

Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
	29.03.2017	<p style="text-align: center;">3</p> <p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR</u></p> <p style="text-align: center;">Appeal No. 1027/2014</p> <p style="text-align: center;">Akhtar Pervaiz Versus Superintendent Circle Headquarter Prisons, D.I.Khan and 3 others.</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:-</u></p> <p>Counsel for the appellant and Mr. Ziaullah, Government Pleader alongwith Sohar Khan, Asstt. for respondents present.</p> <p>2. Akhtar Pervaiz S/O Rizwan Muhammad hereinafter referred to as the appellant has preferred the instant service appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against original order dated 29.11.2013 vide which he was removed from service on the allegations of willful absence and where-against his departmental appeal was also rejected vide order dated 25.06.2014 and hence the instant service appeal on 25.07.2014.</p> <p>3. Learned counsel for the appellant has argued that the enquiry was not conducted in the mode and manners prescribed by rules. That the appellant was condemned unheard. That the stance of the appellant regarding his ailment was not taken into account and that the impugned order is therefore liable to be set aside. Reliance was placed on case law 2008-SCMR-2014.</p>

29.03.17

4. Learned Government Pleader has argued that the impugned order is in accordance with law facts and circumstances of the case as the appellant failed to join the departmental proceedings despite service of notice. Reliance was placed on 2003-SCMR-1102 and 2011-SCMR-1429.

5. We have heard arguments of learned counsel for the parties and perused the record.


6. Ten lines enquiry report would suggest that the appellant was called for joining enquiry but he failed to appear before the enquiry officer. According to the said enquiry report Muhammad Irshad Khan, Assistant Superintendent informed the enquiry officer that the appellant was a habitual one and was therefore recommended for removal from service.


7. Perusal of record would suggest that the enquiry was not conducted in the mode and manners prescribed by rules. The appellant has raised a plea of ailment and has based the said as a reason for his failure to appear before the enquiry officer.

8. In view of the above we are of the humble view that it would be more appropriate to direct the competent authority to afford an opportunity of hearing to the appellant for responding allegations of willful absence leveled against him. We would therefore accept the present appeal and as a consequence thereof set aside the impugned order and reinstate the appellant in service for the purpose of denovo enquiry which shall be conducted and concluded within a period of one month from the date of receipt

29.03.17

of this judgment. The question of back benefits etc. shall be subject to outcome of the de novo enquiry. Parties are left to bear their own costs. File be consigned to the record room.

  
(Muhammad Azim Khan Afridi)  
Chairman

  
(Muhammad Amin Khan)  
Member

29 03-17

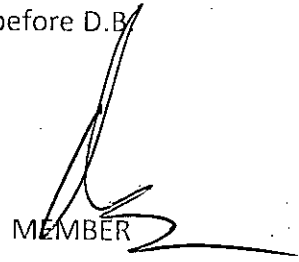
ANNOUNCED  
29.03.2017

27.06.2016

Counsel for the appellant and Assistant AG for the respondents present. Arguments could not be heard as inquiry file and complete record is not available therefore learned Assistant AG is directed to make available entire inquiry record before the next date of hearing. To come up for arguments on 21.09.2016 before D.B.



MEMBER

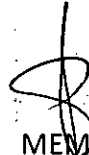
  
MEMBER

21.09.2016

None present on behalf of the appellant. Additional AG for respondents present. Notice be issued to appellant and his counsel for arguments for 24-1-17 before D.B.



MEMBER



MEMBER

10.10.2016

Counsel for the appellant present and submitted an application for early hearing of the appeal. Application accepted: To come up for arguments on 09.12.2016 instead of 24.01.2017. Respondents be informed accordingly.



(PIR BAKHSH SHAH)

MEMBER

09.12.2016

Counsel for the appellant and Assistant AG for respondents present. Since charge sheet is not available on file therefore, respondent-department is directed to produce the same on the next date. To come up for such record and arguments on 29.3.17



(ASHFAQU TAL)  
MEMBER

  
(MUHAMMAD AAMIR NAZIR)  
MEMBER

13.03.2015

Counsel for the appellant and Mr. Sheharyar Khan, ASJ alongwith  
Addl: A.G for respondents present. Para-wise comments submitted. The  
appeal is assigned to D.B for rejoinder and final hearing for 12.10.2015.

  
Chairman

12.10.2015

appellant in person and Mr. Muhammad Jan, GP for  
respondents present. Rejoinder on behalf of the appellant  
submitted which is placed on file, copy handed over to the learned  
GP. To come up for arguments on 21-3-16

  
Member

  
Member

21.03.2016

Counsel for the appellant and Mr. Usman Ghani, Sr.  
GP for respondents present. Counsel for the appellant  
requested for adjournment. To come up for arguments on  
27.06.2016.

  
Member

  
Member

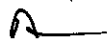
Appeal No. 1027/2014.

his Counsel Present.

3- 06.11.2014

Appellant alongwith 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 29.11.2013, vide which the major penalty of Removal from service has been imposed upon the appellant. Against the above referred impugned order appellant filed departmental appeal on 26.12.2013 which was rejected vide order dated 25.06.2014, hence the instant appeal on 25.07.2014.

Since 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. To come up for written reply/comments on 27.01.2015.

  
Member

4- 06.11.2014

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

  
Chairman

5 27.01.2015


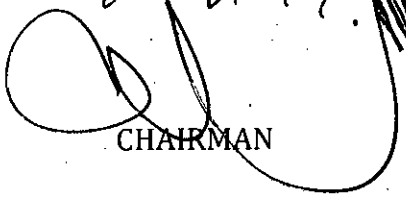
Appellant with counsel and Mr. Sheharyar Khan, Assistant Superintendent Jail on behalf of respondents alongwith Addl: AG present. Requested for adjournment for submission of written reply/comments. Adjourned to 13.03.2015.

  
CHAIRMAN

11/08/15831-31/11-2014/19A

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_  
Case No. 1027/2014


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	08/08/2014	<p>The appeal of Mr. Akhtar Pervaiz resubmitted today by Mr. Gohar Ali 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	13-8-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>6-11-2014</u></p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Akhtar Perviaz son of Rizwan Muhammad Ex-Warden Central Jail D.I.Khan received today i.e. on 25.07.2014 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- ✓1- Appeal may be got signed by the appellant.
- ✓2- Affidavit may be got attested by the Oath Commissioner.
- ✓3- Copy of enquiry report mentioned in para-4 of the memo of appeal is not attached with the appeal which may be placed on it.
- ✓4- Copy of departmental appeal is not attached with the appeal which may be placed on it.
- 5- Page No. 17 and 22 of the are illegible which may be replaced by legible/better one.
- ✓6- Wakalat nama in favour of appellant is not attached with the appeal which may be placed on it.

No. 1152 /S.T,


Dt. 25/7 /2014.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Gohar Ali Adv. Pesh.

R/Sir

Resubmitted after completion  
please

  
8/8/2014



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

Service Appeal No. 1027 /2014

Akhter Pervaiz .....(Appellant)

**VERSUS**

Superintendent Circle Headquarter Prison, Dera Ismail  
Khan and others.....(Respondents)

**I N D E X**

<b>S.No</b>	<b>Description of Documents</b>	<b>Annex</b>	<b>Pages</b>
1.	Service Appeal		1-6
2.	Affidavit		7
3.	Addresses of the parties		8
4.	Copy of appointment letter	A	9
5.	Copy of medical certificate	B	10-16
6.	Copy of inquiry dated 17/06/213 and 28/08/2013	C	17-18
7.	Copy of statement of allegation	D	19
8.	Copy of show cause notice and reply	E	20-21
9.	Copy of order of removal from service dated 29/11/2013 passed by respondent No. 1	F	22
10.	Copies of departmental appeal and rejection of departmental appeal	G & H	23-24
11.	Wakalat Nama		25

Appellant

Through

Dated: 25/07/2014

  
**Gohar Ali**

Advocate High Court,  
Peshawar.

