

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR.

Service Appeal No. 672/2017

Date of Institution ... 19.06.2017

Date of Decision ... 16.09.2022

Zeeshan Alam, 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.

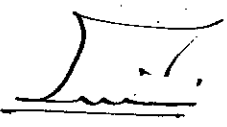
SALAH-UD-DIN
MIAN MUHAMMAD

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 15.09.2015 to 30.11.2015 as well as intervening period from the date of removal from service i.e



01.12.2015 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 30.11.2015 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 30.11.2015, however vide order of the appellate Authority, the said penalty was converted into removal from service. The appellant then filed service appeal No. 285/2016 before this Tribunal, which was allowed vide judgment dated 24.01.2017 by reinstating the appellant into service, however the department was put 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 15.09.2015 to 08.12.2015 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 ^{to} 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 15.09.2015 to 08.12.2015 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 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 30.11.2015, however the appellate Authority converted the same in to removal from service. The appellant then filed service appeal No. 285/2016 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 15.09.2015 to 08.12.2015 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 as well as other consequential benefits 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)

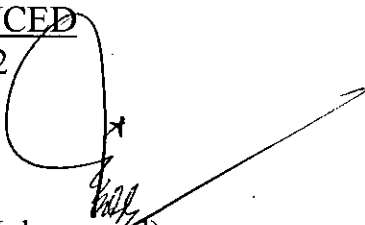

(SALAH-UD-DIN)
MEMBER (JUDICIAL)


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 as well as other consequential benefits 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)

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

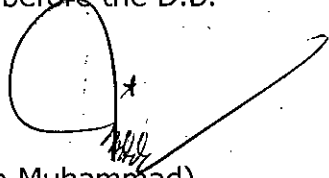
6. We have heard the arguments of learned counsel for the parties and have perused the record.

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 30.11.2015, however the appellate Authority converted the same in to removal from service. The appellant then filed service appeal No. 285/2016 before this Tribunal, which was allowed vide judgment dated 24.01.2017 by reinstating the appellant into service, however the department was ^{left} (put) 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 15.09.2015 to 08.12.2015 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

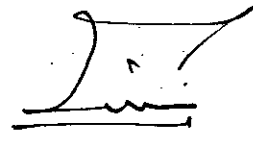
14.09.2022

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.

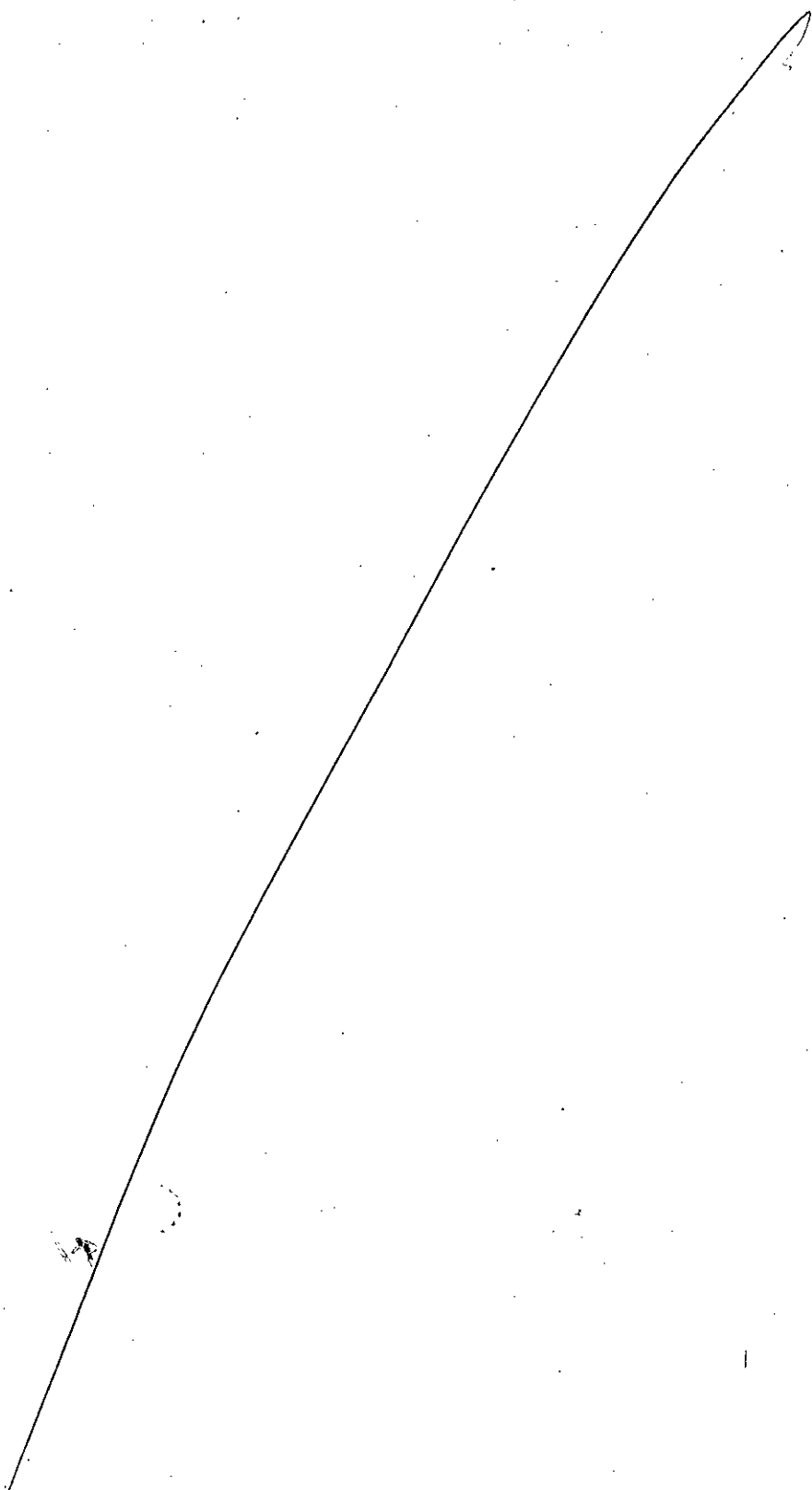
Partial Arguments heard. To come up for remaining arguments on 16.09.2022 before the D.B.



