-2016.

*27/3*  
SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN  
*7/3*

## نوٹس نمبر 35

آپ وارڈرنی میل وارڈر جو کہ ہائی سیکورٹی جیل مردان رجسٹرڈ نیشنل لاک اپ ماکنڈ سے مندرجہ ذیل تاریخوں سے غیر حاضر ہیں کو بذریعہ نوٹس ہذا اطلاع دی جاتی ہے کہ پندرہ دن کے اندر اندر دفتر لڈ اینس حاضری کی رپورٹ کریں اور اپنی غیر حاضری کی مقبول وجہ بتائیں۔ بصورت دیگر آپ کے خلاف کارروائی قانونی کارروائی عمل میں لائی جائے گی جو کہ آپ کی ملازمت سے برخاستگی پر منتج ہو سکتی ہے۔

نام وارڈر بمعہ ولدیت	تفصیل
1- وارڈر مشتاق علی ولد امیر زادہ سکسہ گاؤں مشکوی تحصیل خوازہ ضلع سوات	بطور جیل وارڈر آپ کو برطانیق سپرنٹنڈنٹ سرکل ہیڈ کوارٹر ہالی سیکورٹی جیل مردان کے آرڈر نمبر 193 مورخہ 25-11-2015 کے ڈسٹرکٹ جیل سوات سے ہائی سیکورٹی جیل مردان تبدیل کیا گیا اور آپ کو ڈسٹرکٹ جیل سوات سے ریلیونگ ڈاکٹ نمبر 329 مورخہ 19-01-2016 کو ہائی سیکورٹی جیل مردان میں ڈیوٹی کیلئے رپورٹ کرنے کو کہا گیا لیکن آپ ابھی تک حاضر نہیں ہوئے۔ آپ کو بذریعہ ہائی سیکورٹی جیل مردان رجسٹرڈ نوٹس نمبر 1463-65 مورخہ 15-03-2016 کو بذریعہ سپرنٹنڈنٹ ڈسٹرکٹ جیل سوات مطلع کیا گیا کہ آپ پندرہ یوم کے اندر اندر حاضری یقینی بنائیں لیکن آپ پھر بھی حاضر نہ ہوئے۔ دوبارہ آپ کو بذریعہ ہیڈ کوارٹر جیل مردان رجسٹرڈ نوٹس نمبر 836 مورخہ 06-04-2016 کو گھر کے پتے پر مطلع کیا گیا کہ آپ سات یوم کے اندر اندر حاضری یقینی بنائیں لیکن آپ ابھی حاضر نہ ہوئے۔
2- بی میل وارڈر ممتاز گل بی بی ولد حبیب خان سکسہ عربی کلے ڈاکخانہ جہانگیر آباد تحصیل تخت بھائی ضلع مردان	بطور جیل بی میل وارڈر آپ کو برطانیق سپرنٹنڈنٹ رجسٹرڈ نیشنل لاک اپ ماکنڈ کے آپ کو مورخہ 26-02-2016 کو سات یوم رخصت ضروری دی گئی اور آپ کی حاضری 05-03-2016 کو قتل دوپہر تھی لیکن آپ حاضر نہ ہوئی۔ آپ کو بذریعہ سرکل ہیڈ کوارٹر مردان سے رجسٹرڈ نوٹس نمبر 733 مورخہ 22-03-2016 کو گھر کے پتے پر مطلع کیا گیا کہ آپ پندرہ یوم کے اندر اندر حاضری یقینی بنائیں لیکن آپ پھر بھی حاضر نہ ہوئی اور اس سے پہلے ہی آپ 52 یوم غیر حاضری ہیں اور اس غیر حاضری کا فیصلہ ہوا نہیں کہ آپ دوبارہ غیر حاضر ہو گئی جس سے آپ کی اس نوکری سے عدم دلچسپی ظاہر ہوتی ہے۔

