

11.05.2022

Nemo for appellant.

Case was called time and again but none appeared on behalf of appellant till rising of the Bench. As such the instant service appeal stands dismissed in default for non-prosecution. No order as to costs. File be consigned to the record room.

Announced  
11.05.2022

  
(Rozina Rehman)  
Member (J)

18.10.2021

None for the appellant present.

Due to general strike of the Bar, the case is adjourned. Notices be issued to the appellant and his counsel. To come up for preliminary hearing before the S.B on 21.12.2021.

  
(MIAN MUHAMMAD)  
MEMBER (E)

21.12.2021

Junior to counsel for appellant present.

Lawyers are on general strike, therefore, case is adjourned to 16.02.2022 for preliminary hearing before S.B.

  
(Rozina Rehman)  
Member (J)

16.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 11.05.2022 for the same as before.

  
Reader

FORM OF ORDER SHEET

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

Case No.- 3426 /2021

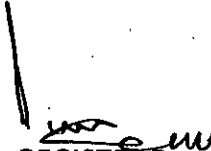
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	04/03/2021	<p>The appeal of Mr. Akhunzada Kamran resubmitted today by Mr. Fida Muhammad Yousafzai Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;">REGISTRAR <u>4/3/2021</u></p>
2-	21.05.2021	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>21/05/21</u></p> <p>The appeal of Mr. Akhunzada Kamran resubmitted today by Mr. Fida Muhammad Yousafzai 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;">CHAIRMAN</p>
	02.09.2021	<p>Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 02.09.2021 for the same as before.</p> <p style="text-align: right;">Reader</p> <p>Nemo for the appellant present.</p> <p>Notices be issued to the appellant and his counsel. Adjourned. To come up for further proceedings before the S.B. on 18.10.2021.</p> <p style="text-align: right;">(MIAN MUHAMMAD) MEMBER (E)</p>

The appeal of Mr. Akhunzada Kamran received today i.e. on 26/02/2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Address of appellant as well as respondent no.1 is incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- Copy of dismissal order mentioned in the memo of appeal is not attached with the appeal which may be placed on it.
- 3- Copy of departmental appeal dated 1/10/2020 mentioned in para-6 of the memo of appeal is not attached with the appeal which may be placed on it.

No. \_\_\_\_\_/S.T,

Dt. \_\_\_\_\_/2021

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Fida Muhammad Yousafzai Adv. Pesh.

*Re-submitted after compliance.*

*2/3*  
*Signature*

**BEFORE KHYBER PAKHTUN KHWA, SERVICE TRIABUNAL,  
PESHAWAR**

Service Appeal No. \_\_\_\_\_/2021

**AKHUNZADA KAMRAN** \_\_\_\_\_ **Appellant**

*Versus*

**INSPECTOR GENERAL OF POLICE (PRISON) KHYBER PAKHTUN  
KHWA AND OTHERS** \_\_\_\_\_ **Respondents**

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3	True Copy of Medical Certificate	B	<i>7</i>
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5	True Copy of impugned order of dismissal dated: 01-07-2016	D	<i>10</i>
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7	Wakalat nama		<i>15</i>

Through

*[Signature]*  
Appellant

Dated: *22*/02/2021

*[Signature]*  
**Fida Muhammad Yousafzai**  
Advocate High Court, Peshawar  
202, 2<sup>nd</sup> Floor, City Gate Plaza,  
G.T. Road, Peshawar.  
**0314-9033235**

(1)

BEFORE KHYBER PAKHTUN KHWA, SERVICE TRIBUNAL,  
PESHAWAR

Khyber Pakhtunkhwa  
Service Tribunal

Service Appeal No. 3426 /2021 Diary No. 3241

AKHUNZADA KAMRAN S/O MUHAMMAD RIAZ R/O LABOUR 26/2/2021  
COLONY, ROAD NEHER, JEHANZEB STEEL HOUSE, HAKIM ABAD,  
DISTRICT NOWSHERA. \_\_\_\_\_ Appellant

*Versus*

1. INSPECTOR GENERAL (PRISON) KHYBER PUKHTON KHWA, PESHAWAR.
2. SUPRINTENDENT HEAD QUARTERS PRISON PESHAWAR.
3. SUPERINTENDENT PRISON, CENTRAL PRISON, PESHAWAR.
4. ACCOUNT OFFICER, DISTRICT PESHAWAR.

