

20.09.2022

Clerk of learned counsel for appellant present and requested for adjournment as learned counsel for the appellant is not available today. Adjourned. To come up for preliminary hearing by tomorrow i.e. 21.09.2022 before S.B at Camp Court, Abbottabad.

Chairman
Camp Court, A/Abad

21.09.2022


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. Appellant is directed to deposit security and process fee within 10 days. Where-after, notices be issued to the respondents for submission of reply/comments. To come up for reply/comments on 17.11.2022 before S.B at Camp Court, Abbottabad.

Rs 100
Appellant Deposited
Security & Process Fee

27/9

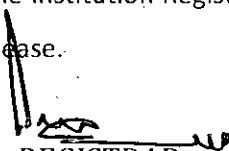



(Rozina Rehman)
Member (J)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1088/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	04/07/2022	<p>The appeal of Mr. Sajjad Ahmad received today by post through Mr. Abdul Saboor Khan 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>
2-	14.7.22	<p>This case is entrusted to touring Single Bench at A.Abad for preliminary hearing to be put there on <u>14.7.22</u>. Notices be issued to appellants and his counsel for the date fixed.</p> <p style="text-align: right;"> CHAIRMAN</p>
	19.07.2022	<p>Nemo for the appellants. Vide previous order, directions were issued that notices be issued to the appellants as well as his counsel for today, however on perusal of the case file, it transpired that Muharrar has not issued notices, therefore, explanation be called from him. Notices be issued to appellants as well as his counsel and to come up for preliminary arguments on 20.09.2022 before the S.B at Camp Court Abbottabad.</p> <p style="text-align: right;"> (Salah-Ud-Din) Member (J) Camp Court Abbottabad</p>

BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Service appeal No 1088 of 2022

Sajjad Ahmad.....Appellant

VERSUS


The Inspector General of Prisons KPK
Peshawar etc.....Respondents

APPEAL

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Dated 28.06.2022


Sajjad Ahmad
(Appellant)

Through:-


ABDUL SABOOR KHAN
ADVOCATE HIGH COURT

BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Service appeal No ____ of 2022

Sajjad Ahmad, son of Dilawar, Ex-Warder
 (BPS-07) attached to Central Prison Hairpur,
**Appellant**

VERSUS

- 1) The Inspector General of Prisons
Khyber Pakhtunkhwa, Peshawar.
 - 2) The Superintendent, Headquarters
Prison, Peshawar.
 - 3) The Superintendent, Central Prison,
Haripur.
-**Respondents**

APPEAL UNDER SECTION 4 OF KPK
SERVICE TRIBUNAL, ACT, 1974 AGAINST
THE IMPUGNED ORDERS NO 1763 DATED
29.03.2022 AND NO 15892-95 DATED
18.05.2022 PASSED BY RESPONDENTS
WHEREBY MAJOR PENALTY OF REMOVAL
FROM SERVICE WAS IMPOSED UPON THE
APPELLANT ON THE GROUND MENTIONED
THEREIN AND UPHELD IN APPEAL.

PRAYER:-

On acceptance of the instant service appeal, the impugned orders bearing No **1763** dated **29.03.2022** and No. **15892-95** dated **18.05.2022** passed by respondents may kindly be set-aside declaring them as illegal, unlawful, without lawful authority, without jurisdiction and of having no legal effect. Consequently, appellant be re-instated into service with all back benefits.

Respectfully Sheweth:-

1. That, the appellant was appointed as Warder in the KPK Prisons Department by competent authority consequent upon the recommendation of the Departmental selection committee vide appointment order dated **03.10.2019**.
(copy of appointment order dated annexed as annexure "A").
2. That, respondent No. **02** vide joint show cause dated **24.02.2022** called upon as many as **13** employees including appellant to explain their position for having allegedly remained absent from duty for the period mentioned therein. As a matter of fact, appellant received no show cause at all

and he managed to get the same after issuance of the impugned order dated **29.03.2022**.

(copy of show cause notice dated 24.02.2022 annexed as annexure "B").

