

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

Service Appeal No. 671/2017

Date of Institution ... 19.06.2017

Date of Decision ... 16.09.2022

Murad Ullah, Warder, Central Jail, Mardan.

... (Appellant)

**VERSUS**

The Inspector General of Prison, Khyber Pakhtunkhwa, Peshawar and one other.

... (Respondents)

-----  
MR. TAIMUR ALI KHAN,  
Advocate

--- For appellant.

MR. MUHAMMAD JAN,  
District Attorney

--- For respondents.

MR. SALAH-UD-DIN  
MR. MIAN MUHAMMAD

--- MEMBER (JUDICIAL)  
--- MEMBER (EXECUTIVE)

**JUDGMENT:**

**SALAH-UD-DIN, MEMBER:-** Through the instant service appeal, the appellant has invoked jurisdiction of this Tribunal with the prayer copied as below:-

*“that on the acceptance of this appeal, the orders dated 23.05.2017 and 30.03.2017 may be set-aside and the respondents may be directed to restore the said one increment of the appellant and his absence period i.e from 17.09.2015 to 09.12.2015 as well as intervening period from the date of removal from service*



*i.e 10.12.2015 to the date of reinstatement into service i.e 03.02.2017 may be treated with all pay and other service back benefits as the removal order dated 09.12.2015 of the appellant was set-aside by this august Tribunal vide judgment dated 24.01.2017 and the appellant was not gainfully employed during such period. Any other remedy, which this august Tribunal deems fit and appropriate may also be awarded in favour of appellant.*

2. Precise facts giving rise to the present appeal are that the appellant, while serving as Warder, was proceeded against departmentally on the allegations of absence from duty and was dismissed from service vide order dated 09.12.2015, however vide order of the appellate Authority, the said penalty was converted into removal from service. The appellant then filed service appeal No. 338/2016 before this Tribunal, which was allowed vide judgment dated 24.01.2017 by reinstating the appellant into service, however the department was left at liberty to conduct de-novo inquiry against the appellant on the allegations of absence afresh. De-novo inquiry was conducted against the appellant and he was awarded minor penalty of stoppage of one increment for one year by treating the absence period with effect from 17.09.2015 to 09.12.2015 as well as intervening period between removal from service and reinstatement into service as leave without pay. The appellant then preferred departmental appeal seeking payment of the salaries for the period during which he remained out of service on account of his removal from service, however the same was regretted

vide order dated 23.05.2017 passed by Inspector General of Prisons Khyber Pakhtunkhwa Peshawar, hence the instant service appeal.

3. Notices were issued to the respondents, who submitted their comments, wherein they refuted the assertions made by the appellant in his appeal.

4. Learned counsel for the appellant has contended that as the penalty of removal from service awarded to the appellant during previous inquiry was set-aside by this Tribunal vide judgment dated 24.01.2017, therefore, the appellant was entitled to all back benefits for the intervening period with effect from 09.12.2015 to 03.02.2017; that the appellant did not remain gainfully employed during the period of his removal from service and has already submitted an affidavit in this respect; that after awarding of punishment of stoppage of one annual increment, the competent Authority was not justified by treating the absence period with effect from 17.09.2015 to 09.12.2015 because the same amounts to double jeopardy; that the impugned orders being wrong and illegal are liable to be set-aside and the appellant is entitled to the relief as prayed for.

5. On the other hand, learned District Attorney for the respondents has contended that the charge of willful absence against the appellant stood proved in a regular inquiry and he was awarded minor penalty of stoppage of one annual increment; that as the appellant did not perform any duty and remained out of service during the intervening period with effect from 09.12.2015 till

03.02.2017, therefore, he is not entitled to any remuneration for such period on the principle of no work no pay.

6. We have heard the arguments of learned counsel for the parties and have perused the record.

7. A perusal of the record would show that previously the appellant was awarded major penalty of dismissal from service by the competent Authority vide order dated 09.12.2015, however the appellate Authority converted the same in to removal from service. The appellant then filed service appeal No. 338/2016 before this Tribunal, which was allowed vide judgment dated 24.01.2017 by reinstating the appellant into service, however the department was left at liberty to conduct de-novo inquiry against the appellant on the allegations of absence afresh. The appellant was reinstated in service by the competent Authority vide order dated 03.02.2017. During the de-novo inquiry, the appellant has been awarded only minor penalty of stoppage of one annual increment for one year by treating the absence period with effect from 17.09.2015 to 09.12.2015 as leave without pay. The reinstatement of the appellant by the competent Authority has affirmed the fact that he was wrongly removed from service. During the intervening period, the appellant could not perform his duty on account of his wrongful removal from service. The appellant could not be attributed any fault in not performing his duty with effect from 09.12.2015 to 03.02.2017. The appellant alongwith his appeal has submitted an affidavit to the effect that he had not remained gainfully employed in any service during the

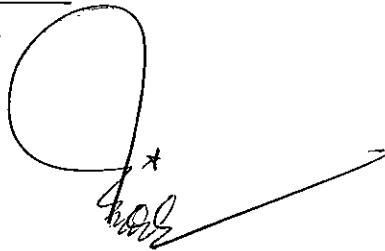


intervening period. The competent Authority was thus not justified in treating the intervening period as leave without pay.


8. In his departmental appeal, the appellant had challenged the impugned order dated 23.05.2017 only to the extent of treating the intervening period as leave without pay, however in his service appeal, the appellant has also challenged the minor penalty of stoppage of one increment awarded to him by the competent Authority. The minor penalty awarded to the appellant through the impugned order dated 23.05.2017 was not challenged in the departmental appeal, therefore, the service appeal of the appellant to such extent is not maintainable.

9. In view of the above discussion, the appeal in hand is partially allowed and the appellant is held entitled to salaries for the intervening period with effect from 09.12.2015 to 03.02.2017. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
16.09.2022



(MIAN MUHAMMAD)  
MEMBER (EXECUTIVE)



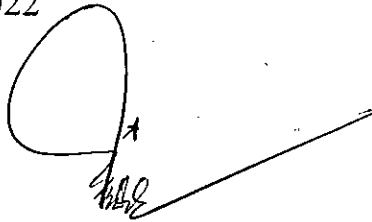
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

ORDER  
16.09.2022

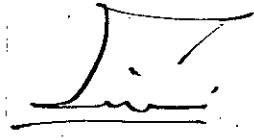
Learned counsel for the appellant present. Mr. Muhammad Jan,  
District Attorney for the respondents present. Arguments heard and  
record perused.

Vide our detailed judgment of today, separately placed on file,  
the appeal in hand is partially allowed and the appellant is held  
entitled to salaries for the intervening period with effect from  
09.12.2015 to 03.02.2017. Parties are left to bear their own costs. File  
be consigned to the record room.

ANNOUNCED  
16.09.2022

A handwritten signature in black ink, consisting of a large, stylized 'M' followed by a long horizontal stroke extending to the right.

(Mian Muhammad)  
Member (Executive)

A handwritten signature in black ink, consisting of a stylized 'S' followed by a horizontal line and a small flourish.

(Salah-Ud-Din)  
Member (Judicial)

14.09.2022

Mr. Taimur Ali Khan, Advocate for the appellant present. Mr. Abdul Raziq, Assistant Superintendent Jail alongwith Mr. Muhammad Jan, District Attorney for the respondents present.

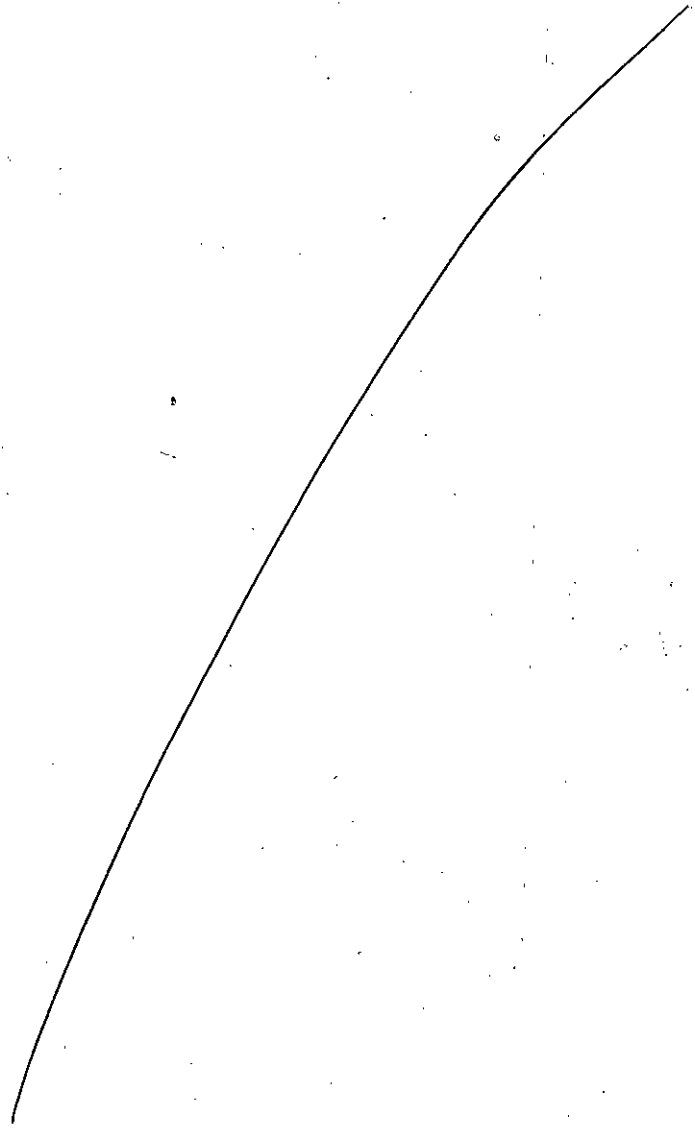
Partial Arguments heard. To come up for remaining arguments on 16.09.2022 before the D.B.



(Mian Muhammad)  
Member (E)



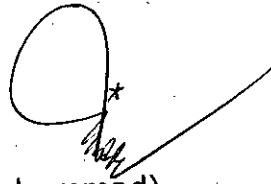
(Salah-Ud-Din)  
Member (J)



15.04.2022

Learned counsel for the appellant present. Mr. Riaz Khan Paindakhel, Asst: AG alongwith Ms. Lubna, Law Officer for respondents present.

Representative of the respondents submitted copies of enquiry record consisting of 35 sheets, which is placed on file. Copies of the same are also handed over to the learned counsel for the appellant. Learned counsel for the appellant sought time to go through the record. Adjourned and to come up for arguments before the D.B on 16.05.2022.



(Mian Muhammad)



(Salah Ud Din)


Member(E)

Member(J)


18.05.2022

Learned counsel for the appellant present. Mr. Aftab Ahmad Assistant Superintendent alongwith Mr. Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Learned counsel for the appellant requested for adjournment in order to prepare the brief of the case. Adjourned. To come up for arguments on 18.07.2022 before the D.B.



(Rozina Rehman)  
Member (J)



(Salah-Ud-Din)  
Member (J)

18.07.2022

Learned counsel for appellant present.

Kabir Ullah Khattak, learned Additional Advocate General alongwith Atta Muhammad Law Officer and Siyar Khan Assistant Superintendent Jail, for respondents present.

Due to insufficient record, arguments could not be heard. Representative of the respondents is directed to make sure the production of record in respect of detailment order of the appellant with the Advisor on the next date. Adjourned. To come up for production of record and arguments on 14.09.2022 before D.B.



(Fareeha Paul)  
Member(E)



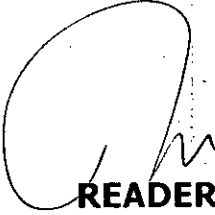
(Rozina Rehman)  
Member (J)



13.01.2021

Junior to counsel for the appellant and Mr. Kabirullah Khattak learned Addl. AG for respondents present.

Due to COVID-19, the case is adjourned for the same on 20.04.2021 before D.B.

  
READER

20.04.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 12.08.2021 for the same as before.

  
Reader


12.08.2021

Nemo for appellant.

Javid Ullah learned A.A.G for respondents present.

Preceding date was adjourned on a Reader's note, therefore, appellant/counsel be put on notice for 29.12.2021 for arguments before D.B.

*Noted  
9/12/21*

  
(Rozina Rehman)  
Member (J)

  
Chairman

29/12/2021.

*Due to winter vacations  
is adjourned to 15/4/2022  
as before.*

*The case  
for the same*

  
Reader

27.08.2020

Due to summer vacation, the case is adjourned to  
03.11.2020 for the same as before.



Reader

03.11.2020

Junior to counsel for the appellant and Mr. Usman  
Ghani, District Attorney for the respondents present.

The Bar is observing general strike, therefore, the  
matter is adjourned to 13.01.2021 for hearing before the  
D.B.



(Mian Muhammad)  
Member



Chairman

28.01.2020

None for the appellant present. Mr. Muhammad Jan, DDA for respondents present. Due to General Strike of the bar on the call of Khyber Pakhtunkhwa Bar Council, the instant case is adjourned. To come up for further proceedings/arguments on 27.03.2020 before D.B. Appellant be put on notice for the date fixed.

  
Member

  
Member

27.03.2020


Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 16.06.2020 before D.B.

  
Reader

16.06.2020

Mr. Taimoor Ali Khan Advocate learned counsel for the appellant present. Mr. Riaz Khan Paindakheil learned Assistant Advocate General for respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 27.08.2020 before D.B

  
(Rozina Rehman)  
Member

  
(M.Amin Khan Kundi)  
Member

10.07.2019

Learned counsel for the appellant and Mr. Riaz Khan Paindakheil learned Assistant Advocate General present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 23.09.2019 before D.B.

  
Member

  
Member

23.09.2019

Due to general strike on the call of Khyber Pakhtunkhwa Bar Council learned counsel for the appellant is not in attendance. Mr. Riaz Khan Paindakheil learned Assistant Advocate General for the respondents present. Adjourned. To come up for arguments on 26.11.2019 before D.B.

  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

26.11.2019

Learned counsel for the appellant present. Mr. Riaz Paindakheil learned AAG present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 28.01.2020 before D.B.

  
Member


  
Member

Service Appeal No. 671/2017

18.12.2018

Junior counsel for the appellant Mr. Taimur Ali, Advocate present. Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Junaid, Assistant for the respondents present. Junior counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant is busy in the Hon'ble Peshawar High Court. Adjourned. To come up for arguments on 08.02.2019

before D.B.

  
(Hussain Shah)  
Member

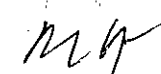
  
(Muhammad Amin Khan Kundi)  
Member

08.02.2019

Counsel for the appellant present. Mr. Muhammad Jan, DDA for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 23.04.2019

before D.B.

  
(Ahmad Hassan)  
Member

  
(M. Amin Khan Kundi)  
Member

23.04.2019

Clerk of counsel for the appellant and Addl. AG for the respondents present.


Due to general strike on the call of District Bar Council, instant matter is adjourned to 10.07.2019 for arguments before the D.B.

  
Member

  
Chairman

30.07.2018

Appellant absent. Learned counsel for the appellant is also absent. However, junior counsel for the appellant present and seeks adjournment. Mr. Ziaullah, Deputy District Attorney for the respondents present. Adjourned. To come up for arguments on 20.09.2018 before D.B.

  
(Ahmad Hassan)  
Member (E)

  
(Muhammad Hamid Mughal)  
Member (J)

20.09.2018

Since 12 September 2018 has been declared as public holiday on account of Muharam Ul Haram. Therefore, the case is adjourned. To come up for the same on

12-11-18

  
Reader

12.11.2018

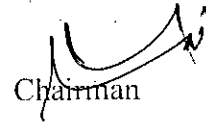
Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 18.12.2018.

  
READER

11.01.2018


Clerk of the counsel for appellant present and Mr. Zia Ullah, DDA for the respondents-present. Rejoinder submitted. Clerk of the counsel for appellant seeks adjournment. Granted . To come up for arguments on 14/3/18 before D.B.


  
Member

  
Chairman

14.03.2018

Appellant absent. Learned counsel for the appellant is also absent. However, junior to learned senior counsel for the appellant present and seeks adjournment. Mr. Usman Ghani, District Attorney alongwith Mr. Sohrab Khan, Junior Clerk for the respondents present. Adjourned. To come up for arguments on 14.05.2018 before D.B.

  
(Muhammad Amin Khan Kundi)  
Member

  
(Muhammad Hamid Mughal)  
Member


14.05.2018

Due to retirement of the worthy Chairman, the Tribunal is incomplete, therefore the case is adjourned. To come up for the same on 30.07.2018.

  
Reader


15/8/2017

Counsel for the appellant and Mr. Kabirullah, Assistant AG for respondents present. Learned Assistant AG seeks adjournment. Adjourned. To come up for written reply/comments on 18/9/2017 before SB.

