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9.8.2022 Due To The Public Holidays

The Case is Adjourned To 29-9-2022



①

Reader.

Form- A  
FORM OF ORDER SHEET

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

Execution Petition No. \_\_\_\_\_ 295/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	27.05.2022	<p>The execution petition of Mian Gul Hussain submitted today by Mr. Aslam Khan Khattak Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p> REGISTRAR</p>
2-	25-5-22	<p>This execution petition be put up before Single Bench at Peshawar on <u>20-6-22</u>. Original file be requisitioned. Notices to the parties be also issued for the date fixed.</p> <p> CHAIRMAN</p>
	20 <sup>th</sup> June, 2022	<p>Counsel for the petitioner present. Mr. Kabirullah Khattak, Addl AG for respondents present.</p> <p>Learned counsel for the petitioner submits that benefits were awarded to the petitioner vide judgment passed by the Tribunal on 10.06.2021 but the same have not been granted by the respondents. The respondents are directed through learned Addl: AG to submit implementation report on or before the next date. Learned counsel for the petitioner shall also prepare detail/breakup of the benefits within 7 days, copy of which be provided to the other side. To come up for implementation report on 09.08.2022 before S.B.</p>

  
(Kalim Arshad Khan)  
Chairman

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

COC NO: 295 /2022

Mian Gul Hussain, Head Warder, Central Prison, Mardan

Appellant

Versus

Government of Khyber Pakhtunkhwa through Secretary Home  
& Tribal Affairs Department Peshawar & Others

Respondents

**I N D E X**

S.No	Description of Documents	Annex	Pages
1.	Memo of COC		1-2
2.	Judgment dated 10-06-2021	A	3-8
3.	Wakalat Nama		9

Dated: 23 /05/2022



Petitioner

Through

*aslam*  
**Aslam Khan Khattak**  
Advocate, High Court,  
Peshawar.

**BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER**

**PAKHTUNKHWA PESHAWAR**

Khyber Pakhtunkhwa  
Service Tribunal

C.O.C Appli. No. 295/2022

Diary No. 627

Dated 23/05/2022

Mian Gul Hussain, Head Warder, Central Prison, Mardan.

.....Petitioner

Versus

1. Government of Khyber Pakhtunkhwa, Secretary Home & Tribal Affairs Department, Peshawar.
2. Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar
3. Superintendent Headquarters Prison, Peshawar.
4. Superintendent Central Prison, Peshawar.

Respondents

**APPLICATION FOR EXECUTION OF  
THE JUDGMENT DATED 10-6-2021 AND  
ALSO INITIATING OF CONTEMPT OF  
COURT PROCEEDING AGAINST THE  
RESPONDENTS UNDER THE  
CONTEMPT OF COURT ACT 1976.**

**Respectfully Sheweth,**

1. That the petitioner has approached this Hon'ble Tribunal with Appeal No: 201/2018. The said appeal was finally adjudicated upon and the order was passed on 10-6-2021. Copy is annexed at Annexure "A".
2. That the certified copy of order mentioned above has already been sent to the respondents for its implementation.
3. That the respondents have so far not implemented the aforesaid judgment of this Hon'ble Tribunal which

amounts to contempt on their part. They are, therefore liable to be punished under the Contempt Of Court Act 1976.


*It is, therefore, prayed that the respondents may be directed to implement the judgment dated 10-6-2021 as soon as possible and necessary contempt proceeding may also be initiated against the respondents under the Contempt of Court Act 1976.*

Dated: 23/05/2022



Petitioner

Through

  
**Aslam Khan Khattak**  
Advocate, High Court,  
Peshawar.

BEFORE THE HONBLE KPK, SERVICES TRIBUNAL  
PESHAWAR



Khyber Pakhtunkhwa  
Service Tribunal

Appeal No. 201 /2018

Diary No. 200

Dated 14-2-2018

Mian Gul Hussain, Head warder, attached to central  
prison Mardan.

----- (Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa Secretary  
Home and Tribal Affairs Department Peshawar.
2. Inspector General of prisons, Khyber  
Pakhtunkhwa Peshawar.
3. Superintendent Headquarter Prison Peshawar.
4. Superintendent Central Prison Mardan.


----- (Respondents)

Filed-to-day

14/2/18  
Registrar

APPEAL UNDER SECTION 4 OF KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT  
1974 AGAINST THE IMPUGNED ORDER  
DATED 24-11-2017 VIDE ANNEXURE "F"  
WHEREBY THE INTERVENING PERIOD  
HAS BEEN TREATED AS EXTRA ORDINARY  
LEAVE WITHOUT PAY AND ALSO AGAINST  
THE FINAL IMPUGNED ORDER DATED 25-  
01-2018 VIDE ANNEXURE "H" WHEREBY  
THE DEPARTMENTAL APPEAL AT  
ANNEXURE "G" HAS BEEN REJECTED.