## صاحبزادہ شاہ جہان سبر سٹیشن سروسز ہیڈ کوارٹر ہائی سیکورٹی جیل مردان

Say No to Corruption \* InfoKPGovt \* @infoKPGovt INF(P)1860 \* Send KP to 8333

27-04-2016

31

29

OUT PATIENTS DEPARTMENT  
 No.   
 Rs. 5  
 NAME *21-11-2016 B.L.E*  
 YEARLY NO *26849*  
 DATE *24-4-2016*  
 DISEASE *Post op scalds*  
*Went*

Advised Complete home bed rest  
 w.e.f 24/4/16 to 16/5/16

*Dr. A. J.*  
 Capt. Anand 130  
 141  
 MS. Vittal 141  
 Cap. Esson 141  
 Sp. Narasim 141  
 Sp. Nagaraj 141

MEDICAL OFFICER  
 DHO, Hospital  
 Alandam

FACE VALUE RUPEES 55

OUT PATIENTS DEPARTMENT  
 No.   
 Rs. 5  
 NAME *21-11-2016 B.L.E*  
 YEARLY NO *5643*  
 DATE *8-4-2016*  
 DISEASE *Post op scalds*  
*Went*

Advised Complete home bed rest  
 w.e.f 8/4/16 to 28/4/16

*Dr. A. J.*  
 Capt. Anand 141  
 141  
 MS. Vittal 141  
 Cap. Esson 141  
 Sp. Vidyasiri 141  
 Sp. Sampath 141

MEDICAL OFFICER  
 DHO, Hospital  
 Alandam

FACE VALUE RUPEES 55

12

43

32

30

10

OUTPATIENTS DEPARTMENT

NAME Muhammad Muneer  
 YEARLY NO 8355-9871  
 DATE 18-01-2016  
 DISEASE Pituitary Adenoma  
 PAGE VALUE RUI

It is certified that Mr

Muhammad Muneer is now

COMMISSIONED

for duty.

18-1-2016

*[Signature]*  
 Medical Superintendent  
 D.H.O. Hospital Mandan

MEDICAL OFFICER  
D.H.O. HOSPITAL  
MANDAN  
18-2-2016

18-1-2016  
 18-2-2016  
 18-2-2016

NO.

R. 5

OUT PATIENTS DEPARTMENT

NAME Mrs. Mumtaz Muneer  
 YEARLY NO 8432  
 DATE 17-5-2016  
 DISEASE

FACE VALUE RUPEES 5/-

It is certified that

Mrs. Mumtaz Muneer

is now fit to resume

her duty.

17/5/2016

*[Signature]*  
 Medical Superintendent  
 D.H.O. Hospital Mandan

MEDICAL OFFICER  
D.H.O. Hospital  
MANDAN  
17/5/2016

44

(~~ANNEXURE F~~)

HEALTH DEPARTMENT,  
NO.SOHV/10-4/93  
Dated the 2nd November 1993.

33

Subject: **LEAVE ON MEDICAL CERTIFICATE.**

I am directed to say that it has come to the notice of Govt: that certain doctors working at various Health institution recommends bed rest to the Govt: Servants for a specific period. Govt: Servant to whom leave is recommended are not allowed and diagnosed properly and investigated to know the nature of disease and cause of symptoms, if any. The certificate for medical leave are awarded without showing the particular diseases bad rest advised in a mechanical /perfunctory way.

This action on the part of a medical officer is undesirable. Provincial Govt: has taken a very serious view of this Practice which is not only a gross violation or SR-229 but the opposite medical attendance rules . Besides this practice encourages Govt: Service to avoid duty and indulge in indiscipline.

I am therefore, further directed to inform you that all servants working in the Health Department may be directed that the Govt: Servants is advised for bed rest , all pathological , logical and other diagnostic investigations may be carried out. These of leave which is more than 3 days the patients should be bed to the Medical supdt:/Civil Surgeon concerned of the Distt: should personally examine the patients and issue medical certificate as per specimens attached.



Ammequs B

11

**ORDER**

WHEREAS, Female warder Mst Mumtaz Mahal D/O Habib Khan, presently attached to Judicial Lockup Nowshera was ordered that the period of her absence from 30-11-2015 to 18-01-2016 (50 days) and from 05-03-2016 to 13-05-2016 (69 days) treated as leave without pay and was awarded the major penalty of "reduction to lower stage upto one year" by the Superintendent Headquarters Prison Mardan vide his office order No.3591 dated 20-12-2017 for her absence /misconduct.