(Mian Muhammad)
Member (E)



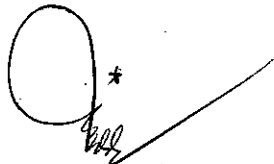
(Salah-Ud-Din)
Member (J)



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 18.05.2022.



(Mian Muhammad)

Member(E)



(Salah Ud Din)

Member(J)

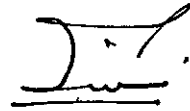
18.05.2022

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

File to come up alongwith connected Service Appeal No.671/2017 titled "Murad Ullah Vs. Prisons Department" 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.

File to come up alongwith connected Service Appeal No.671/2017 titled Murad Ullah Vs. Government of Khyber Pakhtunkhwa on 14.09.2022 before D.B.



(Fareeha Paul)
Member(E)



(Rozina Rehman)
Member (J)

13.01.2021

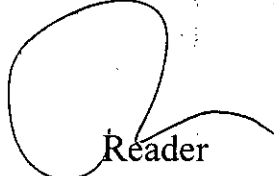
Junior to counsel for the appellant and Mr. Kabirullah Khattak learned Addl. AG for respondents present.

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.

Mahid
13/9/21


(Rozina Rehman)
Member (J)


Chairman

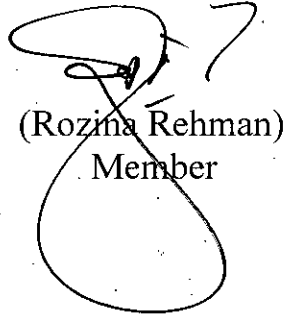
29/12/2021.

Due to winter vaccinations the case is adjourned to 15/4/2022 for the same as before.

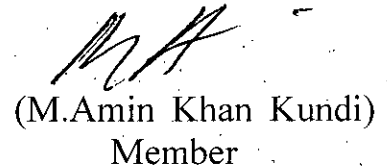

Reader

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



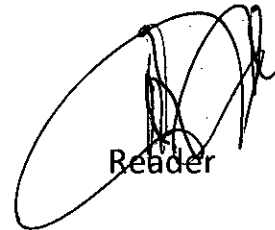
(Rozina Rehman)
Member



(M. Amin Khan Kundi)
Member

27.08.2020

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

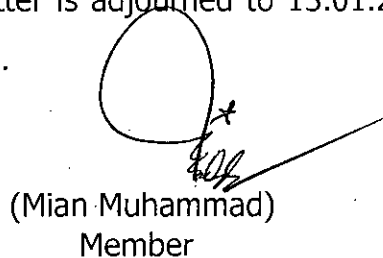


Reader

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

26.11.2019

Learned counsel for the appellant present. Mr. Riaz Paindakhiel 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

28.01.2020

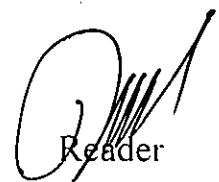
None for the appellant present. Mr. Muhammad Jan, DDA for respondents present. Due to General Strike of the bar on the call of Khyber Pakhtunkhwa Bar Council, the instant case is adjourned. To come up for further proceedings/arguments on 27.03.2020 before D.B. Appellant be put on notice for the date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

23.04.2019 Clerk of counsel for the appellant and Addl. AG for the respondents present.

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


Member



Chairman


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. Amm Khan Kundi)
Member

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

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. Member copy of the present service appeal is also not available. Appellant is directed to furnish the same on or before the next date of hearing. 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

Service Appeal No. 672/2017

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

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 ~~20~~ 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

12.11.2018



Reader

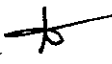
15/8/2017

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

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 14/03/2018 before D.B.


