

29.03.2022


None for the appellant present. Mr. Muhammad Adeel Butt,
Addl: AG alongwith Mr. Sulaiman, Law Officer for respondents
present.

Written reply/comments on behalf of respondents submitted
which is placed on file. Adjourned. To come up for
rejoinder/arguments on 05.07.2022 before D.B.


(MIAN MUHAMMAD)
MEMBER(E)

5-7-2022

Proper DB not available the case
is adjourned 13-10-2022

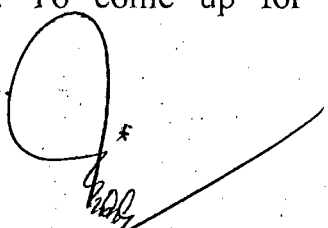

Reader


13.10.2022

Learned counsel for the appellant present. Mr. Muhammad
Jan, District Attorney for the respondents present.

Learned counsel for the appellant requested for adjournment
on the ground that he has not gone through the record.
Adjourned. To come up for arguments before the D.B on


23.11.2022


(Mian Muhammad)
Member (E)


(Salah-ud-Din)
Member (J)

23.11.2022

Due to rush of work. This case has been
deletad. To come up for the same as C
before on 23.01.2023.


Reader.

06.12.2021

Counsel for the appellant present. Mr. Kabirullah Khattak,
Addl: AG for respondents present.

Written reply/comments not submitted. Learned AAG seeks time to submit the same. Notices be issued to the respondents for submission of written reply/comments. Adjourned. To come up for further proceedings on 27.01.2022 before S.B.


(MIAN MUHAMMAD)
MEMBER (E)

27.01.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, learned Addl. AG for respondents present.

Reply/comments on behalf of official respondent are still awaited. Learned Addl. AG sought time for submission of reply/comments. Granted. To come up for reply/comments before the S.B on 29.03.222.


(Atiq-Ur-Rehman Wazir)
Member (E)

09.08.2021

Counsel for the appellant present. Preliminary arguments heard.

This appeal has been filed on 11.06.2021. Although the departmental appeal is undated but the order impugned here in this appeal was passed on 14.05.2020. In view of particular legal position to be discussed herein-after, the bar of limitation for the time-being is immaterial. In wake of COVID, 19, the Government of Khyber Pakhtunkhwa for the first time declared Public Health Emergency in March, 2020 for three months which was extended from time to time for further term and presently it has been extended by the Government vide Notification No. SOG/HD/1-102/Covid-19/2020/3062, dated 30.06.2021 for the period from 01.07.2021 to 30.09.2021. The case of the appellant falls within the period of emergency. In view of Section 30 of the Khyber Pakhtunkhwa Epidemic Control and Emergency Relief Act, 2020, the limitation period provided under any law shall remain frozen. This appeal having been filed after promulgation of the said Act, is not affected by bar of limitation. Keeping the question of limitation relating to filing of instant appeal intact for determination during full hearing, this appeal, subject to all just and legal objections is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 06.12.2021 before the D.B.:

Appellant Deposited
Security & Process Fee


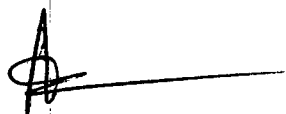

Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 658 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	22/06/2021	<p>The appeal of Mr. Imdadullah resubmitted today by Ambarin Gulzar 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>2-</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>09/08/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Imdadullah son of Lawangeen Ex-Warder District Jail Timergara received today i.e. on 11.06.2021 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 respondent no. 1 is incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974. ✓
- 2- Copies of charge sheet, statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal which may be placed on it.
- 3- Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.
- 4- Copy of departmental appeal is not attached with the appeal which may be placed on it. ✓
- 5- Affidavit may be got attested by the Oath Commissioner. ✓
- 6- Annexures of the appeal may be attested. ✓
- 7- Appeal has not been flagged/marked with annexures marks. ✓
- 8- Appeal has not properly page marked. ✓
- 9- Certificate be given to the effect that the appellant has not filed any service appeal earlier on the subject matter in this form. ✓
- 10- Four more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal. ✓

No. 971 /S.T,

Dt. 11/06 /2021

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Saadullah Khan Marwat Adv.

① In reply to objection # ① Address of the respondent # ① is correctly given as per annexure 'F'.

② In reply to objection # ②, the documents mentioned in objection # ②, are not available at present the same shall be produced in Board as and when available.

(Signature)

15/06/2021

PTO

Objections are still stand.
Therefore, the appeal is returned
again to the Counsel for the
appellant for completion & resubmission
within 15 days.

no. 1014 / S.T
dt. 16/06 / 2021

Registrar

Copy of departmental appeal
is marked objection removed
Annexure have been attached and
pages have been typed properly.
resubmission with objection removed
by objection.

21/07/2021

BEFORE THE KPK SERVICE TRIBUNAL,

PESHAWAR

Service Appeal No. 6581 /2021

Imdad Ullah

.....Appellant

VERSUS

Superintendent Circle Headquarter and others

.....Respondents

I N D E X

S.No.	Description of documents.	Annexure	Pages
1.	Service Appeal with Affidavit		4-5
2.	Stay application with affidavit		6-7
3.	Addresses of parties		8
4.	Copy of appointment order	A & B	9
5.	Copy of office order	C	10
6.	Copy of medical prescriptions	D	11
7.	Copy of fitness certificate	E	12
8.	Copy of removal order dated 14.05.2020	F	13
9.	Copy of departmental appeal and order dated 31.08.2020	G	14-15
10.	Wakalatnama		16

Through



Appellant

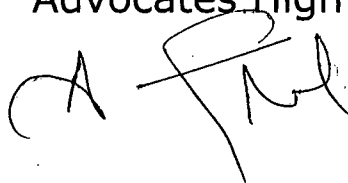
Saadullah Khan

Saadullah Khan Marwat

Ambreen Gulzar

Advocates High Court

Dated: 11.06.2021



BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____/2021

Imdad Ullah S/o Lawangeen,
Ex. Warder District Jail Timergara.
R/o Haji Zai, Tehsil Shabqadar, District Charsadda.


.....Appellant

VERSUS

- 1) Superintendent Circle Headquarter ~~Prison~~ Mardan.
- 2) Inspector General of Prison, Khyber Pakhtunkhwa, Peshawar.

.....Respondents

**SERVICE APPEAL U/S 4 OF THE
 KHYBER PAKHTUNKHWA SERVICE
 TRIBUNAL ACT, 1974 AGAINST THE
 IMPUGNED OFFICE ORDER NO.
 810/PB DATED 14.05.2020 OF
 RESPONDENT NO. 1 WHEREBY THE
 MAJOR PENALTY OF REMOVAL FROM
 SERVICE WAS IMPOSED UPON HIM
 OR OFFICE ORDER NO. LC/36434
 DATED 31.08.2020 OF RESPONDENT
 NO. 2 WHEREBY DEPARTMENTAL**

ATTESTED


**APPEAL OF APPELLANT WAS
REJECTED FOR NO LEGAL REASON.**

Respectfully Sheweth:-

1. That having the requisite qualification and requisite training from the concerned institutes, appellant was appointed as Warder BPS-5 after observing the due codal formalities. **Copy of appointment order is annexed. "A" & "B".**
2. That after appointment, appellant was posted as such in Central Prison Mardan, however on 20.02.2020, he was relieved of duties with effect from 29.02.2020 and was directed to report to the Superintendent District Jail, Timergara. **Copy of office order is annex. "C".**
3. That to proceed to the said Quarter, appellant become seriously ill and was unable to report for duties to the place of posting at Timergara. He was examined by the consultant / Doctor on 29.02.2020 and used to attend the hospital vide OPD Receipts dated 13.03.2020, 29.03.2020, 13.04.2020 and 04.05.2020. **Copy of medical prescriptions are annex. "D".**

ATTESTED


4. That finally on 16.05.2020, the appellant was awarded fitness certificate by District Superintendent DHQ, Mardan and on the very next day, he made arrival to the concerned jail but refused to hand over charge to him by the jail authorities. **Copy of fitness certificate is annex. "E"**.
5. That without conducting regular inquiry into the matter and without associating him without serving with charge sheet, statement of allegations, appellant was straight away removed from service on 14.05.2020 by the respondent No. 1. **Copy of removal order dated 14.05.2020 is annex. "F"**.
6. That thereafter, the appellant preferred departmental appeal for setting aside order of removal from service i.e. 14.05.2020 for reinstatement in service, the same was rejected vide order dated 31.08.2020 by respondent No. 2. **Copy of departmental appeal and order dated 31.08.2020 are annex. "G"**, hence this appeal, inter alia, on the following grounds:

GROUND:

- A. That appellant never absented from duty willfully but the same was on account of illness

ATTESTED



which was supported by medical evidence of the competent hospitals/consultants.

