

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

SERVICE APPEAL NO. 284/2014

Date of institution ... 27.02.2014

Date of judgment ... 15.06.2016

Shaukat Hussain (BPS-5),
Prison Department Khyber Pakhtunkhwa.

... (Appellant)

VERSUS

1. Superintendent Circle Head Quarter, Prison Peshawar.
2. Inspector General of Prisons KPK, Office at Civil Secretariat Peshawar.
3. Secretary Home & Tribal Affairs Government of Khyber Pakhtunkhwa,
Home & Tribal Affairs Department Civil Secretariat Peshawar.

... (Respondents)

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER NO. KC/1669 DATED 23.01.2014, WHEREBY THE DEPARTMENTAL APPEAL/REPRESENTATION OF THE APPELLANT AGAINST THE ORDER NO. 2819, DATED 08.11.2013 WAS DISMISSED AND THE PENALTY OF COMPULSORY RETIREMENT FROM SERVICE WAS MODIFIED AND CONVERTED INTO REDUCTION TO LOWER STAGE IN HIS PRESENT TIME PAY SCALE FOR FIVE YEARS WERE IMPOSED UPON THE APPELLANT.

Mr. Nasrum-Minallah, Advocate.
Mr. Ziaullah, Government Pleader

.. For appellant.
.. For respondents.

MR. ABDUL LATIF
MR. PIR BAKHSH SHAH

.. MEMBER (EXECUTIVE)
.. MEMBER (JUDICIAL)

JUDGMENT

ABDUL LATIF, MEMBER:-

Facts giving rise to the instant appeals are that the appellant was posted in Central Prison Peshawar and on 14.10.2013, during his duty fell ill and as a result went to District Headquarter Hospital Mardan, where the doctor after examining the appellant strictly directed him take a complete bed rest for 10 days. That on 24.10.2013 appellant as soon as feeling better went to resume his duty and as such the appellant was served with a show-cause notice, with regard to his absence from duty for 10 days. That the appellant replied the said notice well within time, wherein the appellant

satisfactorily explained the circumstances which compelled the appellant for absence from his duty. That the averments raised by the appellant were not considered and without constituting an inquiry committee and probe into the matter, vide order dated 08.11.2013 the respondent No. 1 imposed the major penalty of compulsory retirement from service upon the appellant. That aggrieved from the impugned order dated 08.11.2013, the appellant filed a departmental appeal/representation to respondent No. 1 which was partially accepted and the major penalty of compulsory retirement from service was modified and converted into reduction to lower stage in present time scale for five years of the appellant vide impugned order dated 23.01.2014. That feeling aggrieved the appellant filed the instant service appeal with a prayer that on acceptance of the appeal the order dated 23.01.2014, to the extent of reduction to lower stage in present time pay scale for five years of the appellant may kindly be declared as illegal, without substance and lawful authority and as such the same may graciously be set-aside, and any other orders deemed proper may also be passed in the matter.

2. The learned counsel for the appellant argued that no regular inquiry was conducted against the appellant before imposition of the major penalty of reduction to the lowest stage of time scale by the respondents which was against the law, facts and violative of laid down procedure hence the same was liable to be struck down. He further argued that no specific period of absence was mentioned in the allegations nor was the plea of the appellant with regard to ill health probed into adding further that no cogent reasons were recorded for dispensing with detailed inquiry. He further argued that while deciding the departmental appeal of the appellant the relevant authority converted the original major penalty of compulsory retirement into that of reduction to lowest stage in his time scale and also treated the period of absence as leave without pay and argued that there was no room for imposition of the penalty as the basis of penalty was removed by regularizing the absence period of the appellant as leave without pay. He argued that the impugned order was a void order and was not maintainable under the law and prayed that the said order may be set-aside. Learned counsel for the appellant relied on case law reported as 2007 PLC (C.S) 247 and 2012 PLC (C.S) 189.

3. The learned Government Pleader argued that the appellant never denied his absence during the entire proceedings against him and also referred to para-3 of the appeal where appellant admitted his absence from duty. He further argued that competent authority duly recorded reasons for dispensing detailed inquiry at the time of issuance of show-cause notice and further added that the appellant was habitual absentee and was punished for the same offence many times in the past and impugned order was therefore valid, lawful and within the competency of the competent authority and prayed that the appeal being devoid of merits may be dismissed.

4. Arguments of learned counsels for the parties heard and record perused.

5. From perusal of the record it transpired that the appellant alongwith some other officials were proceeded against on the charges of absence and was initially awarded major penalty of compulsory retirement from service. The said penalty was converted into major penalty of reduction to lowest stage in his time scale for 5 years and was reinstated in service with immediate effect vide appellate order dated 23.01.2014, the absence period as well as the intervening period after his compulsory retirement till his reinstatement in service was treated as leave without pay. A perusal of the record reveal that some of the delinquent officials were treated leniently by inflicting minor penalty on them and it also reveal that the period of absence on basis of which the appellant was awarded major penalty was treated as leave without pay, in such a scenario imposition of major penalty of reduction to lowest stage in time scale for 5 years is found a little bit harsh as it reflects the wrath of respondent over the past performance of the appellant for which he was proceeded against separately and penalized accordingly. We therefore deem it appropriate to interference in the case and modify the major penalty of reduction to lowest stage in time scale for a period of 2 years. Parties are, however, left to bear their own costs. File be consigned to the record room.

ANNOUNCED
15.06.2016



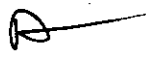
(PIR BAKHSH SHAH)
Member




ABDUL LATIF)
Member

02.03.2016

Appellant with counsel and Mr. Muhammad Jan, GP for respondents present. Since the court time is over, therefore, the case is adjourned to 28.04.2016 for arguments.



Member


Member

28.04.2016

Clerk to counsel for the appellant and Mr. Sohrab Khan, Junior Clerk alongwith Mr. Ziaullah, GP for respondents present. Due to strike of the Bar learned counsel for the appellant is not available today before the Court, therefore, case is adjourned for arguments to 15.6.2016.


Member


Member

15.06.2016

Appellant with counsel and Mr. Sheharyar Khan, ASJ alongwith Mr. Ziaullah, GP for respondents present.

Vide our detailed judgment of today consist of three pages placed on file, we therefore deem it appropriate to interference in the case and modify the major penalty of reduction to lowest stage in time scale for a period of 2 years. Parties are, however, left to bear their own costs. File be consigned to the record room.

