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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
CAMP COURT ATBOTTABAD

Service Appeal No. 12097/2020

BEFORE: MR. KALIM ARSHAD KHAN ... CHAIRMAN
 MISS. FAREEHA PAUL ... MEMBER(E)

Ehtisham Nawaz S/o Muhammad Nawaz, R/o House No. 1455, Mohallah
Khola Kehal, Tehsil & District Abbottabad.

... (Appellant)

Versus

1. Government of Khyber Pakhtunkhwa, through Secretary Home & Tribal Affairs, Khyber Pakhtunkhwa, Peshawar.
2. Inspector General of Prison Khyber Pakhtunkhwa, Peshawar.
3. Additional Inspector General Prison Khyber Pakhtunkhwa, Peshawar.
4. Superintendent Circle (Eastern) Headquarter Prison, Haripur.

... (Respondents)

Mr. Muhammad Arshad Khan Tanoli
Advocate

...

For appellant

Mr. Kabir Ullah Khattak
Additional Advocate General

...

For respondents

Date of Institution.....15.10.2020
Date of Hearing:.....23.09.2022
Date of Decision.....23.09.2022

JUDGEMENT

FAREEHA PAUL, MEMBER (E): The appeal in hand is instituted under section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 against the impugned order dated 24.08.2020 whereby appellant was removed from service and order dated 15.09.2020, whereby his departmental appeal was rejected. The appellant has prayed that on acceptance of his service appeal, both the impugned orders might be set aside and respondents might be directed to reinstate him in



service from the date he was removed with all back benefits and any other relief this tribunal deems appropriate.

2. Brief facts of the case, as given in the memorandum of appeal, are that appellant was appointed as prison warder vide order dated 22.01.2015. He was suffering from kidney disease and hence filed an application for leave as he was unable to serve due to kidney pain. The competent authority did not sanction the leave and therefore the appellant after verbally informing the concerned officials went to the hospital for his treatment. He resumed his duty on 09.04.2020 and submitted his medical descriptions for grant of medical leave. As per revised leave Rules 1981, competent authority was supposed to forward the bill to the next higher medical authority to ascertain whether the medical treatment and prescription documents were genuine or otherwise, but it was not done. The respondent department without considering his medical certificate, declared the appellant absent from duty w.e.f 24.03.2020 to 29.03.2020. An inquiry was conducted and he was removed from service vide impugned order dated 24.08.2020. His absence period from 09.06.2020 to 13.07.2020 was considered as extra ordinary leave without pay. He filed departmental appeal which was rejected by the appellate authority vide impugned order dated 15.09.2020; hence this service appeal.

3. Respondents were put on notice who submitted written replies/ comments on the appeal. We have heard the learned counsel for the appellant as well as the learned Additional Advocate General and perused the case file with connected documents in detail.

4. Learned counsel for the appellant presented the case and argued that the impugned removal order was issued without observing legal formalities of issuing the charge sheet and statement of allegations. He further argued that the competent authority only issued a show cause notice which was properly responded by the



appellant but it was not considered and he was removed from service. According to him the appellant was under treatment and admitted in hospital and hence could not be marked absent from duty. He requested for setting aside the impugned orders and reinstating the appellant from the date of his removal from service with all back benefits.

5. The learned Additional Advocate General contended that the appellant absented himself from duty several times without permission of competent authority. He informed that in the present case he had not applied for medical leave. On the question of inquiry he argued that a charge sheet and statement of allegations was issued and a proper inquiry was conducted. The appellant was involved in the inquiry proceedings and when he could not provide satisfactory response, he was removed from service.

6. After hearing the arguments and going through the record presented before us, it is clear that the appellant got ill and remained under treatment at DHQ Hospital Abbottabad. Record presented before us further indicates that he was admitted in the Benazir Bhutto Shaheed Teaching Hospital, Abbottabad on 27.03.2020. In the light of Khyber Pakhtunkhwa Prison Rules 2018, he was bound to give notice to the Superintendent of Jail about the reason of his absence but no such notice or application is available on the record. The statement of allegations attached with the reply of respondents indicates that the appellant deserted himself from duty w.e.f 09.06.2020 till 13.07.2020, which comes to thirty three days. There is a "muafi-nama" (written apology) from the appellant also which is available with the reply in which he has requested for a chance to mend his ways. Instead of giving a thought to it, the competent authority not only imposed major punishment of removal from service but treated the absence period as leave without pay.



7. In the light of above discussion, we feel that the punishment of removal from service was too harsh on the appellant keeping in view the fact that he remained under treatment in hospital for his kidney disease. The appeal is, therefore, allowed and the impugned order of major penalty is set aside, with the direction to the respondents to convert the major penalty to minor penalty of stoppage of one annual increment for one year and the absence period to be treated as leave of the kind due. Parties are left to bear their own costs. Consign.

8. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 23rd day of September, 2022.*




(KALIM ARSHAD KHAN)
Chairman
Camp Court Abbottabad




(FAREEHA PAUL)
Member (E)
Camp Court Abbottabad

Service Appeal No. 12097/2020

1. Mr. Muhammad Arshad Khan Tanoli, Advocate for the appellant present. Mr. Kabir Ullah Khattak, Additional Advocate General alongwith Suleman Khan, Law Officer for respondents present. Arguments heard and record perused.
2. Vide our detailed judgement containing 05 pages, we have arrived at a conclusion, that the punishment of removal from service was too harsh on the appellant keeping in view the fact that he remained under treatment in hospital for his kidney disease. The appeal is, therefore, allowed and the impugned order of major penalty is set aside, with the direction to the respondents to convert the major penalty to minor penalty of stoppage of one annual increment for one year and the absence period to be treated as leave of the kind due. Parties are left to bear their own costs. Consign.
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(KALIM ARSHAD KHAN)
Chairman
Camp Court Abbottabad


(FAREEHA PAUL)
Member (E)
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DFA

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
CAMP COURT ATBOTTABAD

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Versus

1. Government of Khyber Pakhtunkhwa, through Secretary Home & Tribal Affairs, Khyber Pakhtunkhwa, Peshawar.
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6. After hearing the arguments and going through the record presented before us, it is clear that the appellant got ill and remained under treatment at DHQ Hospital Abbottabad. Record presented before us further indicates that he was admitted in ^{the} Benazir Bhutto Shaheed Teaching Hospital, Abbottabad on 27.03.2020. In the light of Khyber Pakhtunkhwa Prison Rules 2018, he was bound to give notice to the Superintendent of Jail about the reason of his absence but no such notice or application is available on the record. The statement of allegations attached with the reply of respondents indicates that the appellant deserted himself from duty w.e.f 09.06.2020 till 13.07.2020, which comes to thirty three days. There is a "muafi-nama" (written apology) from the appellant also which is available with the reply in which he has requested for a chance to mend his ways. Instead of ^{giving} going a thought to it the competent authority not only imposed major punishment of removal from service but treated the absence period as leave without pay.

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(KALIM ARSHAD KHAN)
Chairman
Camp Court Abbottabad

(FAREEHA PAUL)
Member (E)
Camp Court Abbottabad

13.06.2022

Counsel for the appellant present. Mr. Riaz Khan Paindakhel, Assistant Advocate General alongwith Kamran Ullah, Deputy Secretary Home Department, Khyber Pakhtunkhwa and Zain-ul-Arifeen, Deputy Superintendent Jail, District Jail Abbottabad for the respondents present.

Reply on behalf of respondents is still awaited. Representatives of the respondent department seek time for submission of written reply/comment. Adjourned by way of last chance. To come up for written reply/comments on 22.07.2022 before S.B at Camp Court Abbottabad.



(Fareeha Paul)
Member (E)
Camp Court A/Abad

22nd July 2022 Appellant alongwith his counsel present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Suleman Khan, Law Officer for respondents present.

Written reply on behalf of the respondents submitted. Copy handed over to the appellant. To come up for arguments on 23.09.2022 before D.B at camp court Abbottabad.



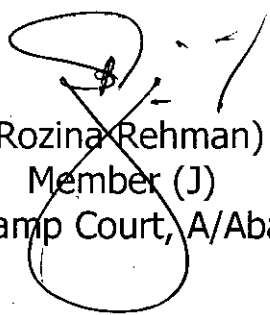
(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

17.11.2021

Appellant present through counsel. Preliminary arguments heard. Record perused.

Points raised need consideration. The appeal is admitted for regular hearing, subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of reply/comments. To come up for written reply/comments on 16.03.2022 before S.B at Camp Court, Abbottabad.

Appellant Deposited
Security & Process Fee


(Rozina Rehman)
Member (J)
Camp Court, A/Abad

16.03.2022


Due to retirement of the Hon'able Chairman, the Tribunal is defunct, therefore, the case is adjourned for the same before on 18.05.2022


Reader

18.05.2022

Appellant in person present. Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG for the respondents present.

Previous date was changed through Reader's note. Therefore, notices for submission of written reply/comments be issued to the respondents. To come for written reply/comments before S.B at camp court Abbottabad on 13.06.2022.

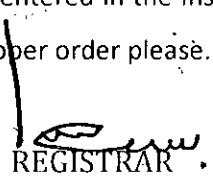

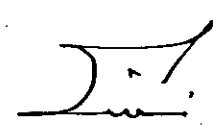

(Fareeha Paul)
Member (E)
Camp Court Abbottabad

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 92097 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	15/10/2020	<p>The appeal of Mr. Ehtisham Nawaz resubmitted today by Mr. Muhammad Arshad Khan Tanoli Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR.</p> <p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>22-1-2021</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p><i>Due to COVID 19, case is adjourned to 23.9.2021 for the same.</i></p>
23.09.2021		<p>Nemo for the appellent.</p> <p>Previous date was changed on Reader Note, therefore, notice for prosecution of the appeal be issued to the appellent as well as his counsel and to come up for preliminary hearing before the S.B on 17.11.2021 at Camp Court Abbottabad.</p> <p style="text-align: right;"> (SALAH-UD-DIN) MEMBER (JUDICIAL) CAMP COURT ABBOTTABAD</p>

The appeal of Mr. Ehtisham Nawaz son of Muhammad Nawaz resident of House No. 1455 Mohallah Khola Khel Tehsil and District Abbotabad received today i.e. on 15.10.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures of the appeal may be attested.
- 2- Annexures of the appeal may be flagged.
- 3- Copy of departmental appeal is not attached with the appeal which may be placed on it.
- 4- Two more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 2916 /S.T,

Dt. 15/10 /2020.