AND WHEREAS, the said Female Warder preferred her departmental appeal for setting-aside the penalty awarded to her and grant of back benefit which was examined in the light of available record of the case and it was observed that all legal/ procedural formalities as required under the E & D Rules -2011 have also been observed by the competent authority.

~~AND WHEREAS, she was afforded an opportunity of personal hearing on 20-03-2018. During the course of hearing she failed to justify her appeal as the competent authority already taken lenient decision.~~

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 competent authority is upheld and her appeal is hereby rejected being without any substance.

INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA , PESHAWAR.

ENDST;NO. 10382-85 /-

Copy of the above is forwarded to:-

1. The Superintendent, Headquarters Prison Mardan for information and necessary action with reference to his letter No. 301 dated 02-02-2018.
2. The Superintendent, CP Mardan for information and necessary action.
3. District Accounts Officer concerned for information.
4. Official concerned.

*[Signature]*  
ASSISTANT DIRECTOR (ADMN)  
FOR INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA PESHAWAR.

2200  
4-4-18

DS-1/P.B

for Mst M.

*[Signature]*

*[Signature]*  
04-4-18



OFFICE OF THE SUPERINTENDENT CIRCLE HQS. PRISON MARDAN

No. 3591 /PB Dated: 20/12/2017. E-Mail: mardanjail@gmail.com, 0937-843114  
OFFICE ORDER.

WHEREAS, the accused official Mst. Mumtaz Mehal D/o Habib Khan was proceeded against under Rule-3 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges of her misconduct as mentioned in the Statement of Allegation /Charge Sheet No. 3156-59 dated. 02-11-2017 served upon her and denovo inquiry was conducted as per orders vide Judgment dated 02-10-2017 in Service Appeal No. 828/2016 Khyber Pakhtunkhwa Service Tribunal Peshawar, wherein Mr. Bakht Rawan Senior Assistant Superintendent Jail, Central Prison Mardan was appointed as Inquiry Officer.

AND WHEREAS, she furnished her written reply/defence without any documentary proof/evidence to the inquiry officer and the allegations/charges against her were fully proved.

AND WHEREAS, she was proceeded against under Rule-3 on the charges of her misconduct/wilful absence as mentioned in the Show cause Notice vide No. 3448-50 dated 05.12.2017.

AND WHEREAS, she furnished her written reply/defence without any documentary proof/evidence which was found un-satisfactory.

~~AND WHEREAS, the undersigned being competent authority granted her the opportunity of personal hearing on 20-12-2017, as provided for under rules ibid. The accused official completely failed to defend her case with documentary proof/evidence.~~

NOW THEREFORE, in exercise of powers conferred under Rule-14(5) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, being 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 after observing all legal procedural formalities, is hereby award major penalty of "Reduction to lower stage up to one year" in her present time and pay scale to Mst. Mumtaz Mehal D/o Habib Khan presently attached to Central Prison Mardan for her misconduct/wilful absence with effect from 30-11-2015 to 18-01-2016 fifty (50) days and from 05-03-2016 (FN) to 13-05-2016 (FN) sixty nine (69) days are hereby treated as leave without pay.

(FAZAL HAMEED KHAN KHEL)  
SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

Endst: No. 3592-98

Copy of the above is forwarded to;