ANNOUNCED
15.06.2016


(PIR BAKHSI SHAH)
MEMBER


(ABDUL LATIF)
MEMBER

05.12.2014

Appellant in person and Mr. Sheharyar Khan, Assistant Superintendent Jail on behalf of respondents with Mr. Muhammad Adeel Butt, AAG present. The Tribunal is incomplete. To come up for written reply/comments on 30.01.2015.


Reader

6 30.01.2015

Appellant in person and Mr. Sheharyar Khan, Assistant Superintendent Jail on behalf of respondents alongwith learned Addl: AG present. Requested for adjournment for written reply/comments. Last opportunity granted. To come up for written reply/comments on 01.04.2015.

Receipt is Attached with File
Security Bank
Chairman
Appellant's Fees
Appellant's Fees

01.04.2015

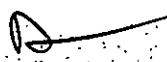
Appellant in person and Mr. Sheharyar Khan, ASJ for respondents alongwith Addl: A.G present. Para-wise reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 14.10.2015.


Chairman

14.10.2015

Appellant in person and Mr. Ziaullah, GP for respondents present. Arguments could not be heard to due shortage of time.

To come up for arguments on 2-3-16


Member


Member

3.
Appeal No. 284/2014
Mr. Shaukat Hussain

22.04.2014

Clerk of counsel for the appellant present and requested for

adjournment due to general strike of the Bar. To come up for preliminary hearing on 28.05.2014.

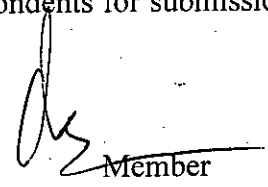

Member

28.05.2014

Appellant with counsel present. Preliminary arguments heard and case file perused. Through the instant appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, the appellant has impugned order dated 23.01.2014 ^{and which} while considering departmental appeal of the appellant against his dismissal order dated 08.11.2013, appellant ^{was} awarded major punishment of reversion to lower stage in his present time pay scale for five years by reinstating him into service. The impugned order dated 23.01.2014 was received to the appellant on 28.01.2014 as is evident from the acknowledgment available on impugned order.

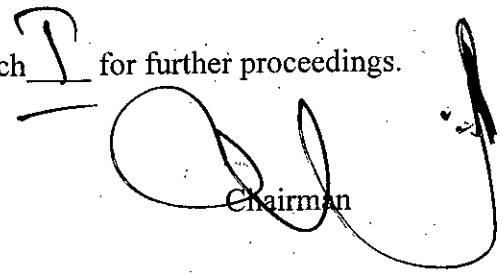
Appellant Deposited Security & Process Fee Rs. 150/- Bank Receipt is Attached with File.

Since the appeal is within time and the matter pertains to terms and conditions of service of the appellant, hence admit for regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notice be issued to the respondents for submission of written reply on 21.08.2014.


Member

28.05.2014

This case be put before the Final Bench I for further proceedings.


Chairman

21.08.2014


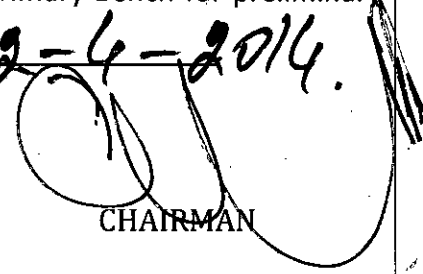
The Hon'ble Bench is on tour, therefore, case is adjourned to 09.12.2014.


Reader

Form- A
FORM OF ORDER SHEET

Court of: _____

Case No. 284/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	27/02/2014	<p>The appeal of Mr. Shaukat Hussain presented today by Mr. Nasrum Minallah Advocate, may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	4-3-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>22-4-2014</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE K.P.K SEVICES TERIBUNAL PESHAWAR.

Appeal No: 284 / 2014.

Shaukat Hussain

.....Appellant.

V E R S U S

I.G Prison and & another.

.....Respondents.


I N D E X


Sr. No.	Description of Documents	Annexure	Page No.
1)	Memo of Appeal Along with Affidavit and Addresses of the Parties		1-6
2)	Copy Show Cause Notice.	A	7
3)	Copy of Reply	B	8-9
4)	Copy order dated:08.11.2013	C	10
5)	Copy of Departmental Appeal & Order dated:23.01.2014.	D & E	11
6)	Waqalat Nama		12

A P P E L L A N T .

Dated; 27/02/2014.

Through:-


(M.M Zeshan)
Advocate High Court,
PESHAWAR


(Nasrum-Minallah)
Advocate High Court,
PESHAWAR

Cell No.0333-9148358

Office- F.F 29 Bilor Plaza Peshawar Cantt,

BEFORE THE K.P.K SERVICES TRIBUNAL PESHAWAR.

Appeal No. 284 / 2014.

292
27-2-14

Shaukat Hussain (BPS-5) Prison Department Khyber Pakhtunkhwa.

.....Appellant.

V E R S U S

- 1) Superintendent Circle Head Quarter, Prison Peshawar.
- 2) Inspector General of Prisons K.P.K, Office at Civil Secretariat Peshawar.
- 3) Secretary Home and Tribal Affairs Govt. of Khyber Pakhtunkhwa, Home and Tribal Affairs Department Civil Secretariat Peshawar.

.....Respondents.

APPEAL U/S 4 OF THE KPK SERVICES TRIBUNAL ACT, 1974
AGAINST THE ORDER NO. KC /1669 DATED:23/01/2014,
WHEREBY THE DEPARTMENTAL APPEAL/REPRESENTATION
OF THE APPELLANT AGAINST THE ORDER NO. 2819,
DATED: 08.11.2013. WAS DISMISSED AND THE PENALTY
OF COMPULSORY RETIREMENT FROM SERVICE WAS
MODIFIED AND CONVERTED INTO REDUCTION TO LOWER
STAGE IN HIS PRESENT TIME PAY SCALE FOR FIVE YEARS
WERE IMPOSED UPON THE APPELLANT.

PRAYER

On acceptance of the appeal the order dated: 23/01/2014,
to the extent of reduction to lower Stage in present time pay
scale for five years of the appellant may kindly be declared as
illegal, without substance and lawful authority and as such the
same may graciously be set aside, and any other orders deem
proper may also be passed in the matter.