  
(GUL ZEB KHAN)  
MEMBER


18.09.2017

Counsel for the appellant and Addl: AG alongwith Mr. Sukhrab, H.C for respondents present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on 16.10.2017 before S.B.

  
(Ahmad Hassan)  
Member

16/10/2017

Counsel for the appellant and Mr. Kabirullah Khattak, AAG alongwith Mr. Sheharyar, ASJ for the respondents present. Representative of respondents submitted written reply which is placed on file. To come for rejoinder and arguments on 11/1/2018 before DB.

  
(GUL ZEB KHAN)  
MEMBER



04.07.2017

Counsel for the appellant present. Preliminary arguments heard and case file perused. Learned counsel for the appellant argued that the appellant was working as Warder in the Prison Department. On account of absence from duty major penalty of dismissal from service was imposed on him vide order dated 30.11.2015. He preferred departmental appeal and on acceptance the punishment was modified/converted into removal from service by the appellate authority vide order dated 15.02.2016. The appellant filed service appeal no. 285/16 against aforementioned orders passed by the respondents. The appeal was accepted vide judgment dated 24.01.2017 and respondents were placed at liberty to conduct de-novo enquiry. He was reinstated in service on 03.02.2017 for the purpose of conducting de-novo enquiry. De-novo enquiry was conducted and the period of absence from 15.09.2015 to 30.11.2015 as well as the intervening period from the date of removal from service i.e 30.11.2015 till 03.02.2017 (the date of reinstatement) was treated as leave without pay vide order dated 30.03.2017. It may not out of place to mentioned here that order dated 30.11.2015 was set aside by this Tribunal and the appellant was not gainfully employed during the said period. He filed departmental appeal on 21.04.2017 which was rejected on 23.05.2017, hence the instant service appeal. The appellant has not been treated according to law and rules.

Points urged need consideration, Admit. Subject to deposit security and process fee within 10 days, there-after notices be issued to the respondents for written reply/comments for 15.08.2017 before S.B.

Appellant Deposited  
Security & Process Fee

  
(AHMAD HASSAN)  
Member

Form-A

FORM OF ORDER SHEET

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

Case No. 671/2017

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	20/06/2017	<p>The appeal of Mr. Murad Ullah resubmitted today by Mr: Muhammad Asif Yousafzai Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR 20/6/17</p>
2	30/6/17	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>3-7-17</u>.</p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>

The appeal of Mr. Murad Ullah warder Central Jail Mardan received today on 19.06.2017 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures of the appeal may be attested.
- 2- Annexures of the appeal may be flagged.
- 3- Appeal may be page marked according the index.
- 4- Four more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1568/S.T,

Dt. 20/6/2017

*[Signature]*  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. M.Asif Yousafzai adv. Pesh.

*Respected Sir:*

- 1- *Removed*
- 2- *Removed*
- 3- *Removed*
- 4- *Removed*

*Resubmitted after compliance*

*[Signature]*

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. 671 /2017

Murad Ullah

VS

Prison Deptt:

**INDEX**

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of Appeal	-----	1-3
2.	Copy of judgment	A	4-8
3.	Copy of order dt: 30.3.2017	B	9
4.	Copy of departmental appeal	C	10-11
5.	Copy of rejection order	D	12
6.	Copy of affidavit	E	13-14
8.	Vakalat Nama	-----	15

APPELLANT

THROUGH:



(M. ASIF YOUSAFZAI)  
ADVOCATE SUPREME COURT,



(TAIMUR ALI KHAN)  
ADVOCATE HIGH COURT,

&

  
S. NOMAN ALI BUKHRI  
ADVOCATE PESHAWAR.

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.**

APPEAL NO. 671 /2017

Khyber Pakhtukhwa  
Service Tribunal

Diary No. 708

Dated 19-6-2017

Murad Ullah, Warder,  
Central Jail, Mardan.

APPELLANT

VERSUS

1. The Inspector General of Prison, KPK, Peshawar.
2. The Superintendent Circle HQS Prison Mardan.

RESPONDENTS

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 23.05.2017 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED FOR NO GOOD GROUND AGAINST THE ORDER DATED 30.03.2017, WHEREIN THE PENALTY OF STOPPAGE OF ONE INCREMENT FOR ONE YEAR HAS BEEN IMPOSED UPON THE APPELLANT AND HIS ABSENCE PERIOD i.e FROM 17.09.2015 TO 09.12.2015 AND INTERVENING PERIOD FROM THE DATE OF REMOVAL FROM SERVICE i.e 10.12.2015 TO THE DATE OF REINSTATEMENT INTO SERVICE ON 03.02.2017 WERE TREATED AS LEAVE WITHOUT PAY.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 23.05.2017 AND 30.03.2017 MAY BE SETASIDE AND THE RESPONDENTS MAY BE DIRECTED TO RESTORE THE SAID ONE INCREMENT OF THE APPELLANT AND HIS ABSENCE PERIOD i.e FROM 17.09.2015 TO 09.12.2015 AS WELL AS INTERVENING PERIOD FROM THE DATE OF REMOVAL FROM SERVICE i.e 10.12.2015 TO THE DATE OF REINSTATEMENT INTO SERVICE 03.02.2017 MAY BE TREATED WITH ALL PAY AND OTHER SERVICE BACK BENEFITS AS THE REMOVAL ORDER DATED 09.12.2015 OF THE APPELLANT WAS SETASIDE BY THE THIS AUGUST TRIBUNAL VIDE JUDGMENT 24.1.2017 AND THE APPELLANT WAS NOT GAINFULLY EMPLOYED DURING SUCH PERIOD. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL

Filed to-day

Registrar

19/6/17.

Re-submitted to -day  
and filed.

Registrar

20/6/17

**DEEMS FIT AND APPROPRIATE THAT, MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.**

**RESPECTFULLY SHEWTH:**

**FACTS:**

1. That the appellant is working the prison Deptt: as jail warder who was dismissed from service vide order dated 9.12.2015 on the basis of absence. The appellant filed departmental appeal against the said dismissal order which was modified and punishment was converted into that of removal from service by the appellate authority vide order dated 25.2.2016.
2. That the appellant then filed service appeal No. 338/2016 against the orders dated 19.12.2015 and 25.2.2016. The said service appeal was finally heard by this august Tribunal on 24.1.2017 which was accept and set aside the impugned order and reinstate the appellant in service and the respondents are placed at liberty to conduct Denovo enquiry against the appellant on the allegations of absence. **(Copy of judgment is attached as annexure-A)**
3. That respondent department reinstated the appellant on 3.2.2017 and Denovo inquiry was conducted against him.
4. That on the basis of Denovo inquiry, the penalty of stoppage of one increment for one year has been imposed upon the appellant and his absence period i.e from 17.09.2015 to 09.12.2015 as well as intervening period from the date of removal from service i.e 09.12.2015 to the date of reinstatement into service on 03.02.2017 were treated as leave without pay vide order dated 30.03.2017, despite the fact that the removal order dated 09.12.2015 of the appellant was set aside by the this august Tribunal vide judgment 24.1.2017 and the appellant was not gainfully employed during such period. **(Copy of order dated 30.3.2017 is attached s Annexure-B)**
5. That the appellant filed departmental appeal on 21.4.2017 against the order dated 30.3.2017 which was rejected on 23.5 2017 for no good ground. **(Copies of departmental appeal and rejection order are attached as Annexure C&D)**
- 4 That now the appellant come to this august Tribunal on the following grounds amongst others

**GROUND:**

- A) That the order dated 23.5.2017 and 30.3.2017 are against the law, facts, norms of justice and material on record, therefore not tenable and liable to be set aside.

- B) That as the removal order dated 09.12.2015 of the appellant was set aside by the this august Tribunal vide judgment 24.1.2017 and reinstate him into service which means that the appellant was reinstated from the date of removal but despite the respondent department treated his absence period i.e from 17.09.2015 to 09.12.2015 as well as intervening period from the date of removal from service i.e 09.12.2015 to the date of reinstatement into service on 03.02.2017 as leave without pay. Which the violation of judgment dated 24.1.2017 as well as norms of justice.
- C) That the appellant remained unpaid employee for period from dismissal from service till reinstatement into service and in this respect appellant give affidavit that he remained unpaid employee during that period. **(Copy of affidavit is attached as Annexure-E)**
- D) That as the penalty of stoppage of one increment for one year has been imposed upon the appellant for absence period therefore there remain no ground to treat absence period as leave without pay and it amount to double jeopardy to stoppage of one increment for one year as well as his absence period was treated as leave without pay on the basis of absence which is violation of Article -13 of the Constitution of Pakistan.
- E) That the appellant was not treated according to law and rules and has been deprived from his legal rights of salaries for the intervening period.
- F) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.


It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

  
APPELLANT

Murad Ullah

THROUGH:

  
(M. ASIF YOUSAFZAI)  
ADVOCATE SUPREME COURT

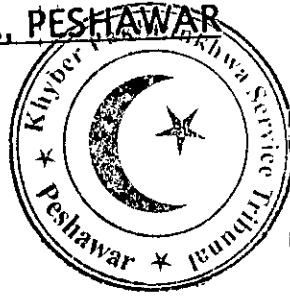
  
(TAIMUR ALI KHAN)  
ADVOCATE HIGH COURT

1

AG

**BEFORE THE PROVINCIAL SERVICE TRIBUNAL KHYBER  
PAKHTUNKHAWA, PESHAWAR**

Service Appeal No. 338 of 2016



N.W.F.P. Service Tribunal  
Dated: 25-03-2016

Murad Ullah S/O Malik Farhad Khalil (Jail Warden), House No-1,  
Mohallah Umer Zal Pawaka, Tehsil & District, Peshawar.  
..... (Appellant).

Versus

1. Government of Khyber Pakhtunkhwa through Inspector General of Prisons, Peshawar.
2. Superintendent Circle Headquarter Prison, Mardan.

..... Respondents.

APPEAL under Section-4 of the Khyber Pkhtunkhwa Service Tribunal Act, 1974 against order, Dated, 09-12- 2015, vide, which major penalty of dismissal from service has been imposed and against which departmental Appeal/Review petition had been rejected, vide, order dated, 25-02-2016.

**PRAYER-IN-APPEAL**

THAT on acceptance of the instant appeal, this Hon'ble Tribunal may graciously be pleased to set-aside the impugn order dated, 25-02-2016, passed by the appellate authority, vide, which dismissal order, dated, 09-12-2015 passed by respondent No. 2, has been rejected and the same may be declared illegal, void-ab-initio and of no legal effect and the appellant may be re-instated with all back benefits of service and wages OR any other remedy deemed proper and appropriate may also be allowed.

25/3/16

**Respectfully Sheweth:**

The appellant very humbly submitted as under:-

**ATTESTED**

**EXAMINED**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

re-submitted to-439  
and filed.

25/3/16



24.1.2017

MEMBER

MEMBER

5

Counsel for the appellant and Mr. Usman Ghani, Senior Government Pleader alongwith Sheryar, Assistant Superintendent Jail for the respondents present. We have heard arguments of learned counsel for the parties and perused the record.



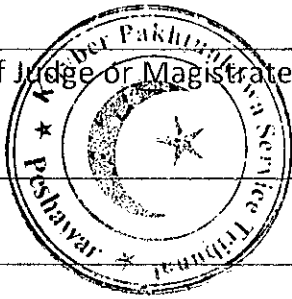
Vide our detailed judgment of to-day in connected service appeal No. 285/2016, titled "Zeeshan Alam Versus Government of Khyber Pakhtunkhwa through Inspector General of Prisons, Peshawar and another", we accept the present appeal also as per detailed judgment. Parties are left to bear their own costs. File be consigned to the record room.

*Announced*  
*24-01-2017* *sd/* *sd/*  
*Member* *Chairman*

Certified to be true copy

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Application 25-01-2017  
Number of Words 80  
Copying Fee 60  
Urgent no  
Total 60  
Name of Copyist [Signature]  
Date of Completion of Copy 25-01-2017  
Date of Delivery of Copy 25-01-2017

Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	24.1.2017	<div data-bbox="1112 174 1404 473" style="text-align: right;">  </div> <p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR</u></p> <p>1. Appeal No. 285/2016, Zeeshan Alam and 2. Appeal No. 338/2016. Murad Ullah Versus Government of Khyber Pakhtunkhwa through Inspector General of Prisons, Peshawar and another.</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:-</u></p> <p>Counsel for the appellant and Mr. Usman Ghani, Senior Government Pleader alongwith Sheryear Assistant Superintendent Jail for respondents present. Rejoinder submitted.</p> <p>2. This judgment shall dispose of the instant service appeal No. 285/2016, titled "Zeeshan Alam Versus Government of Khyber Pakhtunkhwa through Inspector General of Prisons, Peshawar and others" as well as service appeal No. 338/2016, titled "Murad Ullah Versus Government of Khyber Pakhtunkhwa through Inspector General of Prisons, Peshawar and another as identical questions of law and facts are involved therein.</p> <p>3. Brief facts giving rise to the present appeals are that the appellants were serving as Warders when dismissed from service vide impugned order dated 30.11.2015 and 09.12.2015 respectively on the allegations of absence from duty which orders were modified and the punishment converted into that of removal from service by</p>

**ATTESTED**

**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

the appellate authority constraining the appellants to prefer the instant service appeals.

4. We have heard arguments of the learned counsel for the parties and perused the record.

5. According to letter dated 27.3.2015 and 28.3.2015 Superintendent District Jail, Mardan had informed the Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar that the appellants are performing their duties on detailment basis with Advisor to Chief Minister for Prisons. According to contentions of the learned counsel for the appellants the Advisor to Chief Minister was reluctant to relieve the appellants and therefore the competent authority as well as appellate authority made the appellants as scape-goat. Perusal of advertisement published in Daily newspaper "Mashriq" dated 14.11.2015 would suggest that the publication was issued by the competent authority directing the appellant Zeeshan Alam to resume his duties within 3 days from the date of publication of the said notice. According to contents of the said notice the said appellant was absent from duty w.e.f. 15.09.2015 and notice for the said absence was issued to him on 17.09.2015 i.e. on the second day of his absence while according to Rule 9 of the Government Servants (E&D) Rules, 2011 such notice is to be issued when a civil servant remained absent for 7 or more days. It is evident from the record that the proceedings of absence were initiated despite the fact that the appellants were performing their duties, rightly or wrongly, with Advisor to Chief Minister Khyber Pakhtunkhwa. As such the proceedings initiated for the alleged

**ATTESTED**

**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

willful absence and the mode and manner in which the enquiries were conducted are not in accordance with the mandate of law and rules and are therefore liable to be set aside.

6. We are also constrained to observe that the relevant authorities including appellate authority have given no attention to the fact as to who placed illegally the services of the appellants at the disposal of Advisor to Chief Minister. We would therefore direct that the officers, involved in such detailment orders shall also be proceeded against in due course of law.

7. For the above mentioned reasons we accept the present appeals, set aside the impugned orders referred to above and reinstate the appellants in service. The respondents are placed at liberty to conduct denovo enquiry against the appellants on the allegations of absence afresh which shall be conducted and concluded within a period 2 months from the date of receipt of this judgment. In case the respondents fail to conduct and conclude the said enquiry within a period of 2 months then it shall be deemed that the appellants have been reinstated in service with all back benefits. Parties are left to bear their own costs. File be consigned to the record room.

Certified to be true copy  
 MUHAMMAD AZIM KHAN AFRIDI  
 Chairman  
 Service Tribunal  
 Peshawar

*[Signature]*

(Muhammad Aamir Nazir)  
 Member

*[Signature]*

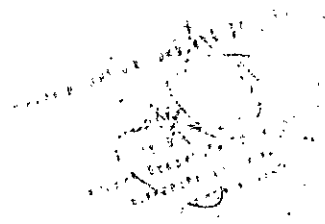
(Muhammad Azim Khan Afridi)  
 Chairman

ANNOUNCED  
 24.1.2017

Date of Presentation of Application 25-01-2017  
Number of Words 1600  
Copying Fee 10-00  
Urgent 2-00  
Total 12-00  
Name of Copyist [Signature]  
Date of Completion of Copy 25-01-2017  
Date of Delivery of Copy 25-01-2017

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B 9

OFFICE OF THE SUPERINTENDENT CIRCLE HQS. PRISON 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. \_\_\_\_\_ /PB Dated: 30/03/2017, E-Mail: mardanjail@gmail.com, 0937-843114 0937-843115

OFFICE ORDER

WHEREAS, the accused official Mr. Murad Ullah s/o Farhad Khalil was proceeded against under Rule-3 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges of his misconduct as mentioned in the Statement of Allegation /Charge Sheet No.488-91 dated. 06-02-2017 served upon him and denovo inquiry was conducted as per orders vide Judgment dated 24.01.2017 in Service Appeal No. 338/2016 Khyber Pakhtunkhwa Service Tribunal Peshawar.