Cell No. 0345-9082942

1

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

Service Appeal No. 1027/2014

~~1025~~  
~~25/7/2014~~

Akhter Pervaiz S/o Rizwan Muhammad  
R/o Mohallah Batakzai, Village Khaishki Payan, Tehsil and  
District Nowshera, Ex-Warden, Central Jail, D.I.Khan  
Interment Center Kohat.....(Appellant)

**V E R S U S**

1. Superintendent Circle Headquarter Prison, Dera Ismail Khan.
2. Superintendent Interment Center, Kohat.
3. Inspector General of Jailkhanajat, Prison Department, Khyber Pakhtunkhwa, Peshawar.
4. Government of Khyber Pakhtunkhwa, through Secretary Home, Secretariat, Peshawar.....(Respondents)

**APPEAL U/S 4 OF KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL, 1974, FOR**  
**REINSTATEMENT OF THE APPELLANT IN**  
**SERVICE WITH ALL BACK BENEFITS AND SET**  
**ASIDE THE IMPUGNED ORDER OF THE**  
**RESPONDENT NO. 3 VIDE ORDER NO. 17251**  
**DATED 25/06/2014 WHO REJECTED THE**  
**DEPARTMENTAL APPEAL OF THE APPELLANT**  
**AGAINST THE IMPUGNED ORDER OF THE**  
**RESPONDENT NO. 1 WHO AWARDED MAJOR**  
**PUNISHMENT OF REMOVAL FROM SERVICE**  
**U/S 3 OF THE END RULES 2011, DATED**  
**29/11/2013 BEARING E. NO. 12256 -58 FOR**  
**OF THE ALLEGED REASON OF ABSENCE.**

~~25/7/14~~

re-submitted to  
and filed.

~~8/8/14~~

**Respectfully Sheweth:**

The facts giving rise to the following Appeal of the appellant are as under:

1. That the appellant was appointed/ employed as Warden in Prison Department by respondent No. 1 dated 09/05/2012 in Central Jail Haripur and performed duty with entire satisfaction of superiors with unblemished record. (Copy of appointment letter is annexure "A").
2. That the appellant was transferred to Dera Ismail Khan Headquarter Central Jail and deputed in Interment Center, Kohat Jail.
3. That the appellant went home for 3 days leave dated 14/07/2013 during this period the appellant remained ill in this regard the doctor advised him bed rest for 2 months and 15 days and then the appellant informed the department through application and after the recovery the appellant went to the Inquiry Officer and produced his medical certificates who duly forwarded

the application of appellant to high-up's. (Copy of medical certificate is annexure "B").

4. That during the inventing period, department proceeded disciplinary action against the appellant. (Copy of inquiry dated 17/06/213 and 28/08/2013 is annexure "C").
5. That the respondent No. 1 issued statement of allegation. (Copy of statement of allegation is annexure "D").
6. That inquiry was conducted by respondent No. 2 who appointed Inquiry Officer, Assistant Superintendent Jail who suggested minor penalty of Transfer while the competent authority awarded major penalty of removal from service. (Already attached as annexure "C").
7. That the respondent No. 1 issued Show Cause Notice to the appellant who submitted reply to the Show Cause Notice but it was not considered. (Copy of show cause notice and reply is annexure "E").

8. That respondent No. 1 without going in to the facts of the case, issued the impugned order of removal from service Ends: No. 12256-58 dated 29/11/2013. (Copy of order of removal from service dated 29/11/2013 passed by respondent No. 1 is annexure "F").
9. That feeling aggrieved, appellant filed departmental appeal dated 08/07/2013 which was rejected by the respondent No. 3. (Copies of departmental appeal and rejection of departmental appeal are annexure "G" and "H" respectively).
10. That the appellant files the instant appeal before the Service Tribunal K.P.K, Peshawar, inter-alia on the following grounds:

**GROUND:**

- A. That the impugned order of the respondents are not speaking order. Having no legal footing to stand on, needs to set aside.

- B. That the impugned orders of the respondents are unlawful, fanciful, arbitrary and with colourable exercise of the respondents, are not tenable.
  
- C. That the appellant was condemned unheard and no codal formalities were fulfilled by the respondents regarding, charge sheet, enquiry, final show case notice.
  
- D. That the appellant was suffering from disease and effected but respondents marked him absent and without giving him chance of hearing, condemned unheard, removed from service under the END Rules 2011 which is not in field now.
  
- E. That the inquiry officer suggested a minor penalty of transfer, but respondent No. 1 awarded major penalty of removal from service, which is not justified in the eyes of law.
  
- F. That the impugned order is with retrospective effect is not accepted in the eyes of law.


- G. That the impugned order of respondents is also not based on cogent reason, needs set aside.
- H. That the appellant may also be allowed to reply on additional grounds at the time of arguments please.

It is, therefore, prayed that on acceptance of this appeal, the impugned order may kindly be set aside and the respondents my please be directed to alter the removal from service into the reinstatement in service, with all back benefits.

احقر  
Appellant

Through

Dated: 25/07/2014

  
**Gohar Ali**  
Advocate High Court,  
Peshawar.

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

Service Appeal No. \_\_\_\_\_/2014

Akhter Pervaiz .....(Appellant)

**VERSUS**

Superintendent Circle Headquarter Prison, Dera Ismail  
Khan and others.....(Respondents)

**AFFIDAVIT**

I, Akhter Pervaiz S/o Rizwan Muhammad R/o Mohallah Batakzai, Village Khaishki Payan, Tehsil and District Nowshera, Ex-Warden, Central Jail, D.I.Khan Interment Center Kohat, do hereby solemnly affirm and declare that all the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

*اکتبر پوریز*

**DEPONENT**

**ATTESTED**





8

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

Service Appeal No. \_\_\_\_\_/2014

Akhter Pervaiz .....(Appellant)

**VERSUS**

Superintendent Circle Headquarter Prison, Dera Ismail  
Khan and others.....(Respondents)

**ADDRESSES OF THE PARTIES**

**APPELLANT:**

Akhter Pervaiz S/o Rizwan Muhammad  
R/o Mohallah Batakzai, Village Khaishki Payan, Tehsil and  
District Nowshera, Ex-Warden, Central Jail, D.I.Khan  
Interment Center Kohat.


**RESPONDENTS:**

1. Superintendent Circle Headquarter Prison, Dera Ismail Khan.
2. Superintendent Interment Center, Kohat.
3. Inspector General of Jailkhanajat, Prison Department, Khyber Pakhtunkhwa, Peshawar.
4. Government of Khyber Pakhtunkhwa, through Secretary Home, Secretariat, Peshawar.

  
Appellant

Through

Dated: 25/07/2014

  
**Gohar Ali**  
Advocate High Court,  
Peshawar.



To

Annex A  
P-9

OFFICE OF THE  
**SUPERINTENDENT**  
HEADQUARTERS PRISON PESHAWAR  
No. 622 /P.B dt: 9/15/2012

Mr. Akhtar Pervez s/o Rizwan Muhammad

Mohallah Batakzai, Khweshgi Bala, P.O Khweshgi Paya, Tehsil & District Nowshera.

Subject: APPOINTMENT AS WARDER (BPS-05)

Memo:

Reference your test/ interview for the subject post.

You are hereby offered the post of temporary Warder in (BPS-05) (5400-260-13200) and other usual allowances as admissible under the rules subject to the following conditions: -

- 1- You are liable to serve anywhere in the jails of Khyber Pukhtunkhwa.
- 2- Your appointment is purely temporary and your services can be terminated at any time without assigning any reason during probationary period.
- 3- For all other purposes such as pay, T.A & Medical attendance etc, you will be governed by the rules applicable to the government servants of your category.
- 4- The terms and conditions of your appointment as Warder will be those as laid down in the NWFP Prisons Rules 1985, Prisons Department (Recruitment, Promotions & transfer) rules 1980 and all other rules and regulations prescribed to Government Servants or the rules which may be promulgated by the Government from time to time in this behalf.
- 5- Your appointment will be subject to your Medical fitness.
- 6- No T.A/DA will be admissible to you on joining your first appointment.
- 7- You cannot resign from the service immediately but will have to put in writing at least one month prior notice or in lieu thereof, one month pay shall be forfeited from you.
- 8- Your appointment is subject to fulfillment of all the conditions laid down in the services rules.
- 9- You will be on probation for a period of two years extendable to one more year.
- 10- On your report for duty, it will be taken for granted that you have accepted all the above terms and conditions and if you failed to report within 10 days of the receipt of this appointment order, It will be presumed that you have declined to accept this offer, hence this order of appointment shall stand cancelled.
- 11- You are directed to attend this office immediately for your Medical Examinations at Police & Services Hospital Peshawar.