Respondents

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER NO.1620 /P.B/ DATED: 01-07-2016, WHEREBY THE MAJOR PUNISHMENT OF REMOVAL FROM SERVICE WAS IMPOSED UPON THE APPELLANT AND AGAINST THE INACTION OF THE RESPONDENT No. 1 WHO FAILED TO DECIDE THE DEPARTMENTAL APPEAL OF THE APPELLANT TILL DATE.

PRAYER IN APPEAL:

ON ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDER NO. 1620 /P.B/ DATED: 01-07-2016, VIDE WHICH THE REPRESENTATION OF THE APPELLANT (AGAINST HIS REMOVAL FROM SERVICE) WAS DISMISSED MAY KINDLY BE SET ASIDE AND RESULTANTLY THE APPELLANT MAY GRACIOUSLY BE REINSTATED IN SERVICE WITH ALL BACK BENEFITS.

Respectfully Sheweth!

The appellant most humbly submits as under:-

1. That the appellant was inducted and was appointed in the prison police service as warder/Constable on 22/01/2015.

(Copy of appointment letter is attached as Annexure "A").

Filed to-day

Registrar

26/2/2021

Re-submitted to-day  
and filed.

Registrar  
26/2/2021

2. That the appellant after appointment was working with great zeal and devotion at the prison and served according to the satisfaction of high ups.

3. That the appellant was badly injured in a road accident and at the time of road accident, the appellant was also suffering from high temperature on the concerned days. After injuring in accident, the appellant was shifted to the local hospital where the appellant was treated by the medical officer at casualty. As the appellant was suffering from chest infection, so the appellant visited another doctor at the said hospital. The appellant was then examined by Senior Medical Officer at the said hospital, who advised for two week bed rest to the appellant.

**(Copy of medical documents are attached as Annexure "B").**

4. That the appellant informed the prison authorities about his illness and bed rest, but due to unknown reason, the respondents instead of asking about health of the appellant, issued show cause notice to the appellant who was properly replied by the appellant.

**(Copy of show cause notice and Reply is attached as Annexure "C").**

5. That dissatisfied with the reply of the show caused notice; the concerned authority passed the impugned order dated: 01-07-2016 in hasty manner without any inquiry and imposed major penalty of Removal From Service upon the appellant.

**(Copy of impugned order dated 01.07.2016 is annexed "D").**

6. That feeling dissatisfied with the ~~Removal~~ order from service, the appellant filed departmental appeal on dated 30.07.2016 before the respondent No. 1. But to yet no order was passed despite the appellant time and again visited the concerned office of the respondent No.1. Needless to mention that the appellant submitted two successive

(3)

departmental appeals/reminders on 01/10/2020 and 01/11/2020 but without any positive response.

**(Copy of departmental appeal is attached as Annexure "E").**

7. That feeling aggrieved from the impugned order dated 01.07.2016 of respondent No. 2, the appellant is constrained to file the instant appeal on the following grounds inter alia:

**GROUND:**

- A. Because imposing major penalty of removal from service is coram non judice, illegal, without jurisdiction and without lawful authority, against the principles of natural justice, without any reasons and reasons, hence liable to set aside.
- B. Because no charge sheet or statement of allegation was served upon the appellant nor any attempt whatsoever is made by the respondents. Which act on the part of respondents is against the law, E & D Rules and policy of the Govt.
- C. Because due to the action and inaction of the respondents, the appellant is still jobless and there is no source of income of the appellant and the appellant is dependent upon his parents and other family members.
- D. Because impugned order are illegal and unjust and in violation of rules and law applicable to the matter.
- E. Because the appellant rendered unblemished services in the prison police force without any criminal history and without any involvement in any kind of illegal activities but still awarded major penalty of removal from service.
- F. Because the order of removal from service upon appellant is against the principle of natural justice, equity and fair play and is a colorful exercise of powers by respondents/department.