ATTESTED

  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

-4-

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

**Service Appeal No. 201/2018**

Date of Institution ... 14.02.2018

Date of Decision ... 10.06.2021



Mian Gul Hussain, Head Warder, Attached to Central Prison  
Mardan.

...(Appellant)

VERSUS

Government of Khyber Pakhtunkhwa Secretary Home and Tribal  
Affairs Department Peshawar and three others.

...(Respondents)

Mr. ASLAM KHAN KHATTAK,  
Advocate

--- For appellant.

MR. KABIRULLA KHATTAK,  
Additional Advocate General

--- For respondents.

**MR. SALAH-UD-DIN**

---

**MEMBER (JUDICIAL)**

**MR. ATIQ-UR-REHMAN WAZIR**

---

**MEMBER (EXECUTIVE)**

**JUDGEMENT:**

**SALAH-UD-DIN, MEMBER:-** The instant Service Appeal has been filed by the appellant against the order dated 25.01.2018, whereby the departmental appeal filed by the appellant was rejected and the order dated 24.11.2017, whereby the penalty of withholding of annual increments for two years without future effect and treating the intervening period, during which the appellant did not perform his duty, as extra-ordinary leave without pay, imposed upon the appellant, was upheld.

2. Precise facts leading to filing of the instant Service Appeal are that during the posting of the appellant as Head Warder/In-charge

**ATTESTED**


EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal

Ghalla Godown and Store at Central Prison Peshawar, convicted prisoner namely Abdul Baseer S/o of Ghulam Dastagir escaped from the Central Prison Peshawar on 16.01.2011. Disciplinary proceedings were initiated against the appellant as well as other officials and he was awarded major penalty of compulsory retirement from service, which was challenged by the appellant by way of filing of Service Appeal, which was allowed vide judgment dated 17.08.2017 by directing the respondents to hold de-novo inquiry in to the matter. De-novo inquiry was conducted in to the matter and vide order dated 24.11.2017 passed by the competent Authority, the appellant was awarded the penalty of withholding of annual increments for two years without future effect and the intervening period, during which the appellant did not perform duty, was treated as extra-ordinary leave without pay. The appellant preferred departmental appeal against the order dated 24.11.2017, however the same was rejected vide order dated 25.01.2018, hence the instant Service Appeal.

3. Learned counsel for the appellant contended that the inquiry against the appellant was not conducted in a legal manner and the inquiry proceedings are thus nullity in the eye of law; that no incriminating material has been brought against the appellant in the inquiry proceedings, which could show that the appellant was having any hand in the escape of convicted prisoner; that the appellant alongwith other officials were charged in a criminal case on the same allegations and they were acquitted by the learned Trial Court vide judgment dated 03.04.2016, therefore, the impugned penalty imposed upon the appellant is liable to be set-aside. Reliance was placed on 2008 SCMR 1369, 2000 SCMR 1743, 2008 PLC (C.S) 759, 2004 PLC (C.S) 1003, 2013 PLC (C.S) 344, 2003 PLC (C.S) 365, 2003 SCMR 215, 2002 SCMR 57, 2001 SCMR 269, 2007 PLC (C.S) 560, 2000 PLC (C.S) 33 and 2000 PLC (C.S) 1101.

4. On the other hand, learned Additional Advocate General has contended that proper inquiry was conducted against the appellant and he was found guilty of the charges leveled against him, therefore, the competent Authority has rightly awarded him the penalty of withholding of annual increments for two years without future effect and the intervening period, during which he did not perform his duty, was

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 OFFICE OF THE  
 ADDITIONAL ADVOCATE GENERAL  
 PESHAWAR



treated as extra-ordinary leave without pay; that the period during which the appellant was not on duty has rightly been considered as extra-ordinary leave without pay because it is well settled principle that if there is no work there is no pay; that the appellant has been acquitted by the learned Trial Court in the criminal case registered regarding the same matter, however mere acquittal of the appellant cannot entitle him to be exonerated in the disciplinary proceedings taken against him by the department. Reliance was placed on 2003 SCMR 228 and unreported judgment of this Tribunal dated 19.03.2018, rendered in the Service Appeal bearing No. 868/2017 titled "Shafique Ahmed Versus The Provincial Police Officer Khyber Pakhtunkhwa Peshawar and two others".