AND WHEREAS, he furnished his written reply/defence without any documentary proof/evidence to the inquiry officer and the allegations/charges against him were ~~fully~~ <sup>partially</sup> proved.

AND WHEREAS, the he was proceeded against under Rule-3 on the charges of his misconduct/wilful absence as mentioned in the Show cause Notice vide No. 979-81 dated 22.03.2017.

AND WHEREAS, he furnished his written reply/defence without any documentary proof/evidence which was found un-satisfactory.

AND WHEREAS, the undersigned being competent authority granted him the opportunity of personal hearing on 27-03-2017 as provided for under rules ibid. The accused official completely failed to defend his case with documentary proof/evidence.

NOW THEREFORE, in exercise of powers conferred under Rule-14(5) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, being considered the charges, evidence on record, the explanation of the accused official and after affording the opportunity of personal hearing, the undersigned being competent authority after observing all legal procedural formalities, hereby award minor penalty of " **One Increment Stopped for one Year**" to Mr. Murad Ullah s/o Farhad Khalil for his misconduct/wilful absence i.e. from 17-09-2015 to 09-12-2015 eighty four (84) days is hereby treated as leave without pay, and the intervening period between Removal from Service and reinstatement in to service is hereby treated as leave without pay.

**ATTESTED**

Endst: No. 1066-71

(FAZAL HAMEED KHAN KHEL)  
SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

Copy of the above is forwarded to:-

1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information with reference his letter No. 2365/WE dated. 02-02-2017 please.
2. The Superintendent District Jail Chitral.
3. The Superintendent Judicial Lockup Malakand.
4. The District Accounts Officer Malakand/Chitral.
5. For information and necessary action please.
5. Warder concerned.

(FAZAL HAMEED KHAN KHEL)  
SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

تخریب و تباہی کے ساتھ ساتھ  
عنوان

اور فوری طور پر عفا کی ضرورت ہے  
Intervening period

- 1) بنا علیٰ سبب سے ذیل کے حکم کے مطابق  
یہ سبب ایک طرف اور قانون کی دیگر طرف  
کرنے والے شخص کے اہل قریبوں میں  
وارد ہے
- 2) یہ سبب کے خلاف شہادت کی صورت  
میں بنا یا تواری سے ہے جس سے  
محکمہ عدالت میں جویم دائر کیا اور عدالت  
مقرر نے سبب کے حق میں فیصلہ دیا
- 3) یہ سبب کے خلاف شہادت کی صورت  
میں جویم دائر کیا اور عدالت  
مقرر نے سبب کے حق میں فیصلہ دیا
- 4) یہ سبب کے خلاف شہادت کی صورت  
میں جویم دائر کیا اور عدالت  
مقرر نے سبب کے حق میں فیصلہ دیا
- 5) یہ سبب کے خلاف شہادت کی صورت  
میں جویم دائر کیا اور عدالت  
مقرر نے سبب کے حق میں فیصلہ دیا

ATTESTED

اثرات سرخسوں

بہار میں کھانسی اور سانس کی تھکن

اور کھانسی کے علاج کے لیے

لہذا اس وقت

کھانسی کو روکنے کے لیے

کھانسی کے علاج کے لیے

کھانسی کے علاج کے لیے

کھانسی کے علاج کے لیے

ATTESTED

A

8203

21-4-2017





D(12)

**OFFICE OF THE  
INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR**

☎ 091-9210334, 9210406

☎ 091-9213445

No.Estb/Ward-/Orders/ 11859 1-

Dated 23-05-2017 1-

**ORDER**

**WHEREAS**, warder Murad Ullah S/O Farhad Khalil attached to District Jail Chitral, was awarded the minor penalty of “ stoppage of one increment for one year ” and the period of his absence i.e from 17-9-2015 to 09-12-2015 as well as intervening period from the date of his removal from service i.e 09-12-2015 to the date of reinstatement into service on 03-2-2017 were treated as leave without pay by Superintendent HQ Prison Mardan vide order No.1065 dated 30-3-2017.

**AND WHEREAS**, the said warder preferred his departmental appeal for grant of salary for his intervening period as referred to above, which was examined in the light of available record of the case. It was observed that he remained absent for the period mentioned above and legal/procedural formalities as required under the E&D Rules -2011 have also been observed by the competent authority. In addition, he was also found guilty and his request for the grant of back benefits is not covered under the 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 regretted being without any substance.


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

ENDST;NO. 11860-621..

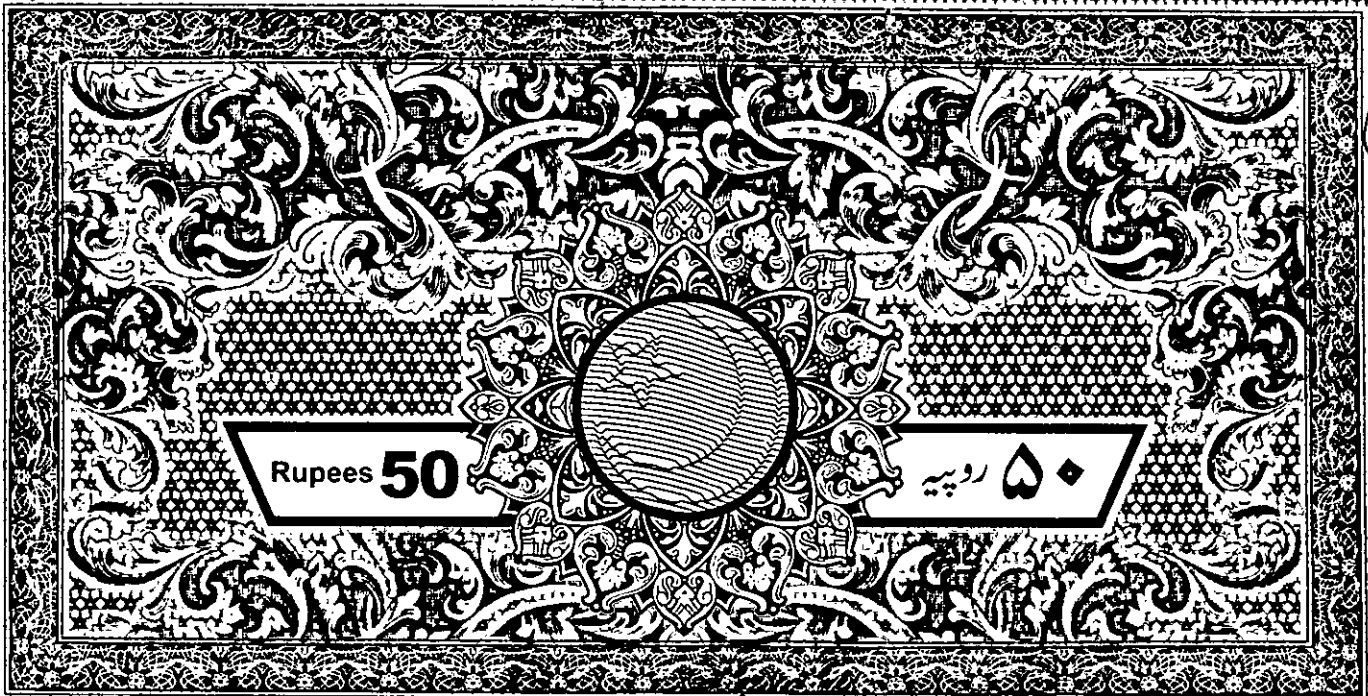
Copy of the above is forwarded to :-

1. The Superintendent, Headquarters Prison Mardan for information and necessary action.
2. The Superintendent, District Jail Chitral 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. Warder Murad Ullah S/O Farhad Khalil C/O Superintendent District Jail Chitral for information.

  
**ASSISTANT DIRECTOR (ADMN)  
FOR INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA PESHAWAR.**

  
23/5/17

**ATTESTED**  

Rupees 50

۵۰ روپیہ

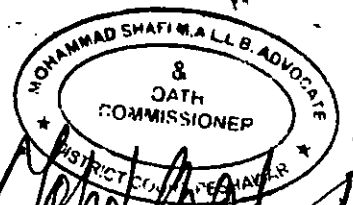
بیان حلفی

منند میں مراد اللہ ولد فرما و خلیل ساکن موضع باڈوہ پشاور  
 کا حقوں اور حلفہ بیان کرتا ہوں کہ جس وقت مجھے ملازمت  
 سے ڈس میٹ کیا گیا اور پھر مجھے بحال کر دیا گیا۔ اس دوران  
 میں نے کسی قسم کی ملازمت نہ کی اور نہ ہی ملازمت  
 میں حلفہ بیان کرتا ہوں۔ نہ ملازمت میں حلفہ بیان  
 درست روایع سے کی گئی اور نہ ہی اس کے خلاف  
 اور نہ ہی حلفہ بیان کی گئی ہے۔

19/6/2017

مراد اللہ ولد فرما و خلیل صاحب  
 NIC No - 17301-4022781-5

ATTESTED



Mohamad Shafiq  
 19/6/2017

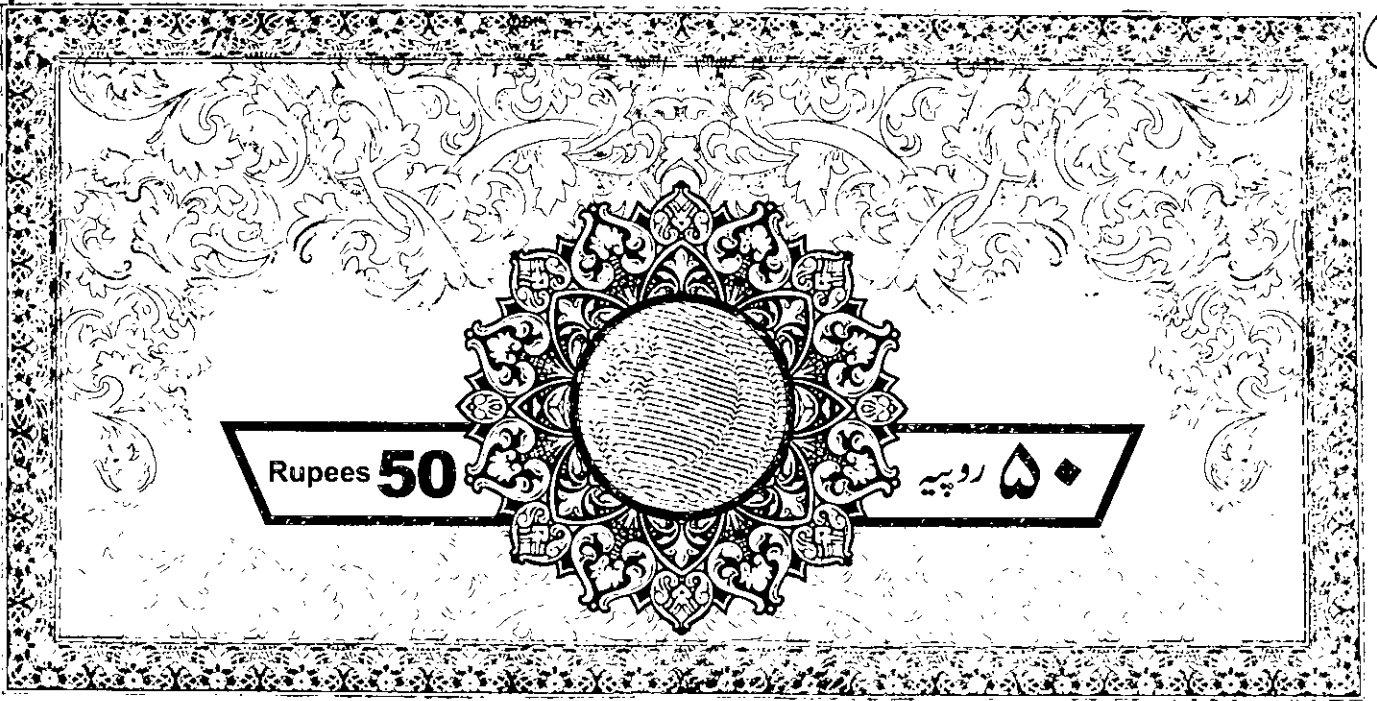
1) *Qeet* *11/11/19* *19/6*

TREASURY OFFICE  
17 JUN 2017  
PESHAWAR

Peshawar Treasury  
Lic No. 6/10/2000  
Shahr-e-Khas, Peshawar



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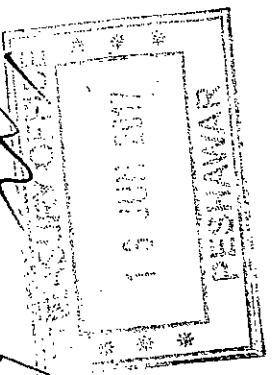


Rupees 50

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June 19 2007



Peshawar Treasury  
LIC No. 41/01/49-2000  
Shahid Jinnah Road

# VAKALAT NAMA

NO. \_\_\_\_\_/2017

IN THE COURT OF Service Tribunal Peshawar.

Musad Ullah

(Appellant)  
(Petitioner)  
(Plaintiff)

VERSUS

Prison Deptt.

(Respondent)  
(Defendant)

I/we Musad Ullah

Do hereby appoint and constitute **M.Asif Yousafzai, Advocate, Peshawar,** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated \_\_\_\_\_/20

مساد اﷲ  
( CLIENT )

ACCEPTED

M. ASIF YOUSAFZAI  
Advocate

TAIMUR ALI KHAN  
Advocate

**M. ASIF YOUSAFZAI**  
Advocate High Court,  
Peshawar.

**OFFICE:**

Room No.1, Upper Floor,  
Islamia Club Building,  
Khyber Bazar Peshawar.  
Ph.091-2211391-  
0333-9103240

Syed Noman Ali Bakshi

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

In the matter of  
Service Appeal No. 671/2017  
Murad Ullah Warder Central Prison Mardan.....**Appellant**

**VERSUS**

1. Inspector General of Prisons  
Khyber Pakhtunkhwa Peshawar
2. Superintendent  
Circle Headquarters Prison Mardan.....**Respondents.**

**PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1 & 2**

**PRELIMINARY OBJECTIONS.**

- i. That the Appellant has got no cause of action.
- ii. That the Appellant is incompetent and is not maintainable in its present form.
- iii. That the Appellant is stopped by his own conduct to bring the present appeal.
- iv. That the Appellant has no locus standi.
- v. That the Appellant is bad for mis-joinder and non-joinder of necessary parties.
- vi. That the Appellant is time barred.
- vii. That the appeal is hit by R-23 of Khyber Pakhtunkhwa Service Tribunal Rules.

**ON FACTS**

- 1) Pertains to record, hence no Comments.
- 2) Pertains to record, hence no Comments.
- 3) Pertains to record, hence no Comments.
- 4) The Judgment of the Honorable, Provincial Service Tribunal is silent about the status of the litigation period/back benefits to the Appellant. The department has complied with the judgment of the Honorable, Provincial Service Tribunal in true spirit. However, due to not performing duties his absence period i.e. from 17-09-2015 to 09-12-2015 as well as intervening period from the date of his removal from Service i.e. 09-12-2015 to the date of reinstatement into Service on 03-02-2017 was treated as leave without pay by the Superintendent Headquarters Prison Mardan vide order dated; 30-03-2017 (**Annexure-A**) on the grounds that post Audit observations with regard to an employee who did not perform duties, the department could not pay remuneration for such period on the principle of **no work no pay**. The declaration of said period as leave without pay is the only remedy to thwart such valid post audit observation, as there was no speaking order regarding grant of back benefits to the Appellant. In addition, as per Supreme Court verdicts the principle of **“no work having no pay”** will be applied in the under discussion case (copy of 2003-

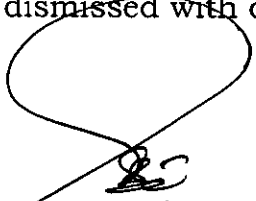
SCMR-228 is **Annexure-B**) in the absence of clear order by the Honorable Tribunal and inquiry report is (**Annexure-C**).

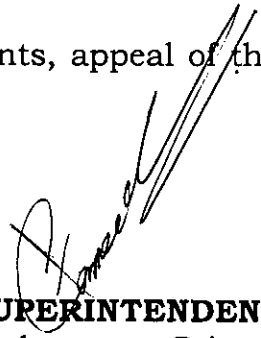
- 5) Incorrect, misleading. The departmental appeal was having no sound footing, hence the appellate authority rejected being without substance.
- 6) The appeal of the appellant may be dismissed on the following grounds.