27/2/14

Respectfully Sheweth:-

- 1) That the appellant was posted as warder in Central Prison Peshawar, and during his entire service he has got no adverse remarks or any other charge and as such having an excellent record and spot less service.
- 2) That after the appointment during his entire service, the appellant has performed his duties and services very honestly, efficiently and punctually.
- 3) That appellant was posted in Central Prison Peshawar and on 14.10.2013, during his duty fall ill and as a result went to District Head Quarter Hospital Mardan, where the doctor after examining the appellant, strictly directed him take a complete bed rest for 10 days.
- 4) That on 24.10.2013 appellant as soon as feeling better went to resume his duty and as such the appellant was served with a show cause notice, with regard to his absence from duty for 10 days.
(Copy of show cause notice is annexed as "A")
- 5) That the appellant replied the said Notice well within time, wherein the appellant satisfactorily explained the circumstances which compel the appellant for absence from his duty.
(Copy annexed as "B")
- 6) That the averments raised by the appellant were not considered and without constituting any inquiry committee and probe in to the matter, vide order dated: 08/11/2013 the respondent No.1 imposed the major penalty of Compulsory retirement from upon the appellant.
(Copy of order is annexed as C respectively)
- 7) That aggrieved from the impugned order dated 08/11/2013, the appellant filed a departmental appeal/representation to the respondent No.1 which was partially allowed and the major penalty of Compulsory Retirement from service was modified and converted into "reduction to lower Stage in present time pay scale for five years of the appellant" vide impugned order dated:23.01.2014.
(Copy of appeal and order is annexed as D & E)

- 8) That the appellant now approaches this Hon,able court / tribunal for setting aside impugned order and re-instatement in service on the following grounds amongst others.

GROUNDS.

- A. That the order of the respondent No.2 imposing the penalty to the extent of reduction to lower Stage in present time pay scale for five years of the appellant is against the law, facts and violation of the procedure as provided under the law, hence the same is liable to be struck down.
- B. That there is no evidence against the appellant which can even remotely suggest that the appellant is either willfully absented himself from duty, or he has committed gross negligence, misconduct or inefficiency in the performance of his duties, thus the penalty imposed upon the appellant is having no independent legs to stand upon.
- C. That the practice, procedure and rules for superintendence of prisons had been entirely followed by the appellant during his entire service, hence the impugned order is based on miss application of mind and is not sustainable.
- D. That no inquiry committee has been constituted in accordance with law, rules and procedure, thus the order passed without proper inquiry in the matter is having no sanctity in the eye of law.
- E. That the so called inquiry committee had conducted the inquiry at the back of the appellant and no proper opportunity of personal hearing has been provided to the appellant to defend his case in a proper manner, thus the inquiry being one sided and arbitrary can not be taken into account for imposing the penalty upon the appellant.
- F. That the appellant has served the department honestly and whole heartedly for many years, and has earned the post/grade after performing his duties candidly and unequivocally thus the post/grade of the appellant cannot be stopped with a stroke of pen as done by the respondent No.1 & 2.


- G. That many other officers of high grade and some colleagues of the appellant let off by the respondents, hence, the conduct of the respondent No.1 & 2 clearly suggests that appellant has highly been discriminated which is not permissible under the constitution of Islamic Republic of Pakistan 1973.
- H. The contents of the reply to show cause notice and departmental appeal/representation may be considered as integral part of the instant appeal.
- I. That on the permission of this Hon, able court the appellant may urge other additional ground if any, at the time of arguments.


it is therefore most humbly prayed that on acceptance of the appeal the order dated: 23/01/2014, to the extent of reduction to lower Stage in present time pay scale for five years of the appellant may kindly be declared as illegal, without substance and lawful authority and as such the same may graciously be set aside, and any other orders deem proper may also be passed in the matter.

Dated; 27/02/2014


APPELLANT

Through:-


(M.M. Zeeshan)
Advocate High Court,
PESHAWAR


(Nasrum-Minallah)
Advocate High Court,
PESHAWAR

BEFORE THE K.P.K SEVICES TERIBUNAL PESHAWAR.

Appeal No. _____ / 2014.

Shaukat Hussain

.....Appellant.

VERSUS

I.G Prison and & another.

.....Respondents.

AFFIDAVIT

I, Shaukat Hussain (BPS-5) Prison Department Khyber Pakhtunkhwa do hereby solemnly affirm and states on oath that the contents of accompanying appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon' able Court.

Shaukat Hussain
H
(Deponent)

h
27/11/2014
TESTED
Oath
Commissioner
K.P.K. SEVICES TERIBUNAL PESHAWAR

BEFORE THE K.P.K SEVICES TERIBUNAL PESHAWAR.

Appeal No. _____ / 2014.

Shaukat Hussain
.....Appellant.

VERSUS

I.G Prison and & another.
.....Respondents.

ADRESSES OF THE PARTIES

Shaukat Hussain (BPS-5) Prison Department Khyber Pakhtunkhwa.
.....Appellant.


VERSUS


- 1) Suprintident Circle Head Quarter, Prison Peshawar.
 - 2) Inspector General of Prisons K.P.K, Office at Civil Secretariat Peshawar.
 - 3) Secretary Home and Tribal Affairs Govt. of Khyber Pakhtunkhwa, Home and Tribal Affairs Department Civil Secretariat Peshawar.
-Respondents.

APPELLANT.

Dated; 27/02/2014.

Through:-


(M.M) Zeshan
Advocate High Court,
PESHAWAR


(Nasrum-Minallah)
Advocate High Court,
PESHAWAR

(7)

Annex 'A'

SHOW CAUSE NOTICE

I, Ahtazaz Ahmad Khan Jadoon, Superintendent Headquarters Prison Peshawar as Competent Authority, under the Khyber Pakhtunkhwa, government servants (Efficiency & Discipline) Rules 2011, do hereby serve you Warder Shaukat Hussain attached to Central Prison Peshawar with this Show Cause Notice, on the basis of material on record, I am satisfied that you have committed the following acts/ omission specified in Rule-5 (1) (a) read with rule-7 of the said rules:-

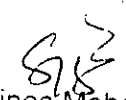
(i) As per report of the Superintendent Central Prison Peshawar, you were strictly directed so many times as well as in Roll Call before EID to assure your presence within the jail premises during EID HOLIDAYS in light of the current crucial scenario of the jail as well as time & again receiving of threats from miscreants, but you darely disobeyed the orders of the high-ups and remained absent during EID HOLIDAYS and are still at large, which clearly shows that you are not loyal to state as well as your job, thus have committed grave misconduct on your part.