- G. Because no inquiry has been conducted against the appellant neither any opportunity of defense or cross-examination of witnesses was afforded to the appellant which is in violation of principle enshrined in law that no one should be condemned unheard (*audi alteram partem*).
- H. Because the appellant being aggrieved and having no other efficacies remedy except to file the instant appeal for the redressal of his grievances before this Hon'ble Tribunal on the following amongst other grounds.
- I. Because the impugned orders of respondents dated: 01-07-2016 are against law, facts, hence liable to be set-aside.
- J. Because the dispensation/removal of the appellant from his service without adopting proper criteria and codal requirements by the respondents is against the worthy ruling of the Hon'ble Superior Courts of Pakistan and therefore, the same are illegal practice and such practice adversely effects efficiency of incumbents and also reduces their confidence and faith in public, hence the impugned orders referred above are liable to be unhealed on this score also.
- K. Because the appellant is very hardworking and punctual in his duty, therefore, no complaint received by the Respondents against the appellant but the Respondents unlawfully and illegally proceeded against the appellant by ordering his removal from his service, which is against the law and fundamental rights of the appellant.
- L. Because the appellant was condemned unheard, his departmental appeal was not properly adjudicated in the manner as provided by the law. Further no chance of personal hearing was given to the present appellant in order to redress his grievances which show the malafide of the Respondents, hence needs interference of this Hon'ble Tribunal.

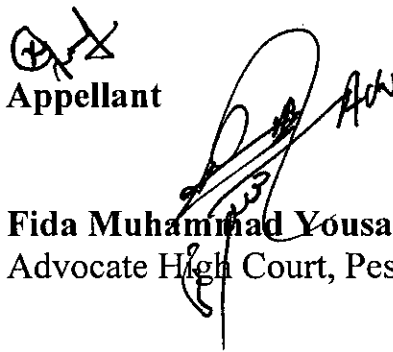
M. Because the present impugned order is illegal, illogical, against facts, without jurisdiction and suffering from material irregularity, hence the same is untenable and liable to be struck down.

N. The appellant crave for leave of the Hon'ble Tribunal to raise additional grounds at the time of arguments.

**IT IS, THEREFORE, MOST RESPECTFULLY PRAYED THAT ON ACCEPTANCE OF THIS APPEAL:**

- i. An order of setting aside of impugned orders dated: 01-07-2016 may kindly be passed.**
- ii. The appellant may kindly be reinstated in service with all back benefits.**
- iii. Any other relief, though not specifically asked for, deems appropriate to the Hon'ble Tribunal may also be granted.**

Through:

  
Appellant

Fida Muhammad Yousafzai  
Advocate High Court, Peshawar.

Dated: 22/02/2021

**VERIFICATION:**

It is verified that all the contents of the instant appeal are true and correct and nothing has been concealed intentionally from this Hon'ble Tribunal.

  
Deponent

**Note:** That no such like petition / Appeal on this subject matter has earlier been filed before this Hon'ble Tribunal.



**BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR**

CM No. \_\_\_\_\_/2021

in

Service Appeal No. \_\_\_\_\_/2021.

Akhunzada Kamran.....Appellant/Applicant

V E R S U S

Inspector General of Police (Prison) KP and others..... Respondents

**APPLICATION FOR CONDONATION OF DELAY****Respectfully Sheweth:**

1. That the above mentioned appeal is filing before this Hon'ble Tribunal for which no date is yet fixed.
2. That due to family enmity, the applicant/appellant was not able to file the instant appeal on time.
3. That delay in filing appeal was not intentional nor deliberate but due to the reasons mentioned above.

It is, therefore, most humbly prayed that on acceptance of this Application, the delay may kindly be condoned, adjudication in appeal to be made on merit.

Appellant

Through

**Fida Muhammad Yousafzai**

Advocate, High Court.

Dated: 22.02.2021

(S-B)

**BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR**

CM No. \_\_\_\_\_/2021

in

Service Appeal No. \_\_\_\_\_/2021

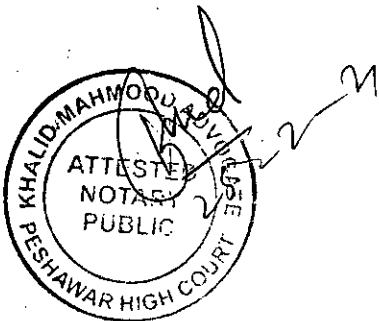
Akhunzada Kamran.....Appellant/Applicant

**V E R S U S**

Inspector General of Police (Prison) KP and others..... Respondents

**AFFIDAVIT**

I, Akhunzada Kamran (Appellant), do hereby solemnly affirm and declare on oath that the contents of the accompanying Application for condonation of delay are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