**GROUND:-**

- A) The decision of the competent authority is tenable in the eyes of Law in consonance with the August Supreme Court of Pakistan Judgment referred in Para-4 above.
- B) The Judgment dated; 24-01-2017 of the learned Service Tribunal is silent about his reinstatement from retrospective effect i.e. from the date of Removal from Service, therefore, the competent authority reinstated the appellant with immediate effect and the intervening period was treated as leave without pay. Because he has not been exonerated from the charges but found guilty of mis-conduct
- C) Same remarks as given against Para-4 above.
- D) As the charge of absence proved against him and the decision of the competent authority is strictly in accordance with rules.
- E) Same remarks as given against Para-A above.
- F) That the respondents also seek permission to raise additional grounds at the time of hearing.

In view of the above Para-wise comments, appeal of the appellant may be dismissed with cost please.

  
**INSPECTOR GENERAL OF PRISONS**  
Khyber Pakhtunkhwa Peshawar  
(Respondent No.1)

  
**SUPERINTENDENT**  
Circle Headquarters Prison Mardan  
(Respondent No.2)



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

In the matter of

Service Appeal No. 671/2017

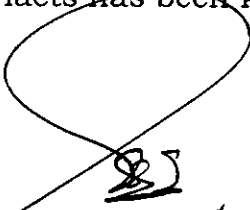
Murad Ullah Warder Central Prison Mardan.....**Appellant**

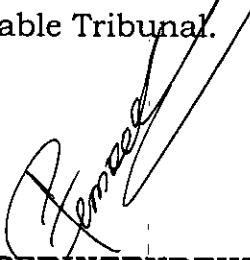
**VERSUS**

1. Inspector General of Prisons  
Khyber Pakhtunkhwa Peshawar
2. Superintendent  
Circle Headquarters Prison Mardan.....**Respondents.**

**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENTS NO. 1 & 2.**

We the undersigned respondents do hereby the solemnly affirm and declare that the contents of the Para-wise comments on the above cited Service Appeal are true and correct to the best of our knowledge and belief and that no material facts has been kept secret from this Honourable Tribunal.

  
**INSPECTOR GENERAL OF PRISONS**  
Khyber Pakhtunkhwa Peshawar  
(Respondent No.1)

  
**SUPERINTENDENT**  
Circle Headquarters Prison Mardan  
(Respondent No.2)

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR**

**Service Appeal No. 671/2017**

Murad Ullah

VS

Prison Deptt.

*M*  
*11/18*

-----  
**REJOINDER ON BEHALF OF APPELLANT**  
-----

**RESPECTFULLY SHEWETH:**

**Preliminary Objections:**

(i-vii) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

**FACTS:**

1. Admitted correct by the respondents as the service record of the appellant is present with the concerned department.
2. Admitted correct by the respondents as the service record of the appellant is present with the concerned department.
3. Admitted correct by the respondents as the service record of the appellant is present with the concerned department.
4. Incorrect. The Impugned orders were set aside by Honourable Service Tribunal, which means that the appellant was reinstated into service from the date of removal from service, therefore the appellant is entitled to pay

from the date of removal from service. Moreover, the absence period of the appellant was treated as leave without pay and also imposed the penalty of stoppage of one increment for one year on that absence which tantamount to double jeopardy which is violation of Article-13 of the constitution of Pakistan as well as superior courts judgment. Furthermore the appellant never remain gainful employee during that period and as per superior court judgment the appellant is entitled to pay for that period.

5. Incorrect, hence denied. The appellant has good cause of action to file departmental appeal, but it was rejected for no good grounds.
6. Incorrect. The appellant has good cause of action to file the instant appeal which is liable to be accepted on the following grounds.

**GROUND:**

- A. Incorrect. While para A of appeal is correct.
- B. Incorrect. The Impugned orders were set aside by Honourable Service Tribunal, which means that the appellant was reinstated into service from the date of removal from service, therefore the appellant is entitled to pay from the date of removal from service. Moreover, the absence period of the appellant was treated as leave without pay and also imposed the penalty of stoppage of one increment for one year on that absence which tantamount to double jeopardy which is violation of Article-13 of the constitution of Pakistan as well as superior courts judgment. Furthermore the appellant never remain gainful employee during that period and as per superior court judgment the appellant is entitled to pay for that period.
- C. Incorrect. As replied in para-4 above.
- D. Incorrect. The absence period of the appellant was treated as leave without pay and also imposed the penalty of stoppage of one increment for one year on that absence which tantamount to double jeopardy which is violation of Article-13 of the constitution of Pakistan as well as superior courts judgment.

E. Incorrect. While para E of appeal is correct.

F. Legal.

It is, therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

APPELLANT

THROUGH



**M. ASIF YOUSAFZAI**  
**(ADVOCATE SUPREME COURT)**

&



**TAIMUR ALI KHAN**  
**(ADVCOATE HIGH COURT)**

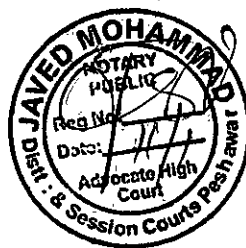
**AFFIDAVIT**

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed from the Hon'able Tribunal.



**DEPONENT**

**ATTESTED**



## INQUIRY REPORT

### Regarding the absence of Warder Muradullah, Judicial Lockup Malakand

The instant inquiry against warder Muradullah son of Farhad Khalil presently attached to District Jail Chitral was ordered by the Superintendent Headquarter Jail Mardan, the competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 vide his Office Order No. 487 dated 06.02.2017 and appointed me, the undersigned, as inquiry officer vide order No. 876 dated 15.03.2017 and directed me to initiate disciplinary proceeding against the accused official under the ibid rules.

It had been alleged/charged that as per report of Superintendent Judicial Lockup Malakand;

- i. Warder (BPS-05) Muradullah son of Farhad Khalil absented himself from duties without permission and sanction of leave from the competent authority on 15.09.2015.
- ii. He was served with absence Notice on his home address by the Superintendent Headquarter Jail Peshawar with the direction to resume his duties within two days of the receipt of the said letter to which he did not respond.
- iii. Absence Notice was also published in the leading Newspapers of the province directing him to resume his duties within fifteen days of the publication of the said notice to which he did not respond.

To provide a reasonable opportunity of hearing and defense to the accused official, the Superintendent District Jail Chitral was requested vide letter No. 612 dated 16.03.2017 to direct the accused official to appear before the undersigned for the Inquiry proceedings in Central Jail Mardan on 20.03.2017 at 11:00am along with evidences, if any.

Similarly, the Superintendent Judicial Lockup Malakand was also requested vide Indst. No. 613-15 dated 16.03.2017 to provide relevant record on the date fixed and also to depute a well conversant Officer of his Jail to attend the Inquiry proceedings.

As per schedule, I, the undersigned, attended the office of the Superintendent Central Jail Mardan and recorded statements of the accused official and other concerned staff members and perused the relevant record.

Warder Muradullah son of Farhad Khalil stated on oath that he was performing his duties with Advisor to the Chief Minister for Prisons Khyber Pakhtunkhwa and that he had not received any kind of Notice at his home address and that he came to know through Newspaper and he reported for duty and that he was dismissed from service without conducting any kind of inquiry OR Serving any kind of Show Cause Notice.

Replying to a number of questions the accused official replied;

- i. That he was detailed for duties at the Inspectorate of Prisons Khyber Pakhtunkhwa on 04.04.2014 by the Superintendent Judicial Lockup Malakand and then he was detailed to the Advisor to Chief Minister for Prisons and;
- ii. That he reported back for duty at Judicial Lockup Malakand on 11.09.2015.
- iii. That he was directed to appear before the Special Secretary Home on 15.09.2015 and;
- iv. That he had received Show cause Notice on his home address and he properly submitted his written reply and;
- v. That he also responded to absence Notice published in the Newspapers and appeared before the Superintendent Headquarter Jail Mardan for personal Hearing on 07.12.2015.

#### FINDINGS OF THE INQUIRY

After conducting a thorough Inquiry into the Allegations/charges leveled against the accused official namely warder Muradullah son of Farhad Khalil, presently attached to District Jail Chitral, recording statement of the accused official, and perusal of the relevant record provided by the Superintendent Judicial Lockup Malakand it was found that:


1. Muradullah son of Farhad Khalil was detailed for security duties in the Inspectorate of Prisons Khyber Pakhtunkhwa on 04.04.2014 as per orders of the Inspector General of Prisons and later on with Advisor to CM for Prisons.
2. The accused Official reported back for duty at Judicial Lockup Malakand on 11.09.2015.

3. He was directed by the Superintendent Judicial Lockup Malakand to appear before the Special Secretary Home & T.As Department Khyber Pakhtunkhwa Peshawar for personal hearing on 15.09.2015 as per telephonic instruction of the I.G.Prisons communicated by Zahid Nawaz.
4. The accused official did not resume his duties after personal hearing and absented himself without sanction of leave from the competent authority on 17.09.2015.
5. The accused official was served a Show cause Notice by the Superintendent Headquarter Jail Peshawar vide No. 1912-14 dated 06.10.2015 on his home address followed by an absence Notice vide No. 2082 dated 27.10.2015. However, the accused official neither responded to the Show cause Notice nor to the absence Notice.
6. Absence Notice was published in the leading Newspapers of the Province, "Daily Express" and "Daily Mashriq" on November 26 and 27, 2015, respectively directing the accused official to resume his duties within fifteen days of the publication.
7. The accused official submitted his written reply to the Show cause Notice on 07.12.2015 and he was personally heard by the Superintendent Headquarter Jail Mardan on 08.12.2015.
8. Reply to the Show cause Notice was found un-satisfactory and he was awarded the major penalty of "Dismissal from Service" by the competent authority, the Superintendent Headquarter Jail Mardan.
9. The major penalty of "Dismissal from service" was converted to "Removal from Service" by the appellate authority, the Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.

CONCLUSION/RECOMMENDATIONS

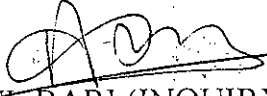
After affording a reasonable opportunity of hearing and defense to the accused officials warder Muradullah son of ~~Fayyad~~ Khalil, and perusal of the relevant record and statement of the accused official and other staff members, it was concluded that;

1. He was performing his duties in Judicial Lockup Malakand when he was directed by the Superintendent of the said Jail to appear before the Special Secretary Home & T.As Department Peshawar for personal hearing on 15.09.2015.




2. The accused official did not resume his duties and absented himself without sanction of leave from the competent authority violating rule 1082(i) of Pakistan Prison rules.
3. An absence Notice was served upon him but he did not respond. Subsequently an absence Notice was also published in the leading Newspapers of the Province to which the accused official responded and appeared before the competent authority but could not justify his willful absence.

In light of the above facts and material on record, the allegations/charges leveled against the accused official are partially proved for which he is required to be proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 for the willful absence period with effect from 17.09.2015 to 08.12.2015.

  
21/3/2017  
ABDUL BARI (INQUIRY OFFICER)  
DEPUTY-CUM-SUPERINTENDENT  
DISTRICT JAIL BUNER AT DAGGAR

CERTIFICATE.

Certified that the Inquiry Report regarding the absence of warden Muradullah son of Farhad Khalil, contains four (04) pages, duly numbered and signed by me.

  
21/3/2017  
ABDUL BARI (INQUIRY OFFICER)  
DEPUTY-CUM-SUPERINTENDENT  
DISTRICT JAIL BUNER AT DAGGAR.



الحمد لله الذي جعلنا منكم أمة مكية

صلى الله عليه وسلم  
مؤدبا له لئلا يزل قبلة سائل  
أيدوا وزير اعلى في سائله كاليوم  
صلى الله عليه وسلم سائله  
اور سائله صبره اصراره بيان ك  
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20/03  
2017

صلى الله عليه وسلم  
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xxx یہ درست ہے کہ مجھے مورخہ 04-04-2014 کو سسرٹیفکیٹ

جیل ملاکنڈ نے انسپکٹر جنرل جیل خانہ جات کے دفتر سے لے ڈیوٹی کے لیے فارغ کیا گیا وہ کہ لہد میں مجھے منسٹر جیل خانہ جات کے ساتھ ڈیوٹی پر مامور کیا گیا۔

یہ بھی درست ہے کہ منسٹر جیل خانہ جات سے فارغ ہونے کے بعد میں نے

مورخہ 11-09-2015 ملاکنڈ جیل میں ڈیوٹی کے لیے حاضر ہوا۔

یہ بھی درست ہے کہ 15-09-2015 کو ہدایت کی گئی کہ سیشن سیکریٹری ہوسم کے سامنے پیش ہو جاؤ۔

یہ بھی درست ہے کہ مجھے گھر کے پتہ پر نشور ٹوٹس ملا تھا جسکا میں نے باقاعدہ جواب دے دیا ہے جو کہ ریکارڈ پر موجود ہے۔

یہ بھی درست ہے کہ ملاکنڈ اشتہار اخبار مجھے ہدایت کی گئی کہ سیشن کے اندر ڈیوٹی کے لیے حاضر ہو جاؤ اور غیر حاضری کی معقول وجہ بتاؤ۔

یہ بھی درست ہے کہ میں نے مورخہ 07-12-2015 کو ڈیوٹی کے لیے حاضر ہو گیا لیکن مجھے ڈیوٹی پر نہیں لیا گیا۔

یہ بھی درست ہے کہ مجھے سسرٹیفکیٹ ہڈ کو اڈیشنل کے سامنے پیش کیا اور میں نے اپنی غیر حاضری کی وجوہات بیان کیں اور یہ کہ مجھے 9-12-2015 کو نوکری سے برخاست کیا گیا۔

یہ کہ میں نے ماہ ستمبر 2015 کی معقول نہیں کی ہے۔

میراد اللہ خلیل دار  
20/3/2017

20/3/2017



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OFFICE OF THE  
SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN  
E mail. mardanjail@gmail.com  
Phone. 0937-843114  
No. 476/PB Dated: 03/02/2017.

OFFICE ORDER:

Upon acceptance of service appeal by the Learned Services Tribunal, Khyber Pakhtunkhwa Peshawar vide Judgment dated 24.01.2017 in Service Appeal 338/2016, Ex-waiver (BPS-5) Muradullah son of Farhad Khalil attached to Judicial Lockup Malakand is here by re-instated-into service with immediate effect from the date of said order.

Fate of period of absence WEF to 15.09.2015 to 09.12.2015 and from 10.12.2015 to the date of re-instatement into service will be decided on the conclusion of inquiry against him.

He is hereby posted to District Jail Chitral for all purposes against the available vacant posts.

SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

Encl. No. 477-80/P.B.

Copy of the above is forwarded to;

- 1. The Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar for information with references his letter No. 2365-we dated 02.02.2017 on above cited service appeals.
- 2. The Superintendent Judicial Lockup Malakand.
- 3. The District Account Officer Malakand.

For information and necessary action please.

- 1. The official/warder Muradullah s/o Farhad Khalil R/O House No. 01 Mohallah Umar ai Village Pawakul, Peshawar.

For information and with the direction to report to the Superintendent Judicial Lockup Malakand for duties immediately on the receipt of this order.

SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

2541  
7-2-2017  
07/02/17



8

THE  
DEPT  
CIRCLE HQS. PRISON MARDAN  
Email. [mardanjail@gmail.com](mailto:mardanjail@gmail.com)  
Phone No. 0937843114.  
No. \_\_\_\_\_ / P.B Dated: 15 /03/2017

OFFICE ORDER.

In exercise of powers conferred under Rule-10 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, appointment of an Inquiry Officer namely Mr. Sahibzada Muhammad Qaiser Khan Deputy Superintendent Jail Swat for conducting formal inquiry against the warders Mr. Zeeshan Alam s/o Jan Alam and Mr. Murad Ullah son of Farhad Khalil attached to District Jail Chitral vide this Headquarter Order No. 482 and 487 dated. 06-02-2017, is hereby withdrawn as the Officer concerned proceeded abroad for training and Mr. Abdul Bari Deputy Superintendent-cum-Superintendent District Jail Daggar is hereby appointed as Inquiry Officer.

SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN.

Encl. No. 877-80


Copy of the above is forwarded to:-

The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information with reference to his memo No. 2365/WE dated. 02-02-2017 please.

Mr. Sahibzada Muhammad Qaiser Khan Deputy Superintendent Jail Swat for information.

Mr. Abdul Bari Deputy Superintendent cum Superintendent District Jail Buner at Daggar for information and necessary action. A of this order No. 482 and 487 dated. 06-02-2017, alongwith copies of charge sheets already served upon the accused officials are enclosed herewith please.

The Accused officials concerned C/O Superintendent District Jail Chitral for information and with the direction to appear before the Inquiry Officer for Inquiry Proceeding.