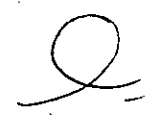
2- And whereas in exercise of powers Rule-5 (1)(a) of the same Rules, I am satisfied that sufficient evidence is available in the materials collected against you that took the competent authority to dispense further inquiry in the case/ blunder committed by you.

3- As a result thereof, I, as competent authority, have reached to the conclusion that there is no need of holding any further inquiry in this case and have tentatively decided to impose upon you the major penalty of "Removal from Service" under rule-4 of the E&D Rules 2011.

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

5- If no reply to this notice is received within seven days of its delivery, it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.


Lines Moharrar
Central Prison Peshawar


Lines Officer
Central Prison Peshawar


Deputy Superintendent
Central Prison Peshawar


SUPERINTENDENT
CIRCLE HQS. PRISON PESHAWAR.

Warder Shaukat Hussain
Attached to Central Prison Peshawar

8

Annex "B"

To,

AHTAZAZ AHMAD KHAN JADOON,
SUPERINTENDENT, HEADQUARTERS,
PRISONS, PESHAWAR

Subject; - REPLY TO SHOW CAUSE NOTICE

Respected Sir,

It is, most humbly submitted in reply to your show cause notice in which allegation upon me are that I remained absent during EID Holidays, instead of attending my duties, I humbly submit as under: -

1. That the applicant only remained absent for 10 day during the Eid Holidays.
2. That the reason for those 10 and half day absentee is only for the reason that on 14/10/2013 I was for medical check up to District Head Quarter Hospital Mardan and thereby I was interacted to undergo a complete bed rest for 10 days.
3. That on 14/10/2013 as the applicant during performance of his duties, his condition become bad and was not able to continue with performance of his official duty and for this reason left the duty gone to do some rest as he was strictly instructed by his doctor to do so.
4. That after 10 day rest the applicant felt better and rejoined his duties on 24/10/2013, whereby the applicant was given show cause.
5. That the absentee of the applicant was not willful in any way, nor it was for the enjoyment purpose, nor it was that the applicant is not loyal to the state or his superiors, but was only for the above said unavoidable reason.
6. That the service of the applicant is 24 years old and such a big penalty for no intentional or willful mistake on part of the applicant is totally against the law and justice.
7. That applicant is the sole earning hand of his family and in case the penalty remains intact the applicant would suffer irreparable loss.

The applicant therefore, request your Honour to accept the un-intentional cause shown by the applicant and remove the penalty from the applicant and he be allowed to continue with his duties.

Applicant 

WARDER SHAUKAT HUSSAIN
Central Prison Peshawar

(9)

No.

Rs. 5

OUT-PATIENTS DEPARTMENT.

NAME

S. S. S.

YEARLY RO

4330

DATE

14-10-73

DISEASE

S - P

FACE VALUE RUPEES 5

Countersigned

Medical Superintendent
S.H. Hospital, Madras

Medical Officer
S.H. Hospital
Madras

15/10/73



4th batch

10

OFFICE OF THE
SUPERINTENDENT
CIRCLE HQs. PRISON PESHAWAR
No. 2819 /P.B. dt: 08/11/2013

Annex 'C'

OFFICE ORDER

In exercise of powers conferred under rule 14 (5) of Government of Khyber Pakhtunkhwa efficiency & discipline (E&D) rule 2011, and after having considering reply to Show-cause notices and affording the opportunity of personal hearing, the undersigned is pleased to impose penalties upon the following Watch & Ward Staff of Central Prison Peshawar as mentioned against their names with immediate effect on account of desertion and left the security of Jail on mercy of God during Eid-ul-Azha:-

S. NO.	NAME OF OFFICIAL	PENALTY AWARDED
1	Warder Shaukat Hussain	Major penalty of compulsory retirement from Service
2	Warder Ikramullah No. 2.	Minor penalty of stoppage of annual increment for 03 years without future effect.
3	Warder Muhammad Ayaz	Major penalty of reduction to lowest stage for 05 steps in present time pay scale.

SUPERINTENDENT
CIRCLE HQs. PRISON PESHAWAR

Endorsement No: 2820-24/-

Copy of the above is forwarded to the:-

- 1- P.S to the Worthy Secretary to Government of Khyber Pakhtunkhwa, Home & T.As Department Peshawar with reference his visit to this jail dated 18-10-2013.
- 2- Worthy Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar.
For information please.
- 3- Superintendent Central Prison Peshawar. Proper entry at this effect in Service Books of Warder at serial 2& 3 may be made.
- 4- Head Clerk (Pay Branch) Central Prison Peshawar.
- 5- Accountant General, Khyber Pakhtunkhwa, Peshawar.
For information & further necessary action.

SUPERINTENDENT
CIRCLE HQs. PRISON PESHAWAR



OFFICE OF THE
INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA PESHAWAR.

(11)

ANNEX

NO. K.C/1669

DATED 23-1-2014

ORDER

On acceptance of departmental appeal the major penalty of compulsory retirement from service awarded to warder (BPS-5) Shaukat Hussain by Superintendents Headquarter Prison Peshawar vide his office Order No.2819 dated 08-11-2013 is hereby modified and converted into major penalty of reduction to lowest stage in his present time pay scale for five years and he is hereby reinstated in service with immediate effect.

The period for which he remained absent during Eid-ul-Adha holidays as well as his intervening period i.e from the date of compulsory retirement from service to the date of reinstatement in service are hereby treated as leave without pay.

On his reinstatement in service he is hereby posted to Central Prison Peshawar against the vacant post as well.

INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA PESHAWAR

ENDS; NO. 16.70-73

Copy of the above is forwarded to :-

1. The Accountant General Khyber Pakhtunkhwa Peshawar, for information.
2. The Superintendent, Headquarters Prison Peshawar for information.
3. The Superintendent, Central Prison Peshawar for information and necessary action. Necessary entry in the Service Book of official concerned may be made under proper attestation accordingly.
4. Warder concerned for information.

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

Handwritten notes:
28/1/14
21/14
A

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

In the matter of
Service Appeal No.284/2014
Shaukat Hussain Ex-Warder
Attached to Central Prison Peshawar.....**Appellant.**

VERSUS

1. Superintendent
Circle Headquarters Prison Peshawar.
2. Inspector General of Prisons,
Khyber Pakhtunkhwa Peshawar
3. Secretary to Government of Khyber Pakhtunkhwa,
Home and T.As Department.**Respondents.**

PARAWISE REPLY ON BEHALF OF RESPONDENTS No. 1 to 3.