REGISTRAR

SERVICE TRIBUNAL

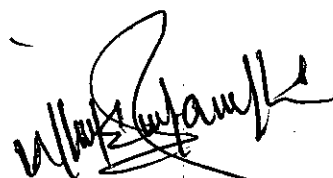
KHYBER PAKHTUNKHWA

PESHAWAR.

Mr. M.Arshad Khan Tanoli Adv.
Abbottabad High Court.

Sir,

Resubmitted after doing
the needfull



15/10
2020

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

Appeal No. _____/2020

Ehtisham Nawaz son of Muhammad Nawaz, resident of House No. 1455
Mohallah Khola Kehal Tehsil and District Abbottabad.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa, through Secretary Home & Tribal Affairs,
Khyber Pakhtunkhwa, Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

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3.	Copy of discharged certificate of the hospital	10-22	"B"
4.	Copy of inquiry report	23	"C"
5.	Copy of impugned removal from service order	24	"D"
6.	Copy of <i>departmental appeal and</i> impugned rejection letter	25-28	"E"
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Wakalatnama
...APPELLANT

Dated: 14/10 /2020

Through

Muhammad Arshad Khan Tanoli
(Muhammad Arshad Khan Tanoli)
Advocate High Court, Abbottabad

1

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

Appeal No. 12097 /2020

Ehtisham Nawaz son of Muhammad Nawaz, resident of House No. 1455
Mohallah Khola Kehal Tehsil and District Abbottabad.

...APPELLANT

VERSUS

Diary No. 11569

Dated 15/10/2020

1. Govt. of Khyber Pakhtunkhwa, through Secretary Home & Tribal Affairs, Khyber Pakhtunkhwa, Peshawar.
2. Inspector General of Prison KPK, Peshawar.
3. Additional Inspector General Prison KPK, Peshawar.
4. Superintendent Circle (Eastern) Headquarter Prison Haripur.

...RESPONDENTS

**SERVICE APPEAL UNDER SECTION 4 OF
KPK SERVICE TRIBUNAL ACT, 1974.**

Filed to-day

Registrar
15/10/2020

**PRAYER: ON ACCEPTANCE OF THE
INSTANT SERVICE APPEAL, IMPUGNED
REMOVAL FROM SERVICE ORDER NO. 2549
DATED 24/08/2020 AND REJECTION ORDER
NO. 2858/WE DATED 15/09/2020 MAY
GRACIOUSLY TO BE SET ASIDE AND
RESPONDENTS MAY BE DIRECTED TO RE-**

Re-submitted to-day
and filed.

Registrar
15/10/2020

INSTATE THE APPELLANT IN SERVICE WITH EFFECT FROM THE DATE OF REMOVAL FROM SERVICE WITH ALL SERVICE BACK BENEFITS. ANY OTHER RELIEF WHICH THIS HONOURABLE TRIBUNAL DEEM APPROPRIATE IN THE CIRCUMSTANCES OF THE CASE MAY ALSO BE ALLOWED.

Respectfully Sheweth;-

The facts, giving rise to the instant service appeal are arrayed as under;-

1. That the appellant got appointment in the respondent prison as warder, vide appointment order dated 22/01/2015. Copy of appointment order is attached as Annexure "A".
2. That the appellant served the department with complete devotion, dedication and left no stone unturned in the smooth functioning of the prison.

3. That the appellant was suffering from kidney disease due to sever infection, as a result, the appellant filed application for leave as the appellant was physically unable to serve the prison due to kidney pain. The competent authority did not sanction leave of appellant, therefore. The appellant after verbally informing the concerned officials went to the hospital for his treatment. Copy of discharged certificate of the hospital is attached as Annexure "B".
4. That the appellant resumed duty on 09/04/2020 and submitted his medical description chits for grant of medical leave.
5. That as per revised leave rule 1981, competent authority was supposed to forward the bill to the next higher medical authority to see as to whether the medical treatment/ prescription chits are genuine or otherwise. If this procedure is not adopted then no authority can refuse medical leave.

6. That the respondent department without considering the medical certificate, declared the applicant absent from service w.e.f 24/03/2020 to 29/03/2020.
7. That the respondent department conducted a so called inquiry against the appellant regarding his absence from duties. Copy of inquiry report is attached as Annexure "C".
8. That the appellant has been removed from service vide impugned removal from service order No. 2549 dated 24/02/2020. Copy of impugned removal from service order is attached as Annexure "D".
9. That the appellant filled departmental appeal against the impugned order dated 24/08/2020 which has also been rejected by the appellate authority vide impugned rejection No. 2855/WE dated 15/09/2020. Copy of impugned rejection letter is attached as Annexure "E". Hence, the instant service appeal is filled, inter-alia on the following grounds.

GROUNDS:-

- a. That the impugned removal from service order of the appellant has been issued without observing legal formalies i.e. without charge sheet and statement of allegations.
- b. That the competent authority only issued show cause notice which was properly replied by the appellant, but the competent authority did not consider the reply to the show cause notice of the appellant and issued removal from service order No. 2549 dated 24/02/2020, which is illegal, against the law and based on conjectures, hypothesis and malafide.
- c. That the period of absence from 24/03/2020 to 29/03/2020 has been converted into into leave with out pay. Therefore, the appellant caused no loss to the public exchequer. The

punishment of removal from service is harsh and pungent.

d. That it is settled principle of law that the no employee can be removed from service due to his absence. It is further submitted that the appellant was admitted in Hospital and he cannot be marked absent from duty.

e. That appeal of the appellant is within the period of limitation. The matter in issue relates to the terms and conditions of service. Hence the Honourable Tribunal has jurisdiction to entertain the instant service appeal.

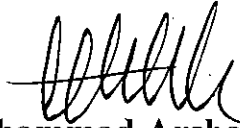
It is, therefore, humbly prayed that on acceptance of the instant service appeal, impugned removal from service order No. 2549 dated 24/08/2020 and rejection order No. 2858/WE dated 15/09/2020 may graciously to be set aside and respondents may be directed to re-instate the

appellant in service with effect from the date of removal from service with all service back benefits. Any other relief which this Honourable tribunal deem appropriate in the circumstances of the case may also be allowed.


...APPELLANT

Dated: 14/10 /2020

Through


(Muhammad Arshad Khan Tanoli)
Advocate High Court, Abbottabad

VERIFICATION:-

Verified on oath that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal


...APPELLANT

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

Appeal No. _____/2020

Ehtisham Nawaz son of Muhammad Nawaz, resident of House No. 1455
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...APPELLANT

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Govt. of Khyber Pakhtunkhwa, through Secretary Home & Tribal Affairs,
Khyber Pakhtunkhwa, Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

AFFIDAVIT

I, Ehtisham Nawaz son of Muhammad Nawaz, resident of House No. 1455
Mohallah Khola Kehal Tehsil and District Abbottabad, do hereby solemnly
affirm and declare that the contents of forgoing appeal are true and correct to
the best of my knowledge and belief and nothing has been concealed therein
from this Honourable Court.

DEPONENT



14/10
2020

Annex - A

OFFICE OF THE
SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR
No. 8793 /P.B/ Dt: 22/01/2015

To

Mr. HITISHAM NAWAZ S/O MUHAMMAD NAWAZ
R/o H.# 1455 Kola Khel, Tehsil & Distt: Abbottabad

P-9

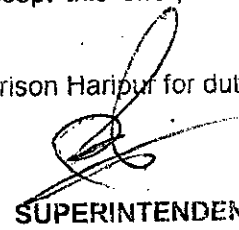
Subject: APPOINTMENT AS WARDER (BPS-05)

Memo:

Reference your test/ interview for the subject post.

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

- 1- You are liable to serve anywhere in the Jails/ Judicial Lockups/ Internment Centers of Khyber Pakhtunkhwa.
- 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 Warden (BPS-05) will be those as laid down in the Khyber Pakhtunkhwa Prison Rules 1985, Prisons Department (Recruitment, Promotion & Transfer) rules 1980 and all other rules and regulations prescribed for 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 and prescribed physical standard
- 6- No TA/ 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 service rules.
- 9- You will be on probation for a period of two years extendable to one more year.
- 10- Your appointment will be subject to verification of your antecedents/ character.
- 11- If you 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/ withdrawn.
- 12- You are directed to report to the Superintendent Central Prison Haripur for duties.


SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR

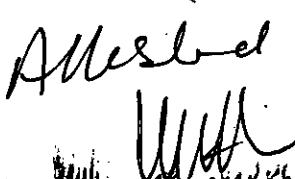
Endorsement No: 8194-95

Copy of the above is forwarded to the: -

- 1- Superintendent Central Prison Haripur. The above named newly appointed Warden is attached with his jail for all purposes. He may be got medically examined by the Medical Superintendent concerned and a copy of his Medical Examination Certificate may be sent to this office for record. His SSC certificate may also be verified from the concerned board within one month and the result be communicated to this Headquarters.
- 2- District Accounts Officer, Haripur.


SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR

Musawer/-


Muhammad Hanif Khan Tanoli
Advocate High Court
Office No 33 Adjacent to
Distt. Abbottabad

D.H.Q. Teaching Hospital Abbottabad.
TREATMENT CHART
SURGICAL UNIT

MSW
Elmagham
Arillo 24/6/76

DATE	NAME OF MEDICINE	QTY.	DOSE	ROUTE	SIGN	INVESTING
20/5/76	<i>1/2 tab - 4/15 D</i>					
20/6/76	<i>1/4 N x 505</i>					

Hb%
 BT&CT
 Urine RE
 HBsAg
 Anti + HCV
 GENERAL A:
 Blood CP ESR
 Urine RE
 Blood Urea/Sugar
 X-Ray Chest
 ECG (45 & above)
 LFTS.