*Sib*

**SUPERINTENDENT**  
**HEADQUARTERS PRISON PESHAWAR**

Endorsement No: 623-24

Copy of the above is forwarded to the: -

- 1- Superintendent Central Prison Haripur. The above named newly appointed Warder is attached with his Jail for all purposes.
- 2- District Accounts Officer Haripur.

*Attkh*  
*[Signature]*

*[Signature]*  
**SUPERINTENDENT**  
**HEADQUARTERS PRISON PESHAWAR**

*9/15/12*

Musawer/-

# جناب سید شہدائت رضا سندھل جیل کوٹاٹ

جناب عالی!

موردہ پٹہ نڈلاریج ہے کہ سکا کما تبادلہ سندھل جیل میری پوری سے سندھل جیل کوٹاٹ کو  
یکم ۱۶ ۲۰۱۳ کو ہوتا مقرر ہو جس وقت میں رہا کی ہذا سندھل جیل کوٹاٹ میں  
حاضر ہونے سے قاصر رہا۔ لہذا اب صحت یابی کے بعد حاضر ہو رہا ہوں۔

لہذا جناب والا کی خدمت میں عرض ہے کہ میں عارضہ التماس کے تحت ہذا کوٹاٹ جیل کوٹاٹ  
میں خارج دیکر مقرر زمانہ میں۔ عیناً نڈلاریج ہوں۔

نوٹ: ڈسٹرکٹ ہیڈ کوارٹر پٹہ نڈلاریج کے ساتھ ایک سرٹیفکیٹ لٹ لٹا میں

الموضوع ۵/۴/۲۰۱۳

العاظم

آئیڈیٹنگ زمانہ افسر ڈیویژن و آرڈر - سندھل جیل کوٹاٹ

صنبرہ کچھنوال

B p-11

**D.H.Q. HOSPITAL NOWSHERA**

**OUT.DOOR PATIENTS TICKET**

Yearly OPD No: 8135

Name \_\_\_\_\_ Date 25/6/13

P70

① Imp Sodium Acid

11 Citrate  
11

② Cap. Yoran Soap  
125

③ Navidale 500.

125 he l.

Ad complete bed rest  
for 7 days w.l.f  
25/6/13

Senior Medical Officer  
D.H.Q. Hospital  
Nowshera

A. Ghani

12

# D.H.Q. HOSPITAL NOWSHERA

## OUT.DOOR PATIENTS TICKET

Yearly OPD No: 4590

Name

پرویز

Date

15/6/23

P.O.

(1) Paroxin 500

1-0-1

(2) Sup. CitracolKa

11-11-11

(3) Tab Ciprofloxacin

Advised complete bed rest for 10 days w.e.f 15/06/2023.

Senior Medical Officer  
D.H.Q. Hospital  
Nowshera

Abdul  
SA

13  
D.O. HOSPITAL NOWSHERA  
OUTDOOR PATIENTS TICKET

Yearly OPD No: 2304

Name

Date

*UPE*  
*cl. L. L. Khan*  
*M. M. Khan*  
*M. M. Khan*

*3. M. M. Khan*

*UPE*  
*M. M. Khan*  
*M. M. Khan*  
*M. M. Khan*

*M. M. Khan*  
*M. M. Khan*  
*M. M. Khan*

SUPERINTENDENT  
HEADQUARTER PRISONS, DIKHAN

*M. M. Khan*  
*M. M. Khan*  
*M. M. Khan*

competent authority, under (Rule 2011, do hereby

noted against you opportunity of hearing; and the Inquiry Committee, the bringing your defiance before the

provisions specified in section

with the permission of competent

under the provisions of Section 3 of Khyber & Discipline) Rule 2011.

It is decided to impose upon you the said penalty.

The said penalty shall be for the period of \_\_\_\_\_ person.

The said person shall be delivered, in the normal course to put in and in that

D.H.Q. HOSPITAL NOWSHERA

OUTDOOR PATIENTS TICKET

Yearly OPD No: 4364

Name افتر نوز Date 20/8/13

*limb-eg*

*Dr. T. Cori (D)*

*Dr. Calone D*

*Dr. Kotecso*

*Dr. Mewdal*

*Adly*

*Completed bed rest*

*For further (01) month*

Senior Medical Officer  
D.H.Q. Hospital  
Nowshera

Senior Medical Officer  
D.H.Q. Hospital  
Nowshera

*Abdul*

SUPERINTENDENT  
HEADQUARTER PRISONS DIKHAN

competent authority, under  
(rule) Rule 2011, do hereby

ted against you  
portunity of hearing; and  
the Inquiry Committee, the  
g your defiance before the

issions specified in section

permission of comptent

g of Section 3 of Khyber  
(Discipline) Rule 2011.

decided to impose upon  
nce.

id penalty sl  
erson.

delivery, in the north  
ce to put in and in the

15

H.Q. HOSPITAL NOWSHERA  
OUTDOOR PATIENTS TICKET

Yearly OPD No: 6791

Name: WPC Date: 21-9-13

WPC

WPC

WPC

WPC

WPC

Senior Medical Officer  
D.H.Q. Hospital  
Nowshera

WPC

WPC

WPC

Senior Medical Officer  
D.H.Q. Hospital  
Nowshera

SUPERINTENDENT  
HEADQUARTER PRISONS, DIKHAN

competent authority, under  
(line) Rule 2011, do hereby

acted against you  
opportunity of hearing; and  
the Inquiry Committee, the  
your defiance before the

provisions specified in section

permission of competent

of Section 3 of Khyber  
Discipline) Rule 2011.

decided to impose upon  
you.

The penalty should  
be imposed on you.

delivery, in the normal  
course to put in and in that

WPC

WPC



U. Q. HOSPITAL NOWSHERA  
OUT.DOOR PATIENTS TICKET

16

Yearly OPD No: 1139

Name: 1912 Date: 3/10/12

To  
where I am  
concerned

It is intimated, that  
Mr. D. Khan's plea is now  
My duty as a medical officer  
& to perform his duty

Gale  
Senior Medical Officer  
U.H.C. Hospital  
Nowshera

S. M. Khan  
Senior Medical Officer  
U.H.C. Hospital  
Nowshera

Abdullah  
S.A.

[Signature]  
SUPERINTENDENT  
HEADQUARTER PRISONS DIKHAN

as competent authority, under  
(Discipline) Rule 2011, do hereby

acted against you  
opportunity of hearing; and  
the Inquiry Committee, the  
of your defiance before the

provisions specified in section

with the permission of competent

of Section 3 of Khyber  
(Discipline) Rule 2011.

decided to impose upon

penalty  
of

very, in the normal  
to put in and in that

(Handwritten Urdu text at the bottom of the page)

Office of the  
Superintendent  
District Jail Kohat  
No. 382 dt 17/06/2013  
Phone & Fax 0922554150

To

The Superintendent  
HQ Prison D.I.Khan.

Subject: DESERTER WARDER AKHTER PERVEZ

R/Sir,

Reference telephonic talk with Superintendent HQ Prison D.I.Khan on 15-06-13.