Member


Chairman

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.

Appellant Deposited
Security & Process Fee

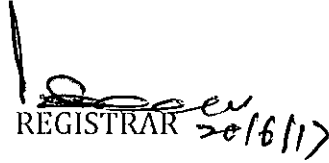

Points urged need consideration. Admit. Subject to deposit security and process fee within 10 days, there-after notices be issued to the respondents for written reply/comments for 15.08.2017 before S.B.


(AHMAD HASSAN)
Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 672/2017

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. Zeeshan Alam 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> 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> CHAIRMAN</p>

The appeal of Mr. Zeshan Alam 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. 1569/S.T,

Dt. 20/6/2017

[Signature]
REGISTRAR 20/6/17
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. 672 /2017

Zeeshan Alam

VS

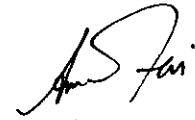
Prison Deptt:

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of Appeal	-----	1-3
2.	Copy of judgment	A	4-7
3.	Copy of order dt: 30.3.2017	B	8
4.	Copy of departmental appeal	C	9-10
5.	Copy of rejection order	D	11
6.	Copy of affidavit	E	12-13
8.	Vakalat Nama	-----	14.

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. 672/2017

Zeeshan Alam, Warder,
Central Jail Mardan.

APPELLANT

**Khyber Pakhtukhwa
Service Tribunal**

Diary No. 703

Dated 19-6-2017

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 15.09.2015 TO 30.11.2015 AND INTERVENING PERIOD FROM THE DATE OF REMOVAL FROM SERVICE i.e 01.12.2015 TO THE DATE REINSTATEMENT INTO SERVICE 03.02.2017 WERE TREATED AS LEAVE WITHOUT PAY.

PRAYER:

Filed to-day

Registrar

19/6/17

**Re-submitted to -day
and filed.**

Registrar

20/6/17

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER 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 15.09.2015 TO 30.11.2015 AS WELL AS INTERVENING PERIOD FROM THE DATE OF REMOVAL FROM SERVICE i.e 01.12.2015 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 30.11.2015 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. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL

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 30.11.2015 on the basis of absence. Then the appellant filed departmental appeal against the said dismissal order which was modified and punishment converted into that of removal from service by the appellate authority vide order dated 15.2.2016.
2. That the appellant then filed service appeal No. 285/2016 against the orders dated 30.11.2015 and 15.2.2016. 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 15.09.2015 to 30.11.2015 as well as intervening period from the date of removal from service i.e 30.11.2015 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 30.11.2015 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 30.11.2015 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 15.09.2015 to 30.11.2015 as well as intervening period from the date of removal from service i.e 30.11.2015 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.

زیشان عالم
APPELLANT
Zeeshan Alam

THROUGH:


(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT.

2

A 9

BEFORE THE PROVINCIAL SERVICE TRIBUNAL KHYBER
PAKHTUNKHAWA, PESHAWAR



Service Appeal No. 285 of 2016

S. W. F. Brothers
Service Tribunal
Dirary No. 298
Case No. 16-03-201

**Zeeshan Alam S/O Jan-e-Alam (Jail Warden), Mohallah Ali Sher Zai
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 Pakhtunkhwa Service Tribunal Act, 1974 against order No. 261, Dated, 30-11- 2015, vide, which major penalty of dismissal of service has been imposed and against which departmental Appeal/Review petition had been rejected, vide, order dated, 15-02-2016 conveyed/received on 20-02-2016.

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, 15-02-2016 passed by the appellate authority, vide, which dismissal order No. 261, Dated, 30-11- 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.

~~16/3/16~~
16/3/16

Respectfully Sheweth:

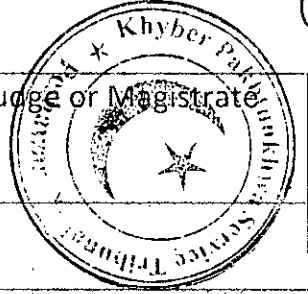
The appellant very humbly submitted as under:-

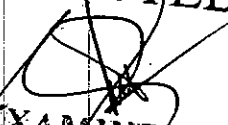
re-submitted
Zeeshan Alam
25/3/16
to-day

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	24.1.2017	<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.

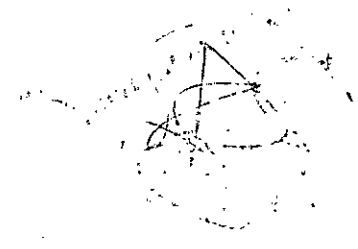
Certified to be true copy
 KHAN AMIR
 Service Tribunal
 Peshawar


 (Muhammad Aamir Nazir)
 Member


 (Muhammad Azim Khan Afridi)
 Chairman

ANNOUNCED
 24.1.2017

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





B 8

OFFICE OF THE SUPERINTENDENT CIRCLE HQS. PRISON MARDAN

No. _____ /PB Dated: 30/03/2017, E-Mail: mardanjaii@gmail.com, 0937-843114 0937-843115

OFFICE ORDER

WHEREAS, the accused official Mr. Zeeshan Alam s/o Jan Alam 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.483-86 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. 285/2016 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 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. 975-77 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. Zeeshan Alam s/o Jan Alam for his misconduct/wilful absence i.e. from 15-09-2015 to 30-11-2015 seventy seven (77) 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.