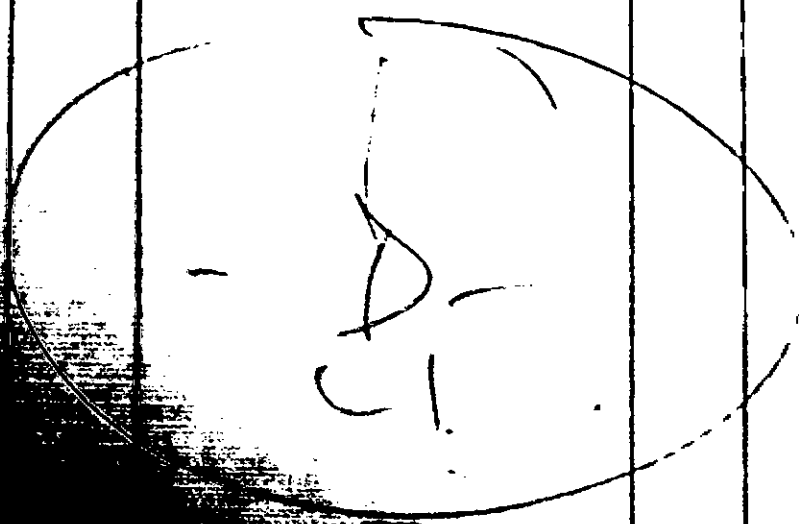
SPECIAL INST:
 INSTRUCTION

.....Hrly BP Chart


 Blood Sugar Chart

 Input Output
 Record Chart

M. Masood
Elmagham
 Advocate High Court
 Office No 33 Adjacent
 Jett 3rd Abbottabad



Date/Time	210 Pk						
27/3	of Travel						
18 45 Am	7 mel						
6h	up w/h	L			P-11		
27/3/2020 10pm	my work	S					
28/3/2020 6:45	my coffee	-					
-	my work	S					
6h	up w/h	L					
28/3/2020 10pm	my work	S					
29/3/2020 6:45	my coffee	-					
-	my work	S					

Attested


Muhammad Wajid Khan Tanoli
 Advocate High Court
 Office No 33 Adjacent to
 D. G. S. Abbottabad

HISTORY SHEET
Department of SURGERY
DHQ Teaching Hospital Abbottabad

Hospital Admission Number

Unit No.

Date of Admission

Time of Admission

Source of Admission.

OPD-

Emergency-

Clinic-

Others-

Name of Patient : *Aksham*

Age : *26 yr*

Address : *Kinjal*

P-12

Chief Complaints:

Pain in RIF = 1 week
Nausea = 2 day

History of Present illness :

*Acc to pt, he was akiped 1 week
back pain suddenly develop at
RIF. ~~It~~ associated woth vomiting.
no aff and reliev factor.*

Attested

[Signature]

Past Medical / Surgical History :

nil

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No 33 Adjacent to
Distt Govt Abbottabad

SYSTEMIC EXAMINATION

CARDIOVASCULAR SYSTEM:

Inspection: Normal

P-13

Palpation :

THRILL :

HEAVE:

Percussion :

Auscultation:

S1 audible S2 audible S3(Added Sounds) _____

ABDOMINAL EXAMINATION:

Inspection: Normal

Palpation : non tender

Percussion : —

Attested
[Signature]

Muhammad Ashraf Khan Tanoli
Advocate High Court
Office No 33 Adjacent to
[Address]

Auscultation : Bowel sound audible

P-14

BBS TEACHING HOSPITAL, ABBOTTABAD

Unit:

REQUEST FORM

Name: *[Handwritten Name]*

Admission No: *116/12*

Ward No: *[Handwritten]*

Bed No: *[Handwritten]*

Date: *[Handwritten]*

S.No	Tests	Report	S.No	Tests	Report
LABORATORY			LABORATORY		
1	CPK / SK		22	VURI	
2	R. Urea		23	Typhidot	
3	R. Sugar		24	Dough Test	
4	S. Creatinine		25	Blood MP	
5	Urea		26	CBC	
6	Hb		27	Lipid Profile	
7	Hct		28		
8	S. Amylase		X-Rays		
9	S. Uric Acid		Chest		
10	S. Calcium		Erect Abdomen		
11	Widal Test		Cervical Spine		
12	Brucella		Lumbosacral Spine		
13	Serum. Electrolytes		Barium Studies		
14	S. Creatinine		Ultra Sound		
15	RFTs		Abdomen		
16	LFTs		Pelvis		
17	RA Factor		Chest		
18	ASOT		Echo		
19	Urine R/E				
20	Stool R/E		ECO		
21	Urine Pregnancy Test				

[Signature]

[Signature]

Muhammad Arshad Khan Tanzeel
 Advocate High Court
 Office No 33 Adjacent to
 Hospital Abbottabad

Medical Officer
 BBS Teaching Hospital
 Abbottabad.

Case No. 0.78

U.S.A. 26

U.S.A. 2.2

OPERATION NOTES:

P-15

DATE

2.15

N.O.

NO.

42

N.I.

NO.

0.76

NO.

[Handwritten signature]

Attested

[Handwritten signature]

Muhammad Arshad Khan Tanzeel
Advocate High Court
Office No 33 Adjacent to
[illegible]

[Handwritten mark]

P-17

AG

HW

HIV

negate

negate

negate

h

Arshad

Arshad

Muhammad Arshad Khan Janohi
Advocate High Court
Office No 33 Adjacent to
Dist. Hq. Abbottabad

Ehtasham

MS 60

P-18

6

Ad no 346

96

LPIS

RFIS

RBS

Attested

[Signature]

Muhammad Iqbal Khan Tanoli
Advocate High Court
Office No 33 Adjacent to
Dist. Bar Abbottabad

[Signature]

28/3/2020

T.P. R. Chali - P-19

Date	Time	RP	Temp	Sig
		120 80	98 f c	
28/3	6:00 am 6p	110/70 100/60	98 12 98 f	98 98
29/3	6:00 am	116/90 110/80	98 12	98

All done
M

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No 33 Adjacent to
Distt. for Abbottabad

TEMPERATURE SHEET

HOSPITAL

P-20

Yearly No

27/3

Occupation	Name	Age	Sex	Address	No	Disease	Discharge On	Remarks
------------	------	-----	-----	---------	----	---------	--------------	---------

Ethar Khan Sy 177 Kotal
5/0 Handed

Adm 346/96
Tue 12 45 pm

Diet

Date		Date of disease		Time		E:		P:		T:	
<i>27/3/17</i>		<i>(2) (4) (5)</i>		<i>9/11 11/11 12/11</i>							
19	145	107°									
36	138	104°									
15	126	105°									
30	116	104°									
27	106	103°									
24	96	102°									
21	88	101°									
18	76	100°									
Normal		109°									
18	65	98.40°									
12	56	70°									
Pulse		<i>80 80 80</i>									
Respiration		<i>17 17 17</i>									
Bowels		<i>PP P P</i>									

Muhammad
Abbas
Muhammad Arshad Khan Tanoli
Advocate High Court
Office No 33 Adjacent to
Dist. Jail Abbottabad

P-21

BBS TEACHING HOSPITAL, ABBOTTABAD

Unit: MSW

REQUEST FORM

Name: Etrasham Admission No. 346/96

Ward: Male / Female _____ Bed No. _____ Date: 27/3

S.No.	Tests	Report	S.No.	Tests	Report
LABORATORY			LABORATORY		
1.	CP + ESR		22.	VDRL	
2.	B. Urea		23.	Typhidot	
3.	B. Sugar		24.	Dengi Test	
4.	S. Creatinine		25.	Blood MP	
5.	HBsAP +		26.	CBC	
6.	HCV		27.	Lipid Profile	
7.	HIV		28.		
8.	S. Amylase		X-Rays		
9.	S. Uric Acid		Chest		
10.	S. Calcium		Errect Abdomen		
11.	Widal Test		Cervical Spine		
12.	Brucella		Lumpbosacral Spine		
13.	Serum. Electrolytes		Barium Studies		
14.	S. Creatinine		Ultra Sound		
15.	RFTs		Abdomen		
16.	LFTs		Pelvis		
17.	RA Factor		Chest		
18.	ASOT		Echo		
19.	Urine R/E				
20.	Stool R/E		ECG		
21.	Urine Pregnancy Test				

Attested
[Signature]
 Muhammad Arshad Khan Tanoli
 Advocate High Court
 Office No 33 Adjacent to
 Dist. Jir Abbottabad

BENAZIR BHUTTO SHAHEED TEACHING HOSPITAL
ABBOTTABAD

FACE VALUE RS. 10/-

OPD No: 34330

S.No.

Name: _____

Date: 27-3-20

Admit msu

P-22

• Tab. Nubrel - forte

(i-7)

(+1+1)

• Sy. ceftriaxone
1 gm

11 x BD

• Sy. Tramal + Metamide 11 x POT
(all)

27/3/2020

Attest

[Signature]

Muhammad Arshad Khan Tanot
Advocate High Court
Office No 33 Adjacent
Distt Bar Abbottabad

Treatment

**INQUIRY REPORT IN R/O WARDER EHTISHAM NAWAZ (UNDER
SUSPENSION) ATTACHED TO DISTRICT JAIL ABBOTTABAD**

STATEMENT OF ALLEGATION

Annex - C

P-23

As per written report of the Superintendent District Jail Abbottabad, Warder Ehtisham Nawaz (under suspension) attached to District Jail Abbottabad was charged as:

"He deserted himself from line and duty w.e.f 09-06-2020 to till date."

PREAMBLE:-

I Mr. Rashad Ahmed Assistant Superintendent Jail has been appointed as inquiry officer by the Superintendent Headquarter Prison Haripur vide letter No 2128-31/WE dated 14-07-2020 for the charges mentioned in statement of allegation.

PROCEEDING

The undersigned has conducted the inquiry in the office of Deputy Superintendent Manshara Jail on 27-07-2020 and the accused warder appeared before the undersigned and submitted his written reply to inquiry officer against allegation charged (Annex-A). He stated in his written reply that due to serious illness for two months, he could not attend his duty. He also sought mercy of committing guilt with the promise not to repeat the same in future. I also recorded questioner which is appended as Annex-B.

FINDINGS

Going through record and circumstantial evidence, accused warder failed to submit satisfactory reply and cogent reasons of his willful absence. His Record is replete with such incidents when he deserted the line and duty at whim.

RECOMMENDATION:-

The allegations brought forwarded by the Superintendent District Jail Abbottabad stands fully proved against under suspension warder Ehtisham Nawaz, therefore he is recommended for appropriate punishment.

(Signature)
**(RASHAD AHMED)
INQUIRY OFFICER
ASSISTANT SUPERINTENDENT
DISTRICT JAIL ABBOTTABAD**

Attested
(Signature)

**Muhammed Arshad Khan Tanoli
Advocate High Court
Office No 33 Adjacent to
Distt Bar Abbottabad**



Annex-D

OFFICE OF THE SUPERINTENDENT
CIRCLE (EASTERN) HQs PRISON HARIPUR

No. 2549

Dated 24-08-2020

Phone/Fax: 0995-920066

P-24

OFFICE ORDER:

WHEREAS, Accused Warder (BPS-07) Mr. Ehtisham Nawaz S/o Muhammad Nawaz (under-suspension) attached to District Jail Abbottabad was proceeded against, under Rules-3 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges of his misconduct as mentioned in the Show cause Notice served upon him.