B. That absence, when the same is not willfully, does not constitute misconduct.

C. That absence of appellant was not willful in the circumstances.

D. That anyhow, appellant was neither served with charge sheet, statement of allegation, nor any regular inquiry was conducted regarding absence.

E. That appellant was not afforded any opportunity of personal hearing and self defence even there is no statement of any concerned witness was recorded in presence of appellant nor he was afforded opportunity of cross examination, being mandatory.

F. That the impugned order dated 14.05.2020 and 31.08.2020 of the respondents are not based upon legal footing in the circumstances, so are liable to set aside.

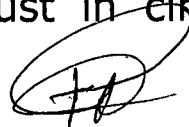
ATTESTED

G. That impugned order dated 31.08.2020 is not supported by any reasons but is the copy of original order.

H. That neither original order dated 14.05.2020 nor appellate order 31.08.2020 were served upon appellant but the same were received from the office in personal level on 08.06.2021, so no limitation runs against appellant.

I. That impugned orders are not per the mandate of law, so are based on malafide and are ab-initio void.

It is, therefore, humbly prayed that, on acceptance of the instant appeal, orders dated 14.05.2020 and 31.08.2020 be set aside and appellant be reinstated in service with all back benefits, with such other relief as may be deemed proper and just in circumstances of the case.



Appellant

ATTESTED

Through


Saadullah Khan Marwat

Ambreen Gulzar

Advocates High Court

Dated: 11.06.2021

Certificate

Certified that no such plaint is earlier filed on the subject matter before this Hon'ble Court.



Deponent

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____/2021

Imdad UllahAppellant

VERSUS

Superintendent Circle Headquarter and others
.....Respondents

APPLICATION FOR SUSPENSION OF
OPERATION OF THE IMPUGNED ORDER
DATED 14.05.2020, TILL THE FINAL
DECISION OF TITLED APPEAL.

Respectfully Sheweth:

- 1) That the above titled appeal is being filed before this Hon'ble Tribunal alongwith instant application.
- 2) That the grounds of main appeal may kindly also be considered as part and parcel of this application.
- 3) That appellant is having a good arguable case in his favour and is also sanguine about its success
- 4) That balance of convenience also lies in favour of appellant.

ATTESTED

- 5) That if the relief as prayed for in the heading of this application is not granted, the very purpose of titled appeal will be defeated and the appellant will be suffer an irreparable loss.

It is, therefore, prayed that on acceptance of this application, the impugned removal order dated 14.05.2020 may graciously be suspended till the final decision of titled appeal.

Through

Appellant/ Applicant

Saadullah Khan
Saadullah Khan Marwat

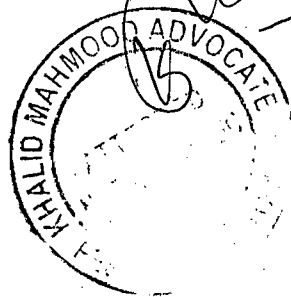
Ambreen Gulzar

Advocates High Court

Dated: 11.06.2021

AFFIDAVIT

I, Imdad Ullah S/o Lawangeen R/o Haji Zai, Tehsil Shabqadar, District Charsadda (Appellant), do hereby affirm and declare on oath that the contents of accompanying Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble court.



Imdad Ullah
 15-6-21
Deponent

ATTESTED

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____/2021

Imdad UllahAppellant

VERSUSSuperintendent Circle Headquarter and others
.....Respondents**ADDRESSES OF PARTIES****APPELLANT**Imdad Ullah S/o Lawangeen,
Ex. Warder District Jail Timergara.
R/o Haji Zai, Tehsil Shabqadar, District Charsadda.**RESPONDENTS**

- 1) Superintendent Circular Headquarter ~~Prison~~
Mardan.
- 2) Inspector General of Prison, Khyber
Pakhtunkhwa, Peshawar.

ATTESTED

Through

Appellant

Saadullah Khan
Saadullah Khan Marwat

Dated: 11.06.2021

Ambreen Gulzar
Advocates High Court 1

Ambreen Gulzar

9 ①
A, B



OFFICE OF THE
SUPERINTENDENT
CIRCLE HQS. PRISON PESHAWAR
No. 142 P.B/D: 81/2013

To

MR. IMDADULLAH S/O LAWANG, EN
Haji Zai, Tehsil Shahqadar Distt. Charsadda

Subject:

APPOINTMENT AS WARDER (BPS-05)

Memo:

You are hereby offered the post of temporary Warder in BPS-05 (5400-260-13000) and other usual allowances as admissible under the rules subject to the following conditions: -

- 1- You are liable to serve anywhere in the jails of Khyber 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 Warder will be those as laid down in the NWFP Prison Rules 1985, Prisons Department (Recruitment, Promotions and transfers) rules 1980 and all other rules and regulations prescribed to the Government Servants or the rules which may be promulgated by the Government from time to time in this behalf.
- 5- Your appointment will be subject to your Medical fitness.
- 6- No T.A/ DA will be admissible to you on joining your first appointment.
- 7- You cannot resign from 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- On your report for duty, it will be taken for granted that you have accepted all the above terms and conditions and if you failed to report within 10 days of the receipt of this appointment order, it will be presumed that you have declined to accept this offer, hence this order of appointment shall stand cancelled.
- 11- You are directed to attend this office immediately for your medical examination at P.O. Services Hospital Peshawar.

Endorsement No:

143-44

- 1- Copy of the above is forwarded to the Superintendent District Jail Swat Jail for all purposes again.
- 2- District Account Officer



OFFICE OF THE
SUPERINTENDENT
CENTRAL PRISON MARDAN
Email: mardanjail@gmail.com
Phone: 0937-843114

NO: 1546 DATED: 29/02/2020.

To

Warder Imdad Ullah,
Attached to Central Prison Mardan

10 (C)

Subject: RELIEVING DOCKET
Memo;

Under the instructions contained in the Superintendent Headquarter Prison Mardan Order No. 150/PB dated 23/01/2020. You are hereby relieved of your duties at this jail today on 29/02/2020 (A.N) and directed to report to the Superintendent District Jail Timergara for further duties there.

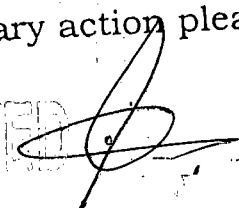
You are allowed ~~07~~ days of joining time.


SUPERINTENDENT
CENTRAL PRISON MARDAN

Endorsement No: 1547-51
Copy of the above is forwarded to:-

- 1- The Inspector General of Prisons Khyber Pakhtunkhwa, Peshawar.
 - 2- The Superintendent Headquarter Prison Mardan for information with reference to his Order No. referred to above please.
 - 3- The Superintendent District Jail Timergara.
 - 4- The District Accounts Officer, Timergara/ Mardan.
- For information please.
- 5- The Office Superintendent /In-charge pay Branch Central Prison Mardan for information and further necessary action please.