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

Endst: No. 1073-78

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 Central Prison Mardan.
3. The Superintendent District Jail Chitral.
4. The District Accounts Officer Mardan/Chitral.
5. Warden concerned.

ATTESTED

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

خدمتِ مکتبہ آئی جی ایم اے کراچی کے لیے

عنوان

رہنما کے لیے مکتبہ آئی جی ایم اے کراچی

Intervening Period

مکتبہ عالی

سائل جس پر عمل کرنا ہے

- 1 یہ کمر سائل ایک شریف اور قانون کے لحاظ سے کامیاب رہنے والے شخص ہے اور محدود سببوں و اثرات پر ہے
- 2 یہ کمر سائل کے خلاف کوئی شکایات کئے گئے ہیں
- 3 یہ کمر سائل نے عدالت حضور میں مقدمہ چلایا اور عدالت نے اس کے حق میں فیصلہ دیا
- 4 یہ کمر سائل ایک شریف شخص ہے اور سارے خاندان کا خیر سائل پر ہے
- 5 یہ کمر سائل کو مذکورہ وقت کا تنخواہ دینے میں کوئی قانونی امر مانع نہیں بلکہ اس پر کوئی امر مانع نہیں ہے
- 6 یہ کمر سائل قانون کے مطابق کامیاب رہنے والے ہیں اور

ATTESTED

لذا اب اہلبان سے الحاس ہے
کہ سائل کو فوریہ وقت intervening period
کی تحواہ رہنے ماعلم ہمارے فرمایا جائے

سائل ارٹماؤہ

ذلتیان عالم والاطال عالم
مورثہ 21/4

8207

21+4-2017

ATTESTED

[Signature]



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.

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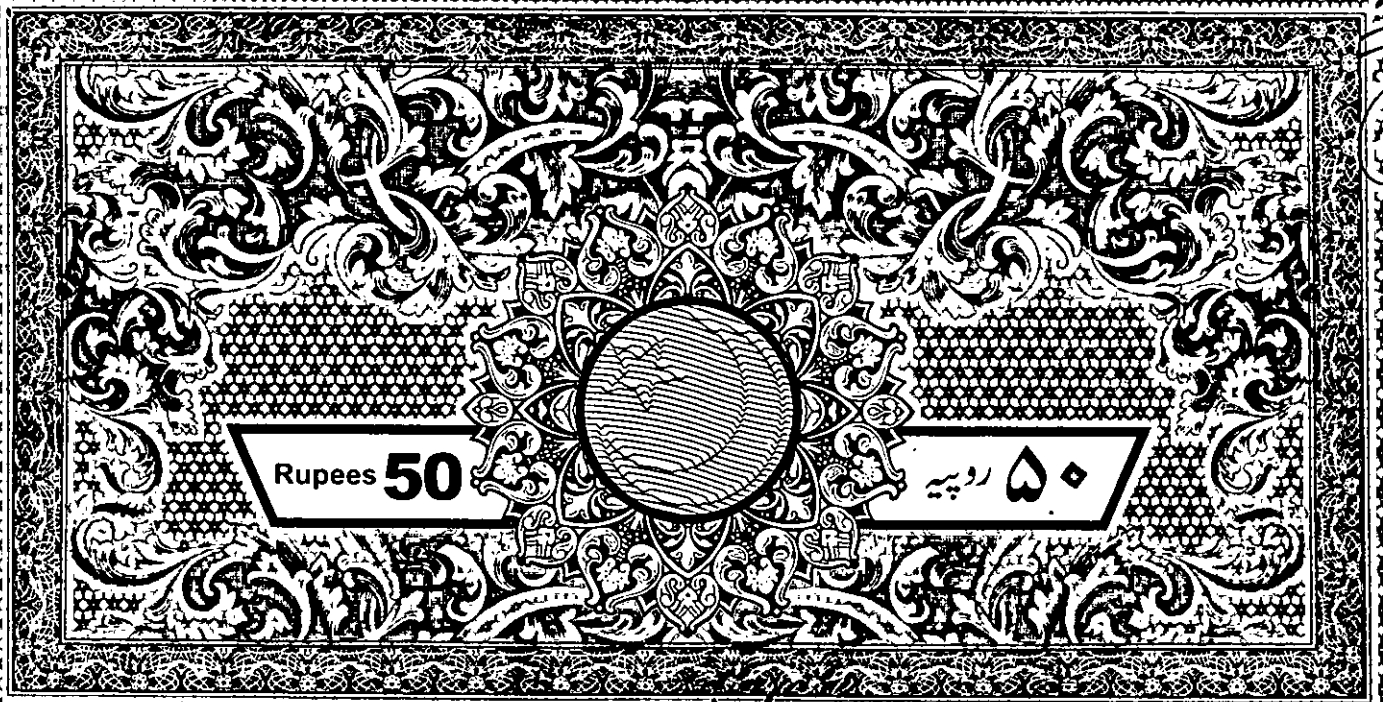
1. The Superintendent, Headquarters Prison Mardan for information and necessary action.
2. The Superintendent, District Jail Chitral for information and necessary action with reference to the Superintendent HQ Prison Mardan order referred to above. He is directed to inform the appellant accordingly and 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.