WHEREAS, he furnished his reply, which was found unsatisfactory.

AND WHEREAS, the undersigned being the competent authority granted him the opportunity of personal hearing on 24-08-2020 as provided for under rules ibid.

Further, Superintendent District Jail Abbottabad conveyed his observations/ concerns regarding his negligence and non-serious behavior.

NOW THEREFORE, in exercise of powers conferred under Rule-14(5) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rule 2011, having considered the charges, evidence on record & Report submitted by the Inquiry Officer Mr. Rashid Ahmed Assistant Superintendent Jail attached to District Jail Abbottabad then attached to District Jail Mansehra, the explanation of the accused official, and after affording the opportunity of personal hearing, undersigned being the competent authority, do hereby award him Major penalty of "REMOVAL FROM SERVICE" to Warder (BPS-07) Mr. Mr. Ehtisham Nawaz S/o Muhammad Nawaz attached to District Jail Abbottabad with immediate effect.

Further his absence period w.e.f 09-06-2020 to 13-07-2020 will be considered as extra ordinary leave without pay

SUPERINTENDENT
CIRCLE H.Q. PRISON HARIPUR

Endst: No: 2550-53

Copy of the above is forwarded to:

1. The Inspector General of Prison Khyber Pakhtunkhwa Peshawar for information please.
2. The Superintendent District Jail Abbottabad for information w/r to the No. 1280 dated. 13-07-2020 for making necessary entries and compliance please. (S. Book attached)
3. The DAO Abbottabad for information and necessary action please.
4. Warder (BPS-07) Mr. Mr. Ehtisham Nawaz S/o Muhammad Nawaz attached to District Jail Abbottabad for information please.

Muhammad Arshad Khan
Advocate High Court
Office No. 33 Adjacent to
Dist. Bar Abbottabad

SUPERINTENDENT
CIRCLE H.Q. PRISON HARIPUR

Annex E.

OFFICE OF THE SUPERINTENDENT
CIRCLE (EASTERN) HQs PRISON HARIPUR

No. 2855/WE-1-

Dated 15-09-2020

Phone/Fax: 0995-920066

To,

Mr. Ihtisham Nawaz S/o Muhammad Nawaz
House No.1455, Mohallah Khola Kehal Abbottabad

P-25

Subject:- **ORDER.**
Memo:

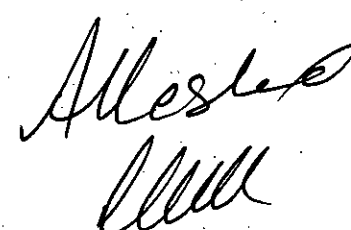
Enclosed find herewith rejection order of your appeal, which was
filed it before Inspector General of Prison Khyber Pkhtunkhwa peshawar.


SUPERINTENDENT
CIRCLE/H.Q. PRISON HARIPUR

Endst: No. _____

Copy forwarded to The Inspector General of Prison Khyber
Pkhtunkhwa peshawar w/r to the No. 31986-988/WE dated. 09-09-2020 for
information please.


SUPERINTENDENT
CIRCLE H.Q. PRISON HARIPUR


Muhammad Ihtisham Nawaz
Advocate High Court
Office No. 33 Adjacent to
District Jail Abbottabad



ORDER

OFFICE OF THE
INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

91-9210334, 9210406 091-9213445

No.Estb/Ward-/Orders/ 31984 1-

Dated 09-09-2020 1-

P-26

WHEREAS, **Warder Ehtisham Nawaz S/O Muhammad Nawaz** while attached to District Jail Abbotabad, was awarded the major penalty of "Removal from Service" by Superintendent HQ Prison Haripur vide his order No.2549 dated 24-08-2020 due to his misconduct and willful absence from duty w.e.f 09-06-2020 to 13-07-2020.

AND WHEREAS, the said warder preferred his departmental appeal for setting-aside the penalty awarded to him, which was examined in light of the available record of the case and it was observed that his appeal is without any substance and penalty was awarded to him by the competent authority due to his willful absence from duty as referred to above after observing all legal and codal formalities as required under the E & D Rules.

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

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

ENDST:NO. 31986-988

Copy of the above is forwarded to :-

1. The Superintendent, Headquarters Prison Haripur for information and necessary action with reference to his letter No. 2708 dated 04-09-2020.
2. The Superintendent, District Jail Abbotabad for information and necessary action with reference to above. He is directed to inform the appellant accordingly and also to make necessary entry in his Service Book under proper attestation.
3. The appellant concerned through Superintendent HQ Prison Haripur.

Attested

Muhammad Mehrez Khan Tanoli
Advocate High Court
Office No 33 Adjacent to
Dist Bar Abbotabad

ASSISTANT DIRECTOR
INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

9/9/2020

TO,

The Inspector General Prison
Khyber Pakhtunkhawa,
Peshawar.

SUBJECT: DEPARTMENTAL APPEAL AGAINST IMPUGNED REMOVAL FROM SERVICE ORDER DATED 24/08/2020

Respected Sir,

The contents of department appeal /representation are given as under:

1. Reference is made to Impugned removal from service order No 2549 dated 24/08/2020.
(Copy of impugned removal from service order is annex for your kind perusal please)
2. That, the applicant served the Prison Department for the last 7/8 years with complete devotion, dedication and left no stone unturned for smooth functioning to the extent of his sphere of job activities.
3. That, the applicant all of sudden felt severe pain in his kidney and went to hospital on 24/03/2020 and after informing and receiving due permission rush to hospital due to kidney pain and was admitted to the hospital for treatment. After five days the applicant was discharge from the hospital and the applicant after discharge from hospital resumed his duty on 29/03/2020 and submitted medical record to moharrar and the moharrar after receiving the medical record directed the undersigned that as the covid-19 virus cases were at peak so the applicant must stay at home and get the treatment.
4. That, on 08/04/2020 moharrar through telephonic call directed the applicant to join the duty on 09/04/2020 along with corona test report.
5. That, the applicant obtain corona test report which was negative and on 09/04/2020 the applicant join the duty as per direction.
6. That, thereafter the applicant perform his duty regularly but on 09/06/2020 suddenly the applicant felt severe pain in his kidney and after informing the moharrar and getting the permission rush to the hospital where after giving initial first aid treatment the undersigned was directed by the doctor to receive further

Attested
[Signature]

treatment at home as due to corona virus cases. The applicant could not be admitted to the hospital.

7. That, after advice of doctor the applicant started treatment of kidney pain at home and constantly informed the competent authority through messages regarding his illness.
8. That, the total span/ period of illness of the applicant started from 09/06/2020 to 13/07/2020. The applicant has been removed from service vide impugned order for removal from service refer in para no 1 of above

That, remove from service order is illegal/ against the law and is a result of not following the prescribe procedure which is sine quo none for awarding major penalty of removal from service.

9. That, the applicant cause no loss to public exchequer as, the subject period in which the applicant was suffering from kidney ailment with effect from 09/06/2020 to 13/07/2020 has been converted into extra ordinary leave (leave without pay).
 10. That, no proper inquiry, statement of allegation and show cause as per E & D Rules, 2011 was served upon the applicant.
 - ~~11. That, it is also submitted that the applicant was seriously ill and the circumstances were beyond his control as a human being. The applicant could not treat him in OPDs as the same were closed due to Covid-19.~~
 12. That, the parents of applicant are off old age and are totally depended upon the undersigned and there lively hood is totally depended with the government service of the undersigned.
- In view of the above it is prayed that impugned removal from services order No 2549 dated 24/08/2020 may graciously be set aside and services of the applicant may ordered to restore with all service back benefits.

Applicant

Ehtisham Nawaz
 EHTISHAM NAWAZ
 Warden (BPS-07)
 District Jail Abbottabad

Abdus Salam
Warden (BPS-07)



DBA No. 329
 BC No. 10-2573
 Name of Advocate Muhammad Arshad

Rs. 1004712

S.No. _____

Sardar Amber Meqsood
 Finance Secretary
 District Bar Association
 Abbottabad

Service Tribunal KPLK Peshawar

بجوات - 20

Ehtisham Nawaz بنام Govt of KPLK عنوان:

Service Appeal نوعیت مقدمہ Appellant منجانب:

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی برائے پیشی یا تصفیہ مقدمہ بمقام ATD کے لیے

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا ذریعہ مختار خاص روبرو عدالت حاضر ہوتا ہوں گا اور بروقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پشہری کے علاوہ کسی جگہ یا پشہری کے اوقات سے پہلے یا پچھے باروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ پشہری کے علاوہ کسی اور جگہ ساعت ہونے پر یا باروز تعطیل یا پشہری کے اوقات کے آگے پیچھے پیشی ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا معائنہ کے واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو اکل نہایت پر داختہ صاحب موصوف مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجراء کے ذمہ دار یا نظر ثانی اپیل گرانہ ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کرانے اور ہر قسم کارروائی وصول کرانے اور رسید دینے اور داخل کرانے اور ہر قسم کے بیان دینے اور اس پر تاشی و تاشی نامہ و فیصلہ بر حلقہ کرانے اقبال کوئی دینے کا بھی اختیار ہوگا اور بصورت جانے بیر و نجات از پشہری صدر اپیل و برآمدگی مقدمہ یا تصفیہ یا پیشی یا کسی طرح درخواست حکم یا تاشی یا ترقی یا اگر تاشی قبل از تاشی و اجراء کے ذمہ دار یا صاحب موصوف کو بشرط ادا ہوگی علیحدہ مختار پیروی کا اختیار ہوگا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکور یا اس کے کسی جزوی کارروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے جانشین یا اپنے ہمراہ مقرر کریں اور ایسے وکیل کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانہ التوا اپڑے گا وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

Ehtisham Nawaz
 عیشام نواز

لہذا وکالت نامہ لکھ دیا ہے کہ سندر ہے۔
 مورخہ 2020/10/14
 دن 14 ماہ 10 سال
 مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور مطلق ہے۔

نوٹ: وکالت نامہ کی فوٹو کاپی قابل قبول نہ ہوگی

Muhammad Arshad Khan Janolri
 Advocate High Court
 Office No. 13 Adjacent to
 Dist. Bar, Abbottabad

31

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

SERVICE APPEAL NO: 12097/2020

EX-Warder Ehtisham Nawaz S/o Muhammad Nawaz

.....APPELLANT

VERSUS

1. Govt of Khyber Pakhtunkhwa, through Secretaray Home & Tribal Affairs, Khyber Pakhtunkhwa, Peshawar.
2. The Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
3. Additional Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
4. Superintendent Circle (Eastern) Headquarters Prisons Haripur.

