

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 11403/2020

Date of Institution ... 15.09.2020

Date of Decision ... 01.02.2022

Arshad Khan S/o Muhammad Azeem, Ex-Warder Central Prison Bannu R/o  
Yaqoobi Kalay Tehsil Takht-e-Nusrati District Karak.

... (Appellant)

**VERSUS**

The Inspector General of Prison, Khyber Pakhtunkhwa Peshawar and others.

... (Respondents)

Nasir Mahmood ,  
Advocate

... For Appellant

Muhammad Adeel Butt,  
Additional Advocate General

... For respondents

**AHMAD SULTAN TAREEN**  
**ATIQU-UR-REHMAN WAZIR**

...  
...

**CHAIRMAN**  
**MEMBER (EXECUTIVE)**

**JUDGMENT**

**ATIQU-UR-REHMAN WAZIR MEMBER (E):-**

This single judgment

shall dispose of the instant service appeal as well as the connected Service Appeal bearing No. 11404/2020 "titled Sami Ullah Versus Inspector General of Police Khyber Pakhtunkhwa Peshawar and others", as common question of law and facts are involved therein.

02. Brief facts of the case are that the appellant, while serving as Warder in Prison Department, was proceeded against on the charges of absence from duty and was ultimately dismissed from service vide order dated 13-07-2020. Feeling aggrieved, the appellant filed departmental appeal, which was also rejected vide order dated 31-08-2020, hence the instant service appeal with prayers that the

impugned orders dated 13-07-2020 and 31-08-2020 may be set aside and the appellant may be reinstated in service with all back benefits.

03. Learned counsel for the appellant has contended that the impugned orders are illegal, unlawful, without authority as well as based on malafide; that while passing the impugned orders, no proper procedure was followed as mentioned in Rule-9 of Khyber Pakhtunkhwa Government Servant( Efficiency & Discipline) Rules, 2011; that the appellant was not served with any show cause notice, nor any charge sheet/statement of allegation was served upon the appellant and all the proceedings were conducted at the back of the appellant, in spite of the fact that the appellant was performing his duty under the command of respondent No 2, hence plea of the respondents to the effect that the appellant did not appear before the inquiry officer is absolutely wrong and misleading; that there is no charge at all against the appellant but the respondent passed the impugned order illegally and without lawful reason, which is also against the law and norms of natural justice; that the appellant during the course of his duty fell seriously ill and upon advice of doctor concerned, the appellant was granted four days leave on medical grounds; that the respondents while ignoring the bed rest granted by hospital concerned had declared his medical leave as absence from duty and was proceeded against on the same grounds and did not consider illness of the appellant.

04. Learned Additional Advocate General for the respondents has contended that the appellant willfully absented himself from lawful duty with effect from 02-04-2020 to 29-04-2020, for which he was proceeded against under the relevant rule and law; that proper inquiry was conducted against the appellant, whereas the inquiry officer called him repeatedly but the appellant did not appear before the inquiry officer; that in light of the findings of inquiry report, show cause notice was served upon the appellant, but the appellant did not respond, nor he appear for personal hearing on due date; that after fulfilling all the codal formalities, the

appellant was awarded with major punishment of removal from service vide order dated 13-07-2020.

05. We have heard learned counsel for the parties and have perused the record.

06. Record reveals that the appellant, while serving as warder in Bannu jail was found absent for some days, hence absence of the appellant as well as his other colleagues was reported to regional office vide letter dated 11-05-2020. Regional office appointed an inquiry officer, who conducted an inquiry and recommended the appellant for major punishment for the reason that he did not appear before the inquiry officer, but nothing is available on record to ascertain as to whether any notice was served for his appearance before the inquiry officer.