5. Arguments heard and record perused.

6. A perusal of the record would show that disciplinary proceedings were taken against the appellant on the ground that during his posting as Incharge Godown in Central Prison Peshawar, one convicted prisoner namely Abdul Baseer S/o Ghulam Dastager made his escape good from the jail on 16.01.2011 through dried bread carrier vehicle No. 7659-Peshawar. It is pertinent to mention that on the basis of same allegations, a criminal case bearing registration No. 32 dated 16.01.2011 under sections 223/224/225/109 PPC was also registered against the appellant and others in Police Station East Cantt District Peshawar. The appellant alongwith accused namely Iftikhar, Jan Ayaz, Sareer Khan, Nawab Ali, Habib Ullah, Raheem Dad and Niaz Muhammad stood trial in the above mentioned criminal case and they have been acquitted by the learned Trial Court vide judgment dated 03.04.2016. Superintendent Central Prison Peshawar was complainant in the criminal case, who was examined as P.W-5 at the trial. The learned Trial Court has observed in its judgment as below:-

*"It is alleged that the evidence led to the involvement of accused in the occurrence but no such evidence was brought on file to prove allegations. In cross-examination the complainant admitted that Shah Wali, Chakar Chief was overall In-charge of the Chakar but he had not been made an accused in the case nor was produced to depose against the accused. He also admitted that Line Officer/Assistant Superintendent was supervisory officer of Durhi (entry/exist place) but*

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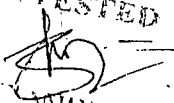
he was also neither named as accused nor produced as a witness. He admitted that the Jail Administration had no official record regarding the permission of the vehicles and their registration numbers, which were allowed to enter the jail for different purposes. Instead a Register No. 16 was stated to be maintained just for making entries of the vehicles. Even that Register was neither handed over to I.O nor produced as a piece of evidence. This also speaks about the negligence of the department or at least the Jail Administration and is a strong factor to be considered in favour of the accused facing trial.

The learned Trial Court has further observed as below:-

"Last material witness produced by the prosecution was P.W 6 Mukamil Shah, S.I Police Line Peshawar, who had also investigated the case. He admitted that the manner of escape of the convict had not been mentioned in the application (Ex-F.W-5/1) moved by the Superintendent Central Prison. He also admitted that he could not have stated as to what kind of negligence the accused officials had committed during the course of their duty. He also admitted that he had not collected any evidence regarding the entry and exit time of the Vehicle in question as well as involvement of accused official and the private accused in the instant case. He admitted that as per prosecution story name of the contractor was Faisal. He admitted that there was nothing on the file regarding any contract between Faisal and the accused Iftikhar. He also admitted that accused Iftikhar was not contractor of dried bread. He also admitted that there was no document regarding the contract of dried bread of the Jail Authority and Faisal. When the contract documents are not placed on file, then how the accused facing Trial could be linked with the case, is another question which too could not have been answered by the prosecution in order to support its story, which story seems to be self-manufactured."

The same facts, on the basis of which, disciplinary action was taken against the appellant, were also alleged in the FIR registered regarding the escape of convict Abdul Baseer, however the learned Trial Court has observed that the story seems to be self-manufactured. The appellant has been acquitted in the criminal case registered against him, however this fact has not been taken in to consideration during the de-novo inquiry against the appellant. It has been held by the worthy

ATTESTED

  
WITNESSES  
Khyber Pakhtunkhwa  
Services Tribunal  
Peshawar

apex court that all acquittals are honourable and there can be no acquittal which can be termed as dishonourable. August Supreme Court of Pakistan in its judgment reported as 2001 SCMR 269 has held that where the criminal charges were not established before a competent court of law and the civil servant was acquitted on those specific charges, the departmental proceedings exactly on the same charges would be solely irrelevant and unjustified.

7. Consequently, the appeal in hand is allowed by setting-aside the impugned penalty awarded to the appellant and he is held entitled to all back benefits. Parties are left to bear their own costs. File be consigned to the record room.

**ANNOUNCED**  
**10.06.2021**

(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

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

Certified to be true copy

Date of Presentation 18-06-2021  
 Number of Pages 2400  
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 Date of Completion of Copy 23-06-2021  
 Date of Delivery of Copy 23-06-2021

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ایڈوکیٹ: (اسلم خان صدیقی)

بار کونسل / ایسوسی ایشن نمبر:

رابطہ نمبر: 9558325-314 0

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: خیبر پختونخواہ سروسز ٹریڈینگز پشاور

دعویٰ:	منجانب:
علت نمبر:	
مورخہ:	میٹر گل حسین
جرم:	
تھانہ:	

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ

آن مقام پشاور کیلئے اسلم خان صدیقی کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کر کے و تقریر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی ادا کرنے کے ساتھ ہائے بجا جانے لقمہ کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ باختیار حاصل ہوں گے اور ان کا ساختہ پر داخلہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جائزہ اتوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم:

مقام پشاور کے لیے منظور ہے۔  
Attested + accepted.

نوٹ: اس وکالت نامہ کی فونو کاپی ناقابل قبول ہوگی۔

aslam

23.5.2022

**"B"**

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

No.

Appeal No. E.P No. 295 of 20 SB  
Mian Gul Hussain Appellant/Petitioner  
Versus  
Secy Home & Tribal Affairs Govt of KPK Respondent.  
Respondent No. \_\_\_\_\_

Notice to: —

Govt of KPK Secy Home & Tribal Affairs  
Dept. Peshawar (1)

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. \_\_\_\_\_ dated \_\_\_\_\_

Given under my hand and the seal of this Court, at Peshawar this \_\_\_\_\_

Day of \_\_\_\_\_ 20 02  
June 22

[Signature]  
Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.