.....RESPONDENTS

JOINT PARAWISE COMMENTS FOR & ON BEHALF OF RESPONDENT NO:1-4

Respectfully Sheweth,

Preliminary Objections:

- That the appellant has got no cause of action/locus standi.
- That the instant appeal is badly time barred.
- That the appellant has concealed the material facts from this Honorable Tribunal, hence liable to be dismissed.
- That the appellant has not come to this Honorable Court with clean hands.
- That the appellant has filed the instant appeal just to pressurize the respondents.
- That the appellant has filed the instant appeal on malafide motives.
- That the instant appeal is against the prevailing law and rules.
- That the appellant is stopped by his own conduct to file this instant appeal.
- That the present appeal is not maintainable in the present form and also in the present circumstances of the case

OBJECTION ON FACTS:

1. Pertains to record.
2. Incorrect and not admitted. That the appellant time and again absent from duty without the permission of the competent authority, despite the seriousness of his job nature.
3. Incorrect and not admitted. That the appellant does not apply for medical leave nor had he admitted the leave. The appellant time and again absented from duties which shows his negligence and non-seriousness towards his official duties. The appellant violated the Rules 1082, 1083 of Khyber Pakhtunkhwa Prisons Rule 2018. Copy of the Rules is attached as **Annex "A"**.

4. Incorrect and not admitted. That the appellant violated the Rules 1082, 1083 of Khyber Pakhtuakhwa Prisons Rules. He had absented himself from duty without the permission of the competent authority nor had he submitted any medical report for that purpose.
5. Incorrect and not admitted. The answer has been given in Para above.
6. Incorrect and not admitted. That the appellant had not submitted any medical certificate for his absence period w.e.f. 09.06.2020 to 13.07.2020.
7. Incorrect and not admitted. A proper inquiry was conducted against the appellant and the charge against the appellant was fully proved. The appellant does not give any plausible evidence for his innocence. Inquiry report is attached as Annex "B".
8. Pertains to record.
9. The competent authority although rejected Departmental Appeal according to Law.

OBJECTION ON GROUNDS:

- a. Incorrect and not admitted. That the competent authority in exercise of powers conferred under Rule-14(5) of Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rule 2011, having considered the charges, evidence on record & report submitted by the inquiry officer Mr. Rashid Ahmad Assitant Superintendent Jail attached to Dsitrict Jail Abbottabad, the explanation of the accused official, and after affording the opportunity of personal hearing, award him Major Penalty of "Removal from Service" to the appellant. Copy of the personal hearing and show cause is attached as Annex "D" & "E".
- b. Incorrect and not admitted. The answer has been given in para above.
- c. Incorrect and not admitted. That the appellant absent from lawful duties w.e.f 09.06.2020 to 13.07.2020 without the permission of the competent authority and violated the Khyber Pakhtunkhwa, Prisons Rule 1082, 1083.
- d. Incorrect and not admitted. The answer has been given in para 6 of the facts.
- e. This para needs no comments.

PRAYER:

On acceptance of these joint parawise comments on behalf of respondents No 1 to 4 the appeal of the appellant may graciously be dismissed with cost please.

JJ
19.7.2022

**SECRETARY HOME AND TRIBAL
AFFAIRS DEPARTMENT KHYBER
PAKHTUNKHWA
RESPONDENT NO.1**

Muttah
4/7/22
**ADDITIONAL INSPECTOR GENERAL
OF PRISONS KHYBER
PAKHTUNKHWA PESHAWAR
RESPONDENT NO.3**

Hussain
**INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA, PESHAWAR
RESPONDENT NO.2**

01/07/2022

Q
**SUPERINTENDENT
Circle Headquarter Prisons
Haripur
(Respondent No. 04)**

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

SERVICE APPEAL NO: 12097/2020

EX-Warder Ehtisham Nawaz S/o Muhammad Nawaz

.....APPELLANT

VERSUS

1. Govt of Khyber Pakhtunkhwa, through Secretaray Home & Tribal Affairs, Khyber Pakhtunkhwa, Peshawar.
2. The Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
3. Additional Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
4. Superintendent Circle (Eastern) Headquarters Prisons Haripur.

.....RESPONDENTS

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENTS NO.

1 to 4.

We the undersigned respondents do hereby solemnly affirm and declare that the contents of the Para-wise Comments in the above cited appeal are true and correct to the best of our knowledge and belief and that no material facts have been concealed from this Honourable Service Tribunal.

19.7.2022

**SECRETARY HOME AND TRIBAL
AFFAIRS DEPARTMENT KHYBER
PAKHTUNKHWA
RESPONDENT NO.1**

[Signature]

**ADDITIONAL INNSPECTOR GENERAL
OF PRISONS KHYBER
PAKHTUNKHWA PESHAWAR
RESPONDENT NO.3**

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

[Signature]

01/07/2022

**SUPERINTENDENT
Circle Headquarter Prisons
Haripur
(Respondent No. 04)**

[Signature]

ATTESTED



**GOVERNMENT OF THE KHYBER PAKHTUNKHWA
HOME AND TRIBAL AFFAIRS DEPARTMENT.**

NOTIFICATION

Peshawar, dated the 14th March 2018.

No.SO(P&R)HD/3-3/2018.-In exercise of the powers conferred by section 59 of the Prisons Act, 1894 (IX of 1894) and in supersession of rules issued in this behalf, the Government of the Khyber Pakhtunkhwa is pleased to make the following rules, namely:

**THE KHYBER PAKHTUNKHWA
PRISONS RULES, 2018.**

**Chapter-1
General Provision**

1. Short title and commencement.---(1) These rules may be called the Khyber Pakhtunkhwa Prisons Rules, 2018.

(2) It shall come into force at once.

2. Definitions.---(1) In these rules, unless otherwise prescribed the following expressions shall have the meaning hereby respectively assigned to them, that is to say-

- (a) "Act" means the Prisons Act, 1894 (Act IX of 1894);
- (b) "Additional Inspector General" means Additional Inspector General of Prisons appointed by Government under these rules;
- (c) "Assistant Superintendent" means Assistant Superintendent of the Prisons and includes Senior Assistant Superintendent or Senior Lady Assistant Superintendent appointed by Government;
- (d) "Central Prison" means a Central Prison declared as such by Government;
- (e) "Chief Warder" means Chief Warder either male or female, as the case may be, in respective ward in a Prison;
- (f) "Code" means the Code of Criminal Procedure, 1898 (V of 1898);
- (g) "condemned prisoner" means prisoner sentenced to death and his sentence of death confirmed by the Supreme Court of Pakistan;

1080. **Prohibition against business and pecuniary transactions.**---(1) No prison officer shall directly or indirectly engage in any trade, business or employment other than his legitimate duties.

(2) No prison officer shall lend money to, borrow money from, enter into any pecuniary transaction with, or incur any obligation in favor of any other officer or any prisoner.

1081. **Residential quarters.**---(1) Rent free residential quarters shall ordinarily be provided at each prison for the Superintendent, Deputy Superintendent, Senior Assistant Superintendent, Assistant Superintendents, Senior Medical Officer, Medical Officer, Pharmacy Technician, Assistants and Clerical Staff, Storekeepers, Instructors, Teachers, Head Warders and the Warders.

(2) Every prison official for whom the residential quarters are not available in prison shall reside within such distance from the prison as the Superintendent may direct,

1082. **Leave to Subordinate Officers.**---(1) No subordinate officer shall, at any time, without the permission of the Deputy Superintendent, if such officer is subordinate to him, and, in any other case, of the Superintendent, be absent from the prison premises, whether by day or night.

(2) The Deputy Superintendent shall not, without the sanction of the Superintendent, grant leave of absence to any subordinate officer, or permit any such officer to remain absent, for any period exceeding four hours at any one time.

(3) Whenever any leave is granted by the Deputy Superintendent to any subordinate officer he shall, at the time the leave is granted, record the fact, and the period of leave in his report book.

(4) Every subordinate officer shall immediately on return from leave report the fact to the Deputy Superintendent, who shall forthwith record his arrival in his report book.

(5) The Deputy Superintendent shall similarly record in his report book, all leave granted by the Superintendent and all reports made of return from leave.

(6) Fifteen (15) days recreation leave shall be granted to every employee of Department once in a calendar year on rotation basis.

1083. **Absence caused by illness or other unavoidable cause.**---Whenever any subordinate officer is at any time prevented by sudden illness or other unavoidable cause, from attending the prison or performing his duties he shall forth-with give notice to the Superintendent along with his reasons for absence. The Superintendent shall then make suitable arrangements for the due performance of his duties.

1084. **Acquaintance with these rules and directions.**---It shall be the duty of every prison officer to make himself thoroughly acquainted with the duties of his office and these rules and directions. He shall discharge his duties with zeal, efficiency, honesty, alacrity and regularity.

1085. **Note Book.**---Every subordinate officer shall keep a notebook with him in which he shall record every order given to him by his superior officers.

1086. **Subordinate Officer to render prompt obedience.**---It shall be the duty of every subordinate officer at all times to render prompt and implicit obedience to every lawful order, given to him by superior officer, with proper courtesy and respect.

1087. **Prohibition against communicating with prisoners, their-relatives and friends.**---(1) No subordinate officer shall, otherwise than with the special permission of the Superintendent, at any time,-

- (a) correspond or communicate with any relative or friend of any prisoner;
- (b) hold any unauthorized communication with any prisoner;
- (c) correspond or communicate with any discharged prisoner; or
- (d) permit any discharged prisoner or any relative of any prisoner to visit or remain at his quarters.

(2) No subordinate officer shall, at any time,-

- (a) hold any unnecessary conversation with any prisoner; or
- (b) treat any prisoner with familiarity; or
- (c) discuss any matter relating to the discipline or of the prison with or within the hearing of any prisoner.

1088. ---[incorporated in Uniform Chapter]

1089. **Officer not to leave place of duty idle about or quarrel.**---(1) Every subordinate officer when on duty, except when ordered by a superior officer to go elsewhere, shall not leave his beat or place of duty. Idleness or lounging about the prison premises is prohibited.