Preliminary Objections

- i. That the appellant has got no cause of action.
- ii. That the appeal is incompetent and is not maintainable in its present form.
- iii. That the appellant is estopped by his own conduct to bring the present appeal.
- iv. That the appellant has no locus standi.
- v. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
- vi. That the appeal is barred by law.

ON FACTS

- 01.03.15
- 1- In-correct. As evident from his past service record i.e from the date of his appointment to the year 2013 contained in Superintendent Headquarters Prison Peshawar letter No. 3089 dated 11-12-2013 (**Annex-A**) so many adverse entries exist on his service record which clearly shows that he is habitual delinquent.
 - 2- In-correct. As explained in Para-1 above.
 - 3- In-correct. Before Eid-Ul-Azha i.e 14-10-2013, all the staff including the appellant were directed to remain present in the Jail premises in view of security threat to the Jail but instead of complying the orders of the authority and showing laxity in responsibility, he deserted and left the security of the Jail on the mercy of Almighty Allah, as result of this blunder the competent authority served a Show Cause Notice on him as per Rule-7 of E&D Rules-2011 as evident from (**Annex-B**). After completing all legal formalities, he was awarded major penalty of Compulsory retirement from service keeping in view of his length of service. Later on, he preferred his departmental appeal before the appellate authority (I.G Prisons) for set-asideing the penalty awarded to him in a disciplinary case. Upon disposing

his departmental appeal, the appellate authority (I.G Prisons) re-instated him in service and the penalty of compulsory retirement from service converted into reduction in lower stage in his present time pay scale for five years as evident from **(Annex-C)**.

Needless to mention here that submission of Medical Certificate at a later stage which issued by Medical Officer DHQ Hospital Mardan also certify that he left the station/Premises (Peshawar) without any permission of the competent authority beside availability of two Medical Officers in the Jail Hospital of Peshawar which show his false pretext just to cover himself on that grounds, hence, his plea is not justified.

- 4- In-correct, as explained in Para-3 above.
- 5- Admitted to the extent that he furnished his reply but the same was found un-justified and un-satisfactory as explained in Para- 3 above.
- 6- In-correct. As material on record was sufficient and the competent authority decide that it is not necessary to hold any further inquiry through an Inquiry Officer/ Committee and as per provision under Rule-7, Show Cause Notice was served on him strictly in accordance with rules on the subject.
- 7- No comments, as brief facts of his proceeding/ appeal narrated in Para-3 above.


GROUND: -


- A. The orders of the appellate authority is strictly in accordance with rules and tenable in the eyes of law and also certify that his departmental appeal was properly examined and considered.
- B. In-correct, as explained in Para-3 above. In addition, he also violated Rule-1082 & 1083 of Khyber Pakhtunkhwa Prison Rules-1985.
- C. In-correct, as explained in the preceding Paras.
- D. In-correct, as explained in Para-6 above.
- E. All opportunity including personal hearing provided to the appellant and after completing all due process, the penalty was imposed by the competent/ appellate authority strictly in accordance with the rules.
- F. As explained in Para-1 above, his service record is fully adverse and he is habitual offender.
- G. In-correct, as his other colleagues who were deserted also penalized severely as evident from record **Annex-D**, which shows merit based decision of the competent authority.

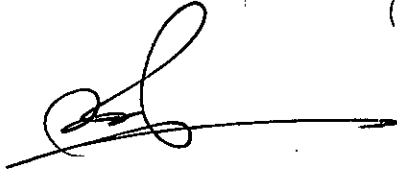
H. Due to desertion of so many warders including petitioner, the security of the Jail become at stake on Eid-Ul-Azha holidays and may afford full advantage to the militants to attack on the Jail like, Bannu & D.I.Khan Jails incidents which cannot tolerable at any cost in the interest of state.

I. No comments.

It is therefore, humbly prayed that on acceptance of this reply, instant appeal may kindly be dismissed with cost throughout.


INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR
(Respondent No.2)


SECRETARY TO GOVERNMENT
KHYBER PAKHTUNKHWA
HOME & T.AS DEPARTMENT
PESHAWAR.
(Respondent No.3)


SUPERINTENDENT
CIRCLE HEADQUARTER's PRISON PESHAWAR.
(Respondent No.1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

In the matter of
Service Appeal No.284/2014
Shaukat Hussain Ex-Warder
Attached to Central Prison Peshawar.....**Appellant.**

VERSUS

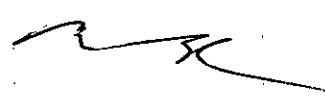
1. Superintendent
Circle Headquarters Prison Peshawar.
2. Inspector General of Prisons,
Khyber Pakhtunkhwa Peshawar
3. Secretary to Government of Khyber Pakhtunkhwa,
Home and T.As Department.**Respondents.**

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENTS No. 1 to 3

We the undersigned respondents do hereby solemnly affirm and declare that the contents of the Para-wise comments on the above cited appeal are true and correct to the best of our knowledge and belief and that no material facts have been kept secret from this Honorable Tribunal.


INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

(Respondent No.2)


SECRETARY TO GOVERNMENT
KHYBER PAKHTUNKHWA
HOME & T.AS DEPARTMENT
PESHAWAR.

(Respondent No.3)


SUPERINTENDENT
CIRCLE HEADQUARTER's PRISON PESHAWAR.

(Respondent No.1)



Annex - A

OFFICE OF THE
SUPERINTENDENT

CIRCLE HQs. PRISON PESHAWAR

No. 3089 WE / P.B. dt: 11/12/2013

PRISON PESHAWAR

Inspector General

A.I.G.

Admn. Officer

[Signature]

[Signature]

[Signature]

To

The Inspector General of Prisons
Khyber Pakhtunkhwa, Peshawar

Subject:

DEPARTMENTAL APPEAL

R/ Sir,

Please refer to your letter No. 32870/WE dated 19-11-2013 on the subject noted above.