3. That, vide impugned order dated **29.03.2022**, respondent **No. 02** awarded major punishment of "**Removal From Service**" and the absent period with effect from 19.12.2021 to 15.02.2022 (58 days) and 19.03.2022 to 27.03.2022 (9 days) were treated as extraordinary leave without pay.

(Copy of impugned order dated 29.03.2022 annexed as annexure "C").

4. That, appellant filed Departmental Appeal against the impugned order dated **29.03.2022** before respondent **No. 01 (Appellate Authority)** on **05.04.2022** praying therein re-instatement while setting aside the impugned order dated **29.03.2022**.

(copies of Departmental appeal dated 05.04.2022 annexed as Annexure "D").

5. That, respondent **No. 01** vide impugned order dated **18.05.2022** Dismissed the Departmental appeal of the appellant without hearing him. Appellant get the said impugned order

from the office of respondent **No. 01** on **02.06.2022** on his own.

(copy of impugned order dated **18.05.2022** annexed as Annexure "E").

6. That, felling aggrieved from the impugned orders, appellant having no other remedy is filing the present service appeal before this Honourable Tribunal for interference inter alia, on the following amongst other grounds.

GROUND:-

- A) That, neither show cause notice, nor any charge sheet was issued nor served upon by respondent **No. 02** before passing the impugned order. So, on this very sole ground, the impugned order is liable to be out rightly declared as illegal.
- B) That, no inquiry was conducted before imposing major penalty upon the appellant which was mandatory under the law, in the facts and circumstances of the case in hand.
- C) That, even appellant was not called for personal hearing by respondents before taking unilateral adverse action against him in the shape of the impugned orders.

- D) That, undue haste has been shown by respondents **No. 01 and 02** while passing and upholding the impugned order in a slipshod manner.
- E) That, the impugned orders are patently illegal, void, unlawful, without lawful authority, without jurisdiction and of having no legal effect.
- F) That, the impugned orders are fraught with inherent illegalities in the light of the law applicable to the case in hand.
- G) That, the impugned orders are not only legally flawed but unjustified and unwarranted, in view of the facts and circumstances of the case in hand.
- H) That, appellant was never confronted with the alleged allegations at any point of time, condemning him unheard which is not only illegal but against the principles of Natural Justice and fair play.
- I) That, before passing the impugned orders, appellant was not put on notice to present his view point/explanation under the Doctrine of **AUDI AULTERM PARTEM**, hence, the impugned orders are not sustainable and maintainable under the law on this very sole ground.

- J) That, what is important is that respondent **No. 02** failed to observe and follow the mandatory requirement of Rule 9 of the KPK E&D Rules, 2011 before awarding major punishment of removal from service to the appellant and this ground alone may be sufficient for overturning the impugned orders.
- K) That, respondent **No. 01** was also under legal obligation to put the appellant on notice before deciding the Departmental appeal but without putting the appellant on notice, the same was dismissed and as such the appellant was condemned unheard.
- L) That, the appellant's stance and defense raised in Para No. 01 of the Departmental appeal dated 05.04.2022 has not been considered by the appellate authority without reason at all. If judicious mind had been applied by the appellant authority while taking into account para No. 01 of the Departmental appeal, the decision would have been different. By not considering the said plea of the appellant, respondent No. 01 erred in law while causing prejudice to the case of the appellant.

M) That, in view of the aforesaid factual and legal aspects of the case, the impugned orders are seemingly perverse, arbitrary, fanciful and in contravention of the law, rules and principles of Natural Justice and as such liable to be set-aside.

PRAYER:-

On acceptance of the instant service appeal, the impugned orders bearing No **1763** dated **29.03.2022** and No. **15892-95** dated **18.05.2022** passed by respondents may kindly be set-aside declaring them as illegal, unlawful, without lawful authority, without jurisdiction and of having no legal effect. Consequently, appellant be re-instated into service with all back benefits.

Dated 28.06.2022


SAJJAD AHMAD
(Appellant)

Through:-


ABDUL SABOOR KHAN
ADVOCATE HIGH COURT

VERIFICATION :

I, Sajjad Ahmad, son of Dilawar, Ex-Warder (BPS-07) attached to Central Prison Hairpur, do hereby solemnly affirm and declare that the contents of fore-going Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or suppressed from this Honorable Tribunal.