(2) No subordinate officer shall at any time, while on duty, smoke sing or talk loudly, or cook or eat his food, or do any act likely to distract his attention from his duty, or in any way conduct himself in an unseemly or disorderly manner.

(3) All quarrelling or disputes between prison officers is prohibited. Any dispute between subordinate officers about any matter connected with their duties shall at once be referred to the Deputy Superintendent.

(4) When any subordinate officer is accused or suspected of having committed any of the following offences, and a prima facie case against him exists, a proceedings shall be initiated,-

- (a) willfully or negligently permitting a prisoner to escape or any other serious offence punishable under the Penal Code
- (b) any offence punishable under section 42 of the Act.
- (c) any breach of rule 1094 or clause (c) of rule 1095; and
- (d) any breach of section 9 or section 10 of the Act.

1090. **Visitors to subordinate officers.**---No subordinate officer shall at any time be permitted to receive any visitor inside the prison or while on duty outside the prison.

1091. **Complaints.**---(1) Any subordinate officer desiring to make any complaint of any kind shall do so in writing to the Superintendent within twenty-four hours of the occurrence of the cause of complaint.

(2) The making of frivolous, vexatious or false complaints is prohibited.

1092. **Combined action by officers forbidden.**---Subordinate officers are forbidden from taking part in any agitation for the redress of any grievance or supposed grievance, or for any other purpose whatsoever.

1093. **Care and Custody of Keys.**---(1) No subordinate officer who is at any time entrusted with any key shall, under any circumstances or any pretext whatsoever,-

- (a) take any key belonging to a lock in use for securing the custody of any prisoner out of the prison; or
- (b) leave any such key lying about; or
- (c) deliver any such key to any person other than a Prison officer duly authorized to receive such key or to have the care or custody thereof; and
- (d) leave his post of duty or the prison without delivering such key to the officer duly authorized to receive the same from him.

(2) The key of any cell, barrack, ward, godown, main gate or main gate wicket, shall not, under any circumstances or under any pretext, be at any time made over to any prisoner.

(3) If any key is lost or misplaced, the lock shall at once be condemned and destroyed by the Superintendent. The Officer held responsible for the loss shall be liable to pay the cost of the lock.

(4) Every warder shall keep the bunch of keys secured to his waist belt with a stout chain.

(5) Locks supplied to prisons shall not be provided with duplicate keys.

1094. **Officers not to resign without Notice.**---No subordinate officer shall, without permission in writing of the Superintendent, resign or otherwise leave service, unless he has submitted a notice in writing for a period of not less than two months, of his intention to resign and the period of such notice has expired.

1095. **Prohibitions against sleeping on duty or other irregularities.**---No subordinate officer shall at any time,-

- (a) be in a state of intoxication;
- (b) sleep while on duty;
- (c) enter any enclosure reserved for women prisoners unless he is authorized to do so under the rules and is accompanied by a woman wader;
- (d) commit, or permit or abet the commission of any irregularity in the supply of distribution of food, clothing, or other articles to prisoners;
- (e) display cowardice in the discharge of his duties;

- (f) be guilty of any act of insubordination, disobedience, breach of discipline or neglect of duty; and
- (g) malingering or render himself unable or unfit to discharge his duties.

1096. Grant of leave by whom sanctioned.---(1) Leave, other than casual leave, to Deputy Superintendents, Senior Assistant Superintendents, Assistant Superintendent, Budget and Accounts Officer, Clerical Staff, Teacher, Instructor, Psychologist, Junior Pharmacy Technician, etc., shall be sanctioned by the Appointing Authority but any officer to whom a certificate of sickness is granted by the Medical Officer, may be allowed to proceed on leave in anticipation of the sanction of the Inspector General.

(2) In the case of others, the grant of all kinds of leave shall rest with the Superintendent.

(3) Application for leave from officers mentioned in sub-rule (1) shall be submitted to the Inspector General one month before the date on which the leave is required.

1097. Communication of address during leave.---(1) Whenever a prison officer proceeds on leave or is absent from the station he shall leave his address and phone number at the prison office and keep it informed of any subsequent change of address.

(2) Whenever a Superintendent proceeds on leave, he shall communicate his address and phone number to the inspector General.

1098. Leave to Warders.---The leave granted to Warders shall be so arranged that not more than ten percent of their sanctioned strength shall be absent from all causes at any one time. For this purpose warders shall be required to apply for leave well before the date on which the leave is required.

1099. Superintendent may stop or cancel leave.---The Superintendent may stop all leave or recall any officer on leave except in the case of leave on medical grounds during the prevalence of unusual sickness in the prison or on the occurrence of any circumstances requiring his presence.

1100. Service books.---(1) A service book shall be prepared for every non-gazetted officer on appointment (at his own expense), in which all changes of appointment, offences, punishments, leave, transfers, and changes of pay, shall be recorded under the signatures of the Superintendent. It shall be kept in the office of the Line Officer of the prison to which the officer is attached. On transfer of an officer his service book, after recording necessary entries in it, shall be sent under registered cover without delay, to the Superintendent of the prison to which he is transferred. On the resignation or discharge without fault of an officer except retirement on pension his service book may be given to him, after making an entry to this effect in his service book.

(2) The entries on the opening page of service books shall be attested at least once in five years, and the signatures of the officers and the Superintendent be taken on that page and dated.

(3) Every step in the official life of a Government servant must be recorded in his service book and each entry shall be attested by the Superintendent. The head of the office must see that all entries are duly made and attested and that the service book contains no erasure or overwriting. All corrections shall be neatly made and properly attested.

(4) Every period of suspension from employment and every other interruption of service must be noted, with full details of duration and entry made across the page of the service book and must be attested by the attesting officer. It is the duty of the attesting officer to see that such entries are promptly made.

(5) Personal certificates of character shall not, unless the Inspectorate General directs, be recorded in a service book, but if a Government servant is reduced to a lower substantive post the reason of the reduction shall be briefly shown. The Superintendent may, however, record his opinion about the work, conduct and integrity of each member of the Warder establishment at the end of the year in his service book.

(6) It is the duty of every Government servant to see that his service book is properly maintained as prescribed in sub-rule (3), so that there may be no difficulty in verifying his service for pension. The Superintendent may permit an officer to examine his service book if he desires to do so.



FAX

OFFICE OF THE SUPERINTENDENT
DISTRICT JAIL ABBOTTABAD
Ph/fax-092-9310213
districtjailabbottabad@gmail.com

No 1280 Dated 13-07-2020

To,

The superintendent
Headquarter Prison Haripur


Subject; REPORT IN RESPECT OF WARDER EHTISHAM NAWZ S/O MUHAMMAD NAWAZ ATTACHED TO DISTRICT JAIL ABBOTTABAD.

Sir,

It is submitted that a detailed reported in respect of warder Ehtisham Nawas has been conveyed to your good office vide this office letter No. 1194 dated 01-07-2020. In this letter detail history of about his non serious attitude, negligence and mal-behavior has been reported.

Further his unsatisfactory service history is threat to the security and management of this Jail. In this connection his transfer on administrative ground has been requested to your good office from time to time.

He deserted himself from line and duty w.e.f 09-06-2020 to till date. He has placed under suspension by the undersigned and your good office is requested to confirm the suspension of subject cited warder with the direction to reported Headquarter Prison Haripur.


SUPERINTENDENT
DISTRICT JAIL ABBOTTABAD

Endst No. _____

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

PB

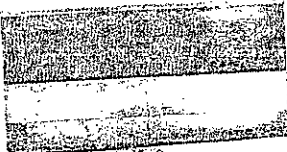


Supdt
14/07/2020

2168
13/07/2020

SUPERINTENDENT
DISTRICT JAIL ABBOTTABAD

69

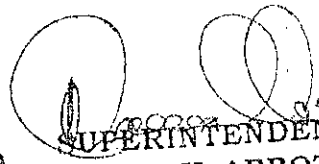


OFFICE OF THE SUPERINTENDENT
DISTRICT JAIL ABBOTTABAD
Ph/fax-092-9310213
districtjailabbottbad@gmail.com

No. 1283 Dated 13-09-2020

OFFICE ORDER

Warder Ehtisham Nawaz S/O Muhammad Nawaz attached to District Jail Abbottabad is hereby placed under suspension on ground of his desertion from line w.c.f 09-06-2020. You are further directed to report the Superintendent Headquarter Prison Haripur.


SUPERINTENDENT
DISTRICT JAIL ABBOTTABAD

Endst No. _____

Copy of the above is forwarded to the Superintendent Headquarter Prison Haripur with the request to confirm the above mentioned suspension Please.

~~SUPERINTENDENT
DISTRICT JAIL ABBOTTABAD~~



OFFICE OF THE SUPERINTENDENT
CIRCLE (EASTERN) HQs PRISON HARIPUR

Ph/Fax: 0995-920066

No. 2127 -

Dated 14 / 07 / 2020.

DISCIPLINARY ACTION:

I. Maqsud Ur Rehman, Superintendent Circle Headquarters Prison Haripur, as competent authority am of the opinion that **Warder (BPS-07) Ehtisham Nawaz S/o Muhammad Nawaz (under suspension)** attached to District Jail **Abbottabad** rendered himself liable to be proceeded against as he has committed the following acts/omissions within the meaning of Rule-3 of the Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules 2011:-

STATEMENT OF ALLEGATIONS:

"As per written report of the Superintendent District Jail Abbottabad Vide No. 1280 dated. 13-07-2020, he deserted himself from lines and duty w.e.f 09-06-2020 to till date i.e 13-07-2020, further his unsatisfactory service is threat to the security and management of the Jail."

This practice is a grave misconduct on his part & entails him for strict disciplinary action under the E & D Rules-2011 in addition to the breach of Rule-1082 (i) & 1083 of Khyber Pakhtunkhwa Prisons Rules.

The misconduct tantamount to gross indiscipline/serious negligence on his part.