  
DEPONENT



(6) Arrest AP

OFFICE OF THE  
SUPERINTENDENT  
HEADQUARTERS PRISON PESHAWAR  
No. 7337 P. Q. Dt. 27/11/11

To

Mr. AKHUNZADA KAMRAN SAQ MUHAMMAD RIAZ  
R/o H # 48, S/E 2, Moh. Ehsan Building, Tahsil & Dist. Nowshera

Subject

APPOINTMENT AS WARDER (BPS-05)

Memo

Reference your test/ interview to the subject post

You are hereby offered the post of temporary Warden in (BPS-05) (5400-200-13200) and all other usual allowances as admissible under the rules subject to the following conditions:-

- 1- You are liable to serve anywhere in the Jail/ 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 1965, 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 High Security Prison Mardan for duties

  
SUPERINTENDENT  
HEADQUARTERS PRISON PESHAWAR

Endorsement No: 7337-381

Copy of the above is forwarded to the -

- 1- Superintendent High Security Prison Mardan. 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 the Headquarters.
- 2- District Accounts Officer, Mardan.

  
SUPERINTENDENT  
HEADQUARTERS PRISON PESHAWAR

Memo

**ATTACHED**

(7) Area "B"

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

**OUTDOOR PATIENTS TICKET**

Yearly OPD No:

4951

Name

محمد رفیق

Date

13-06-2018

PUO

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1th son

1/2 Diagenid  
1th

- Adv complete bed  
rest for 02 weeks  
w.e.f 13-6-2018

Senior Medical Officer  
D.H.Q. Hospital  
Nowshera

ATTESTED

(8) Area 'C'

SHOW-CAUSE NOTICE UNDER RULE-5 (1) READ WITH RULE-7 OF THE KHYBER PAKHTUNKHWA GOVERNMENT SERVANTS (EFFICIENCY & DISCIPLINE) RULES 2011.

You, Warder (BPS-05) Akhunzada Kamran attached to Central Prison Peshawar deserted yourself from your allotted duties as well as jail premises without prior permission of the Competent Authority on 14-06-2016 and are still at large, which constitutes gross misconduct.

I, Masud-ur-Rahman, Superintendent Headquarters Prison Peshawar as Competent Authority, am satisfied by the report received through the Superintendent Central Prison Peshawar and there is no need of holding any further inquiry.

Now therefore, you above named Warder are hereby called to show cause within 07 days of the receipt of this notice as to why the penalty of "Removal from Service" may not be imposed upon you for your above cited act of misconduct.

In case your reply does not reach this office within stipulated period, ex-parte action shall be taken against you.

SUPERINTENDENT  
HEADQUARTERS PRISON PESHAWAR

Endorsement No: 1541-43/ - dated: 27/06/2016

Copy of the above is forwarded to the:-

- 1- The Superintendent Central Prison Peshawar with reference to his report dated 21-06-2016.
- 2- Head Clerk (Pay Branch) Central Prison Peshawar. Pay of the above named accused Warder may be stopped/ frozen till finalization of the proceedings.
- 3- Warder Akhunzada Kamran C/o Superintendent Central Prison Peshawar.

SUPERINTENDENT  
HEADQUARTERS PRISON PESHAWAR

ATTESTED

بجاء الفوندا - سپر سنڈریٹ ہدیہ کو اسٹریٹجک اسٹوریج

ظہن شوکار فونڈس

جنا ۱۱/۱۱

مردانہ نذرانہ باہم ہمالیہ واٹر کو اسٹریٹجک اسٹوریج کے لئے  
 تاریخ ۱۳۱۱۱۳ ۱۵/۱۱/۲۰۲۱ کو شوکار فونڈس کو وصول ہوا  
 جہاں ہمالیہ واٹر کو اسٹریٹجک اسٹوریج کے لئے فونڈس کے  
 جاری کیا گیا۔ ڈیوٹی کو فونڈس کے لئے اسٹریٹجک اسٹوریج  
 ہے۔ فونڈس کے لئے اسٹریٹجک اسٹوریج کے لئے اسٹریٹجک اسٹوریج  
 ہے۔ لیبس ڈاکٹر صاحب نے ہمالیہ واٹر کو اسٹریٹجک اسٹوریج کے  
 لئے لیبس کے لئے اسٹریٹجک اسٹوریج کے لئے اسٹریٹجک اسٹوریج  
 کو آرام مکمل ہوا ہے۔