  
SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

  
21/03/17



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OFFICE OF THE SUPERINTENDENT CIRCLE HQS. PRISON MARDAN

No. \_\_\_\_\_/PB Dated: 31/03/2017, E-Mail: mardanjail@gmail.com, 0937-843114, 0937-843115

OFFICE ORDER

WHEREAS, the accused official Mr. Murad Ullah s/o Farhad Khalil was proceeded against under Rule-3 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges of his misconduct as mentioned in the Statement of Allegation /Charge Sheet No.488-91 dated. 06-02-2017 served upon him and denovo inquiry was conducted as per orders vide Judgment dated 24.01.2017 in Service Appeal No. 338/2016 Khyber Pakhtunkhwa Service Tribunal Peshawar.

AND WHEREAS, he furnished his written reply/defence without any documentary proof/evidence to the inquiry officer and the allegations/charges against him were <sup>partially</sup> proved.

AND WHEREAS, the he was proceeded against under Rule-3 on the charges of his misconduct/wilful absence as mentioned in the Show cause Notice vide No. 979-81 dated 22.03.2017.

AND WHEREAS, he furnished his written reply/defence without any documentary proof/evidence which was found un-satisfactory.

AND WHEREAS, the undersigned being competent authority granted him the opportunity of personal hearing on 27-03-2017 as provided for under rules ibid. The accused official completely failed to defend his case with documentary proof/evidence.

NOW THEREFORE, in exercise of powers conferred under Rule-14(5) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, being considered the charges, evidence on record, the explanation of the accused official and after affording the opportunity of personal hearing, the undersigned being competent authority after observing all legal procedural formalities, hereby award minor penalty of " **One Increment Stopped for one Year**" to Mr. Murad Ullah s/o Farhad Khalil for his misconduct/wilful absence i.e. from 17-09-2015 to 09-12-2015 eighty four (84) days is hereby treated as leave without pay, and the intervening period between-Removal from Service and reinstatement in to service is hereby treated as leave without pay.

6780 (FAZAL HAMEED KHAN KHEL)  
4-4-17 SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

Encl: No. \_\_\_\_\_

Copy of the above is forwarded to:-

1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information with reference his letter No. 2365/WE dated. 02-02-2017 please.
  2. The Superintendent District Jail Chitral.
  3. The Superintendent Judicial Lockup Malakand.
  4. The District Accounts Officer Malakand/Chitral.
- For information and necessary action please.
- \_\_\_\_\_
- \_\_\_\_\_

(FAZAL HAMEED KHAN KHEL)  
SUPERINTENDENT

مخبریت جہاں آتی ہے وہ غیر متوازن ہے  
عنوان

10

اقتصادی مداخلتیں  
Intervening period

- ① جہاں جالی ہے  
سب سے پہلے اس میں سے کٹاؤں  
پیکر سائل ایک سیریف اور قانون کی بنیاد پر  
کرنے والے اس کے لئے اعداد و شمار  
وارد و راج
- ② یہ سائل کے فیروز کی تفصیلات  
اس بنیاد پر نواری سے ریفرنس  
میں ملے گی  
تعمیر کے سائل کے لئے جو میں فیروز  
ہیں وہ عام اور غیر ملکی
- ③ یہ سائل کے عام اور غیر ملکی  
آبادی و قومی شرح  
میں آئے اور قانون کے مطابق  
کامیاب ہوئے
- ④ یہ سائل کے ایک سیریف  
کا شرح سائل کے  
یہ سائل کے فیروز کے وقت  
کامیابی اس سائل کے لئے
- ⑤ یہ سائل کے فیروز کے وقت  
کامیابی اس سائل کے لئے

اشراف سید حسین

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بہار سن 1974ء - 1975ء

اور کونجا دار کی بیٹے والی ہیں

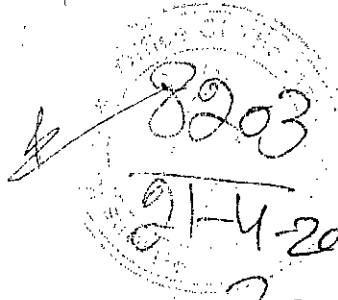
مذاکرہ سب سے پہلے

کے ساتھ کوئی کوئی وقت

کے ساتھ رہنے کا حکم لگا دیا گیا ہے

سن 1974ء - 1975ء

مذاکرہ سب سے پہلے



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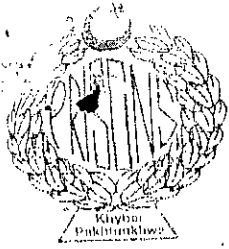
OFFICE OF THE  
INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR

091-9210334, 9210406

091-9213445

No.Estb/Ward-/Orders/ 11859-1-

Dated 23-05-2017



ORDER

WHEREAS, warder Murad Ullah S/O Farhad Khalil attached to District Jail Chitral was awarded the minor penalty of "stoppage of one increment for one year" and the period of his absence i.e from 17-9-2015 to 09-12-2015 as well as intervening period from the date of his removal from service i.e 09-12-2015 to the date of reinstatement into service on 03-2-2017 were treated as leave without pay by Superintendent HQ Prison Mardan vide order No.1065 dated 30-3-2017.

AND WHEREAS, the said warder preferred his departmental appeal for grant of salary for his intervening period as referred to above, which was examined in the light of available record of the case it was observed that he remained absent for the period mentioned above and legal/procedural formalities as required under the E&D Rules -2011 have also been observed by the competent authority. In addition, he was also found guilty and his request for the grant of back benefits is not covered under the 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 regretted being without any substance.

INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA, PESHAWAR.

ENDST/NO. 11860-621

Copy of the above is forwarded to :-

1. The Superintendent, Headquarters Prison Mardan for information and necessary action.
2. The Superintendent, District Jail Chitral 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. Warder Murad Ullah S/O Farhad Khalil C/O Superintendent District Jail Chitral for information.

ASSISTANT DIRECTOR (ADMN)  
FOR INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA PESHAWAR.



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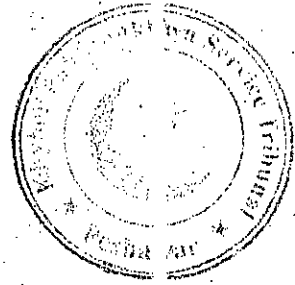
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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 5208/2021

Date of Institution ... 30.04.2021

Date of Decision ... 06.12.2021



Murad Ullah, Ex-Warder Central Prison Peshawar.

... (Appellant)

VERSUS

1. Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar and two others. ... (Respondents)

Present.

Mr. Fazal Shah Mohmand,  
Advocate.

... For appellant.

Mr. Kabirullah Khattak,  
Addl. Advocate General

... For respondents.

MR AHMAD SULTAN TAREEN  
MR. SALAH-UD-DIN,

... CHAIRMAN  
MEMBER(I)

JUDGMENT

AHMAD SULTAN TAREEN, CHAIRMAN:-The appellant named above invoked the jurisdiction of this Tribunal through service appeal described above in the heading challenging thereby the order dated 17.02.2021, whereby he was removed from service and order dated 08.04.2021, whereby his departmental appeal was rejected.

2. Brief facts of the case as averred in the memo of appeal are that the appellant was appointed as Warder on 12.05.2012 and was posted to Central Prison Peshawar. Since his appointment, the appellant performed his duties

ATTESTED

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honestly, with full devotion and to the entire satisfaction of his high ups. The appellant while posted as Warder Central Prison Peshawar was issued show cause notice on 04.09.2020 on the allegation of absence from duty w.e.f. 12.09.2020 which was duly replied by the appellant, clarifying his position that he was suffering from Typhoid and the Medical Officer advised him bed rest. The appellant was removed from service vide order dated 17.02.2021, against which he preferred departmental appeal which was also rejected vide order dated 08.04.2021, hence the present appeal on 30.04.2021.

3. The appeal was admitted for regular hearing on 05.07.2021. The respondents have submitted written reply/comments 30.08.2021, refuting the claim of the appellant with several factual and legal objections and asserted for dismissal of appeal.

4. Arguments heard and record perused.

5. The reply of the respondents read as a whole discloses the defense that appellant firstly absented himself from official duties w.e.f. 12.09.2020. He was served with show cause notice on 24.09.2020. It is there in reply of the respondents that the appellant is habitual absentee and not willing to perform his duty with devotion and honesty. He after a long willful absence period resumed duty on 12.11.2020 but very soon thereafter, he became absent from duty since 16.11.2020 without any sanction and approval of the competent authority. The copies of record annexed with the reply of respondents include notice of absence (dated 09.12.2020), newspaper clippings of two daily newspapers and the order of removal from service. In presence of said record supporting the reply, the action taken against the appellant is in accordance with rule 9 of Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011.

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AT TESTED

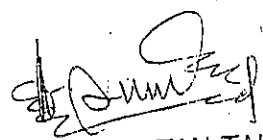
*[Handwritten signature]*  
 Khyber Pakhtunkhwa  
 Government Servants (E&D) Rules, 2011

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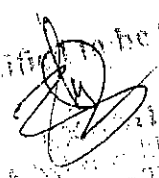
However, after ex-parte action against the appellant under said rule, he submitted departmental appeal citing reasons of his absence. According to the impugned appellate order, the reason of absence being medical ground was not considered in light of the record annexed with departmental appeal and the appeal was rejected simply in light of the record of case. When the appellant had reported back for duty through departmental appeal against the ex-parte order, he should have been treated with leniency. We, therefore, deem it appropriate to convert the penalty of removal from service into stoppage of 03 increments with cumulative effect by setting aside the impugned orders. The order is accordingly. The intervening period since absence of the appellant and his reinstatement from the date of this judgment shall be treated as leave without pay in order to bridge the gap in service of appellant. The appeal stands disposed of in the given terms. Parties are left to bear their own costs. File be consigned to the record room.

  
 (SALAH-UD-DIN)  
 Member(J)

ANNOUNCED  
 06.12.2021

  
 (AHMAD SULTAN TAREEN)  
 Chairman

Date of Presentation of Application 06-2-2021  
 Number of Words 1200  
 Copying Fee 14/-  
 Total 14/-  
 Name of Copied -  
 Date of Completion of Copy 07-03-2022  
 Date of Delivery of Copy 17-03-2022

*Certificate to be true copy*  
  
 MEMBER  
 Allahabad High Court  
 Service Tribunal  
 Allahabad

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Anise



### نوٹس غیر حاضری

آپ مسی ڈیٹان عالم ولد جان عالم سکنہ محلہ علی شیر ضیاء گاؤں پاکہ تحصیل ضلع پشاور بطور جیل وارڈر آپ مورخہ 15/09/2015 سے ڈسٹرکٹ جیل مردان سے غیر حاضر ہے۔ آپ کو بزر لیونٹس نمبر 2068 تاریخ 17/09/2015 گھر کے پتہ پر مطلع کیا گیا تھا۔ لیکن آپ پھر بھی حاضر نہیں ہوئے۔ آپ کو دوبارہ شکار نوٹس نمبر 798 اور پشاور جیل سے نمبر 798 تاریخ 16/10/2015 سے مطلع کیا گیا تھا۔ لیکن آپ نے پھر بھی کوئی جواب نہیں دیا۔ آپ کو بزر لیونٹس نمبر 798 سے مطلع کیا جاتا ہے۔ کہ تین دن کے اندر اندر ڈیوٹی کیلئے حاضری سیکورٹی جیل مردان میں حاضری لگانی یا تیس اور اپنی غیر حاضری کی وضاحت کریں ورنہ آپ کے خلاف یکطرفہ قانونی کارروائی کی جائیگی۔



پشاور جیل وارڈر کی حاضری سے روزانہ جیل مردان

INF(P) 5237

*[Handwritten Signature]*

21/3/17

*[Handwritten Signature]*

Attested

10

16

147

OFFICE OF THE  
SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN  
No. 261 /Dt: 30/11/2015

D

Answer

12

In exercise of powers under Rule-09 of Khyber Pakhtunkhwa  
Prison Servants (Efficiency & Disciplinary) Rules 2011, Warden  
attached to High Security Prison Mardan was served with a  
show cause notice under Rule-05 of the ibid rules, on account of willful  
absence from 15-09-2015 wherein he was clearly directed to submit his written  
reply within stipulated period, but he failed to comply and remained

Subsequently a notice was published in the Daily News Paper  
Peshawar dated 11-11-2015, wherein he was directed to appear before the  
disciplinary authority within 03 days and show cause of his long absence, but after  
the given period in the News Paper neither he appeared before the  
authority nor any response was received from him which payed a clear  
evidence in his behalf that he is not interested in his job anymore, hence the  
disciplinary authority is pleased to impose upon him the major penalty of  
dismissal from service with effect from the date of absence i.e 15-09-2015 as  
per Rule 09 of the rules ibid.

30/11/2015

SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

Copy of the above is forwarded to the  
Superintendent of Prison, Khyber Pakhtunkhwa Peshawar please.  
Superintendent Circle HQS. Prison Peshawar for information please.  
Superintendent High Security Prison Mardan please.  
Branch Account Officer, Mardan.  
Branch (Pay Branch) High Security Prison Mardan.

AO  
11/3/17

30/11/2015  
SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

Attested  
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مس اکلیم زلمی خانی صاحب  
مدرسہ اسلامیہ جامعہ اسلامیہ  
15/15/15  
مدرسہ اسلامیہ جامعہ اسلامیہ

(15)

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OFFICE OF THE  
SUPERINTENDENT HIGH SECURITY PRISON

MARDAN

NO: 798 DATED: 16-10-18  
~~10/2015~~


To,

Warder Zeeshan Alam s/o Jan-e-Alam,  
R/O Mohalla Ali Sherzia P/O Pawaki Tehsil & District  
Peshawar.

Subject: SHOW CAUSE NOTICE.

Memo;

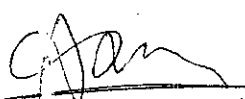
Show cause notice regarding your absence from duty and J. premises with reference letter No.1894-96 dated:01-10-2015, is served upon you for reply within seven days as directed by Superintendent Head Quarter Peshawar.

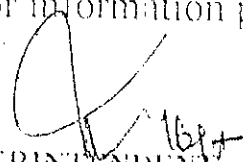
  
SUPERINTENDENT,  
HIGH SECURITY PRISON, MARDAN

ENDST NO: 799

Copy of the above is forwarded to:

- 1. Superintendent Head Quarter Circle, Peshawar for information please

  
21/3/17

  
SUPERINTENDENT,  
HIGH SECURITY PRISON MARDAN

22

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

You, the following Watch & Ward Staff, attached to High Security Prison Mardan have willfully absented yourself from your allotted duties as well as jail premises without prior permission of the Competent Authority from the dates as mentioned against each and are still at large, <sup>which</sup> ~~where~~ constitutes gross misconduct on your part: -

- 1- Warder Ishfaq w.e.f 22-02-2015
- 2- Warder Fakhr-e-Alam w.e.f 15-06-2015 ✓
- 3- Warder Jawadullah w.e.f 23-07-2015
- 4- Warder Sher Nawab w.e.f 15-06-2015
- 5- Warder Muhammad Ismail w.e.f 23-07-2015
- 6- Warder Muhammad Arif w.e.f 14-08-2015
- 7- Warder Rahim Farman w.e.f 30-06-2015
- 8- Warder S. Muhammad Haseeb w.e.f 30-06-2015
- 9- Warder Jawad Ali w.e.f 30-08-2015
- 10- F/ Warder Rehana Begum w.e.f 03-02-2015
- 11- Warder Rasheed w.e.f 11-09-2015
- 12- Warder Zeeshan Alam w.e.f 15-09-2015

10

I, Masud-ur-Rahman, Superintendent Headquarters Prison Peshawa as Competent Authority, am satisfied by the report received vide the Superintendent High Security Prison Mardan and there is no need of holding any further inquiry.

Now therefore, you above named Warders are hereby called to show cause within 07 days of the receipt of this notice as to why you should not be dismissed from service for your above stated act of misconduct.

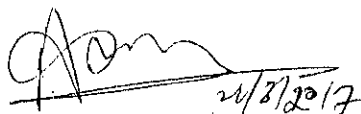
In case your reply does not reach this office within stipulated period, executive action shall be taken against you.

SUPERINTENDENT  
HEADQUARTERS PRISON PESHAWAR

Endorsement No: 1896-96/1 - dated: 01/10/2015

Copy of the above is forwarded to the: -

- 1- Inspector General of Prisons Khyber Pakhtunkhwa, Peshawar.
- 2- Superintendent High Security Prison Mardan with reference to his report 455 dated 21-09-2015.
- 3- Above named Warders C/o Superintendent High Security Prison Mardan.