- 1- For the purpose of scrutinizing the conduct of the said accused Warder with reference to above allegations, an Inquiry is ordered against him and Mr. Rashid Ahmed Assistant Superintendent Jail attached to District Jail Mansehra is hereby appointed as Inquiry officer under section 10 (1) (a) of the rules ibid.
- 2- The Inquiry Officer shall in accordance with the provision of ordinance provide reasonable opportunity of hearing to the accused, record its findings and make within 90 days of receipt of this order, recommendations as to punishment or other appropriate action against him.
- 3- Accused Warder and a well conversant official of the department (if required) shall join the proceedings at the date, time and place fixed by the inquiry officer.

le
SUPERINTENDENT
CIRCLE H/Qs PRISON HARIPUR

2128-31-WE
Endst: No. / Dated:

Copy forwarded to:-

1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information please.
2. Mr. Rashid Ahmed Assistant Superintendent Jail attached to District Jail Mansehra (Inquiry Officer) for initiating proceedings against the above noted accused Warder under the Government of Khyber Pakhtunkhwa (Efficiency & Discipline) Rules-2011.
3. The Superintendent District Jail Abbottabad for information w/r to No.1280 dated. 13-07-2020, further *his suspension is hereby confirmed w.e.f 13-07-2020.*
4. **Warder (BPS-07) Ehtisham Nawaz S/o Muhammad Nawaz (under suspension) attached to District Jail Abbottabad** with the direction to appear before the inquiry officer for the purpose of inquiry proceedings (*Charge sheet is enclosed*)

le
SUPERINTENDENT
CIRCLE H/Qs PRISON HARIPUR



OFFICE OF THE SUPERINTENDENT
CIRCLE (EASTERN) HQs PRISON HARIPUR

Ph/Fax: 0995-920066

No. _____

Dated _____ / _____ / 2020.

CHARGE SHEET

I, Maqsd Ur Rehman, Superintendent Circle Headquarters Prison Haripur, as competent authority do hereby charge you Warder (BPS-07) Ehtisham Nawaz S/o Muhammad Nawaz (under suspension) attached to District Jail as follow:-

“As per written report of the Superintendent District Jail Abbottabad Vide No. 1280 dated. 13-07-2020, you deserted yourself from lines and duty w.e.f 09-06-2020 to till date i.e 13-07-2020, further your unsatisfactory service is threat to the security and management of the Jail.”

This misconduct of yours, tantamount to gross indiscipline/serious negligence on your part.

- 1- By reason of the above, you appear to be guilty of misconduct under Rule-3 of the Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline Rules) 2011 and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the rules ibid.
- 2- You are, therefore, required to submit your written defence/reply within seven (07) days of the receipt of this charge sheet to the inquiry officer.
- 3- Your written defence, if any, should reach the inquiry officer within specified period failing which it shall be presumed that you have no defence to put in & in that case, *strict action* shall be taken against you.
- 4- Intimate whether you desire to be heard in-person.
- 5- A statement of allegations is enclosed.

SUPERINTENDENT
CIRCLE H/Qs PRISON HARIPUR

[Signature]

OFFICE OF THE SUPERINTENDENT
DISTRICT JAIL ABBOTTABAD
Ph/fax-092-9310213
districtjailabbottbad@gmail.com

No 1385/ Dated 30-07-2020
we

The superintendent
Headquarter prison Haripur

Subject: - INQUIRY REPORT IN R/O WARDER EHTISHAM NAWAZ ATTACHED TO DISTRICT JAIL ABBOTTABAD

Respected Sir,

Reference to your letter no 2128-31/WE-45 dated 14-07-2020.

Inquiry report in respect of subject cited warder is attached for further disposal at your end please.

(RASHAD AHMED)
Inquiry Officer
ASSISTANT SUPERINTENDENT
DISTRICT JAIL ABBOTTABAD

SM
PB
Supdt
04/08/2020

2385
04-08-2020

INQUIRY REPORT IN R/O WARDER EHTISHAM NAWAZ (UNDER SUSPENSION) ATTACHED TO DISTRICT JAIL ABBOTTABAD

STATEMENT OF ALLEGATION

As per written report of the Superintendent District jail Abbottabad, Warden Ehtisham Nawaz (**under suspension**) attached to District jail Abbottabad was charged as:

He deserted himself from line and duty w.e.f 09-06-2020 to till date.

PREAMBLE:-

I Mr. Rashad Ahmed Assistant Superintendent Jail has been appointed as inquiry officer by the Superintendent Headquarter Prison Haripur vide letter No 2128-31/WE dated 14-07-2020 for the charges mentioned in statement of allegation.

PROCEEDING

The undersigned has conducted the inquiry in the office of Deputy Superintendent Mansehra Jail on 27-07-2020 and the accused warder appeared before the undersigned and submitted his written reply to inquiry officer against allegation charged (Annex-A). He stated in his written reply that due to serious illness for two months, he could not attend his duty. He also sought mercy of committing guilt with the promise not to repeat the same in future. I also recorded questioner which is appended as Annex-B.

FINDINGS

Going through record and circumstantial evidence, accused warder failed to submit satisfactory reply and cogent reasons of his willful absence. His Record is replete with such incidents when he deserted the line and duty at whim.

RECOMMENDATION:-

The allegations brought forwarded by the Superintendent District Jail Abbottabad stands fully proved against under suspension warder Ehtisham Nawaz, therefore he is recommended for appropriate punishment.

(Handwritten Signature)
**(RASHAD AHMED)
INQUIRY OFFICER
ASSISTANT SUPERINTENDENT
DISTRICT JAIL ABBOTTABAD**

۱۰
جناب عالی سے پتہ پتہ آگے آگے آگے

عنوان :- سائنسی نامہ

جناب عالی! سائل آپ کو جان سے پہلے در خواست کرتا ہے کہ
کون سے شہر پر بیمار تھا۔ جس سے سائل اپنی لائن سے ڈا
سے غیر حاضر رہا۔ جناب سے گزارش ہے سائل کو (۱) وقوعہ کا جا رہا ہے تاکہ
اپنی ڈیوٹی دوبارہ سے جو ان کے پاس ہے۔

جناب عالی! سائل نے سائل سے ایک زخمی سائل ڈیوٹی سے انعام دے
سائل ایک غیرت گرانہ سے تعلق رکھتا ہے۔ سائل نے بیماری سے

اپنی غیر حاضر کی کردی۔
جناب عالی! سائل آپ سے یہ رخصت کرنا چاہتا ہے۔ اس لئے کہ سائل

کی کوئی بیماری نہیں رہے گا۔
سائل ایک غیرت گرانہ سے تعلق رکھتا ہے۔ سائل نے اپنی اپنی دلگاہ
جناب سے در خواست ہے کہ سائل کو سب سے رخصت کر دے۔ سائل نے اس سے

کسی بھی اس طرح کی کوئی کوئی بیماری نہ ہوگی۔
لہذا سائل آپ سے در خواست کرتا ہے کہ یہ سائل

حفاظت سے جاوے۔
عین نواز شہید کی۔
۱۰/۱۱/۱۹۷۱ء | افسسٹام نواز ولد محمد نواز علی ڈسٹرکٹ جیل ایف اے امداد

**FINAL SHOW CAUSE NOTICE UNDER RULE-5 (i) (a) READ WITH
RULE-7 OF THE KHYBER PUKHTUNKHWA GOVERNMENT
SERVANTS (EFFICIENCY & DISCIPLINE) RULES, 2011.**

I, Maqsud Ur Rehman, Superintendent Circle Headquarters Prison Haripur, as competent authority am of the opinion that Warder (BPS-07) Ehtisham Nawaz S/o Muhammad Nawaz (under-suspension) attached to District Jail Abbottabad as follows:-

As per written report of the Superintendent District Jail Abbottabad Vide No. 1280 dated. 13-07-2020, you deserted yourself from lines and duty w.e.f 09-06-2020 to till date i.e 13-07-2020, further your unsatisfactory service is threat to the security and management of the Jail."

Your this practice is a grave misconduct on your part & entails you for strict disciplinary action under the E & D Rules-2011 & in addition to the breach of Rule-1082 (i) & 1083 of Khyber Pakhtunkhwa Prisons Rules.

I, Maqsud Ur Rehman, Superintendent Circle Headquarters Prison Haripur as competent authority, am satisfied by the report submitted by Inquiry Officer Mr. Rashid Ahmed (Inquiry Officer) Assistant Superintendent attached to District Jail Abbottabad & there is no need of holding any further inquiry.

Now therefore, you above named accused Warder are hereby called upon to show cause within **seven (07) days** as to why to major Punishment of "Removal From Service" not be awarded to you for your above stated act of misconduct.

SUPERINTENDENT
CIRCLE H/Qs PRISON HARIPUR

Endst: No. 2327-28/WE /Dated: / /2020.

1. Mr. Rashid Ahmed Assistant Superintendent Jail attached to District Jail Abbottabad (Inquiry Officer) for information please.
2. The Superintendent District Jail Abbottabad for information w/r to No.1280 dated. 13-07-2020, for information please.
3. Accused Warder (BPS-07) Ehtisham Nawaz S/o Muhammad Nawaz (under-suspension) attached to District Jail Abbottabad for information and reply within 07 seven days after receipt of this show cause notice. (copy of inquiry report is attached)

SUPERINTENDENT
CIRCLE H/Qs PRISON HARIPUR

OFFICE OF THE SUPERINTENDENT
CIRCLE (EASTERN) HQs PRISON HARIPUR

No. 2475- 1-

Dated 18-08-2020 1-

Phone/Fax: 0995-920066

The Superintendent,
District Jail Abbottabad.

Subject:- PERSONAL HEARING.

Re:

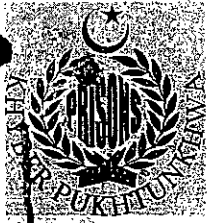
Accused Warder (BPS-07) Ehtisham Nawaz S/o Muhammad Nawaz (under-suspension) of your Jail may be directed to attend the office of undersigned on Monday 24-08-2020 for Personal Hearing at 10.30AM positively.

Further, his Service Book may be furnished for perusal of service track.

o/c



SUPERINTENDENT
CIRCLE H.Q. PRISON HARIPUR



OFFICE OF THE SUPERINTENDENT
CIRCLE (EASTERN) HQs PRISON HARIPUR

No. 2549 /-

Dated 24-08-2020/-

Phone/Fax: 0995-920066

OFFICE ORDER:

WHEREAS, Accused Warder (BPS-07) Mr. Ehtisham Nawaz S/o Muhammad Nawaz (under-suspension) attached to District Jail Abbottabad was proceeded against, under Rules-3 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges of his misconduct as mentioned in the Show cause Notice served upon him.

WHEREAS, he furnished his reply, which was found unsatisfactory.

AND WHEREAS, the undersigned being the competent authority granted him the opportunity of personal hearing on 24-08-2020 as provided for under rules ibid.

Further, Superintendent District Jail Abbottabad conveyed his observations/ concerns regarding his negligence and non-serious behavior.