Sajjad Ahmad
(DEPONENT)

BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Service appeal No _____ of 2022

Sajjad Ahmad.....Appellant

VERSUS

The Inspector General of Prisons KPK
Peshawar etc.....Respondents

APPEAL

AFFIDAVIT

I, Sajjad Ahmad, son of Dilawar, Ex-Warder (BPS-07) attached to Central Prison Hairpur, do hereby solemnly affirm and declare on oath that the no such subject matter appeal has ever been filed before this honorable court nor pending nor decided. That the contents of foregoing affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed or suppressed from this Honourable tribunal.

Dated 28.06.2022



SAJJAD AHMAD
(DEPONENT)



BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Service appeal No _____ of 2022

Sajjad Ahmad.....Appellant

VERSUS

The Inspector General of Prisons KPK
Peshawar etc.....Respondents

APPEAL

CORRECT ADDRESSES OF THE PARTIES


APPELLANT:

Sajjad Ahmad, son of Dilawar, Ex-Warder
(BPS-07) attached to Central Prison Hairpur.

RESPONDENTS:

- 1) The Inspector General of Prisons
Khyber Pakhtunkhwa, Peshawar.
- 2) The Superintendent, Headquarters
Prison, Peshawar.
- 3) The Superintendent, Central Prison,
Haripur.

Dated 28.06.2022


SAJJAD AHMAD
(Appellant)

Through:-


ABDUL SABOOR KHAN
Advocate High Court

Alleged
28/6/22

P (11)

Amir (A)

OFFICE OF THE
SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR
No: _____ P/B Dt: 03/10/2019

OFFER OF APPOINTMENT

Upon recommendation of the Departmental Selection Committee, Mr. Sajjad Ahmad S/o Dilawar is hereby appointed against the post of Warder (BPS-05) in the Khyber Pakhtunkhwa Prisons Department in Basic Pay Scale Rs. (10260-500-25290) plus other usual admissible allowances on the following terms and conditions:-

- 1- His appointment will take effect from the date of joining duty at his place of posting.
- 2- His appointment is purely temporary and his services are liable to be terminated at any time on 15 days' notice without assigning any reasons.
- 3- No TA/DA will be admissible to him for joining first appointment.
- 4- In case he wishes to resign at any time he will give one month notice OR in lieu thereof one month's pay will be forfeited from him subject to the discretion of the competent authority in public interest and will leave the service after acceptance of his resignation.
- 5- His appointment is subject to Medical fitness for Government Service.
- 6- He will be eligible for continuance on the post if his work and conduct remained satisfactory during the period of his this temporary appointment provided the vacancy against which he has been appointed continues.
- 7- He will be on probation for a period of one year extendable upto another year. During probation period his services will be terminated if his work and conduct is not found satisfactory OR the vacancy ceases to exist.
- 8- He will be liable to serve anywhere in the Prisons Department of Khyber Pakhtunkhwa.
- 9- For all other purposes such as Pay, T.A and Medical Attendance etc; he will be governed by such Rules as may be issued by the Government for the category of Government Servants of the Prisons Department to which he will belong.
- 10- He will be governed by the Khyber Pakhtunkhwa Government Servants (Conduct) Rules 1987, the Khyber Pakhtunkhwa Civil Servants (Appeal) Rules 1986, the Khyber Pakhtunkhwa Civil Servants Act, 1973, the Civil Servants (Appointment, Promotion and Transfer) Rules 1989, the Khyber Pakhtunkhwa (E&D) Rules, 2011 the Khyber Pakhtunkhwa Prison Department Service Rules and all other rules / regulations framed or to be framed by the Government from time to time.
- 11- His service will be liable to termination / reversion at any stage if his Academic Certificates / Degrees (if any), CNIC, Domicile etc; are found fake, his services will be considered as terminated automatically and FIR will be lodged against him.
- 12- His salary will be released after making proper verification of his antecedents/ character roll, Domicile, and Academic Qualification Certificates / Degrees etc; from the quarter concerned by the jail of his first posting. Moreover, if any verification charges are involved on this account, the same will be paid by the appointee.
- 13- If he accepts the appointment on the above cited terms and conditions, he should report to the Superintendent Central Prison Haripur within 30 (Thirty) days of the receipt of this offer of appointment at his own expense. In case he fails to join duty within the same period, the offer of appointment will be treated as cancelled / withdrawn.