ATTESTED



CENTRAL PRISON MARDAN

①

OUT PATIENTS DEPARTMENT

NAME *Qutub Khan*

YEARLY NO *36241*

DATE *29-2-2020*

COUNTER SIGNED

Dr. Paul Sri
Dr. Saad

FACE VALUE RUI

*Advised Compliance have
been sent w.e.f 29/2/2020*

- Tab. Avelox 500mg*
1-11-
- Tab. Vildral*
1-11-
- Cap. Nexen*
na O 9mg
- Sup. Gaviscon*
1-11-
- Sup. ~~Colopectol~~*
1-11-

Senior Medical Officer
DHQ Hospital Mardan

[Signature]

21

OUT-PATIENTS DEPARTMENT

NAME *Dr. Sultan Sp. O. P. M. J. A. I.*

YEARLY NO. *25317*

DATE *13-3-2020*

DISEASE *hulu Sp. p. L. B. I.*

SIGNATURE *[Signature]*

Supintendent *[Signature]*

Tab. Olomox
17, 578 mg

Tab. Vorensa
17, 171 mg

Cep. Pivelle
17, 171 mg

Sp. peltan-v
17, 171 mg

Sp. Mosega
[Signature]
Senior Medical Officer
DHQ Hospital Mardan

[Signature]

*Advanced Complete have been used
w. e. of 13/3/2020 to 28/3/2020*

FACE VALUE RUI

(7)

OUT PATIENTS DEPARTMENT

NAME *U. B. ...*

YEARLY NO 46021

DATE 13-4-2020

DISEASE *...*

Medical Superintendent

DHO Hospital Mardana

*Admitted ... have bed rest
w.e. 13/4/2020 to 3/5/2020*

- Dr. ...*
- Dr. ...*
- Dr. ...*
- Dr. ...*
- Dr. ...*
- Dr. ...*
- Dr. ...*

Senior Medical Officer
DHO Hospital Mardana
[Signature]

VALUE RUP

(E)

OUT PATIENTS DEPARTMENT

NAME *U. S. ...*

YEARLY NO *45206*

DATE *29-3-2020*

DISEASE SIGN *...*

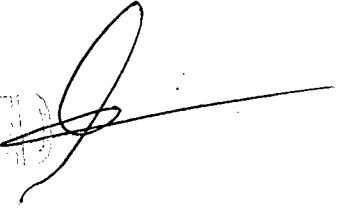
Physicent
Hospital, Mardan

PAGE VALUE RUP

Advised ...
w. 29/3/2020 to 12/4/20

Tb. *...*
Tb. *...*
Sup. Omega
...
Sup. *...*
Sup. *...*

Senior Medical Officer
DHO Hospital Mardan

ATTESTED 

5

11
D(D)

OUT PATIENTS DEPARTMENT

NAME *Dr. M. J. ...*

YEARLY NO *6978*

DATE *4-5-2020*

COUNTERSIGNED

DISEASE *...*

Medical Officer

H.O. Hospital, Mardan

FACE VALUE RUP

*Advised complete home treatment
w.e.f 4/5/2020 to 15/5/2020.*

Cap. Velofony

Cap. Nisale

Tab. Digenic-D

Tab. Nebil

Spp. Goveca

Spp. Tressora

Wallo

[Signature]
Senior Medical Officer
H.O. Hospital, Mardan

[Signature]

12
E

6

Medical No. 2

Rs. 10/-

OUT PATIENTS DEPARTMENT

NAME سرگودا ڀٽو ڀٽو ڀٽو

YEARLY NO 35476

DATE 16-5-2020

DISEASE 3887

FACE VALUE RUPEES 10/-

Follows Certificate

*Certified that I have
examined Mr. Indra Prakash
S/o Longam labor to day on 16/5/20
He is now fit to resume
his duty.*

ATTESTED

Dr. M. Shahid Iqbal
District Specialist
DHO Mandan



Impugned order 13

(E)

OFFICE OF THE SUPERINTENDENT CIRCLE HQS. PRISON MARDAN

No. 810/PB Dated. 14/05/2020. E-Mail; mardanjail@gmail.com,
OFFICE ORDER.

0937-843114

WHEREAS, the accused official Mr Inqad Ullah S/O Lawangeen Khan attached to District Jail Timergara was proceeded against under Rule-3 read with 9 of Khyber-Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges of his wilful absence WEP 23-02-2020, and a notice at his home address was served upon him vide this Headquarters No. 429/PB dated 13-03-2020.

AND WHEREAS, due to no response from him, another notice was published in the leading newspapers of the Province, "Daily Express" Peshawar and "Daily Aaj" Peshawar on 17-04-2020 as provided under the rules ibid.

AND WHEREAS, the accused official failed to resume duties till date as reported by the Superintendent District Jail Timergara his report vide letter No.893 dated 08.05.2020.

NOW THEREFORE, in exercise of the powers conferred under Rule 9 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, the undersigned being competent authority after observing all legal procedural formalities, hereby award the major penalty of "Removal from service" with immediate effect to Mr. Inqad Ullah S/O Lawangeen Khan attached to District Jail Timergara for his misconduct/wilful absence WEP 23-02-2020. He is not entitled for any remuneration for the absence period under Rule 19 of the Khyber Pakhtunkhwa Government Servant Revised Leave Rules 1981.

SUPERINTENDENT
CIRCLE HQS. PRISON MARDAN

Endst: No. 811-14/ Dated. 14/05/2020.

Copy of the above is forwarded to:-

1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information please.
2. The Superintendent District Jail Timergara for information and necessary action with reference to his office letter No. 832 dated. 12-03-2020.
3. The District Accounts Officer, Timergara for information and necessary action please.
4. Mr. Inqad Ullah S/O Lawangeen Khan R/O Village Haji Zai, Tehsil Shabqadar District Charsadda for information please.

SUPERINTENDENT
CIRCLE HQS. PRISON MARDAN

To
The Worthy Inspector General of Prisons,
Khyber Pakhtunkhwa,
Peshawar.

Subject: APPEAL.

Memo:

Reference Superintendent Headquarters Prison Mardan Letter No. 810/PB Dated: 14/05/2020. (Copy attached).

R/Sir,

It is submitted that I have been doing my whole service with utmost diligence and honesty. I was transferred from Central Jail Mardan to District Jail Timergara but the domestic situation was unfavourable and I could not attend on time.

R/Sir,

I was judged without being heard and when I went to Timergara jail to do my duty, I found out that I had been dismissed. Unilateral action was taken against me and my case was not heard.

R/Sir,

I have old parents and small children for whom I am the only support. I was so compelled to be absent, otherwise no one would turn off their stove.

R/Sir,

Forgive me this first and last mistake, have mercy on the poor and issue orders to restore me to my job.

May Allah prolong your life and grant you more progress and prosperity. (Amen)

Yours obediently

Warder Imdadullah

3/0

Lawangeen Khan
attached to District Jail Timergara.

ATTESTED



ORDER

9 14A
OFFICE OF THE
INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

91-9210334, 9210406

091-9213445

No. Estb/Ward/Orders/

PC-30434-

Dated

31-08-2020-1-

WHEREAS, Ex-Warder Imdad Ullah S/O Lawangeen Khan attached District Jail Timergara, was awarded the major penalty of "Removal from Service" Superintendent HQ Prisons Mardan vide his order No.810 dated 14-05-2020 due to misconduct and willful absence from duty with effect from 23-02-2020.

AND WHEREAS, the said warder preferred his departmental appeal setting-aside the penalty awarded to him, which was examined in light of the availal record of the case and it was observed that his appeal is without any substance a 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 rules in vogue and in exercise of power conferred under Rule-5 of Khyt Pakhtunkhwa Civil Servants Appeal Rules 1986, the decision of the competent authority is upheld and appeal of the appellant is hereby rejected being without a substance.

INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA, PESHAWAR.

ENDST;NO. 30435-37.