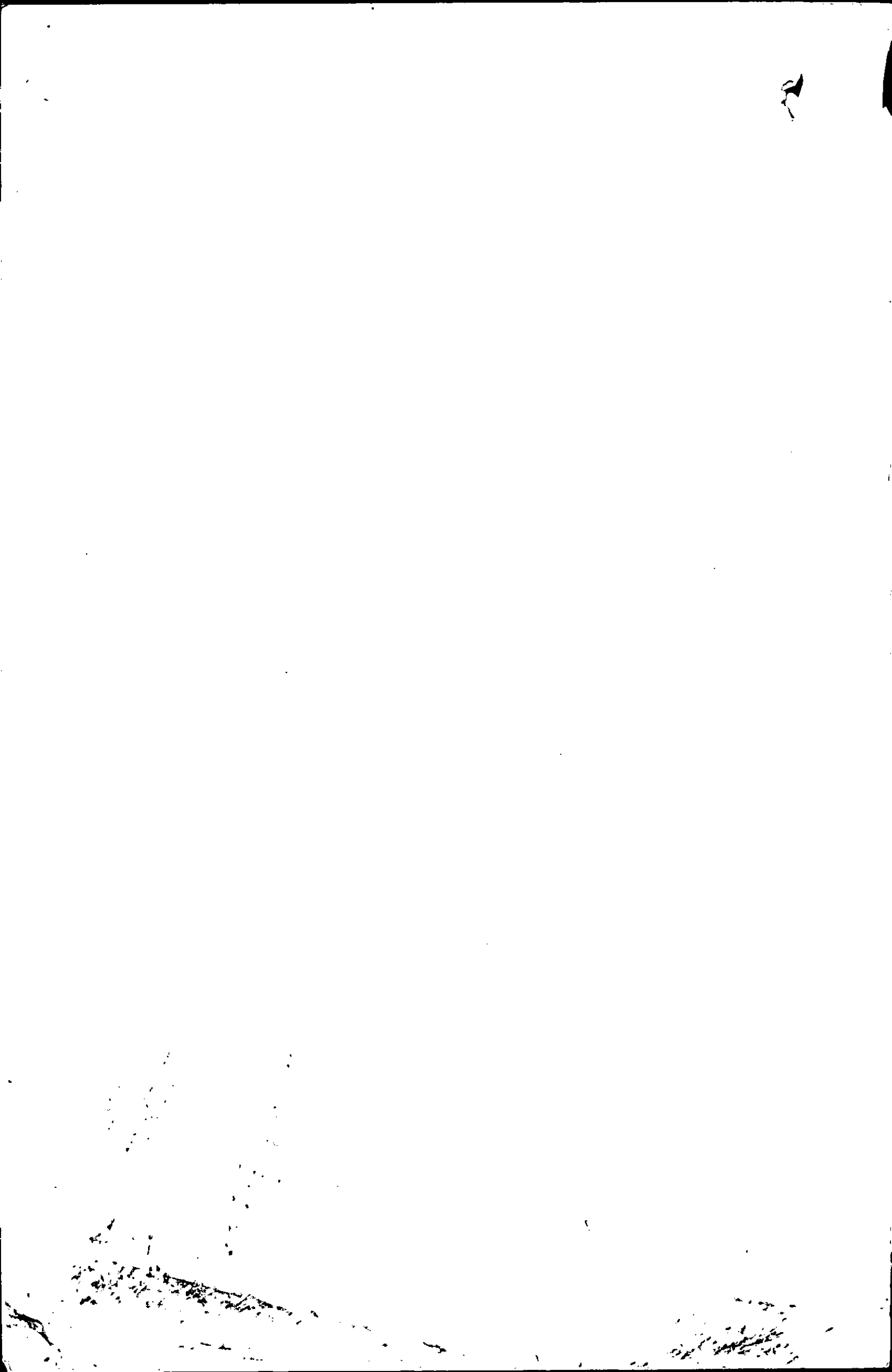
1. The Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar for information with references his letter No. 23996 dated 13.10.2017 please.
2. The Superintendent Central Jail Mardan.
3. The Superintendent Judicial Lockup Malakand.
4. The District Accounts Officer Mardan/Malakand.

For information and necessary action please.

5. Mr. Bakht Rawan Senior Assistant Superintendent Jail, Central Prison Mardan for information and with reference to his inquiry report dated.30-11-2017.
6. The Female Warder Mumtaz Mehal C/O Superintendent Central Jail Mardan.