  
21/10/15

SUPERINTENDENT  
HEADQUARTERS PRISON PESHAWAR

161

23

(7)



OFFICE OF THE SUPERINTENDENT  
JUDICIAL LOCKUP MALAKAND  
Tel: 0932-413050, Fax: 0932-413050

No \_\_\_\_\_ Dated. 22<sup>nd</sup> 9/2015

To,  
The Superintendent,  
Circle HQ Prison, Peshawar.  
Subject: - DISCIPLINARY ACTION.  
Memo,

*Handwritten notes:*  
AKT/HC 362  
30/9/15  
S.A.P.B  
30/9

It is submitted that Warder Murad Ullah was sent to Special Home Secretary Office for personal hearing, reference to the telephonic conversant by Mr. Zahid Nawaz, Superintendent, I.G Office Peshawar with the undersigned on 15-09-2015.

It is further submitted that the aforementioned warder has not resumed his duty after personal hearing and still absent from his duty as well as Jail Premises upto date i.e. 22-09-2015 without permission of the competent authority.

It is therefore requested that strict disciplinary action may be initiated against the said Warder Efficiency & disciplinary Rules 2011.

Submitted for further necessary action please.

*Signature*  
SUPERINTENDENT  
JUDICIAL LOCK UP MALAKAND

No 2208 / 1.

Copy of the above is forwarded to:

- 1. The Worthy Inspector General of Prisons Khyber Pakhtunkhwa, Peshawar for information please.
- ✓ 2. The Superintendent Circle HQ, High Security Prison Mardan for information please.

*Signature*  
21/3/2015

*Signature*  
SUPERINTENDENT  
JUDICIAL LOCK UP MALAKAND

24 171



OFFICE OF THE SUPERINTENDENT  
JUDICIAL LOCKUP MALAKAND

8

Tel: 0932-413050, Fax: 0932-413050

No 2206 Dated 22/09/2015

To:

The Superintendent,  
Circle HQ Prison Peshawar.

DN No 2690  
29/9/15

Subject: - DISCIPLINARY ACTION.

Memo,

It is submitted that Warder Murad Ullah was sent to Special Home Secretary Office for personal hearing, reference to the telephonic conversant by Mr. Zahid Nawaz, Superintendent, I.G Office Peshawar with the undersigned on 15-09-2015.

It is further submitted that the aforementioned warder has not resumed his duty after personal hearing and still absent from his duty as well as Jail Premises upto date i.e. 22-09-2015 without permission of the competent authority.

It is therefore requested that strict disciplinary action may be initiated against the said Warder Efficiency & disciplinary Rules 2011.

Submitted for further necessary action please.

*[Signature]*  
SUPERINTENDENT  
JUDICIAL LOCK UP MALAKAND 22/9/15

No \_\_\_\_\_/.

Copy of the above is forwarded to:

1. The Worthy Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information please.
2. The Superintendent Circle HQ, High Security Prison Mardan for information please.

*[Signature]*  
PB

*[Signature]*  
25

*[Signature]*  
SUPERINTENDENT  
JUDICIAL LOCK UP MALAKAND

*[Signature]*  
21/3/2015

*[Signature]*  
29/9/15

173

OFFICE OF THE  
SUPERINTENDENT  
JUDICIAL LOCKUP MALAKAND  
Tel: 0932-413050, Fax: 0932-413050

9

No. \_\_\_\_\_ Dated 09/10/2015

To,

Warder Murad Ullah Khalil,  
S/o Malik Farhad Khalil,  
R/o: Mohalla Umarzai House No.1,  
Village: Pawakai Peshawar.

Subject: SHOW CAUSE NOTICE.

Memo, Reference to Circle HQ Prison Peshawar office memo No.1912-14 dated 06-10-2015 on the subject noted above.

Enclosed find herewith a show-cause notice in respect of Warder Murad Ullah Khalil s/o Malik Farhad Khalil. The warder concerned is directed to submit reply within 07 days mentioned in the letter referred to as above.

*Sd/-*  
SUPERINTENDENT  
JUDICIAL LOCKUP MALAKAND

Endost; No. 2393

Copy of the above is forwarded to the Superintendent Headquarter Prison Peshawar for information with his memo No above please.

*Q 10*  
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*DS*  
*PB*

D: NO: 2943  
13-10-2015

*12/10/15*  
*AD*  
*21/3/2015*

*[Signature]*  
SUPERINTENDENT  
JUDICIAL LOCKUP MALAKAND  
*9/10*

26

175

(10)

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

You, Warder Muradullah attached to Judicial Lockup Malakand were relieved to appear before the Special Home Secretary for personal hearing on 15-09-2015 and you were due to resume on the very next date, but you failed and are still at large, which constitutes gross misconduct on your part.

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

Now therefore, you above named Warder are hereby called to show cause within 07 days of the receipt of this notice as to why you should not be dismissed from service for your above stated act of misconduct.

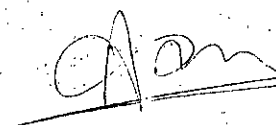
In case your reply does not reach this office within stipulated period, ex-parte action shall be taken against you.

SUPERINTENDENT  
HEADQUARTERS PRISON PESHAWAR

Endorsement No: 19/2-14 / - dated: 06/10/2015

Copy of the above is forwarded to the:

- 1- Inspector General of Prisons Khyber Pakhtunkhwa, Peshawar.
- 2- Superintendent Judicial Lockup Malakand with reference to his report No. 2206 dated 22-09-2015.
- 3- Above-named Warder C/o Superintendent Judicial Lockup Malakand.

  
21/3/2015

SUPERINTENDENT  
HEADQUARTERS PRISON PESHAWAR

27

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(1)

دفتر

پرنسڈنٹ ہیڈ کوارٹرز جیل

پشاور نمبر 2083 مورخہ 27/10/2015



بیتنام

وارڈ مراد اللہ خلیل ولد ملک فرہاد خلیل

تھک پور

علاقہ نمروانی، مکان نمبر 1، کانس پاؤ کسٹن پشاور

آپ، مسکھی مراد اللہ خلیل (وارڈ برہ حال جوڈیشل لاک اپ ملائڈ) کو بذریعہ نوٹس بذراطلاع کیا جاتا ہے کہ آپ مورخہ 15-09-2015 سے ملائڈ جیل سے مسلسل اپنی ذیوی سے غیر حاضر ہیں آپ کو درج بالا ایڈتہ پرنسڈنٹ جوڈیشل لاک اپ ملائڈ نے یہ نوٹس آپ کے پاس تقبلی نمبر 2393 مورخہ 09-10-2015 سے ذریعہ تقبلی کے دفتر سے بہ نمبر 14-10-2015 مورخہ 06-10-2015 جاری ہوا تھا، نتیجے میں اس کے باوجود آپ کی طرف سے کوئی اطلاع یا جواب تا حال موصول نہیں ہوا ہے۔ اس لئے آپ کو بذریعہ نوٹس بذراطلاع کیا جاتا ہے کہ نوٹس موصول ہونے کے 02 دن کے اندر اندر ذریعہ تقبلی کے سامنے پیش ہوجائیں، اپنی غیبتیں غیر حاضری کی وجوہات پیش کریں۔ بصورت دیگر آپ کے خلاف یکطرفہ کارروائی عمل میں لائی جائیگی جو کہ نوکری سے برخواستگی پر منتج ہو سکتی ہے۔

پرنسڈنٹ  
ہیڈ کوارٹرز جیل پشاور

تقبلی نمبر 2083 مورخہ 27/10/2015

ذہنی برائے اطلاع پرنسڈنٹ جوڈیشل لاک اپ ملائڈ بحوالہ تقبلی نمبر 2393 مورخہ 09-10-2015

*(Signature)*  
21/3/2017

پرنسڈنٹ  
ہیڈ کوارٹرز جیل پشاور



کچھ عرصہ پہلے ایک شخص نے میری طرف سے ایک خط لکھا تھا۔

میں نے اس کا جواب دیا تھا۔ وہ شخص نے کہا کہ وہ میری طرف سے ایک خط لکھا تھا۔  
میں نے اس کا جواب دیا تھا۔ وہ شخص نے کہا کہ وہ میری طرف سے ایک خط لکھا تھا۔  
میں نے اس کا جواب دیا تھا۔ وہ شخص نے کہا کہ وہ میری طرف سے ایک خط لکھا تھا۔

میں نے اس کا جواب دیا تھا۔ وہ شخص نے کہا کہ وہ میری طرف سے ایک خط لکھا تھا۔

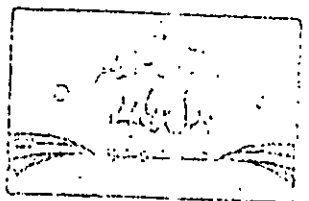
میں نے اس کا جواب دیا تھا۔ وہ شخص نے کہا کہ وہ میری طرف سے ایک خط لکھا تھا۔

*[Signature]*  
21/3/2017

# مذکورہ

آپ کی سربراہانہ والد ملک فرحانہ خلیل کنڈہ محلہ عمر زئی، مکان نمبر 1، گاؤں پاؤک ضلع پشاور بطور جیل اور آپ مورخہ 15/09/2015 سے جوڈیشل لاک اپ ملاکنڈ سے غیر حاضر ہیں۔ آپ کو مورخہ 09/10/2015 کو پٹیوٹ پریسٹنڈنٹ جوڈیشل لاک اپ ملاکنڈ نے بذریعہ نوٹس نمبر 2393 مورخہ 09/10/2015 سے مطلع کیا گیا تھا لیکن آپ نے کوئی جواب نہیں دیا۔ آپ کو سید ڈاکٹر جیل پشاور سے نوٹس نمبر 2082 مورخہ 27/10/2015 کو مطلع کیا گیا تھا لیکن آپ نے کوئی جواب نہیں دیا۔ آپ کو دوبارہ شوکار نوٹس سید ڈاکٹر پشاور سے نمبر 14-1912 مورخہ 06/10/2015 کو مطلع کیا گیا لیکن آپ نے پھر بھی کوئی جواب نہیں دیا۔ آپ کو بذریعہ اشتہار بنا مطلع کیا جاتا ہے کہ 15 دن کے اندر اندر ڈیوٹی کے لئے جوڈیشل لاک اپ ملاکنڈ میں اپنی حاضری یقینی بنائیں اور اپنی وضاحت کریں ورنہ آپ کے خلاف کارروائی کی جائے گی۔

پریسٹنڈنٹ ہیڈ کوارٹرز ہائی کورٹ جیل مردان



INF(P)5310

"SAY NO TO CORRUPTION"

*Ham*  
27/10/2015

27<sup>th</sup> Nov, 2015 - Mashayeq

(14)

30177069

بیت الخلافت اسلامیہ پاکستان

آپ کی گزارش اور سفارشات کے تحت حضرت مولانا محمد رفیع صاحب مدظلہ العالی نے 15 جنوری 2015ء کو ایک دورہ  
 09/10/2015ء کو منعقد کیا گیا۔ اس دورے میں مولانا صاحب مدظلہ العالی نے فرمایا کہ آپ کو درج  
 ذیل کے امور پر غور و فکر کرنا چاہئے اور ان کو جلد سے جلد حل کرنا چاہئے۔  
 1۔ مولانا صاحب مدظلہ العالی نے فرمایا کہ آپ کو درج ذیل کے امور پر غور و فکر کرنا چاہئے اور ان کو جلد سے جلد حل کرنا چاہئے۔  
 2۔ مولانا صاحب مدظلہ العالی نے فرمایا کہ آپ کو درج ذیل کے امور پر غور و فکر کرنا چاہئے اور ان کو جلد سے جلد حل کرنا چاہئے۔  
 3۔ مولانا صاحب مدظلہ العالی نے فرمایا کہ آپ کو درج ذیل کے امور پر غور و فکر کرنا چاہئے اور ان کو جلد سے جلد حل کرنا چاہئے۔  
 4۔ مولانا صاحب مدظلہ العالی نے فرمایا کہ آپ کو درج ذیل کے امور پر غور و فکر کرنا چاہئے اور ان کو جلد سے جلد حل کرنا چاہئے۔  
 5۔ مولانا صاحب مدظلہ العالی نے فرمایا کہ آپ کو درج ذیل کے امور پر غور و فکر کرنا چاہئے اور ان کو جلد سے جلد حل کرنا چاہئے۔

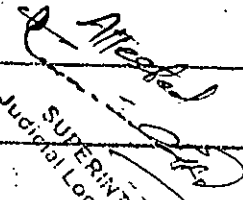
Handwritten signature and date: 22/8/12

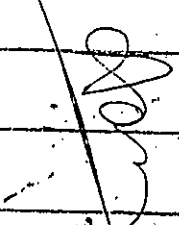

بیت الخلافت اسلامیہ پاکستان

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Total	EO	LO	HCO
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-	-	-	-
03	-	03	-
01	-	01	-
01	01	-	-
01	-	01	-
01	-	01	-
01	01	-	-
08	01	06	01
24	01	22	01
33	03	28	02

*Sup Ct. Secy. L. P. R.*


  
 Superintendent  
 Judicial Lockup, Masjid Aza

Total	EO	LO	HCO
32	02	28	02
02	-	-	01

*Handwritten notes in left margin*

4-4-14  
 5  
 14  
 19

97

97

4-4-14  
 3  
 9  
 12  
 15

16  
 19/11/19

56	02	48	06	مستحق
07	01	06	-	مستحق
-	-	-	-	مستحق
-	-	-	-	مستحق
-	-	-	-	مستحق
11	-	10	01	مستحق
-	-	-	-	مستحق
02	-	02	-	مستحق
20	01	10	01	مستحق
36	01	30	05	مستحق
56	02	48	06	مستحق

Attested  
 SUPERINTENDENT  
 J. J. Lockup, Malakand

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Handwritten signature and initials.

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125  
 128

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17

11/11/11

TOTAL	FM	M	HW
56	02	48	06
09	-	09	-
-	-	-	-
-	-	-	-
-	-	-	-
1	-	10	10
02	-	02	-
22	-	21	01
34	02	27	05
56	02	48	06

11/11/11

Attested  
SUPERINTENDENT

Signature

رئیس هیئت مدیره  
مجلس شورای اسلامی  
شماره 5-09-15

جناب آقای واپس در ادعا  
مجلس شورای اسلامی

135

134

135

Handwritten notes at the top right, including a circled number (31) and some illegible text.

ZENTRA	FW	M	HM
06	02	48	06
08	-	08	-
-	-	-	-
01	-	01	-
-	-	-	-
11	-	10	01
-	-	-	-
02	-	02	-
22	-	21	01
34	02	27	05
56	02	48	06

Handwritten descriptions for the table rows, including names like 'رضا جوری' and 'ملا علی'.

روزانه در منزل به شماره حساب جواز استیصال لایق اب مبلغ شصت و نه هزار و پانزده تومان و پانزده ریال

صاف علیا هیلد راندر رهنوار (5) لقم و مژده در سال شاه 30 لیون در وقت

صاف علیا هیلد راندر رهنوار (5) لقم و مژده در وقت هیلد رهنوار

صاف علیا هیلد راندر رهنوار (5) لقم و مژده در وقت هیلد رهنوار

صاف علیا هیلد راندر رهنوار (5) لقم و مژده در وقت هیلد رهنوار

صاف علیا هیلد راندر رهنوار (5) لقم و مژده در وقت هیلد رهنوار

تاریخ: 1355  
مبلغ: 53800000 ریال

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Handwritten signature and notes at the bottom left.

(3)

OFFICE OF THE  
SUPERINTENDENT DISTRICT JAIL MARDAN  
NO: 2068 DATED: 17 / 09 / 2015

To

Warder Zeeshan Alam s/o Jan-e-Alam,  
R/O Mohalla Ali Sherzia P/O Pawaki Tehsil & District  
Peshawar.


Subject:

ABSENCE NOTICE.

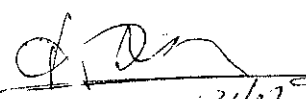
Memo:


It is hereby inform you that you are absented from duty and as well as Jail premises since dated: 16-09-2015 without any information/ application from the competent authority. Insure your presence immediately after receiving of this Notice otherwise strict disciplinary action will be taken against you.

Endst No: 2068

  
SUPERINTENDENT,  
DISTRICT JAIL MARDAN  
o/e  
17/9/15

Copy of the above is forwarded to the Superintendent Head Quarter Prison Peshawar for information and further necessary action.