[Signature]
23/5/17

ATTESTED

[Signature]



Rupees 50

۵۰ روپیہ

بیان حلفی

منندہ میں ذیشان عالم دلا جان عالم سہیل مونس
 پاپو کہ حقیقہ و ضلع لائٹ اور مافوں اور حلفی
 بیان کرتا ہوں۔ مگر جس وقت مجھے ملازمت
 سے ڈس میٹارج کیا۔ اور مجھے پھر بحال کر دیا۔ اس دوران
 میں فرانسس قسم کی ملازمت۔ نوکری وغیرہ نہیں
 کی ہے۔ میں حلفیہ بیان کرتا ہوں کہ ملازمین حلفی
 درست اور صحیح ہے۔ کوئی امر حلفیہ نہیں رکھتی ہے
 اور نہ ہی ملحق بیانی کی ہے۔ آمین
 ذیشان عالم حلقہ ۱۹/۱۱/۱۹
 ۶/۲۰۱۶

ATTESTED

MOHAMMAD SHAFIQ, A.L.L.B., ADVOCATE
 &
 OATH
 COMMISSIONER
 DISTRICT COURT, PESHAWAR

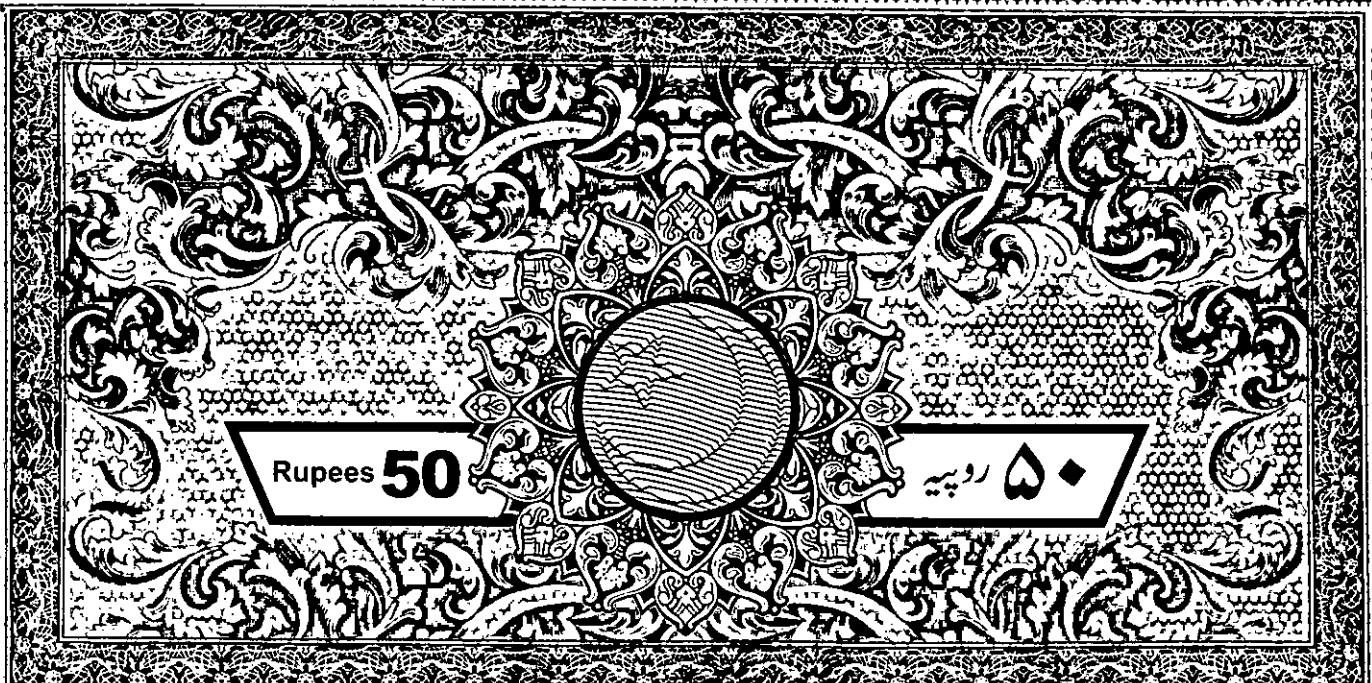
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SECRETARY OFFICE
18 JUL
MES. AWAR