Sd/-
SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR

Endorsement No: 532-535/1

Copy of the above is forwarded to:-

- 1- Superintendent Circle Headquarters Prison Haripur.
- 2- The Superintendent Central Prison Haripur for information. On arrival of the above named official an undertaking should be taken on judicial stamp paper from him to the effect that he has accepted all terms and conditions contained in the offer of his appointment and submitted to this office for record. The condition No. 12 may be fulfilled before releasing his salary within shortest possible time.
- 3- The District Account Officer Haripur for information & further necessary action.

Mr. Sajjad Ahmad S/o Dilawar R/o Village Sando Gali Po Gall, Tehsil & District Abbottabad for information and necessary action.

as 1.2.2019 reported arrival for duty at this jail on 03-10-2018.

M. Sajjad
SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR

Handwritten signature and date: 29/2/22

Handwritten initials: P. 12, ANNEX B



OFFICE OF THE SUPERINTENDENT
CIRCLE (EASTERN) HQ PRISON HARIPUR

Ph/Fax: 0995-920060

No. 1153

Dated 24/1/2022

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

I, Muhammad Hamid, Superintendent Circle Headquarters Prison Haripur as competent authority do hereby charge you following Warders attached to Central Prison Haripur as follows:-

S.#	Name	Desig	Faults
01	Arshad	Warder	You were remained absent from duty and lines w.e.f 03-02-2022 (03 days) without permission of Superintendent Central Prison Haripur.
02	Imran Hussain Shah	Warder	You were remained absent from duty and lines 19-02-2022 (03 days) without permission of Superintendent Central Prison Haripur.
03	Muhammad Waleed	Warder	You were remained absent from duty and lines 06-02-2022 (10 days) without permission of Superintendent Central Prison Haripur.
04	Shahid Iqbal	Warder	You were remained absent from duty and lines w.e.f 06-02-2022 to 11-02-2022 (06 days) without permission of Superintendent Central Prison Haripur.
05	Haroon Ur Rasheed	Warder	You were remained absent from duty and lines w.e.f 11-02-2022 to 13-02-2022 (03 days) without permission of Superintendent Central Prison Haripur.
06	Sajjad Ahmed	Warder	You were remained absent from duty and lines w.e.f 19-12-2021 to 15-02-2022 (58 days) without permission of Superintendent Central Prison Haripur.
07	Fazal Khaliq	Warder	You were remained absent from duty and lines w.e.f 08-12-2021 to 19-12-2022 (12 days) without permission of Superintendent Central Prison Haripur.
08	Muhammad Zabid	Warder	You were remained absent from duty and lines w.e.f 21-12-2021 to 01-02-2022 & 09-02-2022 to 20-02-2022 (24 days) without permission of Superintendent Central Prison Haripur.
09	Salcem Ul Haq	Warder	You were remained absent from duty and lines w.e.f 01-01-2022 to 06-01-2022 (06 days) without permission of Superintendent Central Prison Haripur.
10	Arsalan Mushtaq	Warder	You were remained absent from duty and lines w.e.f 04-01-2022 to 19-01-2022 (16 days) without permission of Superintendent Central Prison Haripur.
11	Hussain Ahmed	Warder	You were remained absent from duty and lines w.e.f 29-01-2022 to 09-02-2022 (12 days) without permission of Superintendent Central Prison Haripur.
12	Sajjad Khan	Warder	You were remained absent from duty and lines w.e.f 14-02-2022 to 20-02-2022 (07 days) without permission of Superintendent Central Prison Haripur.
13	Bakht Baidar	Warder	You were remained absent from duty and lines w.e.f 12-02-2022 to 20-02-2022 (09 days) without permission of Superintendent Central Prison Haripur.

Your this practice is a grave misconduct on your part & entails you for strict disciplinary action under the E & D Rules-2011.