The requisite information/ comments on behalf of the undersigned in respect of Warden Shaukat Hussain attached to Central Prison Peshawar are submitted herewith on the tabulated form as desired please: -

S.No	Name & Parentage	Rank	Date of Birth	Date of appointment	Punishment awarded during his entire service with date & nature of offence.
1	Shaukat Hussian s/o Zarif Khan	Warder BPS-05	04-04-66	10-01-1990	<p>(i) 22-1-90, warned on account of leaving his place of duty.</p> <p>(ii) 23-10-90, Extra fatigue was granted to him on account of not coming for parade.</p> <p>(iii) 25-2-1992, Absence period 21-2-92 to 25-2-92 was treated as extra ordinary leave without pay.</p> <p>(iv) 12-4-1992, one increment was stopped on account of absence.</p> <p>(v) 30-7-1997, suspended and then censured in a disciplinary case against him.</p> <p>(v) 29-12-97, extra fatigue was granted to him in a disciplinary case.</p> <p>(vi) 18-1-2000, suspended and then one increment was stopped from him in a disciplinary case.</p> <p>(vii) 26-4-2000, suspension and case was registered against him on account of over staying.</p> <p>(viii) 5-5-2000, Absence period w.e.f 24-4-2001 to 01-5-2001 was treated as without pay.</p> <p>25-9-2001, One increment was stopped on account of absence.</p> <p>(ix) Absence period w.e.f 20-12-2001 to 21-12-2001 and 10-2-2002 to 12-2-2002 was treated as extra ordinary leave.</p> <p>(x) 8-4-2002, 03 increments were stopped on account from desertion & absence period w.e.f 22-2-2002 to 02-03-2002 was treated as without pay.</p>

23906
16-12-13
[Signature]

213

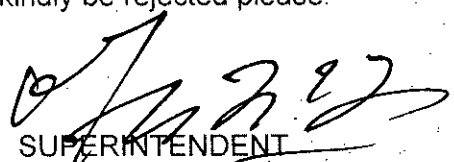



OFFICE OF THE
SUPERINTENDENT
CIRCLE HQs. PRISON PESHAWAR
No. /P.B. dt: / /2013

					<p>(xi) 02-4-2008, He was warned on account of absence.</p> <p>(xii) 28-05-2008, was warned on account of absence from duty.</p> <p>(xiii) 07-08-2008, was warned on account of 8 days absence from duty.</p> <p>(xiv) 28-09-2008, Absence period w.e.f 28-9-2008 to 11-10-2008 was treated as leave without pay.</p> <p>(xv) 24-2-2010, consequent upon completion of proceedings, absence period was treated as leave on Medical Grounds.</p> <p>(xvi) 12-09-2013, Was placed under suspension on account of desertion.</p> <p>(xvii) 08-11-2013, he was awarded he major penalty of "Compulsory Retirement from Service."</p>
--	--	--	--	--	--

The above named warder has never been loyal to his job and has ever shown excessive laxity from duty by leaving his duties without bringing into notice of the high-ups, he has several times been warned as evidence from the above record, but he did not bother to mend his way, he is habitual offender. Before Eid-ul-Azha i.e. on 14-10-2013, all the staff was directed to remain present in jail premises in view of security circumstances, but he put orders flipside, remained deserter and left the security of jail on the Mercy of Almighty Allah, and such like reckless attitude on part of any official brings obliteration like Bannu & D.I.Khan.

In view of above it is requested that his appeal submitted by above named warder for setting aside the major penalty of "Compulsory Retirement from Service" may kindly be rejected please.


SUPERINTENDENT
CIRCLE HQs. PRISON PESHAWAR


Annex-B

SHOW CAUSE NOTICE

279

I, Ahtazaz Ahmad Khan Jadoon, Superintendent Headquarters Prison Peshawar as Competent Authority, under the Khyber Pakhtunkhwa, government servants (Efficiency & Discipline) Rules 2011, do hereby serve you **Warder Shaukat Hussain** attached to Central Prison Peshawar with this Show Cause Notice, on the basis of material on record, I am satisfied that you have committed the following acts/ omission specified in Rule-5 (1) (a) read with rule-7 of the said rules:-

(i) As per report of the Superintendent Central Prison Peshawar, you were strictly directed so many times as well as in Roll Call before EID to assure your presence within the jail premises during EID HOLIDAYS in light of the current crucial scenario of the jail as well as time & again receiving of threats from miscreants, but you darely disobeyed the orders of the high-ups and remained absent during EID HOLIDAYS and are still at large, which clearly shows that you are not loyal to state as well as your job, thus have committed grave misconduct on your part.

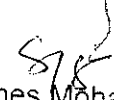
2- And whereas in exercise of powers Rule-5 (1)(a) of the same Rules, I am satisfied that sufficient evidence is available in the materials collected against you that took the competent authority to dispense further inquiry in the case/ blunder committed by you.


3- As a result thereof, I, as competent authority, have reached to the conclusion that there is no need of holding any further inquiry in this case and have tentatively decided to impose upon you the major penalty of "**Removal from Service**" under rule-4 of the E&D Rules 2011.


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

5- If no reply to this notice is received within seven days of its delivery, it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.

He has appointed as warder in 1990, about 21 years

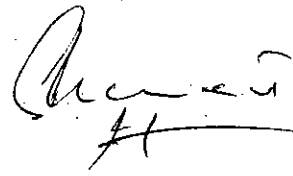

Lines Moharrar
Central Prison Peshawar


Lines Officer
Central Prison Peshawar


Deputy Superintendent
Central Prison Peshawar

3
7

SUPERINTENDENT
CIRCLE HQS. PRISON PESHAWAR.


Warder Shaukat Hussain
Attached to Central Prison Peshawar



4th batch

Ammed-C

OFFICE OF THE
SUPERINTENDENT

CIRCLE HQs. PRISON PESHAWAR
No. *2819* /P.B. dt: *08/11/2013*

281

OFFICE ORDER

In exercise of powers conferred under rule 14 (5) of Government of Khyber Pakhtunkhwa efficiency & discipline (E&D) rule 2011, and after having considering reply to Show-cause notices and affording the opportunity of personal hearing, the undersigned is pleased to impose penalties upon the following Watch & Ward Staff of Central Prison Peshawar as mentioned against their names with immediate effect on account of desertion and left the security of Jail on mercy of God during Eid-ul-Azha:-

S. NO.	NAME OF OFFICIAL	PENALTY AWARDED
<i>1</i>	Warder Shaukat Hussain	Major penalty of compulsory retirement from Service ✓
2	Warder Ikramullah No. 2.	Minor penalty of stoppage of annual increment for 03 years without future effect. ✓
3	Warder Muhammad Ayaz	Major penalty of reduction to lowest stage for 05 steps in present time pay scale.