(FAZAL HAMEED KHAN KHEL)  
SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN





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

Mumtaz Mehal.....Vs.....IG Prison KPK Peshawar

**REJOINDER ON BEHALF OF  
THE APPELLANT**

---

**Respectfully Sheweth:**

1. Contents incorrect and misleading, the appeal being filed well in accordance with the prescribed rules and procedure hence maintainable competent and filed within time.
2. Contents incorrect and misleading, no rules of estoppels is applicable in the instant case.
- 3-4 Contents incorrect and misleading, the appellant has illegally awarded the major penalty of lower stage, hence she being an aggrieved civil servant has got the cause of action to file the instant appeal and locus standi as well.
5. Contents incorrect and misleading, all the necessary parties are arrayed in the instant appeal.

6. Contents incorrect and misleading, the appeal is filed well within prescribed period of limitation.

**On Facts**

1. Contents need no reply.
2. Contents incorrect and misleading hence denied.
3. Contents need no reply.
4. Contents of Para No. 04 of the appeal are correct, reply submitted to the para is incorrect and misleading.
5. Contents of Para No. 05 of the appeal are correct, reply submitted to the para is incorrect and misleading.
6. Contents need no reply, however contents of para No. 06 of the appeal are correct.
7. Contents need no comments.
- 8-11 Contents need no comments, however contents of the corresponding paras of the appeal are correct.
12. Contents incorrect and misleading, the penalty imposed was illegal and in clear violation of the order and judgment of this Hon'ble Tribunal.


**Grounds:**

A-J Taken in the memo of appeal are legal and will be substantiated at the time of arguments.

**It is, therefore, most humbly prayed that the appeal of the appellant may please be accepted as prayed for.**

Appellant  
Through

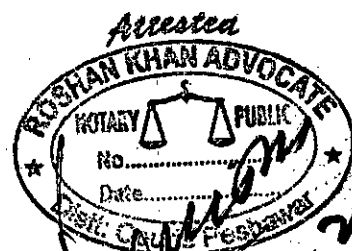
Date: 29.06.2019

  
**Yasir Saleem**  
Advocate, High Court  
Peshawar

**AFFIDAVIT**

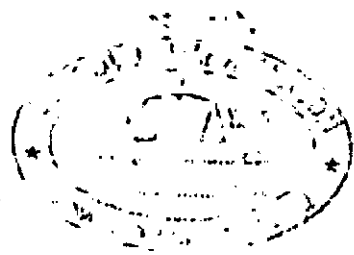
It is solemnly affirm and declare on oath that the contents of the **rejoinder** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

*Mumtaz Mehal*  
**DEPONENT**



*01-07-2019*

h



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

Mumtaz Mehal.....Vs.....IG Prison KPK Peshawar

**REJOINDER ON BEHALF OF**  
**THE APPELLANT**

---

**Respectfully Sheweth:**

1. Contents incorrect and misleading, the appeal being filed well in accordance with the prescribed rules and procedure hence maintainable competent and filed within time.
2. Contents incorrect and misleading, no rules of estoppels is applicable in the instant case.
- 3-4 Contents incorrect and misleading, the appellant has illegally awarded the major penalty of lower stage, hence she being an aggrieved civil servant has got the cause of action to file the instant appeal and locus standi as well.
5. Contents incorrect and misleading, all the necessary parties are arrayed in the instant appeal.

6. Contents incorrect and misleading, the appeal is filed well within prescribed period of limitation.

**On Facts**

1. Contents need no reply.
2. Contents incorrect and misleading hence denied.
3. Contents need no reply.
4. Contents of Para No. 04 of the appeal are correct, reply submitted to the para is incorrect and misleading.
5. Contents of Para No. 05 of the appeal are correct, reply submitted to the para is incorrect and misleading.
6. Contents need no reply, however contents of para No. 06 of the appeal are correct.
7. Contents need no comments.
- 8-11 Contents need no comments, however contents of the corresponding paras of the appeal are correct.
12. Contents incorrect and misleading, the penalty imposed was illegal and in clear violation of the order and judgment of this Hon'ble Tribunal.

Grounds:

A-J Taken in the memo of appeal are legal and will be substantiated at the time of arguments.

It is, therefore, most humbly prayed that the appeal of the appellant may please be accepted as prayed for.