جنا ۱۱/۱۱  
 اسٹریٹجک اسٹوریج کے لئے اسٹریٹجک اسٹوریج کے لئے  
 اسٹریٹجک اسٹوریج کے لئے اسٹریٹجک اسٹوریج کے لئے  
 اسٹریٹجک اسٹوریج کے لئے اسٹریٹجک اسٹوریج کے لئے  
 اسٹریٹجک اسٹوریج کے لئے اسٹریٹجک اسٹوریج کے لئے

اسٹریٹجک اسٹوریج کے لئے اسٹریٹجک اسٹوریج کے لئے  
 اسٹریٹجک اسٹوریج کے لئے اسٹریٹجک اسٹوریج کے لئے  
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ATTESTED





(10) Amd "D"


OFFICE OF THE  
SUPERINTENDENT  
HEADQUARTERS PRISONS PESHAWAR  
No: 1620 / P.B/ DE/ 17 / 2016

ORDER

WHEREAS, the accused **Warder Akhonzada Kamran** attached to Central Prison Peshawar was proceeded against under Rule-5(1) Read with Rule-7 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges of his misconduct as mentioned in Show Cause Notice served upon him vide this Headquarters No. 1541-43 dated 27-06-2016.

AND WHEREAS, he furnished reply on 28-06-2016 alongwith medical certificate dated 13-06-2016 wherein he has been advised 02 weeks bed rest w.e.f 13-06-2014. In his reply he stated that he met an accident enroute, while according to his Medical certificate he was suffering from (PUO) meaning Pyrexia of unknown origin which is fever due to unknown cause. The medial certificate does not state any road accident. There is contradiction between the plea advanced by the accused Warder in his written reply to the Show Cause Notice and the disease mentioned in the medical certificate. Moreover he did not timely inform the Jail Superintendent of the cause of his absence, hence the charge of willful absence stood proved.

NOW THEREFORE, in exercise of powers conferred under Rule-14(5) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, having considered the charges, evidence on record, the explanation of the accused official, the undersigned being Competent Authority, hereby awards the major penalty of **"REMOVAL FROM SERVICE"** with immediate effect to the accused *warder*.

  
SUPERINTENDENT  
HEADQUARTERS PRISONS PESHAWAR

Endorsement No: 1621-24

Copy of the above is forwarded to the: -

- 1- Inspector General of Prisons Khyber Pakhtunkhwa Peshawar please.
- 2- Superintendent Central Prison Peshawar. Necessary entry may please be made in the Service Book of the official concerned under proper attestation.
- 3- Head Clerk (Pay Branch) Central Prison Peshawar.
- 4- Official concerned attached to Central Prison Peshawar.

  
SUPERINTENDENT  
HEADQUARTERS PRISON PESHAWAR

**ATTESTED**

گورنمنٹ جناب انسپکٹر جنرل جیل خانہ جات کراچی

درخواست عبور اٹھانے اپیل پر صرف حکم

سرکاری نمبر 11/20/07/16

جناب عالی

(1) یہ کہ ایپلنٹ علیہ ہذا میں بطور وارڈر جنرل جیل کراچی میں اپنی ذمہ داری سرانجام دے رہا ہے۔

(2) یہ کہ ایپلنٹ کو تیزا سے حکم نمبر 11/20/07/16 کو توری سے برخاست کیا گیا ہے جو خلاف واقعات اور خلاف قانون ہے۔

(3) یہ کہ ایپلنٹ کی طرف سے قانونی انکوائری فرم ہوئی اور نہ ہی انکوائری کھینچ میں ایپلنٹ کو قصور وار ٹھہرایا اور نہ ہی مستثنائی کا موقع دیا گیا ہے۔

(4) یہ کہ ایپلنٹ کے خلاف از روئے مردم قانون چارج شدہ اور *Statement of Allegation* دیا ضروری تھا مگر قانونی طریقہ کار کو رٹنایا گیا اور نہ ہی ایپلنٹ کو چارج شدہ کیا گیا۔ مزید برآں ایپلنٹ کی خلاف ورزیوں کو گواہ پیش ہوا اور تاویں دیگر دستاویزی ثبوت ایجاد کر کے موجود ہے۔

(5) یہ کہ ایپلنٹ اپنی غیر طبعی کے متعلق دائرہ ذمہ داری سے اجتناب سے درخواست جیل خانہ کو باہم دیکھنے والی تھی اور شوگان