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**“B”**

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

SB

No.

10/06/2022

Appeal No. E.P No. 295 of 20 22  
Mian Gul Hussain Appellant/Petitioner

Sery Home & Tribal Affairs <sup>Versus</sup> Govt of KPK Respondent  
(2)

Respondent No. ....

Notice to: —

IG Prison, KPK Peshawar

**WHEREAS** an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 20/06/2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

**Notice** of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this off. e Notice No. .... dated .....

Given under my hand and the seal of this Court, at Peshawar this..... 02

Day of June ..... 20 22

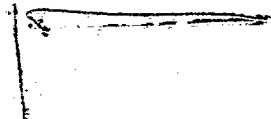


**Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.**

**Note:** 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.

Note: 1. Always quote Case No. While making any correspondence. 2. The hours of attendance in the court are the same as of the High Court except on Sundays and Seasoned Holidays.

پشاور  
کیاڑی ہائیڈرو پاور سروس ٹریبونل  
رجسٹری



Day of July 2022

Given under my hand and the seal of this Court at Peshawar this 05

of the month of July 2022

Copy of appeal is attached. Copy of appeal has already been sent to you vide this  
the appeal/petition  
notice posted to this address by registered post will be deemed sufficient for the purpose of  
address given in the appeal/petition will be deemed to be your correct address, and further  
address. If you fail to furnish such address your address contained in this notice which the  
given to you by registered post. You should inform the Registrar of any change in your  
notice of any alteration in the date fixed for hearing of this appeal/petition will be

appeal/petition will be heard and decided in your absence.  
default of your appearance on the date fixed and in the manner aforementioned, the  
alongwith any other documents upon which you rely. Please also take notice that in  
this Court at least seven days before the date of hearing & copies of written statement  
advocate, duly supported by your power of Attorney. You are, therefore, required to file in  
the case may be postponed either in person or by authorized representative or by any  
appeal/petitioner. You are at liberty to do so on the date fixed, or any other day to which  
on 20/08/2022 at 8:00 A.M. If you wish to file anything against the  
herely notified that the said appeal/petition is fixed for hearing before the Tribunal  
the above case by the petitioner in this Court and notice has been ordered to issue. You are

Provision Service Tribunal Act, 1974, has been presented/registered for consideration, in  
WHEREAS an appeal/petition under the provision of the کیاڑی ہائیڈرو پاور

Notice to: IC / Jahan + KVK / Peshawar

Respondent No. \_\_\_\_\_

IC / Jahan + KVK / Peshawar  
Respondent No. (5)

Appellant/Petitioner: \_\_\_\_\_

No. E-40/2022 of 2022

پشاور  
JUDICIAL COMPLEX (OGD), KHAYBER ROAD,  
کیاڑی ہائیڈرو پاور سروس ٹریبونل، پشاور

cc B33



**“B”**

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

No.

SB

~~Appeal~~ No. E.P No. 295 of 20 22

Mian Gul Hussain Appellant/Petitioner

*10/6/22*

Secy Home & Tribal Affairs Govt of KPK Respondent

Versus

Respondent No. (3)

Notice to:

Superintendent Headquarters Prison, Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 20/06/2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

E.P

Copy of ~~appeal~~ is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 02.....

Day of June.....2022

*[Signature]*

**Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.**

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.

BEHAWAR  
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
BEHAWAR

Day of June 2022

Given under my hand and the seal of this Court at Behawar this 25

of the month of June 2022

Copy of ~~affidavit~~ is attached. Copy of affidavit has already been sent to you vide this  
this affidavit petition.  
notice posted to this address by registered post will be deemed sufficient for the purpose of  
address given in the affidavit petition will be deemed to be your correct address, and further  
address. If you fail to furnish such address your address contained in this notice which the  
given to you by registered post. It is hereby notified to the Registrar of any change in your  
notice of any alteration in the date fixed for hearing of this affidavit petition will be

destitute of your appearance on the date fixed and in the manner aforementioned, the  
affidavit and other documents from which you wish to raise any plea also take notice that in  
the Court at least seven days before the date of hearing 4 copies of written statement  
addressed to you by your power of attorney, you and, therefore, required to file in  
the case may be forfeited either in person or by authorized representative or by any  
affidavit petition for you will be held to be so on the date fixed or any other day to which  
at 8:00 A.M. If you wish to raise anything against the  
merely notified that the said affidavit petition is fixed for hearing before the Tribunal  
the above case by the petitioner in this Court and notice has been ordered to issue. You are  
Khyber Service Tribunal Act, 1974, has been presented registered for consideration in

WHEREAS an affidavit petition under the provision of the Khyber Pakhtunkhwa

Notice to: Handwritten notes and signatures  
Respondent No. (3)  
Applicant/Petitioner  
No. Handwritten notes

BEHAWAR  
JUDICIAL COMPLEX (OGD), KHYBER ROAD,  
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, BEHAWAR

eeBss

**“B”**

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

SB

No. *10/0/2022*

Appeal No. *E.P No. 295* of 20 *22*  
*Mian Gul Hussain* Appellant/Petitioner

*Secy Home & Tribal Affairs Govt of KP* Respondent  
*(4)*

Respondent No. *Superintendent Central Prison, Peshawar*

Notice to: —

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on *20/08/2022* at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

E.P

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this..... *02*.....