C162375

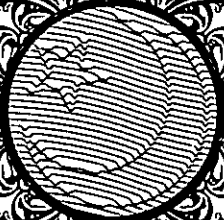


13



Rupees **50**

۵۰ روپیہ



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TREASURY OFFICE
13 JUN 2011
PESHAWAR

Peshawar Treasury
Lic No. 411/2008-02000
Shah Jahan Road, Peshawar

VAKALAT NAMA

NO. _____ /2017

IN THE COURT OF Service Tribunal Peshawar

Zeeshaan Alam

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Prison Deptt

(Respondent)
(Defendant)

I/We Zeeshaan Alam

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

ذیشان عالم
(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 Bakheri
Advocate

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

In the matter of

Service Appeal No. 672/2017

Zeeshan ALam 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-

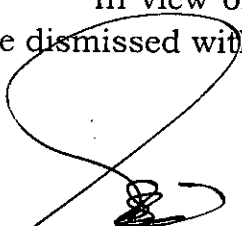
SCMR-228 is **Annexure-B**) in the absence of clear order by the Honorable Tribunal and inquiry report is (**Annexure-C**).

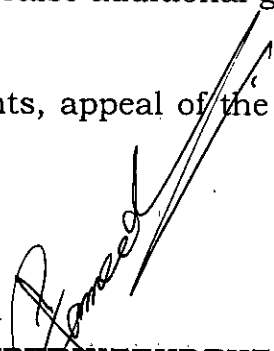
- 5) Incorrect, misleading. The departmental appeal was having no sound footing, hence the appellate authority rejected being without substance.
- 6) The appeal of the appellant may be dismissed on the following grounds.

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. 672/2017

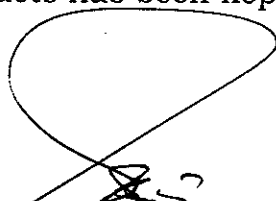
Zeeshan ALam Warder Central Prison Mardan.....**Appellant**

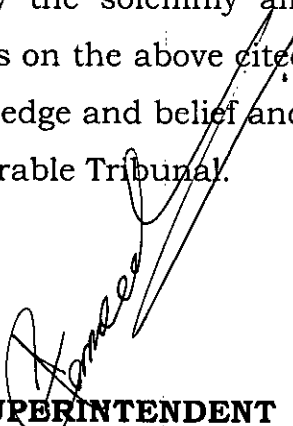
VERSUS

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. 672/2017

Zeeshan Alam

VS

Prison Deptt.:

REJOINDER ON BEHALF OF APPELLANT

M
11/1/18

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
(ADVOCATE HIGH COURT)

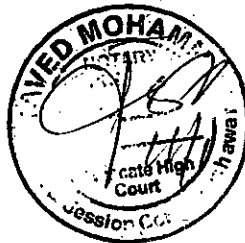
AFFIDAVIT

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





OFFICE OF THE
SUPERINTENDENT
CIRCLE HQS. PRISON MARDAN

Email: mardanjail@gmail.com

Phone: 0937-843114

No. 482 /PB. Dated: 6/02/2017.

DISCIPLINARY ACTION.

I, Sahibzada Shah Jehan, Superintendent Headquarter Prison Mardan, as competent authority, am of the opinion that warder (BPS-05) Zeeshan Alam s/o Jan Alam 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 Central Prison Mardan 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.

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. 483-86 /-

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 Central Prison Mardan 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 Central Prison Mardan with the direction to appear before the Inquiry Officer for the purpose of Inquiry proceedings.

SUPERINTENDENT
CIRCLE HQS. PRISON MARDAN

OK

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
SUPERINTENDENT
CIRCLE HQS. PRISON MARDAN
E mail. mardanjail@gmail.com
Phone. 0937-843114
No. **462/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 Services Appeal No. 285/2016, Ex-warder (BPS-05) Zeeshan Alam son of Jan Alam attached to Central Prison Mardan and 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 30.11.2015 and from 01.12.2015 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. **463-66/P.B.**

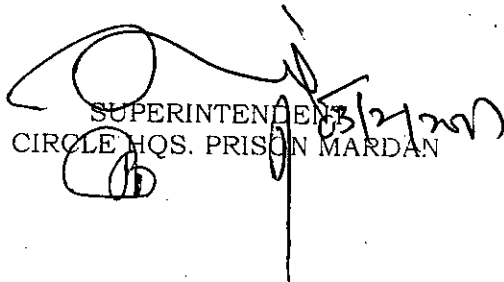
Copy of the above is forwarded to;

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 Central Jail Mardan.
3. The District Accounts Officer Mardan.

For information and necessary action please.

4. The official/warder Zeeshan Alam s/o Jan Alam R/O Mohallah Ali Sher Zai Village Pawakai, Peshawar.

For information and with the direction to report to the Superintendent Jail Central Jail Mardan for duties immediately on the receipt of this order.


SUPERINTENDENT
CIRCLE HQS. PRISON MARDAN

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.

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.