کی جواب میں بھی اپنی *Defence* میں دستاویزی ثبوت پیش کیا تھا مگر اسکو سہرا سے نظر انداز کیا گیا۔

لہذا استدعا ہے کہ منظور فرمائے اپیل ایپلنٹ کو رہی تو کراچی میں بحال فرمایا جائے اور امان بھی دی جائے

ایپلنٹ اخونزادہ نامہ ان وارڈر میں شامل ہے

تاریخ 30/07/16

ATTESTED

(12) Amended E-A

**BEFORE THE WORTHY IG PRISONS PESHAWAR.**

Through: Proper Channel.

**Departmental appeal** against the impugned order bearing OB No.1620 dated 01-07-2016 and subsequent endorsement No. 1621-24 passed by the kind Superintendent of Headquarters prison, Peshawar. whereby the appellant has been removed from service under Rules 5(1) Read with -7 of Khyber Pukhtunkhwa Government Servant (Efficiency & Discipline) Rules-2011 with immediate effect.

**PRAYERS IN APPEAL:** on acceptance of this appeal the impugned order of Removal referred to above may be set-aside and the appellant may be reinstated in service with all back benefits and all allied allowances in order to meet the ends of justice.

**Respected Sir,**

- That the appellant has been serving the esteemed department for the last one decade with great zeal, zest, and enthusiasm and since then no adverse remarks whatsoever has ever been assigned to the appellant from any quarter.
- That the appellant meet with Road accident and sustained several injuries and was advised by the Doctors for two week bed rest.
- That the appellant dully informed the concerned authority regarding the incident and requested that as per doctor advised he is unable to perform his duties.
- That despite of the furnishing the said information the concern authority/ Superintendent issued show cause notice which was duly replied by the appellant but surprisingly and to the autmous shocked dismay of the appellant the superintended concern issued impugned order dated 01/07/2016 and removed the appellant from service.
- That the impugned order removal from service is against the law facts and record.

**ATTESTED**

25798  
14/12/20

- That the appellant while aggrieved of the impugned order prefers this departmental appeal for setting aside the impugned order of dismissal and seeking reinstatement in service with all back benefits and all allied allowances on the following amongst other grounds enter-alia.

**GROUNDS:**

- That the impugned order bearing OB No.1620 dated 01-07-2016 and subsequent endorsement No. 1621-24 passed by the kind Superintendent of Headquarters prison, is illegal, unlawful, without lawful authority, without jurisdiction, un-Islamic and against the norms of natural justice, hence liable to be set-aside.
- That the appellant has served the esteemed department throughout the cream of his life having no stigma on his service career but his spotless service has not been taken into consideration at all.
- That no complaint whatsoever has ever been brought against the appellant either by the public or by his colleagues or by his immediate officers and prior to the impugned order no chance of personnel hearing has ever been bestowed upon and it is the demand of natural justice that no should be condemned unheard.
- That the Appellant has been penalized for no fault on his part and his contention has not been given due weight and there is no evidence whatsoever to substantiate the guilt of the Appellant if any.
- That as per Art. 25 of the constitution of Pakistan All citizens are equal before law and entitled to equal protection of law. The concerned authority also removed about 21 warders while some of them reinstate through departmental appeal and rest of them reinstated through service appeal before the Khyber Pakhtunkhwa Service Tribunal, the appellant also want to get benefit on the same relief.
- That there is no Charge sheet nor any statement of allegation nor any chance of personal hearing was provided to the appellant.
- That it is very much astonishing that there are no recommendations made by neither any enquiry officer nor any departmental enquiry was conducted.

~~ATTESTED~~

(14)

- That the appellatant has been serving continuously/ceaselessly for the last one decade till the impugned order was passed while on contrary the appellatant has often been pushed in between two fires in lieu of his loyalty, honesty, devotion, dedication, hardworking and punctuality.
- That further submission will be advance at the time of hearing the appellatant at the Orderly room.

It is therefore humbly prayed that on acceptance of this appeal the impugned order bearing OB No.1620 dated 01-07-2016 and subsequent endorsement No. 1621-24 passed by the kind Superintendent of Headquarters prison, Peshawar may kindly be set-aside and the appellatant may be reinstated in service with all back benefits and all allied allowances in order to meet the ends of justice.