Day of..... *June*..... 20 *22*

*[Signature]*

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.

பெர்ஹவர  
கநவெர் பாகநிபுிகநவர சேவரிகெ ஐவிரவிரவி  
பெர்ஹவர

பெர்ஹவர  
கநவெர் பாகநிபுிகநவர சேவரிகெ ஐவிரவிரவி  
பெர்ஹவர

COPY of the notice is attached. Copy of the notice has already been sent to you vide this  
notice posted to this address by registered post will be deemed sufficient for the purpose of  
address given in the advertisement will be deemed to be lost. Contact address and further  
address. If you fail to furnish such address, your address contained in this notice which the  
address to you by registered post, you agree to be the recipient of any change in your  
address. If any variation in the address for the purpose of this advertisement will be  
addressed to you and deemed to have been received at your residence.  
defence of your appearance on the date fixed and in the manner aforementioned, the  
proceedings and other documents upon which you rely, together with this notice that in  
the Court at that address after the date of payment of a copy of the court statement  
of costs and the balance of your account, if any, for the balance of the balance of the  
case may be heard and other in favour of the applicant and his representative or by the  
applicant's representative, or by the party to whom the date fixed or any other day to which  
the date is fixed, at 8:00 A.M. If you wish to file any written statement, the  
proceedings and other documents in this Court and notice has been ordered to issue, you may  
Promises Service, Bangalore, 1974, has been presented and registered for consideration in

WHENEVER an advertisement under the provision of the Khyber Pakhtunkhwa

Notice to: .....  
.....  
.....  
.....

பெர்ஹவர  
பெர்ஹவர

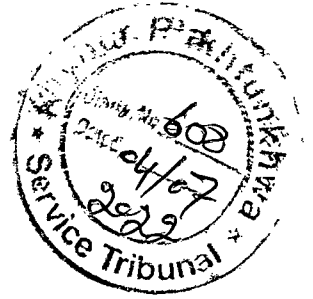
«B»

SB

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

Execution petition \_\_\_\_\_/2022

Mian Gul Hussain Head Wardar Central prison Mardan.



*Put up to the court with appmt.*

**Versus**

Govt of KPK through Secretary Home, Tribunal Affairs Department Peshawar & others

*6/7/22*

*Reader*

**APPLICATION OF PLACING THE DETAILS OF APPELLANT'S ABSENCE FROM DUTY AND BACK BENEFITS**

**RESPECTFULLY SHEWETH:-**

1. That the above title execution petition was fixed before this Hon'ble Tribunal for hearing on 20-06-2022 and the appellant was directed to produce the detail of his absence period from his duty and back benefits. In this respect, full detail are attached herewith.

***It is therefore, prayed that the appellant may be allowed all back benefits as per his entitlement.***

*[Signature]*  
Petitioner

Dated: 28-06-2022

Through *Aslam*  
Aslam Khan Khattak  
Advocate Peshawar.

Affidavit

*I, Mian Gul Hussain, Head Warder Central Prison Mardan do hereby solemnly affirm and state on oath that all contents of the application are true and correct and nothing wrong has been stated in the matter.*



**STATEMENT SHOWING THE DETAIL OF PAY AND REGULAR ALLOWANCES**of Mian Asad Hussain **W. E. F 01-06-2012 TO 31-08-2017**

S#	PAY Head number	PAY DUE	DRAWN	DEFERENCE	TOTAL
1	01-06-2012 to 30-11-2012	13480	-	13480 x 6	80880
2	01-12-2021 to 30-11-2013	13800	-	13800 x12	165600
3	01-12-2013 to 30-11-214	14120	-	14120 x 12	169440
4	01-12-2014 to 30-06-2015	14440	-	14440 x 7	101080
5	01-07-2015 to 30-11-2015	18695	-	18695 x 5	93475
6	01-12-2015 to 30-06-2016	19110	-	19110 x 7	133770
7	01-07-2016 to 30-11-2016	23500	-	23500 x 5	177500
8	01-12-2016 to 30-06-2017	24010	-	24010 x 7	168070
9	01-07-2017 to 31-08-2017	28680	-	28680 x 2	57360
<b>Grant Total of pay</b>					<b>1147175</b>