[Signature]
SUPERINTENDENT
CIRCLE HQs. PRISON PESHAWAR
[Date]

Endorsement No: *2820-24* /-

- Copy of the above is forwarded to the: -
- 1- P.S to the Worthy Secretary to Government of Khyber Pakhtunkhwa, Home & T.As Department Peshawar with reference his visit to this jail dated 18-10-2013.
 - 2- Worthy Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar. For information please.
 - 3- Superintendent Central Prison Peshawar. Proper entry at this effect in Service Books of Warder at serial 2& 3 may be made.
 - 4- Head Clerk (Pay Branch) Central Prison Peshawar.
 - 5- Accountant General, Khyber Pakhtunkhwa, Peshawar. For information & further necessary action.

[Signature]
SUPERINTENDENT
CIRCLE HQs. PRISON PESHAWAR
[Date]



Amna-C

OFFICE OF THE
INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA PESHAWAR.

NO. K.4/1669

DATED 23-1-2014

ORDER

On acceptance of departmental appeal the major penalty of **compulsory retirement from service** awarded to warder (BPS-5) **Shaukat Hussain** by Superintendents Headquarter Prison Peshawar vide his office Order No.2819 dated 08-11-2013 is hereby modified and converted into major penalty of **reduction to lowest stage in his present time pay scale for five years** and he is hereby reinstated in service with immediate effect.

The period for which he remained absent during Eid-ul-Azha holidays as well as his intervening period i.e from the date of compulsory retirement from service to the date of reinstatement in service are hereby treated as leave without pay.


On his reinstatement in service he is hereby posted to Central Prison Peshawar against the vacant post as well.

ENDST;NO. 1670-73


INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA PESHAWAR

Copy of the above is forwarded to :-

1. The Accountant General Khyber Pakhtunkhwa Peshawar, for information.
2. The Superintendent, Headquarters Prison Peshawar for information.
3. The Superintendent, Central Prison Peshawar for information and necessary action. Necessary entry in the Service Book of official concerned may be made under proper attestation accordingly.
4. Warder concerned for information.


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



Annex-D

OFFICE OF THE
SUPERINTENDENT

CIRCLE HQs. PRISON PESHAWAR
No. 2715 /P.B. dt: 28/10/2013

OFFICE ORDER

In exercise of powers conferred under rule 14 (5) of Government of Khyber Pakhtunkhwa efficiency & discipline (E&D) rule 2011, and after having considered reply to Show-cause notices and affording the opportunity of personal hearing, undersigned is pleased to impose Major Penalties upon the following Watch & Ward Staff of Central Prison Peshawar as mentioned against their names with immediate effect on account of desertion and left the security of Jail on mercy of God during Eid-ul-Azhar

S. NO.	NAME OF OFFICIAL	MAJOR PENALTY AWARDED
1	Head Warder Hazrat Muhammad	Compulsory retirement from Service
2	Warder Ali Akbar	-do-
3	Warder Muhammad Zakria	-do-
4	Warder Iftikhar Khan	Reduction to lowest stage in his present pay scale and transferred to District Jail Daggar against vacant post
5	Warder Rustam Khan	Reduction to lowest stage in his present pay scale.
6	Warder Shaukat Ali	-do-
7	Warder Muhammad Naeem	Removal from Service
8	Warder Khushdil No. 3	-do-
9	Warder Muhammad Ilyas Marwat	-do-
10	Warder Lal Khan	-do-
11	Warder Muhammad Shoaib	-do-
12	Warder Wahab Khan	-do-

SUPERINTENDENT

CIRCLE HQs. PRISON PESHAWAR

Endorsement No: 3716-191-

Copy of the above is forwarded to the:-

- 1- P.S to the Worthy Secretary to Government of Khyber Pakhtunkhwa, Hon & T.As Department Peshawar with reference his visit to this jail date 18-10-2013.
- 2- Worthy Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar. For information please.
- 3- Superintendent Central Prison Peshawar. Proper entry in Service Books of Warder at serial 4, 5 & 6 may be made at this effect.
- 4- Accountant General, Khyber Pakhtunkhwa, Peshawar. For information & further necessary action.

SUPERINTENDENT

CIRCLE HQs. PRISON PESHAWAR



OFFICE ORDER

OFFICE OF THE
SUPERINTENDENT
CIRCLE HQs. PRISON PESHAWAR
No. 2919 /P.B. dt: 20/11/2013

In exercise of powers conferred under rule 14 (5) of Government of Khyber Pakhtunkhwa efficiency & discipline (E&D) rule 2011 and after having considering reports to Show-cause notices and affording the opportunity of personal hearing, the undersigned is pleased to impose penalties upon the following Warders of Central Prison Peshawar as mentioned against their names with immediate effect on account of desertion and left the security of Jail on mercy of God during Eid-ul-Azha:-

S. NO.	NAME OF WARDER	AWARDED PENALTIES
1	Warder Hayatullah	Absence period w.e.f 15-10-2013 (FN) to 13-11-2013 (AN) (30 days) shall be treated as extra ordinary leave without pay.
2	Warder Muhammad Saleem	Absence period w.e.f 02-10-2013 (FN) to 13-11-2013 (AN) (43 days) shall be treated as extra ordinary leave without pay.

[Signature]
SUPERINTENDENT
CIRCLE HQS. PRISON PESHAWAR

Endorsement No: 2920-241

- Copy of the above is forwarded to the:-
- 1- P.S to the Worthy Secretary to Government of Khyber Pakhtunkhwa, Home & T.As Department Peshawar with reference his visit to this jail dated 18-10-2013.
 - 2- Worthy Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar. For information please.
 - 3- Superintendent Central Prison Peshawar. They may be taken duty and proper entry at this affect may be made in their Service Books.
 - 4- Accountant General, Khyber Pakhtunkhwa, Peshawar.
 - 5- Head Clerk (Pay Branch) Central Prison Peshawar. Above absence period in respect of Warder at serial No. 1 may be recovered also absence period w.e.f 02-10-2013 to 31-10-2013 may be recovered from Warder at serial No. 2 and both may be deposited into government treasury, furthermore absence period w.e.f 01-11-2013 to 13-11-2013 (13 days) in respect of Warder at serial No. 2 may be deducted from his forthcoming pay and be deposited into government treasury.
- For information & further necessary action.