*W/M*  
It is worthy to note that after absence of few days, the appellant resumed his duty and was performing his duty regularly, hence, stance of the appellant to the effect that disciplinary proceedings were conducted at his back hold force, as the inquiry so conducted submitted its report on 11-06-2020, when the appellant was on duty. The appellant was served with a final show cause notice containing the allegation of willful absence for a period of 26 days by the appellant and 3 days by the appellant in the connected service appeal. In the first place, the appellant has been proceeded against under irrelevant sections of the E&D Rules, 2011, as Rule-9 of the rules ibid provide for dealing with cases of willful/ habitual absenteeism, hence the respondents were required to invoke the jurisdiction of the Rule-9 of the rules ibid, but the respondents proceeded him in absentia under wrong sections of law and without affording him opportunity of defense, hence the proceedings so conducted are illegal and on this score alone, the impugned order is liable to be set at naught.

07. We have observed that absence of the appellant was neither so long nor willful but was due to compelling reason of his illness and such stance was taken by the appellant in his departmental appeal, but neither his illness nor his medical

prescriptions were taken into consideration. Even otherwise absence on medical grounds without permission of the competent authority does not constitute gross misconduct entailing major punishment of dismissal from service. The appellant was not guilty of charges of gross misconduct or corruption, therefore extreme penalty of dismissal from service for the charge of absence is on higher side, hence, quantum of the punishment needs to be reduced. Reliance is placed on 2006 SCMR 1120.

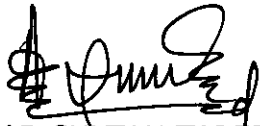
08. We have noted that vide the impugned order of dismissal the absence period of the appellant is treated as leave without pay, hence the authority had itself condoned the period of absence by allowing him leave without pay, hence there is no justification with the authority to penalize the appellant for such absence, which had been regularized. Wisdom to this effect is derived from judgment of Supreme Court of Pakistan reported as 2006 SCMR 434 and 2012 TD (Service) 348. Careless portrayed by the appellant was not intentional, hence cannot be considered as an act of negligence which might not strictly fall within the ambit of misconduct but it was only a ground based on which the appellant was awarded major punishment. Element of bad faith and willfulness might bring an act of negligence within the purview of misconduct but lack of proper care and vigilance might not always be willful to make the same as a case of grave negligence inviting severe punishment. Philosophy of punishment was based on the concept of retribution, which might be either through the method of deterrence or reformation. Reliance is placed on 2006 SCMR 60.

09. We have observed that charge against the appellant was not so grave as to propose penalty of removal from service, such penalty appears to be harsh, which does not commensurate with nature of the charge. Moreover, this tribunal has already granted relief in numerous cases of similar nature. As a sequel to the above, the instant appeal as well as the connected service appeal bearing No. 11404/2020 titled Sami Ullah Versus Inspector General of Police Khyber

Pakhtunkhwa Peshawar and others", are accepted. The impugned orders are set aside and the appellants are re-instated in service by converting the penalty of dismissal from service into minor punishment of censure. The appellants are held entitled to all back benefits. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED

01.02.2022



(AHMAD SULTAN TAREEN)  
CHAIRMAN



(ATIQ-UR-REHMAN WAZIR)  
MEMBER (E)

ORDER

01.02.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondent present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the instant service appeal as well as the connected service appeal bearing No. bearing No. 11404/2020 "titled Sami Ullah Versus Inspector General of Police Khyber Pakhtunkhwa Peshawar and others", are accepted. The impugned orders are set aside and the appellants are re-instated in service by converting the penalty of dismissal from service into minor punishment of censure. The appellants are held entitled to all back benefits. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED

01.02.2022



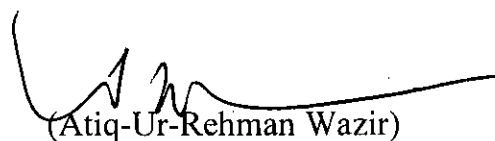
(AHMAD SULTAN TAREEN)  
CHAIRMAN



(ATIQ-UR-REHMAN WAZIR)  
MEMBER (E)

28.01.2022

Appellant in person present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Suleman Senior Instructor for respondents present and submitted reply/comments, which are placed on file and copy of the same is handed over to the appellant. To come up for rejoinder if any, and arguments before the D.B on 01.02.2022.