Copy of the above is forwarded to :-

1. The Superintendent, Headquarters Prison Mardan for information and necessary action with reference to his Order referred to above.
2. The Superintendent, District Jail Timergara for information and necessary action with reference to the Superintendent HQ Prison Mardan order referred to above. He is directed to inform the appellant accordingly and also to make necessary entry in his Service Book under proper attestation.
3. Ex-Warder Imdad Ullah S/O Lawangeen Khan, C/O Superintendent District Jail Timergara at his home address through registered post, for information.



ASSISTANT DIRECTOR
INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

31/8



SP/1

149(B)

OFFICE OF THE
SUPERINTENDENT
HEADQUARTERS PRISON MARDAN
Email. mardanjail@gmail.com.
Phone No. 0937843114.
No. 122/WP/1 Dated: 09/09/2020


To,

Mr. Imdad Ullah s/o Lawangeen Khan,
Village Haji Zai Tehsil Shabqadar,
District Charsadda.

Subject: DEPARTMENTAL APPEAL.

Memo;


It is to inform you that your Appeal regarding reinstatement into service has been considered by the Appellant Authority i.e. Additional Inspector General of Prisons, Khyber Pakhtunkhwa vide his order No.30434 dated. 31-08-2020. and the same have been rejected without any substance as per the competent Authority own comments (copy enclosed).


SUPERINTENDENT
HEADQUARTER PRISON MARDAN

Endst. No: _____/

Copy of the above is forwarded to the Inspector General of Prisons Khyber Pakhtunkhwa, Peshawar for information with reference to letter No. referred to above, please.


SUPERINTENDENT
HEADQUARTER PRISON MARDAN


SUPERINTENDENT
HEADQUARTER PRISON MARDAN

BOARD OF INTERMEDIATE & SECONDARY EDUCATION PESHAWAR

Roll No 163204
Group ARTS



PROVISIONAL AND DETAILED MARKS CERTIFICATE SECONDARY SCHOOL CERTIFICATE EXAMINATION SESSION ANNUAL-2009

Imdad Ullah Jan

Son/Daughter of Lawangeen Khan

of GOVT. HIGH SCHOOL HAJI ZAI CHAR SADDA

has secured the marks shown against each subject, in the Secondary School Certificate Examination held in the month of March 2009 as Ex-Student

Subjects	Marks	MARKS OBTAINED				Total	In Words
		9Th		10Th			
		Theory Paper A	Practical Paper B	Theory Paper A	Practical Paper B		
1. English	150	25	--	27	--	52	Fifty-Two
2. Urdu	150	34	--	32	--	66	Sixty-Six
3. Islamiyat (Comp)	75	28	--	--	--	28	Twenty-Eight
4. Pakistan Studies	75	--	--	37	--	37	Thirty-Seven
5. Maths	150	36	--	35	--	71	Seventy-One
6. General Science	150	41	--	47	--	88	Eighty-Eight
7. Art & Model Drawing	150	23	14	34	28	99	Ninety-Nine
8. Pashto	150	33	--	39	--	72	Seventy-Two

Total 1050

513-D

Five Hundred Thirteen Only

Remarks: PA:ART:

Date of Birth: 01st March, 1992

Checked by: Am

Issue Date: 16-06-2009

Controller of Examinations

Note: Error(s) / Omission(s) excepted. Any mistake in above particulars must be intimated within 30 days of the issuance of this certificate

S. No.

Elite Police Training Centre



Let it be known that:

Harder I and High Diering Ghoradfa
Successfully Completed The
Jail Warden Course Sep No. 04

[Handwritten signature]

[Handwritten signature]

From: _____ to: _____

Warden Qualified

PRINCIPAL
Elite Police Training Centre,
New York

11/11/2019

TRAINING INSTITUTE CENTRAL PRISON HARIPUR




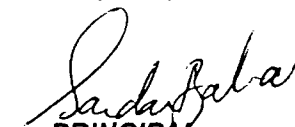
KHYBER PAKHTUNKHWA

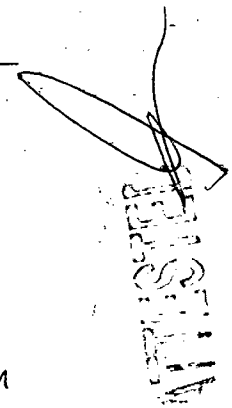
CERTIFICATE

This is to certify That Mr. Imdad Ullah S/O Longeen Khan
of District Jail Swat has successfully completed the Basic Training Course of
newly recruited warders, held from 01/07/2013 to 15/09/2013. He has passed the
following Subjects:-

1. Islamiyat
2. Pakistan Prison Rules
3. PT / Drill / Parade
4. Weapon Handling
5. Gardening


Vice Principal
Training Institute
Central Prison Haripur


PRINCIPAL
Training Institute
Central Prison Haripur



VAKALAT NAMA

VH3

IN THE COURT OF

Service Tribunal KPIK

Imdadullah Khan

Accused/Petitioner/Appellant

VERSUS

Respondent/Complainant

FIR #

Dated:

U/S:

P.S

AMBREEN GULZAR & SANA GULZAR

Advocates, High Court for BA BBA Trial Appeal Revision
Family Suits Civil Suits Damages Suit - Civil matter

We, do hereby appoint and constitute the above mentioned **Advocates** to appear and act for me as my advocates in the above matter.

1. To act, appear and plead in the above-mentioned matter and to withdraw or compromise the said matter or submit to arbitration any differences or dispute that shall arise touching or in any manner relating to the said matter and to receive money and grant receipts therefore and to do all other acts and things which may be necessary to be done for the progress and the course of the prosecution of the said matter.
2. To draft and sign files at necessary pleadings, applications, objections, affidavits or other documents as shall be deemed necessary and advisable for the prosecution of the said matter at all its stages.
3. To employ any other Legal Practitioner, authorizing them to exercise the power as conferred on the undersigned Advocate, wherever he may think fit to do so.

AND we hereby agree to ratify whatever the Advocate or his substitute shall do in the above matter. we also hereby agree not to hold the Advocate or their substitute responsible for the result of the said matter in consequence of their absence from the Court when the said matter is called up for hearing. we further hereby agree that in the event for the whole or any part of the fee to be paid to the Advocate remaining unpaid, they shall be entitled to withdraw from the above matter. Received by us on 11 / 6 / 2021.

ACCEPTED BY:

A Gulzar

Petitioner/Respondents/Complainant

AMBREEN GULZAR

(BC # 09-1668)

17103-0360722-7

Saadullah, Marwat

& *Sana Gulzar*
SANA GULZAR

(BC # 17-7464)

Zubair Khan

Aurthor

ATTESTED

"B"

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

No.

Appeal No. 6581 of 20 21

Imdadullah Appellant/Petitioner
Versus

Superintendent Head Quarter Prison Madan. Respondent
Respondent No. 1

Regd

Notice to: —

Superintendent circle Head Quarter Prison Madan.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 6/17/21 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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

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

Day of..... at 20 21

20th

(For Reply)

Registrar
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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

"B"

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

DB

No.

Appeal No..... of 20

6581

21

Appellant/Petitioner

Munadullah versus

Respondent

Superintendent Head Quarters
Respondent No.....

Prison Mardan

Notice to: —

*Inspector General of Prison KPK
Peshawar*

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

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

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

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

20th

Day of.....20

Oct

21

15/11/21

Registrar

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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

“B”

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

No.

Appeal No. 6581 of 20 21

Imdadullah Appellant/Petitioner

Supersintendent Prison Mardan. Respondent

Respondent No. 1

Supersintendent Circle Head Quarter
Prison Mardan.

Notice to: —

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 27/1/22 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

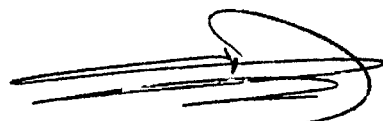
Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition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

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

Given under my hand and the seal of this Court, at Peshawar this 17th

Day of Dec 20 21

(for Reply)



Registrar,
 Khyber Pakhtunkhwa Service Tribunal,
 Peshawar.