NOW THEREFORE, in exercise of powers conferred under Rule-14(5) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rule 2011, having considered the charges, evidence on record & Report submitted by the Inquiry Officer Mr. Rashid Ahmed Assistant Superintendent Jail attached to District Jail Abbottabad then attached to District Jail Mansehra, the explanation of the accused official, and after affording the opportunity of personal hearing, undersigned being the competent authority, do hereby award him Major penalty of " REMOVAL FROM SERVICE" to Warder (BPS-07) Mr. Mr. Ehtisham Nawaz S/o Muhammad Nawaz attached to District Jail Abbottabad with immediate effect.

Further his absence period w.e.f 09-06-2020 to 13-07-2020 will be considered as extra ordinary leave without pay

OK
SUPERINTENDENT
CIRCLE H.Q. PRISON HARIPUR

Endst: No: 2550-53-WB/1

Copy of the above is forwarded to:

1. The Inspector General of Prison Khyber Pakhtunkhwa Peshawar for information please.
2. The Superintendent District Jail Abbottabad for information w/r to the No. 1280 dated. 13-07-2020 for making necessary entries and compliance please (S. Book attached)
3. The DAO Abbottabad for information and necessary action please.
4. Warder (BPS-07) Mr. Mr. Ehtisham Nawaz S/o Muhammad Nawaz attached to District Jail Abbottabad for information please.

OK
SUPERINTENDENT
CIRCLE H.Q. PRISON HARIPUR

TO,

The Inspector General Prison
Khyber Pakhtunkhawa,
Peshawar.

SUBJECT: DEPARTMENTAL APPEAL AGAINST IMPUGNNED REMOVAL FROM SERVICE ORDER DATED 24/08/2020

Respected Sir,

The contents of department appeal /representation are given as under:

1. Reference is made to impugned removal from service order No 2549 dated 24/08/2020.
(Copy of impugned removal from service order is annex for your kind perusal please)
2. That, the applicant served the Prison Department for the last 7/8 years with complete devotion, dedication and left no stone unturned for smooth functioning to the extent of his sphere of job activities.
3. That, the applicant all of sudden felt severe pain in his kidney and went to hospital on 24/03/2020 and after in forming and receiving due permission rush to hospital due to kidney pain and was admitted to the hospital for treatment. After five days the applicant was discharge from the hospital and the applicant after discharge from hospital resumed his duty on 29/03/2020 and submitted medical record to moharrar and the moharrar after receiving the medical record directed the undersigned that as the covid-19 virus cases were at peek so the applicant must stay at home and get the treatment.
4. That, on 08/04/2020 moharrar through telephonic call directed the applicant to join the duty on 09/04/2020 along with corona test report.
5. That, the applicant obtain corona test report which was negative and on 09/04/2020 the applicant join the duty as per direction.
6. That, thereafter the applicant perform his duty regularly but on 09/06/2020 suddenly the applicant felt severe pain in his kidney and after informing the moharrar and getting the permission rush to the hospital where after giving initial first aid treatment the undersigned was directed by the doctor to receive further

treatment at home as due to corona virus cases. The applicant could not be admitted to the hospital.

- 7. That, after advice of doctor the applicant started treatment of kidney pain at home and constantly informed the competent authority through messages regarding his illness.
- 8. That, the total span/ period of illness of the applicant started from 09/06/2020 to 13/07/2020. The applicant has been removed from service vide impugned order for removal from service refer in para no 1 of above

That, remove from service order is illegal/ against the law and is a result of not following the prescribe procedure which is sine quo none for awarding major penalty of removal from service.

- 9. That, the applicant cause no loss to public exchequer as, the subject period in which the applicant was suffering from kidney ailment with effect from 09/06/2020 to 13/07/2020 has been converted into extra ordinary leave (leave without pay).
- 10. That, no proper inquiry, statement of allegation and show cause as per E & D Rules, 2011 was served upon the applicant.
- 11. That, it is also submitted that the applicant was seriously ill and the circumstances were beyond his control as a human being. The applicant could not treat him in OPDs as the same were closed due to Covid-19.
- 12. That, the parents of applicant are off old age and are totally depended upon the undersigned and there lively hood is totally depended with the government service of the undersigned.

In view of the above it is prayed that impugned removal from services order No 2549 dated 24/08/2020 may graciously be set aside and services of the applicant may ordered to restore with all service back benefits.

16649
03/05/2020

2020

Applicant

EHTISHAM NAWAZ
Warder (BPS-07)
District Jail Abbottabad
0315-5593329
0314-4392000



INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

091- 9210334, 9210406 09 091- 9213445

<https://www.facebook.com/kpkprisons>
prisonsig@gmail.com

No. K.C 31495 LPE
Dated. 04-09-2020

**MOST IMMEDIATE
OUT TODAY/BY FAX**

To,
The Superintendent,
Circle Headquarters Prison Haripur.

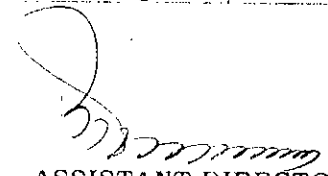
Subject:- **DEPARTMENTAL APPEAL**

Memo:

I am directed to refer to the subject and to forward herewith a copy of departmental appeal/application (self explanatory) submitted by Ex-Warder **Ehtisham Nawaz S/o Muhammad Nawaz** on the captioned subject for information.

Please look into the matter and your views/comments alongwith history of his service on the below noted format may be furnished to this office **through returned fax by tomorrow repeat tomorrow** for further necessary action:-

S.No.	Name & Parentage	Rank	Date of Birth	Date of appointment.	Detail Of Postings	Penalty if any awarded
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ASSISTANT DIRECTOR
INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

4/9/2020

2nd
P.B

DS / Supdt

2772
04/09/2020

**OFFICE OF THE SUPERINTENDENT
CIRCLE (EASTERN) HQs PRISON HARIPUR**

No. 2708 /-

Dated 04/09/2020 /-

Phone/Fax: 0995-920066

To,

The Inspector General of Prisons,
Khyber Pakhtunkhwa Peshawar.

Subject:- **DEPARTMENTAL APPEAL.**

Respected Sir:

Reference to the No.31425/WE dated 04-09-2020.

The requisite information pertaining to appeal of Warder (BPS-07) Ehtisham Nawaz S/o Muhammad Nawaz attached to District Jail Abbottabad is furnished as under on the prescribed format for further necessary action please:-

S#	Name & Parentage	Rank	D.O.B	Date of Appointment	Detail of Postings	Penalty if any awarded
01	Ehtisham Nawaz S/o Muhammad Nawaz	Warder (BPS-07)	01-03-1995	30-01-2015	1 CP Haripur 30-01-2015 2. SJ Dassu Kohistan 26-01-2016 3. DJ Abbottabad March 2018.	1. " Stoppage of 01 Annual Increment" by Suopdt HQ Prison Haripur No. 2238 dated. 13-11-2015, due to absence from duty 26-07-2015 to 03-08-2015. 2. " Censure" vide Supdt HQ Prison Haripur No. 391 dated. 31-07-2017 due to absence from duty w.e.f 15-08-2016 to 23-08-2016. 3) " Stoppage of One Annual Increment without Future effect" Vide Supdt HQ Prison Haripur No.3651 dated. 29-11-2017 due to absence from duty 12-09-2017 to 21-09-2017. 4) " Stoppage of One Annual Increment without Future effect" Vide Supdt HQ Prison Haripur No.835 dated. 03-05-2018 due to absence from duty 07-05-2020 to 15-05-2020.

OFFICE OF THE SUPERINTENDENT
CIRCLE (EASTERN) HQs PRISON HARIPUR

No. _____/-

Dated _____/-

Phone/Fax: 0995-920066

						5). " Removal from Service" vide Supdt HQ Prison Haripur No,2550-53 dated. 24-08-2020 due to absence from duty w.e.f 09-06-2020 to 13-07-2020.
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Keeping in view his above mentioned dark career history and negligence in the performance of duties, it is humbly requested that his departmental appeal may please be rejected for the best interest of Jail/ Department and state please.

de
SUPERINTENDENT
CIRCLE H.Q. PRISON HARIPUR
Em



OFFICE OF THE
INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

☎ 91-9210334, 9210406 🏠 091-9213445

No.Estb/Ward-/Orders/ 31987 /

Dated 09-09-2020 /

ORDER

WHEREAS, Warder Ehtisham Nawaz S/O Muhammad Nawaz whil attached to District Jail Abbotabad, was awarded the major penalty of "Removal from Service" by Superintendent HQ Prison Haripur vide his order No.2549 dated 24-08-2020 due to his misconduct and willful absence from duty w.e.f 09-06-2020 to 13-07-2020.

AND WHEREAS, the said warder preferred his departmental appeal for setting aside the penalty awarded to him, which was examined in light of the available record of the case and it was observed that his appeal is without any substance and penalty was awarded to him by the competent authority due to his willful absence from duty as referred to above after observing all legal and codal formalities as require under the E & D Rules.

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

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

ENDST. NO. 31986-988

Copy of the above is forwarded to :

1. The Superintendent, Headquarters Prison Haripur for information and necessary action with reference to his letter No. 2708 dated 04-09-2020
2. The Superintendent, District Jail Abbotabad for information and necessary action with reference to above. He is directed to inform the appellant accordingly and also to make necessary entry in his Service Book under proper attestation.
3. The appellant concerned through Superintendent HQ Prison Haripur.

ASSISTANT DIRECTOR
INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

9/9/2020

2920
14/09/2020

PB

[Signature]



OFFICE OF THE SUPERINTENDENT
CIRCLE (EASTERN) HQs PRISON HARIPUR

No. 2855/WE 1

Dated 15-09-2020/-

Phone/Fax: 0995-920066

To,

Mr. Ihtisham Nawaz S/o Muhammad Nawaz
House No.1455, Mohallah Khola Kehal Abbottabad

Subject:- ORDER.

Memo:

Enclosed find herewith rejection order of your appeal, which was
filed it before Inspector General of Prison Khyber Pkhtunkhwa peshawar.

Endst: No. 2856


SUPERINTENDENT
CIRCLE H.O. PRISON HARIPUR

Copy forwarded to The Inspector General of Prison Khyber
Pkhtunkhwa peshawar w/r to the No. 31986-988/WE dated. 09-09-2020 for
information please.


SUPERINTENDENT
CIRCLE H.O. PRISON HARIPUR