It is, submitted that warder Akhtar Pervez absented himself from duty as well as from Jail premises w.e.f. 14-06-13, previously he absent himself from duty and Jail premises w.e.f. 13-04-13 to 19-04-03, w.e.f. 25-04-13 to 06-05-13m 12-05-13 to 14-05-13, 16-05-13 to 17-05-13, 30-05-13 to 01-06-13 and 14-06-13 to till date.

Previously three inquiries conducted against him by Assistant Superintendent Shamroz Khan and in every inquiry his transfer of administrative grounds to Central Prison Bannu/ Central Prison D.I.Khan was recommended.

The said warder is habitual one and totally unfit for duty and this department.

Therefore. It is requested that strict disciplinary action may please be taken against him and also to transfer him on administrative grounds please.

Incharge Interment Central  
District Jail Kohat

Endst: No. \_\_\_\_\_

Copy forwarded to the Inspector General of Prisons Khyber Pakhtunkhwa for information please.

Tahir/

Incharge Interment Central  
District Jail Kohat

✓  
A. Q. S. Q. S.  
FAA

Amir C  
P-17

OFFICE OF THE  
SUPERINTENDENT  
DISTRICT JAIL KOHAT  
No. 382 dt 17/06/2013.  
Phone & Fax-0922554150

To

THE SUPERINTENDENT,  
HQ PRISON D.I.KHAN.

Subject:- DESERTER WARDER AKHTER PERVEZ.

R/Sir;

Reference telephonic talk with Superintendent HQ Prison D.I.Khan on 15-06-13.

It is submitted that warder Akhtar Pervez absented himself from duty as well as from Jail premises w.e.f 14-06-13, previously he absented himself from duty and Jail premises w.e.f 13-04-13 to 19-04-13, w.e.f 25-04-13 to 06-05-13, 12-05-13 to 14-05-13, 16-05-13 to 17-05-13, 30-05-13 to 01-06-13 and 14-06-13 to till date.

Previously three inquiries conducted against him by Assistant Superintendent Shamroz Khan and in every inquiry his transfer on administrative grounds to Central Prison Bannu/Central Prison D.I.Khan was recommended.

The said warder is habitual one and totally unfit for duty and this department.

Therefore, it is requested strict disciplinary action may please be taken against him and also to transfer him on administrative grounds please.

*1/c PB Mr. Pervez*  
Endst: No *recd. 25/6/13*

*M. Shero*  
INCHARGE INTERMENT CENTRE,  
DISTRICT JAIL KOHAT

✓ Copy forwarded to the Inspector General of Prisons Khyber Pakhtunkhwa for information please.

*sd/ M. Shero*  
INCHARGE INTERMENT CENTRE,  
DISTRICT JAIL KOHAT

Tahiq

*Abstract  
SAE*

*No 1288*

*No 25/6/13*

Amir C  
P-18

OFFICE OF THE  
SUPERINTENDENT  
DISTRICT JAIL KOHAT  
No. 2416-21 dt 28/08/2013.  
Phone & Fax-0922554150

To

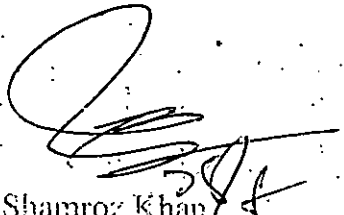
Notice:-

I am appointed the inquiry officer for conduction inquiry against you:-

1. Warder Abid Yaqoob
2. Warder Mujhid Raheem
3. Warder Nematullah
4. Warder akhtar Pervez
5. Warder Shaheen Shah
6. Warder Sabir Khan

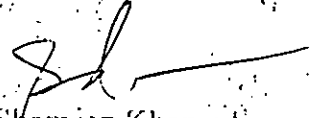
You are issued statement of allegation to state reason of your absentee. But you failed to reply the undersigned till date. Through this notice you are directed to submit your reply with in three days otherwise ex party action will be taken against you and you are liable of or dismissal for non compliance of legal orders.

Abbas  
SA

  
Shamroz Khan  
Assistant Superintendent,  
District Jail Kohat.  
Inquiry officer.

Endst:No \_\_\_\_\_/-

Copy forwarded to the Superintendent HQ Prison D.IKhan for information with reference to his endst: No.9543-46 dated:13-08-2013 please.

  
Shamroz Khan  
Assistant Superintendent,  
District Jail Kohat.  
Inquiry officer.

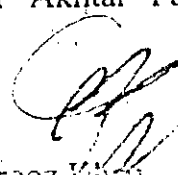
Tahir/

Am C  
P-18-A

INQUIRY REPORT

Reference your endst: No.9543-46-06 dated: 13-08-2013.

I conducted the inquiry of absence in r/o warder Akhter Parvez according to the record he absented himself from duty as well as left the Jail premises with out the permission of the competent authority w.e.f 18-07-2013 to till date.He was called for inquiry against him through notice vide this office letter No.2530-34 dated:05-09-13 and endorsed to your goodself office and also directed to appear before the inquiry officer on 09-09-13 at 10-00Am otherwise ex party action shell be taken against you. But he failed to appear before the undersigned. As per statement of Incharge ICK Muhammad Irshad Khan Assistant Superintendent the Warder Akhtar Parvez is habitual one therefore I recommend for his removal from service.

  
Shaurooz Khan,  
Assistant Superintendent,  
District Jail Kohat.  
Inquiry officer

Tahir/

Absent  
ST



### DISCIPLINARY ACTION

OFFICE OF THE  
SUPERINTENDENT  
CIRCLE H/Qs PRISON D.I.KHAN

No. 2837 /H/Q Dated 17/6/13

I, Ghulam Rabbani Superintendent Headquarter Prison DIKhan as competent authority, am of the opinion that **Warder Akhtar Pervez** attached to District Jail Kohat has rendered him liable to be proceeded against him committed the following acts of misconduct within the meaning of rule 7 of the Khyber Pakhtunkhwa (Efficiency & Discipline ) Rule 2011.

### STATEMENT OF ALLEGATIONS.

Warder Akhtar Pervez absented him self from duty as well as from jail premises with effect from 14-06-2013, previously he absented himself from duty and jail premises w.e.f 13-04-2013 to 19-04-2013, w.e.f 25-04-2013 to 06-05-2013, 12-05-2013 to 14-05-2013, 16-05-2013 to 17-05-2013, 30-05-2013 to 01-06-2013 and 14-06-2013 to till date.

2. Mr. Shamrooz Khan Assistant Superintendent Jail attached to District Jail Kohat is hereby appointed as Inquiry Officer.
3. The Inquiry Officer shall in accordance with the provisions of the Ordinance provide a reasonable opportunity of hearing to the accused, record his findings and make within fifteen days of receipt of this order, recommendation as to punishment or other appropriate action against the accused official.
4. The accused official and a well conversant representative of the department shall join the proceedings at the date, time place fixed by the Inquiry Officer.

SUPERINTENDENT  
CIRCLE H/QS PRISON DIKHAN

Endorsement No. 2838-41

Copy of the above is forwarded to the:-

1. Inspector General of Prisons Khyber Pakhtunkhwa, Peshawar for information with reference to Superintendent District Jail Kohat Endst; No.383 dated 17-06-2013 please.
2. Mr. Shamrooz Khan Assistant Superintendent Jail attached to District Jail Kohat, Inquiry Officer for initiating proceedings against the above named warder under the meaning of rule 7 of the Khyber Pakhtunkhwa (Efficiency & Discipline) Rule 2011.
3. **Warder Akhtar Pervez** attached to District Jail Kohat with the directions to appear before the Inquiry Officer for the purpose of inquiry proceedings.
4. Superintendent District Jail Kohat for information with reference to his memo; No.382 dated 17-06-2013 with the request to produce the relevant record before the Inquiry Officer and assist him during the inquiry proceedings. One copy of the same duly signed and dated by above named official may be returned to this office as a token of receipt.

SUPERINTENDENT  
CIRCLE H/QS PRISON DIKHAN

*Amir-E*  
*P-20*

SHOW CAUSE NOTICE.