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

“B”

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

No.

Appeal No. 6581 of 20 21

Imdad ulloh Appellant/Petitioner

Versus

Superintendent Prison Mardan Respondent

Respondent No. 2

Notice to: —

Inspector General of Prison KPK Peshawar.

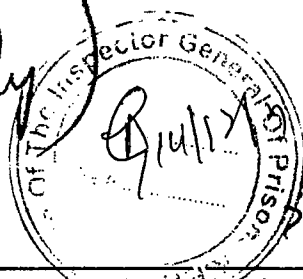
WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 27/11/21 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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

Given under my hand and the seal of this Court, at Peshawar this 9th.....

Day of Dec 20 21

for Reply



 Registrar,

Khyber Pakhtunkhwa Service Tribunal,
 Peshawar.

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

BEFORE THE HONOURABLE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

In the matter of

Service Appeal No. 6581/2021

Imdad Ullah (Ex-Warder) (Appellant)

VERSUS

Inspector General of Prisons Khyber Pakhtunkhwa Peshawar and one
other..... (Respondents)

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3-	Relieving Docket Dated 20/02/2020	A	5
4-	Relevant Rule of KP Prison Rule-2018	B	6
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6-	Copy of Absence Notice published in daily Express Newspaper dated 17/04/2021	D	8
7-	Copy of Absence Notice published in daily Aaj Newspaper dated 17/04/2020	E	9
8-	Removal from Service Order Dated 14/05/2020	F	10
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Deponent

BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

In the matter of

Service appeal No.6581 of 2021

Imdad Ullah S/O Lawangeen, EX-Warder District Jail Timergara R/O Haji Zai, Tehsil Shabqadar, District Charsadda----- (Appellant)

VERSUS

1. The Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
2. The Superintendent Central Prison, Mardan----- (Respondents)

SUBJECT: JOINT PARA-WISE COMMENTS ON BEHALF OF RESPONDENT NO. 1 and 2.

PRELIMINARY OBJECTIONS

1. That the appeal is incompetent, badly time barred and is not maintainable in its present form.
2. That the appellant is estopped by his own conduct to bring the present appeal.
3. That the appellant has got no cause of action.
4. That the appellant has no locus standi.
5. That the appellant is bad for mis-joinder and non-joinder of necessary party.
6. That the appeal is hit by laches.

OBJECTION ON FACTS

1. No Comments.
2. Admitted to the extent that the appellant was directed to report to the Superintendent District jail Timergara but the appellant failed to report and assume duty there and remained absence from official duty without approval from competent authority.
3. Incorrect and misleading. As per rule 1096/1082 of Khyber Pakhtunkhwa Prison Rules 2018 (Copy attached as Annexure "A") grant of all kinds of leave shall rest with the Superintendent Jail i.e. if certificate of sickness is granted by medical officer then it shall be sanctioned by Superintendent Jail. But here the appellant didn't communicate any kind of Medical rest to the competent authority. Thus his plea that he was seriously ill and was unable to report for duties is without any substance and the appellant didn't follow rule 1096 of Khyber Pakhtunkhwa Prison Rules.
4. Incorrect and misleading. As per rule 1096/1082 of Khyber Pakhtunkhwa Prison Rules 2018 and standard procedure Medical rest and Medical fitness must be communicated to Superintendent Jail but the appellant didn't follow rules and procedure and any kind of medical rest or medical fitness wasn't communicated to the competent authority and neither the appellant reported for duty by himself.
5. Incorrect and misleading, the appellant was removed from service as per Rule 9 of the Khyber Pakhtunkhwa Government Servant Efficiency & Discipline Rules 2011 was followed in form and content. As per the aforesaid rule Absence

Notice No. 429/PB dated 13-03-2020 was posted at his home address (**Copy attached as Annexure "B"**) but the appellant failed to report for duty at Central Prison Mardan. consequently, absence notice was published in daily Express and daily AJJ Peshawar on 17-04-2020 (**Copy attached as Annexure "C"**) but appellant failed to report for duty. Thus, as required under the aforesaid rules ex-parte action was taken against him and major penalty of removal from service was imposed on the said appellant vide Order No. 810/PB dated. 14-05-2021 of the Superintendent Circle Headquarter Prison Mardan. (**Copy attached as Annexure "D"**).

6. Correct, the appellant submitted an appeal against the decision of Superintendent Circle Headquarter Prison Mardan before Inspector General of Prisons, Khyber Pakhtunkhwa, for setting aside the penalty awarded to him. Inspector General of Prisons, Khyber Pakhtunkhwa withhold decision of the competent authority and rejected appeal of the appellant vide his office order No. 30434 dated. 13-08-2021. (**Copy attached as Annexure "E"**).

GROUND.

- A. Incorrect & misleading, the appellant willfully absented himself from duties and didn't communicate any kind of Medical leave as required under rules 1096 of Khyber Pakhtunkhwa Prison Rules 2018. (**Copy attached as Annexure "A"**).
- B. Incorrect & misleading, as discussed under para-A no medical rest was communicated to the competent authority.
- C. Incorrect, as explained in the preceding Para's.
- D. Incorrect & misleading, as explained earlier rule 9 of the Khyber Pakhtunkhwa Government Servant Efficiency & Discipline Rules 2011 was followed in letter and spirit.
- E. Incorrect & misleading, as the appellant didn't report/appear before the competent authority upon posting of absence notice No. 429/PB dated 13-03-2020 was posted at his home address (**Copy attached as Annexure "B"**). Thereafter, absence notice was published in daily Express and daily AJJ Peshawar on 17-04-2020 (**Copy attached as Annexure "C"**).
- F. Incorrect & misleading, as Removal from service vide order No. 810/PB dated. 14-05-2021 of the Superintendent Circle Headquarter Prison Mardan and Inspector General of Prisons, Khyber Pakhtunkhwa vide order No. 30434 dated. 13-08-2021 were issued after following rule 9 of the Khyber Pakhtunkhwa Government Servant Efficiency & Discipline Rules 2011 was followed in form and content.
- G. Incorrect & misleading, as the appellant authority upheld decision of the competent authority under rule-5 of the Khyber Pakhtunkhwa Civil Servant Appeal Rules 1986.
- H. Incorrect & misleading, as Removal from service vide order No. 810/PB dated. 14-05-2021 of the Superintendent Circle Headquarter Prison Mardan was posted at his home address vide Endst No. 811-14 dated 14-05-2020 (**Copy**


attached as Annexure "B"). Similarly Appellant order No. No. 304/13-08-2021 was too posted at his home address vide Superintendent Headquarter Prison Mardan letter No. 1522 dated. 02-09-2020. attached as Annexure "F").

- I. Incorrect & misleading, as discussed earlier rule-9 of the Khyber Pakhtunkhwa Government Servant Efficiency & Discipline Rules 2011 was followed in form and content and as per the aforesaid rules absence notice No. 429/PB dated 13-03-2020 was posted at his home address (Copy attached as Annexure "B"). As no heed was paid to the absence notice at his home address another absence notice was published in daily Express and daily AJJ Peshawar on 17-04-2020 (Copy attached as Annexure "C"). Resultantly after following all the legal and codal formalities his removal from service was issued vide order No. 810/PB dated. 14-05-2021 of the Superintendent Circle Headquarter Prison Mardan.