**STATEMENT SHOWING THE DETAIL OF REGULAR ALLOWANCES****W. E. F 01-06-2012 TO 31-08-2017**

S#	PAY	PAY DUE	DRAWN	DEFERENCE	TOTAL
1	House Rent 01-06-2012 to 31-08-2017	1589	-	1589 x 63	100107
2	Conveyance Allowance 01-06-2012 to 30-06-2015 01-07-2015 to 31-08-2017	1150 1932	- -	1150 x 37 1932 x 26	42550 50232 <b>Total</b> 92782
3	Medical Allowance 01-06-2012 to 30-06-2015 01-07-2015 to 31-08-2017	1000 1500	- -	1000 x 37 1500 x 26	37000 39000
4	Ration Allowance 01-06-2012 to 30-06-2015 01-07-2015 to 31-08-2017	681 1000	- -	681 x 37 1000 x 26	25197 26000
5	C.R Allowance 01-06-2012 to 31-08-2017	300	-	300 x 63	18900
6	Prison Allowance 01-12-2012 to 30-06-2015 01-07-2015-to 31-08-2017	3530 9220	- -	3530 x 31 9220 x 26	109430 239720
7	Adhoc 2015 01-07-2015 to 30-11-2015 01-12-2015 to 30-06-2016	1869 1911	- -	1869 x 5 1911 x 7	9345 13377
8	Adhoc 2016 01-07-2016 to 30-11-2016 01-12-2016 to 31-08-2017	2350 2401	- -	2350 x 5 2401 x 9	11750 21609
<b>Grant Total of Allowances</b>					<b>744217</b>

**Total of Pay----- Rs. 1,147,175 /-****Total of Allowances----- Rs. 744,217/-****Grant Total of Pay & Allowances-----Rs. 1,891,392/-**

**STATEMENT SHOWING THE DETAIL OF PAY AND REGULAR ALLOWANCES**

W. E. F 01-06-2012 TO 31-08-2017

S#	PAY	PAY DUE	DRAWN	DEFERENCE	TOTAL
1	01-06-2012 to 30-11-2012	13480	-	13480 x 6	80880
2	01-12-2021 to 30-11-2013	13800	-	13800 x 12	165600
3	01-12-2013 to 30-11-214	14120	-	14120 x 12	169440
4	01-12-2014 to 30-06-2015	14440	-	14440 x 7	101080
5	01-07-2015 to 30-11-2015	18695	-	18695 x 5	93475
6	01-12-2015 to 30-06-2016	19110	-	19110 x 7	133770
7	01-07-2016 to 30-11-2016	23500	-	23500 x 5	177500
8	01-12-2016 to 30-06-2017	24010	-	24010 x 7	168070
9	01-07-2017 to 31-08-2017	28680	-	28680 x 2	57360
<b>Grant Total of pay</b>					<b>1147175</b>

**STATEMENT SHOWING THE DETAIL OF REGULAR ALLOWANCES**

W. E. F 01-06-2012 TO 31-08-2017

S#	PAY	PAY DUE	DRAWN	DEFERENCE	TOTAL
1	House Rent 01-06-2012 to 31-08-2017	1589	-	1589 x 63	100107
2	Conveyance Allowance 01-06-2012 to 30-06-2015 01-07-2015 to 31-08-2017	1150 1932	- -	1150 x 37 1932 x 26	42550 50232 <u>92782</u>
3	Medical Allowance 01-06-2012 to 30-06-2015 01-07-2015 to 31-08-2017	1000 1500	- -	1000 x 37 1500 x 26	37000 39000
4	Ration Allowance 01-06-2012 to 30-06-2015 01-07-2015 to 31-08-2017	681 1000	- -	681 x 37 1000 x 26	25197 26000
5	C.R Allowance 01-06-2012 to 31-08-2017	300	-	300 x 63	18900
6	Prison Allowance 01-12-2012 to 30-06-2015 01-07-2015-to 31-08-2017	3530 9220	- -	3530 x 31 9220 x 26	109430 239720
7	Adhoc 2015 01-07-2015 to 30-11-2015 01-12-2015 to 30-06-2016	1869 1911	- -	1869 x 5 1911 x 7	9345 13377
8	Adhoc 2016 01-07-2016 to 30-11-2016 01-12-2016 to 31-08-2017	2350 2401	- -	2350 x 5 2401 x 9	11750 21609
<b>Grant Total of Allowances</b>					<b>744217</b>

**Total of Pay----- Rs. 1,147,175 /-****Total of Allowances----- Rs. 744,217/-****Grant Total of Pay & Allowances-----Rs. 1,891,392/-**