  
21/3/17

  
SUPERINTENDENT,  
DISTRICT JAIL MARDAN  
o/e



الحمد لله الذي جعلنا منكم أمة مكية

(5)

صلى الله عليه وسلم

أيدوا وزيراً علياً في سنة فاليوم في

صلى الله عليه وسلم

أورسنا صديقاً صديقاً

صديقاً صديقاً

أيدوا وزيراً علياً في سنة فاليوم في

صلى الله عليه وسلم

أيدوا وزيراً علياً في سنة فاليوم في

صلى الله عليه وسلم

أيدوا وزيراً علياً في سنة فاليوم في

صلى الله عليه وسلم

20/3/2017

20/03/2017

والله

Handwritten signature

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Handwritten signature and text

یہ درست ہے کہ مجھے مورخہ 4-04-2014 کو سسرٹیفکیٹ

جیل ملاکنڈ نے انسپیکٹر جنرل جیل خانہ جات کے دفتر کے لیے  
ڈیوٹی کے لیے فارغ کیا گیا وہ کہ بعد میں مجھے منسٹر  
جیل خانہ جات کے ساتھ ڈیوٹی پر مامور کیا گیا۔

یہ بھی درست ہے کہ منسٹر جیل خانہ جات سے فارغ ہونے کے بعد میں نے

مورخہ 11-09-2015 ملاکنڈ جیل میں ڈیوٹی کے لیے حاضر ہوا۔

یہ بھی درست ہے کہ 15-09-2015 کو ہدایت کی گئی کہ سیشنل  
سیکرٹری ہوسٹ کے سامنے پیش ہو جاؤ۔

یہ بھی درست ہے کہ مجھے گھر کے پتہ پر شووز ٹوٹس ملا تھا جس کا

میں نے باقاعدہ جواب دے دیا ہے جو کہ ریکارڈ پر موجود ہے۔

یہ بھی درست ہے کہ بذریعہ اشتہار اخبار مجھے ہدایت کی گئی

کہ بندرہ ہوسٹ کے اندر ڈیوٹی کے لیے حاضر ہو جاؤ اور غیر حاضری  
کی معقول وجہ بتاؤ۔

یہ بھی درست ہے کہ میں نے مورخہ 07-12-2015 کو ڈیوٹی کے لیے

حاضر ہو گیا لیکن مجھے ڈیوٹی پر نہیں لیا گیا۔

یہ بھی درست ہے کہ مجھے سسرٹیفکیٹ ہڈ کوآرڈر جیل کے سامنے پیش

کیا اور میں نے اپنی غیر حاضری کی وجوہات بیان کیں اور یہ کہ مجھے

9-12-2015 کو نوکری سے درخواست کیا گیا۔

یہ کہ میں نے ماہ ستمبر 2015 کی تنخواہ وصول نہیں کی ہے۔

مراد اللہ حلیل، وارڈ

20/3/2017

20/3/2017

OFFICE ORDER

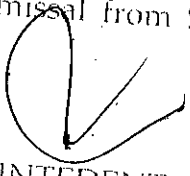
In exercise of powers under Rule-9 of Khyber Pakhtunkhwa Government Servants (Efficiency & Disciplinary) Rules 2011, warder Murad Ullah attached to Judicial Lockup Malakand absented himself from his allotted duties as well as jail premises without prior permission of the Competent Authority w.e.f 15-09-2015. He was served with direct show cause notice under Rule-5 of the ibid rules by the Superintendent Headquarters Prison Peshawar Vide No.1912-14 date 06-10-2015 and was directed to submit his reply with stipulated period, but he failed and remained at large.

He was served with another notice (Urdu Version) on his home address by the superintendent Headquarter Prison Peshawar Vide No.2082 date 27-10-2015 and was directed to appear before the Competent Authority and show cause of his long absence, but with no response.

Subsequently a notice was published in the daily Express on date 26-11-2015 and in the daily Mashriq date 27-11-2015 wherein he was directed to appear before the undersigned and show cause of his long absence.


In pursuance of this advertisement, he submitted reply to show cause notice and after considering his reply unsatisfactory, he was afforded an opportunity of personal hearing, which was also found unsatisfactory.

Hence after going through all the legal formalities, the under signed is pleased to impose upon him the major penalty of "Dismissal from Service" with immediate effect.

  
SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

Endorsement No: 333-37 /-

- Copy of the above is forwarded to the:-
- 1- Inspector General of Prisons Khyber Pakhtunkhwa Peshawar please.
  - 2- Superintendent Headquarters Prison Peshawar for information please.
  - 3- Superintendent Judicial Lockup Malakand for information with reference to his Endst: No.2208 dated 22-09-2015.
  - 4- District Accounts Officer, Malakand.
  - 5- Official concerned R/O Mohalla Umar Zai House No.1 Village Pawakai Peashawar.

  
SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

rr,  
Servic  
ar.

Holidays

## CHARGE SHEET

I, Sahibzada Shah Jehan, Superintendent Headquarter Prison Mardan, as Competent Authority, hereby charge you Warder (BPS-05) Zeeshan Alam s/o Jan Alam attached to Central Prison Mardan.

As per report of Superintendent Central Prison Mardan;

- i. You warder (BPS-05) Zeeshan Alam s/o Jan Alam absented yourself from duties without permission and sanction of leave from the competent authority on 15.09.2015.
- ii. You were served with absence Notice on your home address by the Superintendent Headquarter Jail Mardan with the direction to resume your duties within two days of the receipt of the said letter to which you did not respond.
- iii. Absence Notice was also published in the leading Newspapers of the province directing you to resume your duties within fifteen days of the publication of the said notice to which you did not respond.

By reasons of the above, you appear to be guilty of misconduct under rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Disciplinary) Rules 2011 and have rendered yourself liable to all or any of the penalties specified in rule 4 of the rules *ibid*.

You are, therefore required to submit your written defense within seven (07) days of the receipt of this Charge Sheet to the Inquiry Officer.

1. Your written defense, if any, should reach to the Inquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case Ex-Parte action shall be taken against you.
2. Intimate whether you desire to be heard in person.
3. Statement of allegations is enclosed.

  
SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN



OFFICE OF THE  
INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR

☎ 091-9210334, 9210406

☎ 091-9213445

No.Estb/Ward-/Orders/ 11855-1-

Dated 23-05-2017-

**ORDER**

WHEREAS, warder Zeeshan Alam S/O Jan Alam attached to District Jail Chitral, was awarded the minor penalty of "stoppage of one increment for one year" and the period of his absence i.e from 15-9-2015 to 08-12-2015 as well as intervening period from the date of his removal from service i.e 09-12-2015 to the date of reinstatement into service on 03-2-2017 were treated as leave without pay by Superintendent HQ Prison Mardan vide order No.1072 dated 30-3-2017.

AND WHEREAS, the said warder preferred his departmental appeal for grant of salary for his intervening period as referred to above, which was examined in the light of available record of the case. It was observed that he remained absent for the period mentioned above and legal/procedural formalities as required under the E&D Rules -2011 have also been observed by the competent authority. In addition, he was also found guilty and his request for the grant of back benefits is not covered under the 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 regretted being without any substance.

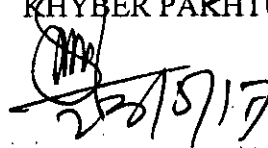
INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA, PESHAWAR.

ENDST;NO. 11856-581.

Copy of the above is forwarded to :-

1. The Superintendent, Headquarters Prison Mardan for information and necessary action.
2. The Superintendent, District Jail Chitral 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. Warder Zeeshan Alam S/O Jan Alam C/O Superintendent District Jail Chitral for information.

  
ASSISTANT DIRECTOR (ADMN)  
FOR INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA PESHAWAR.





OFFICE OF THE  
SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN  
Email: [mardanjail@gmail.com](mailto:mardanjail@gmail.com)

Phone: 0937-843114

No. — /PB. Dated: 6/02/2017

**DISCIPLINARY ACTION.**

1. Sahibzada Shah Jehan, Superintendent Headquarter Prison Mardan, as competent authority, am of the opinion that warder (BPS-05) Muradullah son of Farhad Khalil has rendered himself liable to be proceeded against as he committed the following acts/omission within the meaning of rule 3 of the of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011.

**STATEMENT OF ALLEGATIONS.**

- i. As per report of Superintendent Judicial Lockup Malakand warder (BPS-05) Muradullah son of Farhad Khalil absented himself from duties without permission and sanction of leave from the competent authority, on 15.09.2015.
- ii. He was served with absence Notice on his home address by the Superintendent Headquarter Jail Peshawar with the direction to resume his duties within two days of the receipt of the said letter to which he did not respond.
- iii. Absence Notice was also published in the leading Newspapers of the province directing him to resume his duties within fifteen days of the publication of the said notice to which he did not respond.

2. **Mr. Sahibzada Muhammad Qaiser Khan Deputy Superintendent Jail District Jail Swat** is hereby appointed as Inquiry Officer against the said accused warder with reference to the above allegations, under rule 10(1)(a) of the ibid rules.

3. The Inquiry Officer shall in accordance with the provision of the ibid rules, provide a reasonable opportunity of hearing to the accused, record its findings and make within fifteen days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused official.

4. The accused official shall join the proceedings on the date, time and place fixed by the inquiry Officer.

SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

Endst No. 488-91/-

Copy of the above is forwarded to:-

1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information with reference his letter No.2365/WE dated 02-02-2017 with the request that action against upper staff may be initiated by the competent authority in their cases/responsible please.
2. The Superintendent Judicial Lock up Malakand for information, necessary action and with the request to provide relevant record of absence and detailment of the accused official to the Inquiry officer please.
3. Mr. Sahibzada Muhammad Qaiser Khan Deputy Superintendent Jail District Jail Swat (Inquiry Officer) for initiating proceedings against the above named warder under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011. Copy of letter of I.G.Prisons referred to above and copy of Judgment of Khyber Pakhtunkhwa Services Tribunal dated 24.01.2017 are enclosed herewith.
4. The above named warder C/O Superintendent Judicial Lock up Malakand with the direction to appear before the Inquiry Officer for the purpose of Inquiry proceedings.

SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

## CHARGE SHEET

I, Sahibzada Shah Jehan, Superintendent Headquarter Prison Mardan, as Competent Authority, hereby charge you Warder (BPS-05) Muradullah son of Farhad Khalil attached to Judicial Lock up Malakand.

As per report of Superintendent Judicial Lock up Malakand;

- i. You warder (BPS-05) Muradullah son of Farhad Khalil absented yourself from duties without permission and sanction of leave from the competent authority on 15.09.2015.
- ii. You were served with absence Notice on your home address by the Superintendent Headquarter Jail Peshawar with the direction to resume your duties within two days of the receipt of the said letter to which you did not respond.
- iii. Absence Notice was also published in the leading Newspapers of the province directing you to resume your duties within fifteen days of the publication of the said notice to which you did not respond.

By reasons of the above, you appear to be guilty of misconduct under rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Disciplinary) Rules 2011 and have rendered yourself liable to all or any of the penalties specified in rule 4 of the rules *ibid*.

You are, therefore required to submit your written defense within seven (07) days of the receipt of this Charge Sheet to the inquiry Officer.

1. Your written defense, if any, should reach to the Inquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case Ex-Parte action shall be taken against you.
2. Intimate whether you desire to be heard in person.
3. Statement of allegations is enclosed.

  
SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

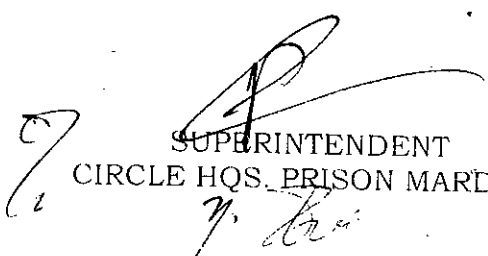


OFFICE OF THE  
SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN  
Email. [mardanjail@gmail.com](mailto:mardanjail@gmail.com).  
Phone No. 0937843114.  
No. 876 / P.B Dated: 15 /03/2017

OFFICE ORDER.

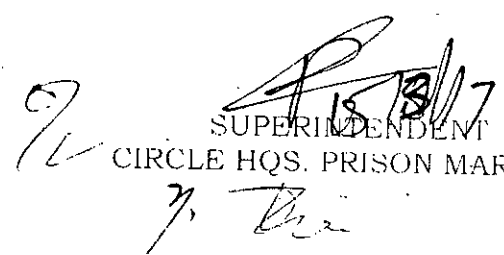
In exercise of powers conferred under Rule-10 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, appointment of an Inquiry Officer namely Mr. Sahibzada Muhammad Qaiser Khan Deputy Superintendent Jail Swat for conducting formal inquiry against the warders Mr. Zeeshan Alam s/o Jan Alam and Mr. Murad Ullah son of Farhad Khalil attached to District Jail Chitral vide this Headquarter Order No. 482 and 487 dated. 06-02-2017, is hereby withdrawn as the Officer concerned proceeded abroad for training and Mr. Abdul Bari Deputy Superintendent-cum-Superintendent District Jail Daggar is hereby appointed as Inquiry Officer.

Endst: No. 877-80

  
SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

Copy of the above is forwarded to:-

1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information with reference to his memo No. 2365/WE dated. 02-02-2017 please.
2. Mr. Sahibzada Muhammad Qaiser Khan Deputy Superintendent Jail Swat for information.
3. Mr. Abdul Bari Deputy Superintendent cum Superintendent District Jail Buner at Daggar for information and necessary action. A of this order No. 482 and 487 dated. 06-02-2017, alongwith copies of charge sheets already served upon the accused officials are enclosed herewith please.
4. The Accused officials concerned C/O Superintendent District Jail Chitral for information and with the direction to appear before the Inquiry Officer for Inquiry Proceeding.

  
SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN





DISCIPLINARY ACTION.

1. Sahibzada Shah Jehan, Superintendent Headquarter Prison Mardan, as competent authority, am of the opinion that warder (BPS-05) Muradullah son of Farhad Khalil has rendered himself liable to be proceeded against as he committed the following acts/omission within the meaning of rule 3 of the of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011.

STATEMENT OF ALLEGATIONS.

- i. As per report of Superintendent Judicial Lockup Malakand warder (BPS-05) Muradullah son of Farhad Khalil absented himself from duties without permission and sanction of leave from the competent authority on 15.09.2015.
- ii. He was served with absence Notice on his home address by the Superintendent Headquarter Jail Peshawar with the direction to resume his duties within two days of the receipt of the said letter to which he did not respond.
- iii. Absence Notice was also published in the leading Newspapers of the province directing him to resume his duties within fifteen days of the publication of the said notice to which he did not respond.

2. **Mr. Sahibzada Muhammad Qaiser Khan Deputy Superintendent Jail District Jail Swat** is hereby appointed as Inquiry Officer against the said accused warder with reference to the above allegations, under rule 10(1)(a) of the ibid rules.

3. The Inquiry Officer shall in accordance with the provision of the ibid rules, provide a reasonable opportunity of hearing to the accused, record its findings and make within fifteen days of the receipt of this order recommendation as to punishment or other appropriate action against the accused official.

4. The accused official shall join the proceedings on the date, time and place fixed by the inquiry Officer.

LdSt No. \_\_\_\_\_

*Changed and  
Abdul Bari DS  
appointed 11/09/15  
15/3/2017 (15/3/2017)*

SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

Copy of the above is forwarded to:-

1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information with reference his letter No.2305 WL dated 02-02-2017 with the request that action against upper staff may be initiated by the competent authority in their cases.responsible please.
2. The Superintendent Judicial Lock up Malakand for information, necessary action and with the request to provide relevant record of absence and detatment of the accused official to the inquiry officer please.
3. Mr. Sahibzada Muhammad Qaiser Khan Deputy Superintendent Jail District Jail Swat (Inquiry Officer) for initiating proceedings against the above named warder under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011. Copy of letter of I.G. Prisons referred to above and copy of Judgment of Khyber Pakhtunkhwa Services Tribunal dated 24.01.2017 are enclosed herewith.
4. The above named warder C/O Superintendent Judicial Lock up Malakand with the direction to appear before the inquiry Officer for the purpose of inquiry proceeding.

SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

## CHARGE SHEET

1. Sahibzada Shah Jehan, Superintendent Headquarter Prison Mardan, as Competent Authority, hereby charge you Warder (BPS-05) Muradullah son of Farhad Khalil attached to Judicial Lock up Malakand.

as per report of Superintendent Judicial Lock up Malakand;

- i. You warder (BPS-05) Muradullah son of Farhad Khalil absented yourself from duties without permission and sanction of leave from the competent authority on 15.09.2015.
- ii. You were served with absence Notice on your home address by the Superintendent Headquarter Jail Peshawar with the direction to resume your duties within two days of the receipt of the said letter to which you did not respond.
- iii. Absence Notice was also published in the leading Newspapers of the province directing you to resume your duties within fifteen days of the publication of the said notice to which you did not respond.

By reasons of the above, you appear to be guilty of misconduct under rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Disciplinary) Rules 2011 and have rendered yourself liable to all or any of the penalties specified in rule 4 of the rules *ibid*.

You are, therefore required to submit your written defense within seven (07) days of the receipt of this Charge Sheet to the Inquiry Officer.

1. Your written defense, if any, should reach to the Inquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case Ex-Parte action shall be taken against you.
2. Intimate whether you desire to be heard in person.
3. Statement of allegations is enclosed.