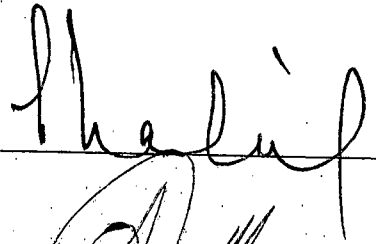
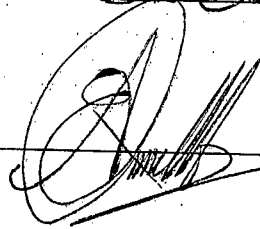
PRAYER

It is therefore, humbly prayed that on acceptance of Joint Para-wise comments/reply on behalf of respondent No. 1 and 2 the appeal alongwith application for suspension of operation of impugned order's of the appellant may kindly please be dismissed being baseless, being devoid of merit and Laws.

1. INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR.


10/12/2021

2. SUPERINTENDENT
CENTRAL PRISON MARDAN

BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA, PESHAW

In the matter of

Service appeal No. 6581 of 2021

Imdad Ullah S/O Lawangeen, EX-Warder District Jail Timergara R/O Haji Z , Tehsil
Shabqadar, District Charsadda----- **(Appellant)**

----VERSUS----


1. The Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
2. The Superintendent, Central Prison, Mardan.

(Respondents)

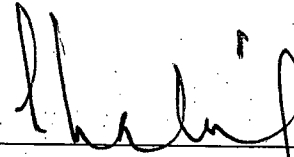
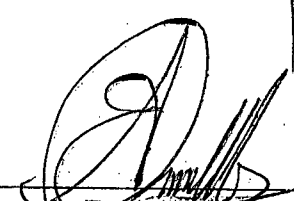
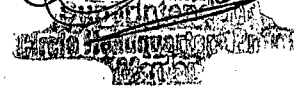
AFFIDAVIT OF THE RESPONDENTS.

We, the respondents, do hereby solemnly affirm and declare on oath that the contents of the reply/Para wise comments are true and correct to the best of our knowledge and belief and nothing material fact has been concealed and kept secret from this Honorable Tribunal.

- 1- INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR.

 10/12/2021

- 2- SUPERINTENDENT
CENTRAL PRISON MARDAN

NK



Annexure - "A"

OFFICE OF THE
SUPERINTENDENT
CENTRAL PRISON MARDAN
Email: mardanjail@gmail.com
Phone: 0937-843114

NO: 1546 DATED: 29/02/2020.

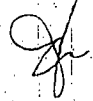
10 (C)

To: Warden Imdad Ullah,
Attached to Central Prison Mardan

Subject: RELIEVING DOCKET
Memo;

Under the instructions contained in the Superintendent Headquarter Prison Mardan Order No. 150/PB dated 23/01/2020. You are hereby relieved of your duties at this jail today on 29/02/2020 (A.N) and directed to report to the Superintendent District Jail Timergara for further duties there.

You are allowed ~~07~~ 07 days of joining time.


SUPERINTENDENT
CENTRAL PRISON MARDAN

Endorsement No: 1547-51
Copy of the above is forwarded to:-

- 1- The Inspector General of Prisons Khyber Pakhtunkhwa, Peshawar.
- 2- The Superintendent Headquarter Prison Mardan for information with reference to his Order No. referred to above please.
- 3- The Superintendent District Jail Timergara.
- 4- The District Accounts Officer, Timergara/ Mardan.

For information please.

- 5- The Office Superintendent /In-charge pay Branch Central Prison Mardan for information and further necessary action please.

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.

Attested
Assistant Superintendent
General Hospital, Madurai



Amesure "C"

OFFICE OF THE SUPERINTENDENT CIRCLE HQS. PRISON

Circle HQs Mardan Circle HQs Mardan Circle HQs Mardan Circle HQs Mardan Circle HQs Mardan Circle HQs Mardan Circle HQs Mardan Circle HQs Mardan Circle HQs Mardan Circle HQs Mardan Circle HQs Mardan

No. 428 /PB Dated: 13 /03/2020, E-Mail: mardanjail@gmail.com, 0937-843114


To

Warder Imdad Ullah s/o Lawangeen Khan
Village Haji Zai Tehsil Shabqadar,
District Charsadda.

Subject: **ABSENCE NOTICE.**

You were relieved on 20.02.2020 by the Superintendent Central Prisons Mardan upon transfer to District Jail Timergara vide this office Order No. 150 dated 23/01/2020 allowing two (02) days joining time but you failed to report for duty at District Jail Timergara and are absent up to date.


You are therefore directed to report to Superintendent District Jail Timergara within fifteen (15) days of the receipt of this Notice and explain then reasons of your absence otherwise strict disciplinary action will be taken against you under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rule 2011.



SUPERINTENDENT
CIRCLE HQS. PRISON MARDAN

Endst. No: 430-31 /.

Copy of the above is forwarded to:-

- 1- The Inspector General of Prison Khyber Pakhtunkhwa, Peshawar for information please.
- 2- The Superintendent District Jail Timergara for information and with references his memo No. 832 dated. 12-03-2020 please.


SUPERINTENDENT
CIRCLE HQS. PRISON MARDAN


Attested
Assistant Superintendent
Central Prison Mardan

Bookmark and (https://www.addthis.com/bookmark.php?v=250&pub=express)

نوٹس غیر حاضری

آپ وارڈران جو کہ ڈسٹرکٹ جیل تیرگرہ سے مندرجہ ذیل تاریخوں سے غیر حاضر ہیں کو بذریعہ نوٹس ہذا آخری بار ہدایت کی جاتی ہیں کہ پندرہ {15} ایام کے اندر اندر حاضری کی رپورٹ ڈسٹرکٹ جیل تیرگرہ میں کریں اور اپنی غیر حاضری کی معقول وجہ بتائیں بصورت دیگر آپ کے خلاف یکطرفہ قانونی کارروائی عمل میں لائی جائیگی جو کہ ملازمت سے برخاستگی پر منتج ہو سکتی ہے۔

1- وارڈران ادا اللہ ولد لونگمین خان سکند خانہ حاجی ذکی تحصیل شہباز ضلع چارسدہ:- بطور جیل وارڈران آپ کو بمطابق سپرنٹنڈنٹ سرکل ہیڈ کوارٹر جیل مردان کے آڈر نمبر 150 مورخہ 23-01-2020 کے مطابق سنٹرل جیل مردان سے ڈسٹرکٹ جیل تیرگرہ تبدیل کیا گیا اور آپ کو سنٹرل جیل مردان سے 2 یوم کے اندر اندر ڈسٹرکٹ جیل تیرگرہ میں ڈیوٹی کیے رپورٹ کرنے کو کہا گیا لیکن آپ حاضر نہ ہوئے۔ آپ کو سرکل ہیڈ کوارٹر جیل مردان نوٹس نمبر 429 مورخہ 13-03-2020 کو بذریعہ رجسٹرڈ ڈاک گھر کے پتہ پر ہدایت کی گئی کہ آپ پندرہ {15} ایام کے اندر ڈسٹرکٹ جیل تیرگرہ میں حاضری کرے لیکن آپ پھر بھی حاضر نہ ہوئے۔

2- وارڈران جمشید علی ولد نسیم القمر سکند نشان آباد ڈاکخانہ عمر ذکی تحصیل و ضلع چارسدہ:- بطور جیل وارڈران آپ کو بمطابق سپرنٹنڈنٹ ڈسٹرکٹ جیل تیرگرہ سے مورخہ 20.02.2020 کو بغیر کسی اجازت کے لائن اور ڈیوٹی سے غیر حاضر ہوئے۔ آپ کو سرکل ہیڈ کوارٹر جیل مردان نوٹس نمبر 404 مورخہ 05.03.2020 کو بذریعہ رجسٹرڈ ڈاک گھر کے پتہ پر ہدایت کی گئی کہ پندرہ {15} ایام کے اندر اندر ڈسٹرکٹ جیل تیرگرہ میں حاضری کریں لیکن آپ پھر بھی حاضر نہ ہوئے۔

سپرنٹنڈنٹ سرکل ہیڈ کوارٹر جیل مردان

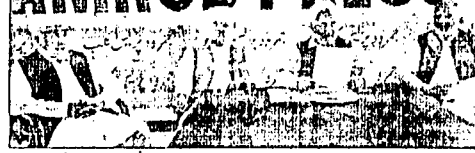
INF(P)1360/20

اوزنا صہ اعلیٰ سپرنٹنڈنٹ سرکل ہیڈ کوارٹر جیل مردان

مخبرہ 17/04/2020

Assistant Superintendent
Central Prison Mardan

جی اسسٹنٹ کمشنر کا احساس پیش پروگرام کے شہزاد کا دورہ... انتخابات کا باہر لا کر لڑنے سے روکے... حکومت کی سب سے بڑی کامیابی...