I, Muhammad Hamid, Superintendent Circle Headquarters Prison Haripur as competent authority, am satisfied by the report submitted by Superintendent Central Prison Haripur & there is no need of holding any further inquiry.

Now therefore, you above named accused Warders are hereby called upon to show cause within seven (07) days as to why admissible Minor or Major Punishment may not be awarded to you for your above stated act of misconduct.

SUPERINTENDENT
CIRCLE HQ PRISON HARIPUR

Endst: No. 1154-67 / Dated: 1/ /2022.

- 1) The Superintendent Central Prison Haripur for information w/r to No.1311 dated.22-02-2022 & No. 1310 dated. 22-02-2022, Moreover their reply may be sent to this office before personal hearing for further perusal please.
- 2) Accused Warders attached to Central Prison Haripur for information and reply in feedback.

SUPERINTENDENT
CIRCLE HQ PRISON HARIPUR



OFFICE OF THE SUPERINTENDENT
CIRCLE (EASTERN) HQs PRISON HARIPUR

No. 1763-1- Date 29/03/2022

Phone/Fax: 0995-920066

13

OFFICE ORDER:

WHEREAS, Accused Sajjad Ahmed S/o Dilawar Warder (BPS-07) attached to Central Prison Haripur was proceeded against, under Rules-3 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 amended in 2021 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 22-03-2022 as provided for under rules ibid. Moreover, he didn't appear before undersigned and not complied the orders of this office.

NOW THEREFORE, in exercise of powers conferred under Rule-14(5) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rule 2011 amended in 2021, having considered the charges, evidence on record & Reports submitted by Superintendent Central Prison Haripur, except this instant case, an another report submitted by Superintendent Central Prison Haripur regarding his absent from duty w.e.f 19-03-2022 to 27-03-2022 (09 days), non-serious in performance of assigned duties, his previous track record wherein he remained absent from duty w.e.f 03-03-2020 to 17-03-2020 (14 days), w.e.f 21-03-2020 to 29-05-2020 (69 days), w.e.f 17-09-2020 to 21-09-2020 (05 days), w.e.f 14-03-2021 to 30-04-2021 (48 days), w.e.f 21-07-2021 to 05-08-2021 & 17-08-2021 to 19-08-2021 (19 days), undersigned being the competent authority awarded Major Punishment of, "Removal From Service" to Sajjad Ahmed S/o Dilawar Warder (BPS-07) attached to Central Prison Haripur with immediate effect.

Further, his absence period w.e.f 19-12-2021 to 15-02-2022 (58 days) & 19-03-2022 to 27-03-2022 (09 days) will be treated as Extra Ordinary Leave Without Pay.

Note: his total absence is 222 days.

M.A. 29/3/2022
SUPERINTENDENT
CIRCLE H.Q. PRISON HARIPUR

Endst: No: 1764-60

Copy of the above is forwarded to:

- 1) The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information please.
- 2) The Superintendent Central Prison Haripur for information, w/r to the No.1311 dated. 22-02-2022 & No. 202/WE dated. 29-03-2022 please.
- 4) The DAO Haripur for information and necessary action please.
- 5) The Private Secretary to Special Assistant to Chief Minister for Prisons Khyber Pakhtunkhwa Peshawar for information please.
- 6) Sajjad Ahmed S/o Dilawar Warder (BPS-07) attached to Central Prison Haripur c/o Superintendent Central Prison Haripur at home address for information please.

M.A. 29/3/2022
SUPERINTENDENT
CIRCLE H.Q. PRISON HARIPUR

Attested
28/6/22

1

P 14

**BEFORE INSPECTOR GENERAL OF PRISONS KHYBER
PAKHTUNKHWA PESHAWAR.**

Departmental Appeal
By Sajjad Ahmed warder
Central Prison Haripur

Annex B

DEPARTMENTAL APPEAL AGAINST ORDER NO. 1763 DATED 29-03-2022 PASSED BY THE SUPERINTENDENT CIRCLE H.Q. PRISON HARIPUR WHEREBY APPELLANT HAS BEEN AWARDED WITH THE PENALTY OF "REMOVAL FROM SERVICE".