Appellant  
Through

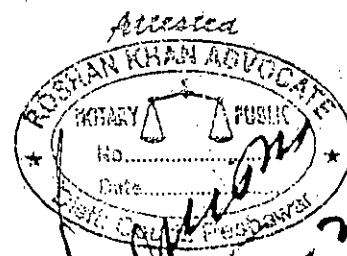
*9*  
Yasir Saleem  
Advocate, High Court  
Peshawar

Date: 29.06.2019

AFFIDAVIT

It is solemnly affirm and declare on oath that the contents of the **rejoinder** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

*Munir mehel*  
DEPONENT



*01-07-2019*



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

Mumtaz Mehal.....Vs.....IG Prison KPK Peshawar

**REJOINDER ON BEHALF OF**  
**THE APPELLANT**

---

**Respectfully Sheweth:**

1. Contents incorrect and misleading, the appeal being filed well in accordance with the prescribed rules and procedure hence maintainable competent and filed within time.
2. Contents incorrect and misleading, no rules of estoppels is applicable in the instant case.
- 3-4 Contents incorrect and misleading, the appellant has illegally awarded the major penalty of lower stage, hence she being an aggrieved civil servant has got the cause of action to file the instant appeal and locus standi as well.
5. Contents incorrect and misleading, all the necessary parties are arrayed in the instant appeal.

6. Contents incorrect and misleading, the appeal is filed well within prescribed period of limitation.

**On Facts**


1. Contents need no reply.
2. Contents incorrect and misleading hence denied.
3. Contents need no reply.
4. Contents of Para No. 04 of the appeal are correct, reply submitted to the para is incorrect and misleading.
5. Contents of Para No. 05 of the appeal are correct, reply submitted to the para is incorrect and misleading.
6. Contents need no reply, however contents of para No. 06 of the appeal are correct.
7. Contents need no comments.
- 8-11 Contents need no comments, however contents of the corresponding paras of the appeal are correct.
12. Contents incorrect and misleading, the penalty imposed was illegal and in clear violation of the order and judgment of this Hon'ble Tribunal.

Grounds:

A-J Taken in the memo of appeal are legal and will be substantiated at the time of arguments.

It is, therefore, most humbly prayed that the appeal of the appellant may please be accepted as prayed for.

Appellant  
Through

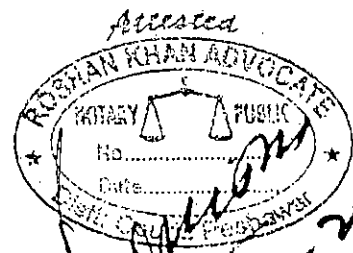
  
Yasir Saleem  
Advocate, High Court  
Peshawar

Date: 29.06.2019

AFFIDAVIT

It is solemnly affirm and declare on oath that the contents of the **rejoinder** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

*Muhammad Mehal*  
DEPONENT



*01-07-2019*



مکتوبہ جناب جمیع صاحبان بعدالت سروس ٹریبونل پٹنہ و ضمیمہ مکتوبہ خوا

درخواست بکراہ عطا کئی القاف

جناب عالی

مودبانہ گزارش ہے کہ سائل نے آپ صاحبان کے معزز عدالت میں پیشکش کیلئے  
اپنی دائرگی ہے۔ جناب والا جو نکل سائل کو آمدِ غریب لگانے سے تعلق رکھتی ہے۔ اور  
اسلئے نواری رہی ہے کہ اپنے بچوں کی کفالت کر سکے۔ چونکہ سائل پر قرضوں  
کا بھی بوجھ ہے۔ اسلئے آپ صاحبان پر ہائی فرما کر سائل کے کسی  
کا فیصلہ جلدی سنادیں تو یہ آپ صاحبان کی بڑی پرہیزی ہوگی۔  
اور سائل کا حیات آپ صاحبان کی عمر درازی اور اقبال بلفزی کیلئے دعا گو رہا

الکھار من

المترجم

Munsta 3 Mahal  
مسماة ممتاز محل فی محل وراڈن

7  
2019

حال جوڈیشل اکاؤنٹس آپ نوٹس ہ کینڈ