I, Ghulam Rabbani Superintendent HQ Prisons DIKhan, as competent authority, under the Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rule 2011, do hereby serve you, Mr. Akhtar Parvaiz Warder, as follows:-

1. (i). That consequent upon the completion of inquiry conducted against you by the Inquiry Committee for which you were given opportunity of hearing; and
- (ii). On going through the findings and recommendations of the Inquiry Committee, the material on record and other connected papers including your defiance before the said committee.

I am satisfied that you have committed the following acts / omissions specified in section 3 of the said Ordinance.

- (a). Left duty as well as jail premises / duty without the permission of competent authority w.c.f.18-7-2013 to till date.
- (b). By committed above found misconduct with the meaning of Section 3 of Khyber Pakhtunkhwa Removal Government Servant (Efficiency & Discipline) Rule 2011.

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you **REMOVAL FROM SERVICE** under section 3 of the said Ordinance.

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

4. If no reply to this notice is received within fifteen days of its delivery, in the course of circumstances, it shall be presumed that you have no defiance to put in and cause as ex-parte action shall be taken against you.

5. The copy of the findings of the Inquiry Committee is enclosed.

*Accepted*  
*SD*

*am*  
SUPERINTENDENT  
HEADQUARTER PRISONS DIKHAN  
*m/co*

مکتوب جناب سرپرست محترم جناب عبدالغفار خان صاحب  
شماره ۱۰۰۰۱۰۰۰۰

عنوان: جواب طلبی برائے شرفاز ٹرسٹ

سورہ بشارت میں آیت شرفاز ٹرسٹ حوصلہ سوا

سائنس صرف 14/7 کو 3 یوم رخصت فردی پر حضور اکیٹھا

یہاں دوران سائنس ٹریننگ میں بیمار ہو گیا۔ سونے 18/7 سے ٹیم صاف

الٹی دی گئی اور سسٹم آرام کا مشورہ دیا گیا۔ ڈاکٹر صاحب نے سہ لکھ

سائنس کو 2 ماہ پندرہ دن کی سہ لکھ اور اس میں سہ لکھ

سائنس سخت بیماری کی وجہ سے اپنے انٹورس انپیر صاحب کو بروقت

سائنس ٹریننگ کا جواب نہ دے سکا اور نہ ہی پیش ہو سکا۔ اور جب  
کے پاس چلا گیا اور اپنے ٹیم لکھ میں کیے ٹیکن ڈاکٹر صاحب نے مجھے  
کہا کہ ٹیم لکھ میں نے صدمہ کوارٹر کو روانہ کر دیا ہے

سائنس انٹیر ٹیم صاف نہیں کر سکا اور غلاب سے  
بھرا رہا۔ ٹریننگ کے سائنس ٹریننگ کے سائنس ٹریننگ کے سائنس

فہم لکھ ٹریننگ ٹریننگ ٹریننگ ٹریننگ ٹریننگ ٹریننگ ٹریننگ ٹریننگ

ایک لکھ ٹریننگ ٹریننگ ٹریننگ ٹریننگ ٹریننگ ٹریننگ ٹریننگ ٹریننگ

Alta SAA



Office of the  
Superintendent  
Circle H/Qs Prison D.I.Khan

KPKP

No. \_\_\_\_\_/H/Q Dated \_\_\_\_\_

OFFICE ORDER:

Warder Akhtar Pervaiz attached to Interment Center Kohat was called for hard in person on 29/11/2013 through Assistant Superintendent Incharge Center Kohat vide his office No. 11943 dated 20/11/2013. He attended and not furnished any satisfactory reply in the disciplinary case initiated by Incharge Interment Center Kohat. Further more the charged also proved about his habitual absentee, he remained absent during 2013 i.e. 119 days as intimated by the Incharge Interment Center Kohat vide his memo: No. 798 dated 29/11/2013.

Therefore the punishment recommended by Inquiry Officer i.e. REMOVAL FROM SERVICE has been approved with immediate effect.

Superintendent  
Circle H/QS Prison D.I.Khan

Endst: No. 12256-58

Copy of the above is forwarded the:

1. Superintendent Interment Center Kohat for information and necessary action.
2. District Accounts Officer, Kohat for information and necessary action.
3. Mr. Shamrooz Khan Assistant Superintendent District Jail Kohat for information w/r his memo: No. 2756-WF, dated 23-9-2013.

*A. Shrooz Khan*  
*JA*

Amir F  
p-22



OFFICE OF THE  
SUPERINTENDENT  
CIRCLE H/Qs PRISON D.I. KHAN

No. \_\_\_\_\_ /H/Q Dated \_\_\_\_\_

OFFICE ORDER

Warder Akhtar Pervaiz attached to Interment Centre Kohat was called for  
hard in person on 29-11-2013 through Assistant Superintendent Incharge Interment  
Centre Kohat vide this office No.11943 dated 29-11-2013. He attended and not ~~may~~  
furnished any satisfactory reply in the disciplinary case initiated by Incharge Interment  
Centre Kohat. Further more the charged also proved about his habitual absentee, he  
remained absent during 2013 ie 119 days as intimated by the Incharge Interment Centre  
Kohat vide his memo; No.798 dated 29-11-2013.

Therefore the punishment recommended by Inquiry Officer ie REMOVAL  
FROM SERVICE has been approved with immediate effect.

SUPERINTENDENT  
CIRCLE H/QS PRISON DIKHAN

ENDST NO 12256-58 29/11/13

Copy of the above is forwarded the:-

1. Superintendent Interment Centre Kohat for information and necessary action.
2. District Accounts Officer, Kohat for information and necessary action.
3. Mr. Shamroz Khar Assistant Superintendent District Jail Kohat for information  
w/ his memo: No.2756-WF dated 23-9-2013.

*Abdullah  
Al*

*[Signature]*  
SUPERINTENDENT  
CIRCLE H/QS PRISON DIKHAN  
*[Signature]*

کھنوار قبہ - انسٹیٹیوٹ صندیل صاحب - محلہ جلی خانہ جات - پشاور - ضلع خٹورتو

معاون ایدر خواست بہادر بحال کرنے ملازمت داررہی اسٹائل افسر پرویز

جب یہ عالمی - گزارش ہے کہ من مذوی بوجہ اپنی ذہنی سے  
خیر حاصل کرنے پر نوری سے برضا سے کیا گیا۔ میں بابت

من مذوی صندیل عمر فارسان سے

۱۱) یہ کہ من مذوی کو ۱۳/۱۴ کوین بوج محلی پر حضور دیا گیا تھا

۱۲) یہ کہ من مذوی بدورانِ رخصت گھومنا سنت بیماریوں سے

۱۳) یہ کہ من مذوی گھومنا دلفر میسر کرنے کے باعث بروقت حکم دیا  
اگلی بابت بیماری نہ دے سکا

۱۴) یہ کہ من مذوی بیماری سے بچنے کے باعث  
۲ ماہ ۱۵ دن تک آرام کرنے کا مشورہ دیا

۱۵) یہ کہ من مذوی خانی و فاضل اپنی جواب دہی میں بیان کی ہے

۱۶) یہ کہ من مذوی کے بیماریوں کے علاج سے تقورات جو کہ حکم دے  
بروقت حکم دیا گیا اور وہ بھی بروقت دیکھنے  
باعث نہ بھیجے سکا

۱۷) یہ کہ من مذوی کی عالمی فقہاء نے بھی حکم دیا تھا

۱۸) یہ کہ من مذوی کو نوری سے فعلی خلاف قانون ہے۔ بوجہ یہ کہ  
من مذوی کو اپنی صفائی میں کچھ نہ کینے دیا گیا

Attest  
[Signature]

P.T.O.