**STATEMENT SHOWING THE DETAIL OF PAY AND REGULAR ALLOWANCES**

of *Mian Gul Hussain* W. E. F 01-06-2012 TO 31-08-2017

S#	PAY <i>Head under</i>	PAY DUE	DRAWN	DEFERENCE	TOTAL
1	01-06-2012 to 30-11-2012	13480	-	13480 x 6	80880
2	01-12-2021 to 30-11-2013	13800	-	13800 x12	165600
3	01-12-2013 to 30-11-214	14120	-	14120 x 12	169440
4	01-12-2014 to 30-06-2015	14440	-	14440 x 7	101080
5	01-07-2015 to 30-11-2015	18695	-	18695 x 5	93475
6	01-12-2015 to 30-06-2016	19110	-	19110 x 7	133770
7	01-07-2016 to 30-11-2016	23500	-	23500 x 5	177500
8	01-12-2016 to 30-06-2017	24010	-	24010 x 7	168070
9	01-07-2017 to 31-08-2017	28680	-	28680 x 2	57360
<b>Grant Total of pay</b>					<b>1147175</b>

**STATEMENT SHOWING THE DETAIL OF REGULAR ALLOWANCES**

W. E. F 01-06-2012 TO 31-08-2017

S#	PAY	PAY DUE	DRAWN	DEFERENCE	TOTAL
1	House Rent 01-06-2012 to 31-08-2017	1589	-	1589 x 63	100107
2	Conveyance Allowance 01-06-2012 to 30-06-2015 01-07-2015 to 31-08-2017	1150	-	1150 x 37	42550
		1932	-	1932 x 26	50232
				<i>Total</i>	<u>92782</u>
3	Medical Allowance 01-06-2012 to 30-06-2015 01-07-2015 to 31-08-2017	1000	-	1000 x 37	37000
		1500	-	1500 x 26	39000
4	Ration Allowance 01-06-2012 to 30-06-2015 01-07-2015 to 31-08-2017	681	-	681 x 37	25197
		1000	-	1000 x 26	26000
5	C.R Allowance 01-06-2012 to 31-08-2017	300	-	300 x 63	18900
6	Prison Allowance 01-12-2012 to 30-06-2015 01-07-2015-to 31-08-2017	3530	-	3530 x 31	109430
		9220	-	9220 x 26	239720
7	Adhoc 2015 01-07-2015 to 30-11-2015 01-12-2015 to 30-06-2016	1869	-	1869 x 5	9345
		1911	-	1911 x 7	13377
8	Adhoc 2016 01-07-2016 to 30-11-2016 01-12-2016 to 31-08-2017	2350	-	2350 x 5	11750
		2401	-	2401 x 9	21609
<b>Grant Total of Allowances</b>					<b>744217</b>

**Total of Pay**----- **Rs. 1,147,175 /-**

**Total of Allowances**----- **Rs. 744,217/-**

**Grant Total of Pay & Allowances**----- **Rs. 1,891,392/-**



**STATEMENT SHOWING THE DETAIL OF PAY AND REGULAR ALLOWANCES**

*of Mian Asad Hussain* W. E. F 01-06-2012 TO 31-08-2017

S#	PAY Head number	PAY DUE	DRAWN	DEFERENCE	TOTAL
1	01-06-2012 to 30-11-2012	13480	-	13480 x 6	80880
2	01-12-2021 to 30-11-2013	13800	-	13800 x12	165600
3	01-12-2013 to 30-11-214	14120	-	14120 x 12	169440
4	01-12-2014 to 30-06-2015	14440	-	14440 x 7	101080
5	01-07-2015 to 30-11-2015	18695	-	18695 x 5	93475
6	01-12-2015 to 30-06-2016	19110	-	19110 x 7	133770
7	01-07-2016 to 30-11-2016	23500	-	23500 x 5	177500
8	01-12-2016 to 30-06-2017	24010	-	24010 x 7	168070
9	01-07-2017 to 31-08-2017	28680	-	28680 x 2	57360
<b>Grant Total of pay</b>					<b>1147175</b>

**STATEMENT SHOWING THE DETAIL OF REGULAR ALLOWANCES**

W. E. F 01-06-2012 TO 31-08-2017

S#	PAY	PAY DUE	DRAWN	DEFERENCE	TOTAL
1	House Rent 01-06-2012 to 31-08-2017	1589	-	1589 x 63	100107
2	Conveyance Allowance 01-06-2012 to 30-06-2015 01-07-2015 to 31-08-2017	1150	-	1150 x 37	42550
		1932	-	1932 x 26	50232
				<i>Total</i>	92782
3	Medical Allowance 01-06-2012 to 30-06-2015 01-07-2015 to 31-08-2017	1000	-	1000 x 37	37000
		1500	-	1500 x 26	39000
4	Ration Allowance 01-06-2012 to 30-06-2015 01-07-2015 to 31-08-2017	681	-	681 x 37	25197
		1000	-	1000 x 26	26000
5	C:R Allowance 01-06-2012 to 31-08-2017	300	-	300 x 63	18900
6	Prison Allowance 01-12-2012 to 30-06-2015 01-07-2015 to 31-08-2017	3530	-	3530 x 31	109430
		9220	-	9220 x 26	239720
7	Adhoc 2015 01-07-2015 to 30-11-2015 01-12-2015 to 30-06-2016	1869	-	1869 x 5	9345
		1911	-	1911 x 7	13377
8	Adhoc 2016 01-07-2016 to 30-11-2016 01-12-2016 to 31-08-2017	2350	-	2350 x 5	11750
		2401	-	2401 x 9	21609
<b>Grant Total of Allowances</b>					<b>744217</b>