PRAYER: ON ACCEPTANCE OF INSTANT DEPARTMENTAL APPEAL IMPUGNED ORDER DATED 29-03-2022 MAY KINDLY BE SET ASIDE AND APPELLANT BE RE-INSTATED IN SERVICE FROM THE DATE OF REMOVAL WITH ALL CONSEQUENTIAL SERVICE BACK BENEFITS.

Respected Sir,

Respectfully the following few lines are submitted for kind consideration and favorable order please:-

1. That on 19-03-2022, while appellant posted at Central Prison, Haripur and performing his official duties fell seriously ill and was taken to the DHQ Hospital Haripur by his colleague, where he was examined by the Doctor and prescribed some medicines with advice of 03 (three) days bed rest for the restoration of his health. After medical treatment appellant was brought back to his room and laid on bed. Appellant informed Prison Lines Moharrir "Baqat Shah" and handed over the medical certificate for sanction of medical leave from competent authority. Even after 03 days rest appellant was not in a position to do his duty and he kept continued his rest and medicines. On 26-03-2022 appellant felt some better and took over his duties. He continued to perform his duties till 29-03-2022 when called by Superintendent Circle HQ Prison Haripur to his office and ordered his removal

Altered
2/8/22

from service without discussing any cause. There was only 04 days leave without MC for which the appellant has been removed from service. **(Copies of Medical Certificate and Removal Order dated 29-03-2022 are attached as "A & B")**.

2. That the appellant was unable to move and join duties due to his illness and remained confined to bed. As the appellant was under medical treatment of doctor and could not attend duties because of illness. However he kept informed Moharrir Prison Lines Haripur about his ailing condition and requested for sanction of medical leave from the competent authority.
3. That no proper departmental inquiry was conducted against the appellant. Neither he was issued with a Charge Sheet nor Show Cause Notice before awarding major penalty of removal from service. Even the appellant was never provided with the opportunity of personal hearing. The appellant was condemned unheard and principle of natural justice was seriously violated in his case.
4. That so far as the question of past leave of year 2020 and 2021 is concerned, in this regard it is submitted that this was a past and closed chapter and the matter had already been settled for that period by granting leave without pay by the competent authority. Even in the instant punishment letter dated 29-03-2022 the past leave has been sanctioned as EOL by the competent authority. The problem was that

~~Attested~~
~~Signature~~

Appellant has an old and ailing mother. Appellant is the resident of Village Sandogali (Sherwan) Abbottabad situated in a far flung hilly area and there is no one at home to look-after his ailing mother. When ever her illness took serious turn, the appellant was called by her for help and taking her to the doctors for medical treatment but in prison department leave is not easily granted and the employees are often marked as absent in such a situation.

5. That appellant is the only bread earner of his family consisting upon his aged/ailing parents and school going brothers and sisters. The appellant is already under financial distress as he has to support a large family and there is no source of income and at present he has also been removed from service as well.
6. That as the appellant has sufficient leave balance at his credit. The appellant deserve to be granted medical Leave for 07 days out of his Leave balance.
7. That if the appellant is provided with a chance of personal hearing he will really prove his innocence before your Highness about his compulsion which he had to face due to illness.

It is, therefore, earnestly requested that keeping in view the aforementioned facts & circumstances the impugned order dated 29-03-2022 of the Superintendent Circle H.Q. Prison Haripur may kindly be set aside and the appellant be granted medical/earned leave, for a period of 07 days out of his leave

Attested
for 2/6/22

- 4 -

P. (17)

account and re-instated him in service from the date of removal with all consequential service back benefits. Appellant shall always pray for your good health and long life. Thanking you sir in anticipation.



(Sajjad Ahmed)
Ex-Warder (BPS-07)
Central Prison Haripur

ADDRESS:

Village: Sandogali (Sherwan)
Tehsil & Distt: Abbotabad.
Cell No. 0542783073A
0315-0589043

Dated: 05-04-2022

0344-6052959
0301-5562154



Attested
28/6/22

OFFICE OF THE
INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

18

☎ 91-9210334, 9210406 📠 091-9213445

No. Estb/Ward-Orders/ 15892 / 1-

Dated 18-05-2022

Final (E)

ORDER:

WHEREAS, Ex-Warder **Sajjad Ahmed S/O Dilawar** while posted at Central Prison Haripur was awarded the major penalty of "Removal from Service" and "his absence period w.e.f 19-12-2021 to 15-02-2022 and 19-03-2022 to 27-03-2022 treated as extra ordinary leave without pay" by the Superintendent Headquarters Prison Haripur vide his office order No. 1763 dated 29-03-2022 due to his Misconduct/for his willful absence for period quoted above.