کوڑا تو مارا مگر گئے جسے جگمگائے تو اسے جگمگائے... ایک نئی جگمگائی... حکومت کی سب سے بڑی کامیابی...

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ADDENDUM / CORRIGENDUM
In the wake of Corona outbreak and public holidays from 23/03/2020 to 11/04/2020 by the Govt. of Khyber Pakhtunkhwa the Tender proposed on 08/04/2020, is hereby postponed. In this regard, the following addendum / corrigendum is made in the Tender Notice INF (P) 1254/20 published in Daily "Aaj" Peshawar dated: 24/03/2020.

Corrigendum
INF (P) 1254/20
www.khyberpakhtunkhwa.gov.pk

نوٹس غیر حاضری
INF (P) 1360/20
www.khyberpakhtunkhwa.gov.pk

CORRIGENDUM
The advertisement No. INF (P) 1095/20 Published in Daily "AJJ" dated: 14-03-2020 & advertised Corrigendum No. INF (P) 1035/20 Published in Daily "AJJ" dated: 31-03-2020 for the Work "ADP No.852 190253- Construction of Bridges on Existing major roads in Tjbal Districts. Sub Head: Construction of RCC Bridge at Malgod road of Bara River (152-meter)", in which all the contractors were invited to submit their Technical/Financial Bids on 15-04-2020 at 12:00 Hours is cancelled due to notified public holidays in precautionary measures from COVID-19

IRRIGATION DEPARTMENT
NOTICE INVITING E-BIDDING
Request Department of Water Resources, Government of Khyber Pakhtunkhwa, is invited to submit bids for the following works:

EXECUTIVE ENGINEER
PHE DIVISION SOUTHERN TRIBAL DISTRICTS AT KOHAT
CORRIGENDUM / EXTENSION
[The tender dates for... in respect of the final bid...]

EXECUTIVE ENGINEER
Highway Division Tribal District Khyber
Phone No. 081-6920286
Also available on www.khyberpakhtunkhwa.gov.pk INF (P) 1095/20

EXECUTIVE ENGINEER
Irrigation & Hydel Power District Khyber
Also available on www.khyberpakhtunkhwa.gov.pk INF (P) 1077/20

Attested
Assistant Superintendent
Central Prison Mardan
2020 17 4



INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

091-9210334, 9210406

09 09

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

No. PC/22508/W

Dated. 030-06-2020

To,
The Superintendent,
Circle Headquarters Prison Mardan.


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 Warder Imdad Ullah S/o Lawangeen Khan attached to District Jail Timergara on the captioned subject.

Please look into the matter and furnish your necessary views/comments alongwith history of his service on the below noted format for further necessary action by this office:-

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

AI 30/6/2020

D/S COPB
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2/7/22

201995

S.E.N	
I.G.	
A.I.G.	
D.D.	
A.D.	

To

The Worthy Inspector General of Prisons,
Khyber Pakhtunkhwa,
Peshawar.

Subject: APPEAL.

Memo:

Reference Superintendent-Headquarters Prison Mardan Letter No. 810/PB Dated: 14/05/2020.(Copy attached).

R/Sir,

It is submitted that I have been doing my whole service with utmost diligence and honesty. I was transferred from Central Jail Mardan to District Jail Timergara but the domestic situation was unfavourable and I could not attend on time.

R/Sir,

I was judged without being heard and when I went to Timergara Jail to do my duty, I found out that I had been dismissed. Unilateral action was taken against me and my case was not heard.

R/Sir,

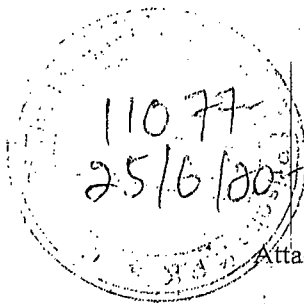
I have old parents and small children for whom I am the only support. I was so compelled to be absent, otherwise no one would turn off their stove.

R/Sir,

Forgive me this first and last mistake, have mercy on the poor and issue orders to restore me to my job.

May Allah prolong your life and grant you more progress and prosperity.(Amen)

Yours obediently



Warder Imdadullah
s/o

Lawangeen Khan

Attached to District Jail Timergara.

26-6-20



By FAX / (SP-1)

OFFICE OF THE SUPERINTENDENT CIRCLE HQS. PRISON MARDAN

N. 1142/JPB Dated: 27/07/2020, E-Mail: mardanjail@gmail.com, 0937-843114

To

The Superintendent,
District Jail, Timergara.

Subject: **DEPARTMENTAL APPEAL IN RESPECT OF EX-WARDER IMDAD ULLAH S/O LAWANGEEN KHAN.**


Reference Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar letter No. 22508/WE dated. 30-06-2020.

MEMO:


Information about the concerned Ex-Warder attached to your jail may please be furnished from his service book on the below noted format within two days positively for further submission to the quarter concerned.

Name with Parentage	
Rank	
Date of Birth	
Date of Appointment	
Detail of postings	
Punishment awarded during his entire service with date and nature of offence	

Serial No. 1143


SUPERINTENDENT
CIRCLE HQS. PRISON MARDAN

Copy of the above is forwarded to the Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar for information with reference to letter No. referred to above please.


SUPERINTENDENT
CIRCLE HQS. PRISON MARDAN



C/SI / LO / PB

OFFICE OF THE
SUPERINTENDENT,
DISTRICT JAIL TIMERGARA
NO 1074 / Dt 9/7/2020

The Superintendent,
Central Prison Mardan.

Subject:- DEPARTMENTAL APPEAL IN RESPECT OF EX-
WARDER IMDAD ULLAH S/O LAWANGEEN KHAN.

Via:-

Reference your memo No. 894 dated 2-6-2020.

It is submitted that the requisite information regarding the subject
mentioned Ex-warder from his service book is sent herewith on the below noted
format for further necessary action please.

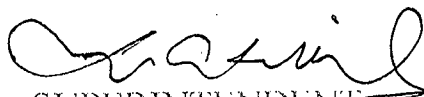
1. Name with Parentage	Imdad Ullah S/O Lawangeen Khan					
2. Rank	Warder (BPS-7)					
3. Date of Birth	01-03-1992					
4. Date of Appointment	17-05-2013					
5. Detail of posting	1) Distt: Jail Swat. wef: 17-05-2013 to 30-09-2015 2) Central Jail Mardan. wef: 04-10-2015 to 08-11-2015 3) Distt: Jail Chitral. wef: 09-12-2016 to 26-05-2017 4) Central Jail Mardan. wef: 27-07-2017 to 05-10-2017 5) Distt: Jail Buner. wef: 30-11-2017 to 31-07-2018 6) Central Jail Mardan. wef: 03-08-2019 to 20-02-2020					
6. Punishment awarded during entire service	S#	Nature of punishment	Reason	Dated	Order No.	Dated
	1	Leave without pay	Absence (14 days)	19-11-2015	1459 HQs Mardan	19-11-2015
	2	Leave without pay	Absence (22 days)	30-12-15	513-18 HQs. Mardan	30-12-2015
	3	Censure	Disciplinary action	04-08-2016	2107-9 HQs. Mardan	13-7-2016
	4	Leave without pay	Absence (06 days)	04-08-2016	2229-33 HQs. Mardan	04-08-2016
	5	Leave without pay	Absence (06 days)	11-08-2016	5863-64 HQs. Mardan	11-08-2016
	6	Leave without pay	Absence (15 days)	01-12-2017	134-37 HQs. Mardan	01-12-2017
	7	Leave without pay + Censure	Absence (27 days)	27-04-2017	1361-64 HQs. Mardan	22-04-2017