**Total of Pay----- Rs. 1,147,175 /-**

**Total of Allowances----- Rs. 744,217/-**

**Grant Total of Pay & Allowances-----Rs. 1,891,392/-**

**STATEMENT SHOWING THE DETAIL OF PAY AND REGULAR ALLOWANCES***of Mian Azeem Hussain*  
*Headmaster***W. E. F 01-06-2012 TO 31-08-2017**

S#	PAY	PAY DUE	DRAWN	DEFERENCE	TOTAL
1	01-06-2012 to 30-11-2012	13480	-	13480 x 6	80880
2	01-12-2021 to 30-11-2013	13800	-	13800 x12	165600
3	01-12-2013 to 30-11-214	14120	-	14120 x 12	169440
4	01-12-2014 to 30-06-2015	14440	-	14440 x 7	101080
5	01-07-2015 to 30-11-2015	18695	-	18695 x 5	93475
6	01-12-2015 to 30-06-2016	19110	-	19110 x 7	133770
7	01-07-2016 to 30-11-2016	23500	-	23500 x 5	177500
8	01-12-2016 to 30-06-2017	24010	-	24010 x 7	168070
9	01-07-2017 to 31-08-2017	28680	-	28680 x 2	57360
<b>Grant Total of pay</b>					<b>1147175</b>

**STATEMENT SHOWING THE DETAIL OF REGULAR ALLOWANCES****W. E. F 01-06-2012 TO 31-08-2017**

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2	Conveyance Allowance 01-06-2012 to 30-06-2015 01-07-2015 to 31-08-2017	1150 1932	- -	1150 x 37 1932 x 26	42550 50232 <u>92782</u> ✓
3	Medical Allowance 01-06-2012 to 30-06-2015 01-07-2015 to 31-08-2017	1000 1500	- -	1000 x 37 1500 x 26	37000 39000
4	Ration Allowance 01-06-2012 to 30-06-2015 01-07-2015 to 31-08-2017	681 1000	- -	681 x 37 1000 x 26	25197 26000
5	C.R Allowance 01-06-2012 to 31-08-2017	300	-	300 x 63	18900
6	Prison Allowance 01-12-2012 to 30-06-2015 01-07-2015-to 31-08-2017	3530 9220	- -	3530 x 31 9220 x 26	109430 239720
7	Adhoc 2015 01-07-2015 to 30-11-2015 01-12-2015 to 30-06-2016	1869 1911	- -	1869 x 5 1911 x 7	9345 13377
8	Adhoc 2016 01-07-2016 to 30-11-2016 01-12-2016 to 31-08-2017	2350 2401	- -	2350 x 5 2401 x 9	11750 21609
<b>Grant Total of Allowances</b>					<b>744217</b>

**Total of Pay----- Rs. 1,147,175 /-****Total of Allowances----- Rs. 744,217/-****Grant Total of Pay & Allowances-----Rs. 1,891,392/-**

**STATEMENT SHOWING THE DETAIL OF PAY AND REGULAR ALLOWANCES**of *Mian Gul Hussain* **W. E. F 01-06-2012 TO 31-08-2017**

S#	PAY <i>Head Under</i>	PAY DUE	DRAWN	DEFERENCE	TOTAL
1	01-06-2012 to 30-11-2012	13480	-	13480 x 6	80880
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4	01-12-2014 to 30-06-2015	14440	-	14440 x 7	101080
5	01-07-2015 to 30-11-2015	18695	-	18695 x 5	93475
6	01-12-2015 to 30-06-2016	19110	-	19110 x 7	133770
7	01-07-2016 to 30-11-2016	23500	-	23500 x 5	177500
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9	01-07-2017 to 31-08-2017	28680	-	28680 x 2	57360
<b>Grant Total of pay</b>					<b>1147175</b>

**STATEMENT SHOWING THE DETAIL OF REGULAR ALLOWANCES****W. E. F 01-06-2012 TO 31-08-2017**

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4	Ration Allowance 01-06-2012 to 30-06-2015 01-07-2015 to 31-08-2017	681 1000	- -	681 x 37 1000 x 26	25197 26000
5	C.R Allowance 01-06-2012 to 31-08-2017	300	-	300 x 63	18900
6	Prison Allowance 01-12-2012 to 30-06-2015 01-07-2015 to 31-08-2017	3530 9220	- -	3530 x 31 9220 x 26	109430 239720
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<b>Grant Total of Allowances</b>					<b>744217</b>

**Total of Pay**----- **Rs. 1,147,175 /-****Total of Allowances**----- **Rs. 744,217/-****Grant Total of Pay & Allowances**----- **Rs. 1,891,392/-**