AND WHEREAS, the said Ex-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 the charges leveled against the appellant were proved.

AND WHEREAS, he was afforded an opportunity of personal hearing on 13-05-2022. During the course of hearing, he explained his position but failed to prove and justify his innocence.

NOW THEREFORE, keeping in view the facts on record, the provision of rules in vogue and in exercise of powers conferred under Rule-17 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 read with Rule-05 of Khyber Pakhtunkhwa Service Appeal Rules 1986, decision of the Superintendent Headquarter Prison Haripur is upheld and appeal of the appellant is hereby rejected being without any substance.

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

Endst; No. 15892-95 / 1-

Copy of the above is forwarded to:

1. The Superintendent Headquarters Prison Haripur for information and necessary action with reference to his letter No. 2138/WE dated 19-04-2022.
2. Superintendent Central Prison Haripur for information and necessary action. He is directed to inform the appellant accordingly and make necessary entry in his Service Book under proper attestation.
3. The District Accounts officer concerned for information and necessary action.
4. Appellant concerned C/O Superintendent Central Prison Haripur for information.

Red

by
OS/LO

Sajid
ASSISTANT DIRECTOR
INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

Supdt
23/05/2022

1818
23/05/2022

وکالت نامہ

کورٹ فیس

قیمتی

بدالت جناب جسٹس محمد رفیع اللہ

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دعویٰ یا جرم ایسٹ باعث تحریک آنکہ

دعویٰ یا جرم

مندرجہ بالا عنوان میں اپنی طرف سے بیروی و جواہدی: محمد الصبور خان (دیکر وکیل) کی طرف سے

مقام ----- بدیں شرط وکیل مقرر کیا ہے میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا اور بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دیکر حاضر کروں گا۔ اگر کسی پیشی پر منظر حاضر نہ ہوں اور غیر حاضری کی وجہ سے کسی طور پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام کچہری کے علاوہ کسی اور جگہ کچہری کے مقررہ اوقات سے پہلے یا بروز تعطیل بیروی کر نیکے مجاز نہ ہوں گے۔ اگر مقدمہ مقام کچہری کے کسی اور جگہ سماعت ہونے پر یا بروز کچہری کے اوقات کے آگے یا پیچھے ہونے پر منظر کو کوئی نقصان پہنچے تو ذمہ داریاں اسکے واسطے کسی معاوضہ ادا کرنے مختار نامہ واپس کرنے کے بھی صاف و موصوف ذمہ دار نہ ہوں گے۔ مجھے کل ساختہ پر داختمہ صاحب مثل کردہ ذات خود منظور قبول ہوگا اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل نگرانی دائر کرنے نیز ہر قسم کی درخواست پر دستخط تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجراء کرانے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور سپرد ڈالٹی و راضی نامہ و فیصلہ برخلاف کرنے و اقبال دعویٰ کا اختیار ہوگا اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری ایک طرفہ درخواست حکم انتہائی یا ڈگری و قبل از فیصلہ اجراءے ڈگری بھی صاحب موصوف کو بشرط ادا ایگی علیحدہ بیروی مختار نامہ کرنے کا مجاز ہوگا۔ اور بصورت ضرورت اپیل یا اپیل کے واسطے کسی دوسرے وکیل یا ایئر سٹر کو بجائے اپنے ہمراہ مقرر کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے صاحب موصوف کو پوری فیس تاریخ پیش سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی بیروی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا لہذا اختیار نامہ لکھ دیا ہے کہ سندر ہے۔ مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

المرقوم: 1201

مسجد احمدی ریلوے دلاور سکت ایسٹ