OFFICE OF THE,
SUPERINTENDENT,
DISTRICT JAIL TIMERGARA

NO _____ / Dt _____ /2020

8	One Increment stopped for three years + Leave without pay	Absence 13+12+9 (34 days)	27-07-2017	2413-16 HQs. Mardan	27-07-2017
9	Reduction to lower stage for three years + Leave without pay	Absence (32 days)	05-10-2017	2987-87 HQs. Mardan	05-10-2017
10	Reduction to lower stage for five years + Leave without pay	Absence (45 days)	26-01-2018	240-44 HQs. Mardan	22-01-2018
11	02 Increment stopped for 02 years + Leave without pay	Absence (29 days)	15-01-2020	96-99 HQs. Mardan	15-01-2020
12	Censure	Absence (11 days)	15-01-2020	91-94 HQs. Mardan	15-01-2020
13	Censure	Absence	15-01-2020	106-08 HQs. Mardan	15-01-2020
14	Removal from Service	Wilful Absence	14-05-2020	810 HQs. Mardan	14-05-2020


SUPERINTENDENT
DISTRICT JAIL TIMERGARA

Enclst: No. _____ /-

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

— sd —
SUPERINTENDENT
DISTRICT JAIL TIMERGARA

09-07-2020



REGISTERED

OFFICE OF THE SUPERINTENDENT CIRCLE HQS. PRISON MARDAN

/PB Dated: 14/07/2020, E-Mail: mardanjail@gmail.com,

0937-

The Inspector General of Prisons,
Khyber Pakhtunkhwa, Peshawar.

Subject: DEPARTMENTAL APPEAL.

Reference your memo No. 22508/WE dated. 30-06-2020.

The requisite comments on the annotated format on behalf of the undersigned in respect

of Imdad Ullah S/O Lawangeen Khan are submitted as under:-

Name with Parentage	Imdad Ullah S/O Lawangeen Khan	
Rank	Warder (BPS-07)	
Date of Birth	01-03-1992	
Date of Appointment	17-05-2013	
Detail of Postings	S#	Name Of Jails
	01	DJ Swat
	02	CP Mardan
	03	DJ Chitral
	04	CP Mardan
	05	DJ Buner
	06	CP Mardan




Punishment awarded
during his entire
service with date and
nature of offence.

S#	Nature of Punishment	Reason	Order No & date
01	Leave without pay	Absence (14) days	HQs Prison Mardan Order No. 1459 dated. 19-11-2015
02	Leave without pay	Absence (22) days	HQs Prison Mardan Order No. 513-18 dated. 30-12-2015
03	Censure	Disciplinary Action	HQs Prison Mardan Order No. 2107-09 dated. 13-07-2016
04	Leave without pay	Absence (06) days	HQs Prison Mardan Order No. 2229-33 dated. 04-08-2016
05	Leave without pay	Absence (06) days	HQs Prison Mardan Order No. 5863-64 dated. 11-08-2016
06	Leave without pay	Absence (15) days	HQs Prison Mardan Order No. 134-37 dated. 01-12-2017
07	Leave without pay	Absence (27) days	HQs Prison Mardan Order No. 1361-64 dated. 23-04-2017
08	One Increment Stopped for three years and Leave without pay	Absence (34) days	HQs Prison Mardan Order No. 2413-16 dated. 27-07-2017
09	Reduction to lower stage for three years & Leave without pay	Absence (32) days	HQs Prison Mardan Order No. 2987 dated. 05-10-2017
10	Reduction to lower stage for five years & Leave without pay	Absence (45) days	HQs Prison Mardan Order No. 240-44 dated. 22-01-2018
11	Two Increments Stopped for two years and Leave	Absence (29) days	HQs Prison Mardan Order No. 96-99 dated. 15-01-2020

12	Censure	Absence (11) days	HQs Prison Mardan Order No. 91-94 dated. 15-01-2020
13	Censure	Absence	HQs Prison Mardan Order No. 91-94 dated. 15-01-2020
14	Removal from Service	Wilful absence eighty two (82) days	HQs Prison Mardan Order No. 810 dated. 14-05-2020

The appellant was awarded the punishment of "**Removal from Service**" for his misconduct/wilful absence. He is not entitled for any remuneration for the absence period w.e.f 23-02-2020 to 14-05-2020 eighty two (82) days under rule 19 of the Khyber Pakhtunkhwa Government Servant Revised Leave Rules 1981 vide this office Order No. 810 dated. 14-05-2020.

Therefore his appeal may kindly be rejected as proceedings against him were conducted properly in accordance with rules please.


 SUPERINTENDENT
CIRCLE HQS. PRISON MARDAN




Amended "H"

OFFICE OF THE
INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

91-9210334, 9210406 091

No. Estb/Ward-/Orders/ PC-30434

Dated 31-08-2020

ORDER

WHEREAS, Ex-Warder Imdad Ullah S/O Lawangeen Khan attached to District Jail Timergara, was awarded the major penalty of "Removal from Service" by Superintendent HQ Prisons Mardan vide his order No.810 dated 14-05-2020 due to his misconduct and willful absence from duty with effect from 23-02-2020.

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.

INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA, PESHAWAR.

ENDST;NO. 30435-37

Copy of the above is forwarded to :-

1. The Superintendent, Headquarters Prison Mardan for information and necessary action with reference to his Order referred to above.
2. The Superintendent, District Jail Timergara for information and necessary action with reference to the Superintendent HQ Prison Mardan order referred to above. He is directed to inform the appellant accordingly and also to make necessary entry in his Service Book under proper attestation.
3. Ex-Warder Imdad Ullah S/O Lawangeen Khan, C/O Superintendent District Jail Timergara at his home address through registered post, for information.

~~ASSISTANT DIRECTOR~~
INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

31/8

Attested

Assistant Superintendent
Central Prison Mardan

Suptdt
02/9/2020



Annexure 'I'
CP

OFFICE OF THE
SUPERINTENDENT
HEADQUARTERS PRISON MA
Email. mardanjail@gmail.co
Phone No. 0937843114.
No. 1522 / Dated: 02/10/20



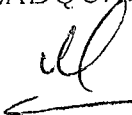
To,

Mr. Imdad Ullah s/o Lawangeen Khan,
Village Haji Zai Tehsil Shabqadar,
District Charsadda.

Subject: **DEPARTMENTAL APPEAL.**



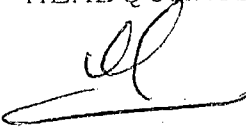
Memo;

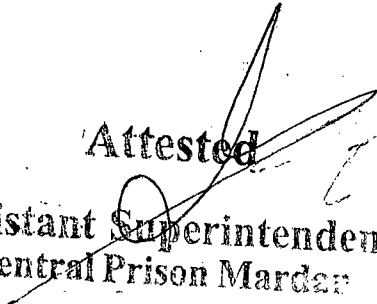
It is to inform you that your Appeal regarding reinstatement into service has been considered by the Appellant Authority i.e. Additional Inspector General of Prisons, Khyber Pakhtunkhwa vide his order No.30434 dated. 31-08-2020. and the same have been rejected without any substance as per the competent Authority own comments (copy enclosed).


SUPERINTENDENT
HEADQUARTER PRISON MARDAN



Endst. No: 1523 /

Copy of the above is forwarded to the Inspector General of Prisons Khyber Pakhtunkhwa, Peshawar for information with reference to letter No. referred to above, please.


SUPERINTENDENT
HEADQUARTER PRISON MARDAN



Attested

Assistant Superintendent
Central Prison Mardar