  
SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN



IF  
CIRCLE HQS. PRISON MARDAN

E mail. mardanjail@gmail.com

Phone. 0937-843114

No. **476/PB** Dated: 03/02/2017.

OFFICE ORDER.

Upon acceptance of service appeal by the Learned Services Tribunal, Khyber Pakhtunkhwa Peshawar vide Judgment dated 24.01.2017 in Service Appeal 338/2016. Ex-warder (BPS-5) Muradullah son of Farhad Khalil attached to Judicial Lockup Malakand is here by re-instated into service with immediate effect from the date of said order.

Fate of period of absence WEF to 15.09.2015 to 09.12.2015 and from 10.12.2015 to the date of re-instatement into service will be decided on the conclusion of inquiry against him.

He is hereby posted to District Jail Chitral for all purposes against the available vacant posts.

\_\_\_\_\_  
SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

Endst. No. **477-80/P.B.**

Copy of the above is forwarded to;

1. The Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar for information with references his letter No. 2365-we dated 02.02.2017 on above cited service appeals.
2. The Superintendent Judicial Lockup Malakand.
3. The District Account Officer Malakand.

For information and necessary action please.

4. The official/warder Muradullah s/o Farhad Khadil R/O House No. 01 Mohallah Umar Zai Village Pawakai, Peshawar.

For information and with the direction to report to the Superintendent Judicial Lockup Malakand for duties immediately on the receipt of this order.

\_\_\_\_\_  
SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN  
03/02/2017

## INQUIRY REPORT

### Regarding the absence of Warder Zeeshan Alam Central Jail Mardan

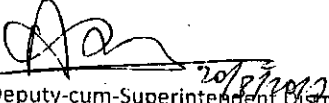
The instant inquiry against warders Zeeshan Alam son of Jan Alam presently attached to District Jail Chitral was ordered by the Superintendent Headquarter Jail Mardan, the competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 vide his Office Order No. 482 dated 06.02.2017 and appointed me, the undersigned, as inquiry officer vide order No. 876 dated 15.03.2017 and directed me to initiate disciplinary proceeding against the accused official under the ibid rules.

It had been alleged/charged that as per report of Superintendent Central Prison Mardan;

- i. Warder (BPS-05) Zeeshan Alam s/o Jan Alam absented himself from duties without permission and sanction of leave from the competent authority on 15.09.2015.
- ii. He was served with absence Notice on his home address by the Superintendent Headquarter Jail Mardan with the direction to resume his duties within two days of the receipt of the said letter to which he did not respond.
- iii. Absence Notice was also published in the leading Newspapers of the province directing him to resume his duties within fifteen days of the publication of the said notice to which he did not respond.

To provide a reasonable opportunity of hearing and defense to the accused officials, the Superintendent District Jail Chitral was requested vide letter No. 612 dated 16.03.2017 to direct the accused official to appear before the undersigned for the Inquiry proceedings in Central Jail Mardan on 20.03.2017 at 11:00am along with evidences, if any.

Similarly, the Superintendent Central Jail Mardan was also requested vide Endst. No. 613-15 dated 16.03.2017 to provide relevant record of the case on the date fixed and also to depute a well conversant Officer of his Jail to attend the Inquiry proceedings on the date and time fixed.

  
Abdul Bari (Inquiry Officer) Deputy-cum-Superintendent District Jail Buner at Daggar.

As per schedule, I, the undersigned, attended the office of the Superintendent Central Jail Mardan and recorded statement of the accused official and other concerned staff members and perused the relevant record.

Wasil Khan Khattak, Lines Muharror Central Jail Mardan stated on oath that as per available record warder Zeeshan Alam was relieved for security duties with Advisor to Chief Minister for Prison on 22.02.2015 and that the accused official reported back for duties on 11.09.2015 and that the accused official was directed on 13.09.2015 to appear before Special Secretary Home on 15.09.2015 and that the accused official absented himself from duties on 15.09.2015.

Warder Zeeshan Alam son of Jan Alam stated on oath that he was performing his duties with Advisor to the Chief Minister for Prisons Khyber Pakhtunkhwa and that he had not received any kind of Notice at his home address and that he came to know through Newspaper and he reported for duty and that he was dismissed from service without conducting any kind of inquiry OR Serving any kind of Show Cause Notice.

Replying to a number of questions the accused official replied;

- i. That he was detailed for duties with Advisor to Chief Minister for Prisons on 22.02.2015 by the Superintendent District Jail Mardan and;
- ii. That he reported back for duty at District Jail Mardan on 11.09.2015 and he was taken on duty.
- iii. That he was directed on 13.09.2015 to appear before the Special Secretary Home on 15.09.2015 and;
- iv. That he had not received Show cause Notice on his home address and;
- v. That he also responded to absence Notice published in the Newspapers and reported for duty but he was not taken on duty and was dismissed from service on 30.11.2015.

#### FINDINGS OF THE INQUIRY


After conducting a thorough Inquiry into the Allegations/charges leveled against the accused official namely warder Zeeshan Alam son Jan Alam presently attached to District Jail Chitral, recording statement of the accused official, and perusal of the relevant record provided by the Superintendents Central Mardan it was found that;



Abdul Bari (Inquiry Officer) Deputy-cum-Superintendent, District Jail Buner at Daggar.

1. Warder Zeeshan Alam son of Jan Alam was detailed for security duties with Advisor to Chief Minister for Prisons Khyber Pakhtunkhwa Peshawar on 22.02.2015 as per telephonic orders of the AIG Prisons.
2. The accused official reported back for duty at Central Jail Mardan on 11.09.2015.
3. He was directed on 13.09.2015 to appear before the Special Secretary Home & T.As Department on 15.09.2015.
4. However, the accused official did not resume his duties and absented himself from duties on 15.09.2015.
5. He was served with absence Notice vide No. 2068 dated 17.09.2015, on the second day of his absence, but he did not respond to the absence Notice.
6. Although, an absence Notice was served to the accused official on the second day of his absence violating Rule 9 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011. However, the accused official remained absent from duties without permission and sanction of leave from the competent authority violating rule 1082(i) of Pakistan Prison Rules.
7. He was also served a Show caused Notice vide letter No. 798 dated 16.10.2015, but he did not respond.
8. An absence Notice was also published in the Newspaper "Daily Express on November 14, 2015, directing him to resume his duties at Central Jail Mardan within three days of the publication of the absence notice, to which he did not respond.
9. Although, the accused official was directed to resume his duties within three days of the publication of absence Notice in the Newspapers in violation of rule 09 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011. However, order of "Dismissal from Service" was issued on the 17<sup>th</sup> day of the publication of the absence Notice.
10. Subsequently major penalty of "Dismissal from Service" was awarded to the accused official by the Superintendent Headquarter Jail Mardan on 30.11.2015 which was converted to "Removal from Service" by the appellate authority, the Inspector General of Prisons Khyber Pakhtunkhwa Peshawar.

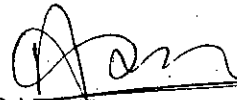
CONCLUSION/RECOMMENDATIONS

  
Abdul Bari (Inquiry Officer) Deputy-cum-Superintendent District Jail Buner at Daggar.  
26/3/2017

After affording a reasonable opportunity of hearing and defense to the accused official warder Zeeshan Alam son Jan Alam, and perusal of the relevant record and statements of the accused officials and other staff members, it was concluded that;


1. He was performing his duties in Central Prison Mardan when he was directed by the Superintendent of the said Jail to appear before the Special Secretary Home & T.As Department Peshawar for personal hearing, on 15.09.2015.
2. The accused official did not resume his duties and absented himself without sanction of leave from the competent authority violating rule 1082(i) of Pakistan Prison rules.
3. An absence Notice was served upon him at his home address and an absence Notice were also published in the leading Newspapers of the Province to which the accused official did not respond.

In light of the above facts and material on record, the allegations/charges leveled against the accused official are fully proved, for which he is required to be proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 for the absence period with effect from 15.09.2015 to 29.11.2015.

  
ABDUL BARI (INQUIRY OFFICER) 20/11/17  
DEPUTY-CUM-SUPERINTENDENT  
DISTRICT JAIL BUNEER AT DAGGAR

CERTIFICATE.

Certified that the Inquiry Report regarding the absence of warders Zeeshan Alam son of Jan Alam contains four (04) pages, duly numbered and signed by me.

  
ABDUL BARI (INQUIRY OFFICER) 20/11/17  
DEPUTY-CUM-SUPERINTENDENT  
DISTRICT JAIL BUNEER AT DAGGAR

بخدمت جناب انٹرنیٹ انسٹریکچر ڈسٹرکٹ ڈیپارٹمنٹ

(5)

صوبہ عالی

مخدومہ نازین صاحبہ سائیکل عیب ایڈوائزر صاحبہ

ماں کاسٹم کے ساتھ ڈیوٹی پر حضور تھے

صوبہ عالی کے سائیکل ٹیم کا گورنر کونسل کے سرپرستوں سے  
میں ہوا۔ تاکہ سائیکل سروس ڈیوٹی یا سائیکل سروس

جب اظہار میں اشتہار میں سائیکل کو سید علیہ کو سائیکل خود  
سروس میں حاصل ہوا۔ لیکن انٹرنیٹ کے سائیکل کو  
معیاری ہونے کا آرڈر دے دیا۔

صوبہ عالی کے سائیکل کے لئے عدالت درخواست دے کر اپنا  
کیس جیتا۔ اور عدالت حذر نے والیس اپنی ڈیوٹی پر بحال  
ہونے کا حکم صادر فرمایا۔

لہذا آپ صاحبان سے عافیتاً نازین صاحبہ سائیکل  
حالیہ سروس سائیکل کے ساتھ سروس کا فرما دیا  
سائیکل ٹیم کے ساتھ

نور محمد  
20/03/2012

انٹرنیٹ ڈیپارٹمنٹ، ایس ایم ایچ، ڈسٹرکٹ ڈیپارٹمنٹ

20/3/2012



(6)

xxx یہ درست ہے کہ مجھے 22-02-2015 سہ ماہی ٹرنٹ جیل مردان

نے برائے سیکورٹی ڈیوٹی منسٹر جیل خانہ جات کے لیے فارغ کیا  
گیا۔ یہ بھی درست ہے کہ میں مردان جیل میں مورخہ

11-09-2015 کو حاضر ہوا اور ڈیوٹی سرسایا گیا

یہ بھی درست ہے کہ مورخہ 13-09-2015 کو ہدایت کی گئی  
کہ مورخہ 15-09-2015 کو دو عدد رجا ویر کے ساتھ سپتیل  
سیکرٹری ہوم کے سامنے پیش ہو جائے۔

یہ بھی درست ہے کہ مورخہ 15-09-2015 سپتیل سیکرٹری ہوم  
کے سامنے پیش ہو گیا۔

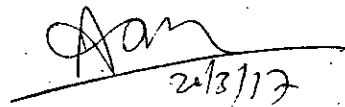
یہ بھی درست ہے کہ میں نے ماہ ستمبر 2015 کی تنخواہ وصول نہیں  
کی ہے۔

یہ غلط ہے کہ مجھے گھر کے پتہ پر غیر حاضر ہی کی نوٹس اور شوکار  
نوٹس ملے ہیں۔

یہ درست ہے کہ مجھے بزرگہ اخبار اشتہار معلوم ہوا کہ مجھے  
ڈیوٹی سے غیر حاضر کیا گیا ہے لہذا میں ڈیوٹی آنے کے لیے  
مورخہ 30-11-2015 حاضر ہوا مگر مجھے نوٹری سے درخواست کیا گیا۔

ذیشان عالم وارڈر  
حال ڈسٹرکٹ جیل جنرل  
20-03-2017



  
20/3/17

بیان و اہل خانہ کے لئے تحریر شدہ


(7)

صفا بیان ہے کہ خطا ہے اور زانیہ وارڈز ان کے وارڈز ڈیٹا کے  
کو حکم A167 کے لئے سیکورٹی ڈیویژن میں صفا بیان کے  
مورخہ 28/09/2015 کو روانہ کیا گیا۔ اور واپس مورخہ 11/08/2015  
کے بعد دوپہر کو ڈیویژن میں وارڈز ڈیویژن کے پاس حاضر ہوا۔

اور وارڈز ڈیٹا کے حکم کو اسٹیل سیکورٹی کے دفتر میں  
پیشی پر ایم اے اے او ایف ایف ڈیویژن کے پاس  
کرنے پر مورخہ 08/15 کو روانہ کیا گیا۔ اور دوپہر  
15/09 کو جیل حاضر نہ ہوئے اور ڈیویژن سے علیحدہ  
کیے گئے۔ اور زانیہ وارڈز کی فوٹو گرافی پر لکھا ہے۔

واہل خانہ کے  
لئے تحریر  
شدہ وارڈز

اطراف مورخہ 20-03-2017

  
20/3/17

الحديث جناب .....  
.....

جناب عالی

مودبانہ گزارش ہے کہ مسائل جناب علیہ السلام

ابردالرز کے ساتھ ڈیوٹی پر مصروف تھے

جناب عالی مسائل کو کسی قسم کا نوٹس نہ لے رہے تھے

اعد مسائل صرف اخباری بیان کی وجہ سے حردان میں

تازہ ہوا۔ اور مسائل کو لکھنے لکھی شوقا یا انٹو لرن  
کے عطل آرڈر دے دیا

جناب عالی۔ مسائل عدالت عالیہ سے اپنا کیسی جیت

کر والیسی این ڈیوٹی پر کمال ہوا

جناب عالی آپ ہریان سے استریک ایہ کہ مسائل پر

دعم فرما کر مسائل کے ساتھ لڑیں کا سگوب کیا ہے

مسائل تاحیات آپ ہریان کی ریح بیلے دیجاتی رہیں گے۔

الغافل

27/03/2017 عورم

آپ کا اخبار وارڈر مراد اللہ علیہ وسلم کے لئے

muhammad

FINAL SHOW CAUSE NOTICE

I, Fazal Hameed Khan Khel, Superintendent Headquarter Prison Mardan, as competent authority, under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, do hereby serve you, Warder(BPS-05) Murad Ullah s/o Farhad Khalil presently attached to District Jail Chitral as follows:-

1- (i) That consequent upon the completion of inquiry conducted against you by the Inquiry Officer for which you were given opportunity of hearing vide this office communication No. 488-91 dated. 06-02-2017 and No.877-80 dated. 15-03-2017.

(ii) On going through the findings and recommendations and other connected papers including your defence before the said Inquiry Officer, I am satisfied that you have committed the following act/ omission specified in section 3 of the said rules:-

- i. While attached to Judicial Lockup Malakand, you absented yourself from duties without sanction of leave from the competent authority on 17.09.2015 violating rule 1082(i) of Pakistan Prison Rules.
- ii. You were served with absence Notice as well as Show cause Notice on your home address by the Superintendent Headquarter Jail Peshawar with the direction to resume your duties within two days of the receipt of the said Notices to which you did not respond.

2- As a result thereof, I, as competent Authority have tentatively decided to impose upon you the Major Penalty of "Removal from Service" under section 4 of the said rules.

3- You are therefore required to show cause as to why the aforesaid penalty should not be imposed upon you, also intimate whether you desire to be heard in person.

4- If no reply to this notice is received within seven (07) days or not more than fifteen days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.

5- A copy of the findings of the inquiry officer is enclosed.

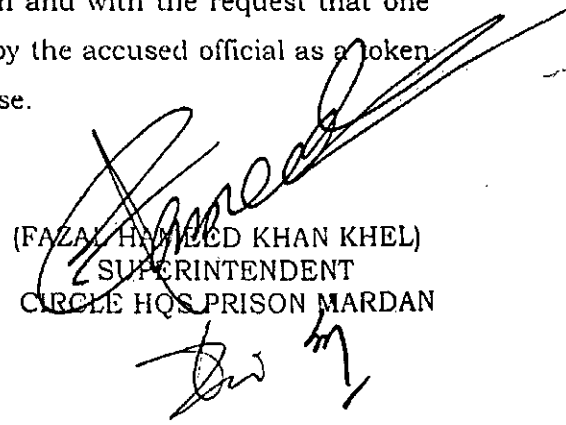


(FAZAL HAMEED KHAN KHEL)  
SUPERINTENDENT  
CIRCLE HQS PRISON MARDAN

Endorsement No. 979-81 dated: 22-03-2017.

Copy of the above is forwarded to:-

1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information please.
2. The Superintendent District Jail Chitral for information and with the request that one copy of the Show Cause Notice duly signed and dated by the accused official as a token of its receipt may be return to this office for record please.
3. Above name Warder.



(FAZAL HAMEED KHAN KHEL)  
SUPERINTENDENT  
CIRCLE HQS PRISON MARDAN