[Signature]
SUPERINTENDENT
CIRCLE HQS. PRISON PESHAWAR



4th batch

OFFICE OF THE
SUPERINTENDENT
CIRCLE HQs. PRISON PESHAWAR
No. 2819 /P.B. dt: 08/11/2013

OFFICE ORDER

In exercise of powers conferred under rule 14 (5) of Government of Khyber Pakhtunkhwa efficiency & discipline (E&D) rule 2011, and after having considering reply to Show-cause notices and affording the opportunity of personal hearing, the undersigned is pleased to impose penalties upon the following Watch & Ward Staff of Central Prison Peshawar as mentioned against their names with immediate effect on account of desertion and left the security of Jail on mercy of God during Eid-ul-Azha:-

S. NO.	NAME OF OFFICIAL	PENALTY AWARDED
1	Wardar Shaukat Hussain	Major penalty of compulsory retirement from Service
2	Wardar Ikramullah No. 2.	Minor penalty of stoppage of annual increment for 03 years without future effect.
3	Wardar Muhammad Ayaz	Major penalty of reduction to lowest stage for 05 steps in present time pay scale.

[Signature]
SUPERINTENDENT
CIRCLE HQs. PRISON PESHAWAR

Endorsement No: 2820-241-

Copy of the above is forwarded to the: -

- 1- P.S to the Worthy Secretary to Government of Khyber Pakhtunkhwa, Home & T.As Department Peshawar with reference his visit to this jail dated 18-10-2013.
- 2- Worthy Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar. For information please.
- 3- Superintendent Central Prison Peshawar. Proper entry at this effect in Service Books of Warder at serial 2& 3 may be made.
- 4- Head Clerk (Pay Branch) Central Prison Peshawar.
- 5- Accountant General, Khyber Pakhtunkhwa, Peshawar. For information & further necessary action.


[Signature]
SUPERINTENDENT
CIRCLE HQs. PRISON PESHAWAR



OFFICE OF THE
SUPERINTENDENT
CIRCLE HQs. PRISON PESHAWAR
No. 2999 /P.B. dt: 28/11/11

OFFICE ORDER


In exercise of powers conferred under rule 14 (5) of Government of Pakhtunkhwa efficiency & discipline (E&D) rule 2011, after having considering Show-cause notice and affording the opportunity of personal hearing, the undersigned is pleased to impose Major Penalty of "Reduction to lowest stage in his present time scale" upon Warder Shakir Khan attached to Central Prison Peshawar with immediate effect on account of his desertion and left the security of Jail on mercy of God during the absence of the undersigned.
ul-Azha:-


SUPERINTENDENT
CIRCLE HQs. PRISON PESHAWAR

Endorsement No: 3000-04/11

Copy of the above is forwarded to the:-

- 1- P.S to the Worthy Secretary to Government of Khyber Pakhtunkhwa, Peshawar & T.As Department Peshawar with reference his visit to this jail 18-10-2013.
- 2- Worthy Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar. For information please.
- 3- Superintendent Central Prison Peshawar.
- 4- Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 5- Head Clerk (Pay Branch) Central Prison Peshawar. For information & further necessary action.


SUPERINTENDENT
CIRCLE HQs. PRISON PESHAWAR




MA

OFFICE OF THE
SUPERINTENDENT
CIRCLE HQs. PRISON PESHAWAR
No. 2873 /P.B. dt: 13/11 /2013

OFFICE ORDER

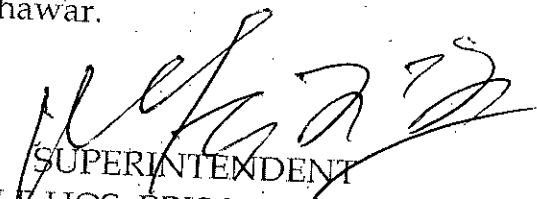
Consequent upon completion of proceedings under Government of Khyber Pakhtunkhwa efficiency & discipline (E&D) rules 2011, after issuing show-cause notice on account of desertion, having considering his reply and affording the opportunity of personal hearing, Warder Wali Muhammad attached to Central Prison Peshawar is hereby granted the minor penalty of stoppage of annual increment for 03 years with future effect.


SUPERINTENDENT
CIRCLE HQs. PRISON PESHAWAR

Endorsement No: 2882-89 /-

Copy of the above is forwarded to the: -

- 1- P.S to the Worthy Secretary to Government of Khyber Pakhtunkhwa, Home & T.As Department Peshawar with reference his visit to this jail dated 18-10-2013.
- 2- Worthy Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar.
For information please.
- 3- Superintendent Central Prison Peshawar. Proper entry at this affect may be made in his Service Book.
- 4- Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 5- Head Clerk (Pay Branch) Central Prison Peshawar.
For information & further necessary action.


SUPERINTENDENT
CIRCLE HQs. PRISON PESHAWAR



329

OFFICE OF THE
SUPERINTENDENT
CIRCLE HQs. PRISON PESHAWAR
No. 2999 /P.B. dt: 28/11/2013

OFFICE ORDER

In exercise of powers conferred under rule 14 (5) of Government of Khyber Pakhtunkhwa efficiency & discipline (E&D) rule 2011, after having considering reply to Show-cause notice and affording the opportunity of personal hearing, the undersigned is pleased to impose Major Penalty of "**Reduction to lowest stage in his present time pay scale**" upon Warder Shakir Khan attached to Central Prison Peshawar with immediate effect on account of his desertion and left the security of Jail on mercy of God during Eid-ul-Azha:-

SUPERINTENDENT
CIRCLE HQs. PRISON PESHAWAR

28/11

Endorsement No: 3000-04/1-

- Copy of the above is forwarded to the:-
- 1- P.S to the Worthy Secretary to Government of Khyber Pakhtunkhwa, Home & T.As Department Peshawar with reference his visit to this jail dated 18-10-2013.
 - 2- Worthy Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar. For information please.
 - 3- Superintendent Central Prison Peshawar.
 - 4- Accountant General, Khyber Pakhtunkhwa, Peshawar.
 - 5- Head Clerk (Pay Branch) Central Prison Peshawar. For information & further necessary action.

SUPERINTENDENT
CIRCLE HQs. PRISON PESHAWAR

28/11

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 1100 /ST

Dated 29/6/2016


To

The Superintendent Circle,
Headquarters Peshawar.

Subject: - **JUDGMENT**

I am directed to forward herewith a certified copy of Judgement dated 15.6.2016 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.