(ix) یہ کہ من ذروی نے بعد از دو بارہ جانے نوزی پر اور جواب بابت طلبی  
دینے پر صغر ضیقاً قال انہ ان مالاً سے یہ کہ من ذروی نے بعد از دو بارہ جانے  
بلکہ من ذروی نے بعد از دو بارہ جانے نوزی پر اور جواب بابت طلبی

کذا من ذروی پر اجابہ بحال از نوزی اور از من ذروی  
بابت لغتات مدخلی از نوزی سے خودمانہ خودمانیہ یہ کہ  
من ذروی نے بعد از دو بارہ جانے نوزی پر اور دو بارہ  
ایسی نوزی پر بحال از من ذروی جو کہ ایک غریب فائدہ انفا  
واصل من ذروی اور از من ذروی سے رحم از من ذروی افصاحت معارف  
غریباً جانے من ذروی تا صحت ایک اور اصل و معنی ایک  
دعا اور نوزی

نقودت مدخلی من ذروی در فوٹو کتب من ذروی المرقوم 26/12/13

آغا مالک بار نوزی من ذروی اور من ذروی

موبائل نمبر 03462222522

~~0333-9293962~~

0333-9293962

احمد علی پور

Attested  
SA



Amer H

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

43

P-24  
Wgent  
Rosh

NO. 17251

DATED 25-6-2014.

To

The Superintendent,  
Headquarters Prison D.I.Khan.

Subject:- **DEPARTMENTAL APPEAL**  
Memo:

I am directed to refer to your letter No.3423 dated 30-4-2014 on the subject and to convey that appeal of Mr.Akhtar Pervaiz Ex- warden regarding set aside the penalty of Removal from Service has been considered and rejected by the Appellate Authority (I.G.Prisons being no solid grounds .

Please inform him accordingly.

*[Handwritten signature]*

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

*[Handwritten signature]*

Ahsan  
JAT

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

In the matter of

Appeal No. 1027 of 2014

Akhtar Pervez Ex-Warder

Attached to Internment Centre Kohat.....Appellant/Petitioner.

**VERSUS**

1. Superintendent Circle Headquarter Prison DIKhan.
2. Superintendent Internment Centre Kohat.
3. Inspector General of Prisons K.P.K Peshawar.
4. Government of Khyber Pakhtunkhwa through Secretary Home, Secretariat Peshawar  
.....Respondents.

**PARAWISE COMMENTS ON BEHALF OF RESPONDENTS No.1 to 4**

**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 stopped by his own conduct to bring the instant appeal.
- iv. That the appellant has no locus standi.
- v. That the appeal is bad for miss-joinder and non-joinder of necessary parties.
- vi. That the appeal is barred by law and limitation.

**ON FACT:**

1. Pertain to record.
2. No comments.
3. The applicant remain willful absent from 13.04.2013 to 19.04.2013, w.e.f. 25.4.2013 to 06.05.2013; w.e.f 12.05.2013 to 14.05.2013, w.e.f 16.05.2013 to 17.05.2013, w.e.f 30.05.2013 to 01.06.2013 & 14.06.2013 to till dated. He is habitual absentee as per report of Superintendent Internment Centre Kohat.
4. Due to willful absence as mentioned above the disciplinary action initiated against him by the compliant/report made by the Superintendent Internment Centre Kohat.
5. Pertain to record.
6. Incorrect. The competent authority awarded major penalty in accordance with recommendation of inquiry officer.
7. He was issued with a show cause notice but his reply is not found satisfactory. His medical certificates were defective which was not countersigned by the concerned Medical Superintendent.
8. Incorrect as per paras mentioned above.
9. Pertain to record.
10. No comments.

**GROUND**

- A. Incorrect. The impugned order is a speaking order in accordance with law.
- B. Incorrect and the impugned order is accordance with law.
- C. Incorrect. The appellant was hard in person by the respondent. The Inquiry Officer fulfilled all the codal formalities incompleteness of the inquiry proceedings.

- D. Incorrect, all the chance were given to the appellatnt by the response in the inquiry proceeding.
- E. Incorrect. The inquiry officer recommended Removal from service
- F. Incorrect as per paras mentioned above.
- G. Incorrect.
- H. No comments.

It is therefore requested that the appeal may kindly be dismissed with cost throughout.

4. Government to Secretary,  
Home & TAs Department KPK Peshawar  
(Respondent No.4)

1. Superintendent  
Circle Headquarter Prisons DIKhan  
(Respondent No.1)

3. Inspector General of Prisons  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No.3)

2. Superintendent  
Internment Centre Kohat  
(Respondent No.2)

DISCIPLINARY ACTION

I, Ghulam Rabbani Superintendent Headquarter Prison DIKhan as competent authority, am of the opinion that **Warder Akhtar Pervez** attached to District Jail Kohat has rendered him liable to be proceeded against him committed the following acts of misconduct within the meaning of rule 7 of the Khyber Pakhtunkhwa (Efficiency & Discipline ) Rule 2011.

STATEMENT OF ALLEGATIONS.

Warder Akhtar Pervez absented him self from duty as well as from jail premises with effect from 14-06-2013; previously he absented himself from duty and jail premises w.e.f 13-04-2013 to 19-04-2013, w.e.f 25-04-2013 to 06-05-2013, 12-05-2013 to 14-05-2013. 16-05-2013 to 17-05-2013, 30-05-2013 to 01-06-2013 and 14-06-2013 to till date. ~~14-06-2013~~

2. Mr. Shamrooz Khan Assistant Superintendent Jail attached to District Jail Kohat is hereby appointed as Inquiry Officer.
3. The Inquiry Officer shall in accordance with the provisions of the Ordinance provide a reasonable opportunity of hearing to the accused, record his findings and make appropriate action against the accused official.
4. The accused official and a well conversant representative of the department shall join the proceedings at the date, time place fixed by the Inquiry Officer.

SUPERINTENDENT  
CIRCLE H/QS PRISON DIKHAN

Endorsement No. 2838-41 17/6/13

Copy of the above is forwarded to the:-

1. Inspector General of Prisons Khyber Pakhtunkhwa, Peshawar for information with reference to Superintendent District Jail Kohat Endst; No.383 dated 17-06-2013 please.
2. Mr. Shamrooz Khan Assistant Superintendent Jail attached to District Jail Kohat, Inquiry Officer for initiating proceedings against the above named warder under the meaning of rule 7 of the Khyber Pakhtunkhwa (Efficiency & Discipline) Rule 2011.
3. **Warder Akhtar Pervez** attached to District Jail Kohat with the directions to appear before the Inquiry Officer for the purpose of inquiry proceedings.
4. Superintendent District Jail Kohat for information with reference to his memo: No.382 dated 17-06-2013 with the request to produce the relevant record before the Inquiry Officer and assist him during the inquiry proceedings. One copy of the same duly signed and dated by above named official may be returned to this office as a token of receipt.

*Handwritten initials and dates:*  
28/6/13  
17/6/13

*Handwritten notes in Urdu:*  
Abid 17/6/13  
19-6-13  
Plus

*Signature of Superintendent*  
SUPERINTENDENT  
CIRCLE H/QS PRISON DIKHAN  
17/6/13



کھیتن جی بے سوسائٹس صاحبہ ہسپتال میں ٹیوی  
عنوان :- جوار طبی برائے شوکار نوٹس

۱۶

سویات گزرا اس حکم کے شوکار نوٹس حصول ہوا

سائنس صوفیہ 14/7 کو 3 یوم رخصت ہر روز پر حضور ایلان کا  
یہاں دوران سائنس گھر میں بیمار ہو گیا۔ صوفیہ 18/7 سے غیم صاف  
سوا تھا اور صوفیہ 3/10 تک بیمار تھا اور صاف ڈاکٹر صاحب نے سہ لکھ  
سائنس کو 2 ماہ پندرہ دن کی سہ لکھ اور اصل سہ لکھ

سائنس صوفیہ بیماری کی وجہ سے اپنے انٹور کی انٹیر صاحب کو ہر وقت  
شوکار نوٹس کا جواب نہ دے سکا اور نہ ہی پیش ہو سکا۔ اور جب  
میں ٹھیک ہو گیا تو صوفیہ 4/10 کو صوفیہ کی تو اپنے انٹور کی انٹیر صاحب  
کہ بائیں چلا گیا اور اپنے ہم نسل میں ایک ٹیکن ڈکٹور کی انٹیر صاحب نے مجھے  
اسکا کہ مقدار انٹور میں نے صوفیہ کو 3 کو روانہ کر دیا ہے

2285  
18-11-2013

سائنس آئندہ نسیم ہاؤس میں لڑکا اور جی۔ سے  
بھیرا نے تراش کر رکھنے سائنس کو رکھ رکھ صاف  
کے لیے ہے

صوفیہ کی صوفیہ نوٹس ہوتی ہے۔  
12/11/13

ایک ایڈیٹر صاحبہ ہسپتال میں ٹیوی (

۱۶/۱۱

۱۶

**SHOW CAUSE NOTICE.**

147  
119

11am Rabbani Superintendent HQ Prisons DIKhan, as competent authority, under Pakhtunkhwa Government Servant (Efficiency & Discipline) Rule 2011, do hereby **Mr. Akhtar Parvaiz Warder**, as follows:-

- (i). That consequent upon the completion of inquiry conducted against you by the Inquiry Committee for which you were given opportunity of hearing; and
- (ii). On going through the findings and recommendations of the Inquiry Committee, the material on record and other connected papers including your defiance before the said committee.