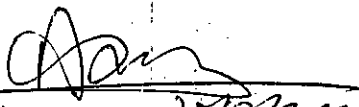
Warder Zeeshan Alam son of Jan Alam stated on oath that he was performing his duties with Advisor to the Chief Minister for Prisons Khyber Pakhtunkhwa and that he had not received any kind of Notice at his home address and that he came to know through Newspaper and he reported for duty and that he was 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;



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 17th 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.

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)
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)
DEPUTY-CUM-SUPERINTENDENT
DISTRICT JAIL BUNEER AT DAGGAR

الحکومت جناب ایڈووکیٹ جنرل صاحب دہلی کے لیے

(5)

جناب عالی

مخبردارانہ گزارش حسب سائل جناب ایڈووکیٹ جنرل صاحب

مکان قاسم کے ساتھ ڈیوٹی پر معذور ہے

جناب عالی کے سائل کو کسی قسم کا کوئی ٹوکس ٹیکر پر موصول نہیں ہوا۔ تاہم سائل نے وقت ڈیوٹی یا ٹیکس ٹیکر حاصل کرنے سے

جب اظہار میں اشتہار میں سائل کو دستہ علیہ کو سائل خود

مردان میں سے حاصل ہوا ہے پھر کسی ایڈووکیٹ کے سائل کو

معطل ہونے کا آرڈر دے دیا

جناب عالی کے سائل نے لٹریچر عدالت درخواست دے کر اپنا

کیس جیتا اور عدالت صدر نے وائس اینی ڈیوٹی پر بحال

ہونے کا حکم صادر فرمایا

لینڈ آرپ صاحبان سے عائدانہ گزارش حسب سائل

حال میں رول فرما کر سائل کے ساتھ ٹریس کا پیمانہ

سائل کو دیا گیا

20/03/2012

ایڈووکیٹ جنرل صاحب دہلی کے لیے
ایڈووکیٹ جنرل صاحب دہلی کے لیے
20/03/2012

(6)

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

نے سرائے سیکورٹی ڈیویژن منسٹر جیل خزانہ حیات کے لیے فارغ کیا
گیا۔ یہ بھی درست ہے کہ میں مردان جیل میں مورخہ

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

یہ بھی درست ہے کہ مورخہ 2015-09-13 کو ہدایت کی گئی

کہ مورخہ 2015-09-15 کو دو عدد آرمی کے ساتھ سینٹرل
سیکرٹری ہوم کے سامنے پیش ہو جائے۔

یہ بھی درست ہے کہ مورخہ 2015-09-15 سینٹرل سیکرٹری ہوم

کے سامنے پیش ہو گیا۔

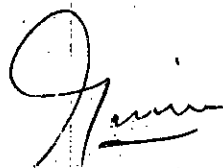
یہ بھی درست ہے کہ میں نے ماہ ستمبر 2015 کی تنخواہ وصول نہیں
کی ہے۔

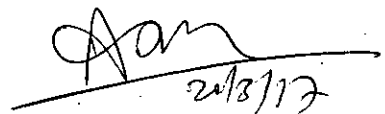
یہ غلط ہے کہ مجھے گھر کے پتہ پر غیر حاضر کی نوٹس اور شوکار
نوٹس ملے ہیں۔

یہ درست ہے کہ مجھے بذریعہ اخبار اشتہار معلوم ہوا کہ مجھے
ڈیویژن سے غیر حاضر کیا گیا ہے لہذا میں ڈیویژن آئے اور

مورخہ 2015-11-30 حاضر ہوا مگر مجھے نوٹس سے درخواست کیا گیا۔

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




20/3/17

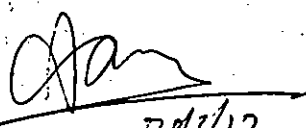
بیان و اہل خانہ کی خدمت میں عرض کرنا

حفاظت بیان ہے کہ خطا ہے اور زانیہ وارڈز ان کے وارڈز ڈسٹین علام
 کو حکم A 167 کے بارے میں کیوں ڈیوٹی میں صحتی نہ جانے کی
 صورت $\frac{09}{2015}$ کو روانہ کیا گیا۔ اور واپس ہو کر مورخہ $\frac{08}{2015}$ 11
 کے بعد دوپہر کو ڈسٹریکٹ جیل مردان ڈیوٹی کے لیے حاضر ہوا
 گا۔

اور وارڈز ڈسٹین علام کو اسٹیشن سیکرٹری صوفیہ کے دفتر پر
 پیشی پیرامیڈیٹو از آفس سٹیشنرٹ جا آفس کے ٹیلیفون
 کرنے پر مورخہ $\frac{08}{15}$ 3 کو روانہ کیا گیا۔ اور دوبارہ
 $\frac{9}{15}$ کو جیل حاضر نہ ہوئے صوفیہ کے وارڈز ڈیوٹی سے غیر حاضر
 کیا گیا۔ اور زانیہ وارڈز کی فوٹو گاہی پر لالچ ہے۔

واہل خانہ کی
 خدمت میں عرض کرنا
 سٹیشن جیل مردان

المورخہ 2017-03-20


 22/3/17



OFFICE OF THE SUPERINTENDENT CIRCLE HQS. PRISON MARDAN

No. 1072 /PB Dated: 30/03/2017. E-Mail: mardanjail@gmail.com, 0937-843114, 0937-843115

OFFICE ORDER

WHEREAS, the accused official Mr. Zeeshan Alam s/o Jan Alam 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.483-86 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. 285/2016 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 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. 975-77 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. Zeeshan Alam s/o Jan Alam for his misconduct/wilful absence i.e. from 15-09-2015 to 30-11-2015 seventy seven (77) 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.