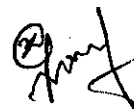
Appellant



(Akhunzada Kamran)

Mobile#

0333 - 9004265



~~ATTESTED~~

Gulbad  
14.12.20

14-A

**INSPECTOR GENERAL (PRISON) KHYBER PAKHTUN KHWA**

Trough: Proper Channel

DEPARTMENTAL APPEAL against the impugned order bearing number OB No.1620 dated 01/07/2016 and subsequent endorsement No .1621-24 passed by the kind Superintendent of Headquarter prison, Peshawar. Whereby the appellatant has been removed from service under Rules 5(1) Read with -7 of Khyber PukhtonKhwa Government savant (Efficiency & Discipline) Rules 2011 with immediate effect.

**PRAYER IN APPEAL:** on acceptance of this appeal the impugned order of removal from service be set-aside and the appellatant may kindly be reinstated in service with all back benefits and all allied allowances.

Respectfully Sir,

1. That the appellatant has been serving the concern department for the last one year with great zeal, zest, and enthusiasm and since then no adverse remarks whatsoever has been assigned to the appellatant.
2. That at the relevant days appellatant meet with road accident and also face with chest infection due to which the concerned doctor advised for two week bed rest.
3. That after the appellatant duly informed the concern authority/department regarding his illness and also produced the medical documents as well.
4. That despite that the concern authority issued show cause notice which was dully replied but despite the superintendent concern issued impugned order and removes the appellatant from service.
5. That the removal order from service of the appellatant is against the law fact and record.
6. That that the appellatant served the concern department with great zeal and devotion and the appellatant has been penalized for no fault on his part and his contention has not been given due weight and there is no evidence whatsoever to substantiate the guilt of the appellatant if any.
7. That there is no charge sheet nor any statement of allegation nor any chance of personal hearing was provided to the appellatant.
8. That it is very much astonishing that there are no recommendations mad by any enquiry officer nether any enquiry was conducted.
9. That appellatant may be allow for Further submission during the hearing at orderly room.

It is therefore humbly requested that on acceptance of this depart mental appeal the impugned order OB No 1620 dated 01/07/2016 and subsequent order 1621-24 my kindly be set-aside appellatant may be re instated with all back benefits.

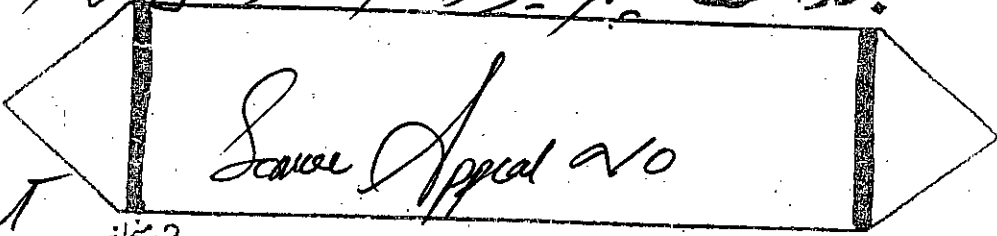
Dated: 01-10-2020

*my  
Affected  
accident  
y*

*[Signature]*

Akhunzada Kamran  
S/O Muhammad Riaz  
R/O Labor colony road, near Jahanzeb Steel  
House, Hakim Abad, District Nowshera.

بعدالت ضمن حیثہ خواہشوں میں سر جیمز گنتا اور



Applicant

Source Appeal No

افسر ارادہ کامران بنام ایچی پی جی جی

موزعہ  
مقدمہ  
دعویٰ  
جرم

باعث تحریر آنگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ  
آن مقام ~~سر جیمز گنتا اور~~ ~~افسر ارادہ کامران~~ کے لئے ~~افسر ارادہ کامران~~  
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا مکمل اختیار دیا گیا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ پر حلف دینے جو جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی  
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ  
پر واختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جہان التوائے مقدمہ کے سب سے ہوگا۔  
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے کہ پیروی  
مذکورہ کریں۔ لہذا وکالت نامہ لکھنا یا کہ سندر ہے۔

المرقوم 22 ماہ فروری 2021

العبد سواہ العبد

بمقام ضمن حیثہ خواہشوں میں سر جیمز گنتا اور کے لئے منظور ہے

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Handwritten signature and date stamp: 16-05-12, 0314903222