I am satisfied that you have committed the following acts / omissions specified in section 3 of the said Ordinance.

- (a). **Left duty as well as jail premises / duty without the permission of competent authority w.e.f. 18-7-2013 to till date.**
- (b). By committed above found misconduct with the meaning of Section 3 of Khyber Pakhtunkhwa Removal Government Servant (Efficiency & Discipline) Rule 2011.

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you **REMOVAL FROM SERVICE** under section 3 of the said Ordinance.

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

4. If no reply to this notice is rectified within fifteen days of its delivery, in the normal course of circumstances, it shall be presumed that you have no defiance to put in and in that cause as ex-parte action shall be taken against you.

5. The copy of the findings of the Inquiry Committee is enclosed.

*ans*  
SUPERINTENDENT  
HEADQUARTER PRISONS DIKHAN  
*2/10*

*L* *u* *E*

OFFICE OF THE  
SUPERINTENDENT  
CIRCLE H/Qs PRISON D.I.KHAN

No. 12255 /H/Q Dated 29/11/13

OFFICE ORDER

Warder Akhtar Pervaiz attached to Interment Centre Kohat was called for hard in person on 29-11-2013 through Assistant Superintendent Incharge Interment Centre Kohat vide this office No.11943 dated 20-11-2013. He attended and not ~~any~~ furnished any satisfactory reply in the disciplinary case initiated by Incharge Interment Centre Kohat. Further more the charged also proved about his habitual absentee, he remained absent during 2013 i.e 119 days as intimated by the Incharge Interment Centre Kohat vide his memo; No.798 dated 29-11-2013.

Therefore the punishment recommended by Inquiry Officer i.e REMOVAL FROM SERVICE has been approved with immediate effect.

ENDST NO 12256-58 29/11/13 *ofc* SUPERINTENDENT  
CIRCLE H/Qs PRISON DIKHAN  
29/11

Copy of the above is forwarded the;-

1. Superintendent Interment Centre Kohat for information and necessary action.
2. District Accounts Officer, Kohat for information and necessary action.
3. Mr. Shamrooz Khan Assistant Superintendent District Jail Kohat for information w/r his memo; No.2756-WE dated 23-9-2013.

*ofc* SUPERINTENDENT  
CIRCLE H/Qs PRISON DIKHAN  
29/11

04 FAR

OFFICE OF THE  
INCHARGE INTERMENT CENTRE  
DISTRICT JAIL KOHAT  
No 758 dt 29/11/2013.

THE SUPERINTENDENT,  
HQ PRISON D.I.KHAN.

Subject:- ABSENTED PERIOD.

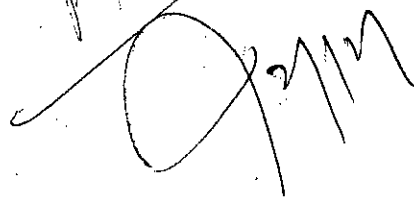
R/Sir

It is submitted that warder Akhtar Pervez absented period are given below for your further necessary action please.

13-04-2013 to 19-04-2013	06 days.
25-04-2013 to 07-05-2013	12 days.
19-06-2013 to 04-07-2013	16 days.
18-07-2013 to 07-10-2013	79 days.
18-11-2013 to 24-11-2013	06 days.
Total:	119 days.

  
INCHARGE INTERMENT CENTRE,  
DISTRICT JAIL KOHAT.

Tahir/

~~PP~~  


No 2398  

---

dt 2/12/08

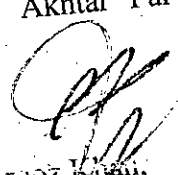
INQUIRY REPORT

183  
THE  
IDENT  
DN D.I.KHAN

ated 30/9/14

Reference your endst; No.9543-46-00 dated; 13-08-2013.

I conducted the inquiry of absence in r/o warder Akhter Parvez according to the record he absented himself from duty as well as left the Jail premises with out the permission of the competent authority w.e.f 18-07-2013 to till date.He was called for inquiry against him through notice vide this office letter No.2530-34 dated:05-09-13 and endorsed to your goodself office and also directed to appear before the inquiry officer on 09-09-13 at 10-00Am otherwise ex party action shall be taken against you. But he failed to appear before the undersigned. As per statement of Incharge ICK Muhammad Irshad Khan Assistant Superintendent the Warder Akhtar Parvez is habitual one therefore I recommend for his removal from service.

  
Shaurooz Khan,  
Assistant Superintendent,  
District Jail Kohat.  
Inquiry officer

Tahir/

3282 dated

Centre Kohat has  
given below: -

entire service

vides Supdt;  
t; 22-1-13.  
for one year  
rison Haripur

Centre Kohat

06 days.  
12 days.  
16 days.  
79 days.  
06 days.  
19 days.  
ervice vide  
lo.12256-58

one and his  
Centre Kohat  
Kohat has  
is removal  
notice, he  
y, he was  
no reason  
h security  
19 days is  
warded by  
required

NT  
CIRCLE H/QS PRISON DIKHAN



**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,**

**PESHAWAR.**

*original*

Service Appeal No. 1027/2014

Akhtar Pervez.....(Appellant)

**VERSUS**

Superintendent Circle Headquarter Prison, Dera Ismail Khan  
and others.....(Respondents)

**REJOINDER AGAINST THE COMMENTS**  
**OF RESPONDENTS NO. 1 TO 4 ON**  
**BEHALF OF THE APPELLANT.**

**Respectfully Sheweth:**

Reply to the preliminary objection.

1. That appellant has cause of action to challenge the impugned order of removal from service.
2. That the appeal of the appellant is competent and maintainable in its present form.

3. That the appellant is entitle to file the appeal against the respondents.
4. That the appellant has locus standi to file the present appeal against the respondents.
5. That misjoinder and non-joinder of the parties does not effect the fortune of the appeal, while the appellant has impleaded all the necessary and important parties.
6. That Hon'ble Tribunal has got the jurisdiction to adjudicate upon the matter.

**REPLY TO FACTS:**

1. That Para No.1 of the appeal is admitted by the respondents due to being not denied by the respondents.
2. That Para No. 2 of the appeal is admitted by the respondents due to giving no comments against the said para.
3. That Para No. 3 is correct and his reply is incorrect as absence of the appellant was not will full, but it was due

to illness. Moreover, the absence of the appellant alleged by the respondents is not tailing with statement of allegation which was totally different as concocted manipulated by the respondents, so denied.

4. That Para No. 4 of the appeal is correct, while its reply given by the respondents is incorrect, so denied.
5. That Para No. 5 of the appeal is correct, and its reply is incorrect, hence denied.
6. That Para No. 6 of the appeal is correct, and its reply is incorrect, hence denied.
7. That Para No. 7 of the appeal is correct, and its reply is incorrect, hence denied.
8. That Para No. 8 of the appeal is correct, and its reply is incorrect, hence denied.
9. That Para No. 9 of the appeal is correct, and its reply is incorrect, hence denied.