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

Endst: No. 1073-78

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 Central Prison Mardan.
3. The Superintendent District Jail Chitral.
4. The District Accounts Officer Mardan/Chitral.
For information and necessary action please.
5. Warden concerned.

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

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 Zeeshan Alam s/o Jan Alam 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. 483-86 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 Central Prison Mardan, you absented yourself from duties without sanction of leave from the competent authority on 15.09.2015 violating rule 1082(i) of Pakistan Prison rules.
- 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.

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 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. 975-77 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 returned to this office for record please.
3. Above name Warder.


(FAZAL HAMEED KHAN KHEL)
SUPERINTENDENT
CIRCLE HQS PRISON MARDAN


واریڈر زیشان عالم س/و جان عالم
سید ایمن سواتی

اجتہادِ جناب **مفت محمد رفیع** مدظلہ العالی کے سوال و جواب

جناب عالی

عود جانہ گذارش ہے کہ مسائل جناب ایدہ والنہاد

علک کا سیم کے ساتھ ڈیوٹی پر حضور تھے

جناب عالی۔ مسائل کو کسی سیم کا کوئی نوٹس گھر پر موصول نہیں ہوا۔ تاکہ مسائل بروقت ڈیوٹی یا ایسی کیلئے حاضر ہو سکے جب افکاری اشتیاق سے مسائل کو پتہ چلے تو مسائل خود سروان جیل میں حاضر ہوا۔ بغیر کسی اتلو اثری کے مسائل کو عقل ہونے کا آرڈر دے دیا۔

جناب عالی مسائل کے بذریعہ عدالت درخواست دہے کر ایسا کیس لیتا اور عدالت کے واپس اپنی ڈیوٹی پر بحال ہونے کا حکم دے دیا۔

لینذا آپ ہمارا سے عاجزانہ گذارش ہے کہ مسائل کے حال پر رحم فرما کر مسائل کے ساتھ لڑی کا برتاؤ کیا جائے۔ مسائل کا حیات دکانو رہیگا۔

2703
2016

الغالبان

آپ کا بھائی فاروق ڈیپان عالم حال دستبرکت جیل پٹنہ

15-9- → 30-11-15 z A. = 77.

17-9 —→ 9-12 Murad = 84

14
31
30
9

الحمد لله الذي جعلنا منكم أمة مبعوثين

(5)

صلى الله عليه وآله وسلم
مؤدباً له لئلا يضل من سلك طريقاً مستقيماً

أيدى وزير العدل في سنة ١٩٥٦ م

صلى الله عليه وآله وسلم
سنة ١٩٥٦ م

أور سلس حضوراً بغير بيان في وقت
صغيرين حاضرين

صغيرين حاضرين
أور سلس حضوراً بغير بيان

أور سلس حضوراً بغير بيان

صلى الله عليه وآله وسلم
سنة ١٩٥٦ م

سنة ١٩٥٦ م

صلى الله عليه وآله وسلم
سنة ١٩٥٦ م

سنة ١٩٥٦ م

سنة ١٩٥٦ م

20/3/57

20/03/2017

الحمد لله

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Handwritten signature and text

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

جیل ملاکنڈ نے انسپکٹر جنرل جیل خانہ جات کے دفتر کے لیے
ڈیوٹی کے لیے فارغ کیا گیا ہے 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 سینئر
سیکرٹری ہوم کے سامنے پیش ہو جاؤ۔

یہ بھی درست ہے کہ مجھے گھر کے پتہ پر شوز ٹوٹس ملا تھا جسکا

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

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

کہ نذرانہ ہوم کے انٹر ڈیوٹی کے لیے حاضر ہو جاؤ اور غیر حاضری

کی وصولی ہو جائے۔

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 کوارٹر 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 درخواستیں نہیں کی ہیں۔

مراد اللہ حلیل وارڈ

20/3/2017

20/3/2017

OFFICE ORDER

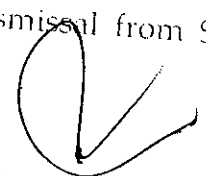
In exercise of powers under Rule-9 of Khyber Pakhtunkhwa Government Servants (Efficiency & Disciplinary) Rules 2011, warder Murad Ullah attached to Judicial Lockup Malakand absented himself from his allotted duties as well as jail premises without prior permission of the Competent Authority w.e.f 15-09-2015. 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

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