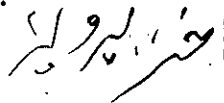
10. That Para No. 10 is admitted by the respondents which proved the appeal of the appellant and under this para all the grounds are admitted by the respondents.

**GROUND:**

All the grounds of the appeal are correct while that of the reply by the respondents are incorrect, so denied, which amounts to admission this appeal on two scours one by the word written by the respondents (no comments) and second by not giving counter affidavit by the respondents, which amounts to admission of the appeal by the respondents.

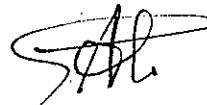
It is, therefore, prayed that the reply of the respondents No. 1 to 4 may kindly be dismissed and the appeal of the appellant may graciously be accepted.

Any other relief which deems fit may also be granted in the favour of appellant.



Appellant

Through



Dated: 12/10/2015

**Gohar Ali**  
Advocate High Court,  
Peshawar.

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,**

**PESHAWAR.**

Service Appeal No. 1027/2014

Akhtar Pervez.....(Appellant)

**VERSUS**

Superintendent Circle Headquarter Prison, Dera Ismail Khan  
and others.....(Respondents)

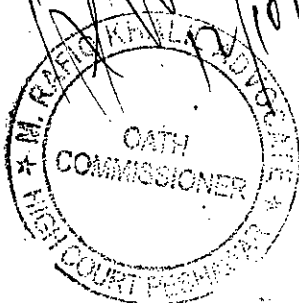
**AFFIDAVIT**

I, Akhter Pervaiz S/o Rizwan Muhammad R/o Mohallah Batakzai, Village Khaishki Payan, Tehsil and District Nowshera, Ex-Warden, Central Jail, D.I.Khan Interment Center Kohat, do hereby solemnly affirm and declare that all the contents of the accompanying **Rejoinder** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

*(Handwritten signature in Urdu)*

**DEPONENT**

**ATTESTED**



NIC. No. - 17201-2728392-5

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,**

**PESHAWAR.**

Service Appeal No. 1027/2014

Akhtar Pervez.....(Appellant)

**VERSUS**

Superintendent Circle Headquarter Prison, Dera Ismail Khan  
and others.....(Respondents)

**REJOINDER AGAINST THE COMMENTS**  
**OF RESPONDENTS NO. 1 TO 4 ON**  
**BEHALF OF THE APPELLANT.**

**Respectfully Sheweth:**

Reply to the preliminary objection.

1. That appellant has cause of action to challenge the impugned order of removal from service.
2. That the appeal of the appellant is competent and maintainable in its present form.

3. That the appellant is entitle to file the appeal against the respondents.
4. That the appellant has locus standi to file the present appeal against the respondents.
5. That misjoind r and non-joinder of the parties does not effect the fortune of the appeal, while the appellant has impleaded all the necessary and important parties.
6. That Hon'ble Tribunal has got the jurisdiction to adjudicate upon the matter.

**REPLY TO FACTS:**

1. That Para No.1 of the appeal is admitted by the respondents due to being not denied by the respondents.
2. That Para No. 2 of the appeal is admitted by the respondents due to giving no comments against the said para.
3. That Para No. 3 is correct and his reply is incorrect as absence of the appellant was not will full, but it was due

to illness. Moreover, the absence of the appellant alleged by the respondents is not tailing with statement of allegation which was totally different as concocted manipulated by the respondents, so denied.

4. That Para No. 4 of the appeal is correct, while its reply given by the respondents is incorrect, so denied.
5. That Para No. 5 of the appeal is correct, and its reply is incorrect, hence denied.
6. That Para No. 6 of the appeal is correct, and its reply is incorrect, hence denied.
7. That Para No. 7 of the appeal is correct, and its reply is incorrect, hence denied.
8. That Para No. 8 of the appeal is correct, and its reply is incorrect, hence denied.
9. That Para No. 9 of the appeal is correct, and its reply is incorrect, hence denied.

10. That Para No. 10 is admitted by the respondents which proved the appeal of the appellant and under this para all the grounds are admitted by the respondents.

**GROUND:**

All the grounds of the appeal are correct while that of the reply by the respondents are incorrect, so denied, which amounts to admission this appeal on two scours one by the word written by the respondents (no comments) and second by not giving counter affidavit by the respondents, which amounts to admission of the appeal by the respondents.

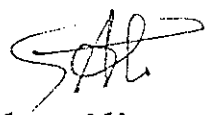
It is, therefore, prayed that the reply of the respondents No. 1 to 4 may kindly be dismissed and the appeal of the appellant may graciously be accepted.

Any other relief which deems fit may also be granted in the favour of appellant.

Appellant

Through

Dated: 12/10/2015

  
**Gohar Ali**

Advocate High Court,  
Peshawar.

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,

PESHAWAR.

Service Appeal No. 1027/2014

Akhtar Pervez.....(Appellant)

**VERSUS**

Superintendent Circle Headquarter Prison, Dera Ismail Khan  
and others.....(Respondents)

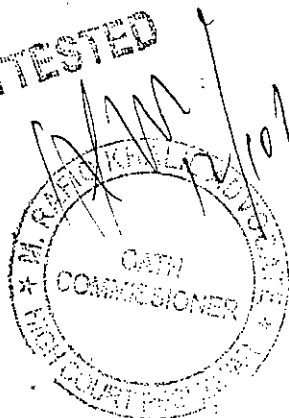
AFFIDAVIT

I, Akhter Pervaiz S/o Rizwan Muhammad R/o Mohallah Batakzai, Village Khaishki Payan, Tehsil and District Nowshera, Ex-Warden, Central Jail, D.I.Khan Interment Center Kohat, do hereby solemnly affirm and declare that all the contents of the accompanying **Rejoinder** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

*(Handwritten Signature)*

**DEPONENT**

**ATTESTED**



NIC. 001-17201-2728392-5

Before the service Tribunal K.P.K. Peshawar

Appeal no 1027/2014 -

Akhtar Pervez vs -  
20/10/2016

Prison depart.

Head! To be  
Fixed in December, 2016  
Notice to the respondents

Application for early hearing  
of the appeal cited above.

The next date is fixed 27/11/2017.  
for arguments.

R/Sheweth

The appellant submits as under

- 1- That the appeal was filed dt 25-7-2014 - which was fixed for reply after admission. dt 6/11/2014 and fixed for reply dt. 21-3-2016 and for Argument 27-6-2016 then adjourned to 5/10/2016 but not found a record then to 10/10/2016
- 2 - That an other notice was received for office dt. 27-1-2017 is too long.

Therefore it is requested that the date may please be fixed. early please.

Dated 10th Oct 2016.

Through Gohar Ali Khattak Appellant / petitioner  
advocate.



Before the service Tribunal K.P.K. Peshawar

Appeal no 1027/2014 -

Akhtar Pervez

vs -

Prison depart.

Application for early hearing  
of the appeal cited above  
the new date is fixed 27/11/2017.  
for arguments.

---

R/Sheweth

The appellant submits as under

- 1- that the appeal was filed dt 25-7-2014 - which was fixed for reply after admissions. dt <sup>6<sup>th</sup></sup> 2014 and fixed for reply dt. 24-3-2016 and for Argument 27-6-2016 then adjourned to 5/10/2016 but not found on record then to 10/10/2016
- 2- That an other notice was received for office dt. 27-1-2017 is too long.

There fore it is requested that the date may please be fixed early please.

Dated 10th Oct 2016.

  
Through Advocate Ghaffar Khattak  
Advocate  
Appellant / petitioner

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 691 /ST

Dated 7 / 4 / 2017

To


The Superintendent Circle Headquarters ,  
Government of Khyber Pakhtunkhwa,  
Peshawar.

Subject: -

JUDGMENT

I am directed to forward herewith a certified copy of Judgement dated 29.3.2017 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.