(Atiq-Ur-Rehman Wazir)

Member (E)

10.01.2022

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

Reply/comments on behalf of respondents are still awaited. Learned AAG sought time for submission of reply/comments. Last opportunity is granted to respondents to furnish reply/comments on or before next date, failing which their right to submit reply/comments shall be deemed as struck off by virtue of this order. To come up for arguments before the D.B on 25.01.2022.

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

25.01.2022

Appellant in person present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Suleman Senior Instructor for respondents present.

Reply/comments on behalf of respondents are still awaited. Representative of respondents requested for short adjournment for submission of reply/comments. Last opportunity is granted to respondents to furnish reply/comments. To come up for reply/comments before the S.B on 28.01.2022.

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



950/19

04.02.2021

Counsel for the appellant and Addl. AG for the respondents present. Nemo on behalf of respondents No. 5 & 6.

Respondents have not furnished the requisite reply/comments. The appeal is, therefore, posted to D.B for arguments on 06.05.2021.



Chairman

06.05.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 07.09.2021 for the same as before.



Reader

07.09.2021

Abid Ullah Advocate junior to counsel for appellant present.

Muhammad Adeel Butt learned Additional A.G for respondents present.

Former made a request for adjournment as senior counsel is indisposed. Request is accorded. To come up for arguments on 10.01.2022 before D.B.



(Rozina Rehman)  
Member (J)



Chairman

S.A No. 11403/20

17.06.2021

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

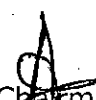
Learned AAG seeks time to submit reply/comments. He is required to contact the respondents for submission of written reply/comments in office within 10 days, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 04.11.2021 before the D.B.

*Stipulated period has passed and reply has not been submitted.*

P.S

01.07.2021

Learned Addl. A.G be reminded about the omission and for submission of Reply/comments within extended time of 10 days.


  
Chairman

  
Chairman

04.11.2021

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

Request for adjournment is made on behalf of Learned senior counsel for the appellant. Request is accorded. To come up for arguments on 10.01.2022 before the D.B.

  
(Rozina Rehman)  
Member(J)

  
Chairman

27.01.2021

Mr. Nasir Mehmood, Advocate, for appellant is present.

It was contended by the learned counsel representing appellant that during rendition of duties as a Warder in Central Prison Bannu he became ill necessitating contact with DHQ Hospital Bannu where he was advised complete bed rest, this fact was communicated back to the jail authorities. It is worth to be mentioned that appellant was enabled to disburse salaries for the months of April, May and June as he has done his job during this period. It was on 13.07.2020 that he was conveyed information that he was removed from service where-after he preferred departmental appeal which was rejected on 31.08.2020 sans providing him any chance of audience having no other efficacious remedy he made resort to this tribunal through the instant service appeal

The point so agitated at the bar needs consideration. The appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 26.04.2021 before S.B.

Appellant Deposited  
Security & Process Fee -  
27/1/21

(MUHAMMAD JAMAL KHAN)  
MEMBER (JUDICIAL)

26.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 17.06.2021 for the same as before.

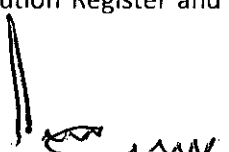
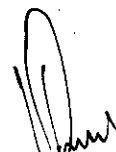
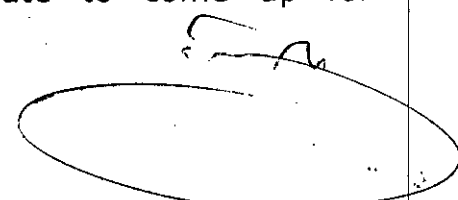
  
Reader

Form- A

FORM OF ORDER SHEET

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

Case No.- 11403 /2020


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	29/09/2020	<p>The appeal of Mr. Arshad Khan resubmitted today by Mr. Nasir Mehmood Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>13/11/2020</u></p> <p style="text-align: right;"> CHAIRMAN</p>
13.11.2020		<p>Nemo for the appellant.</p> <p>Since the Members of the High Court as well as of the District Bar Associations, Peshawar, are observing strike today, therefore, learned counsel for appellant is not available today. Adjourned to 27.01.2021 on which date to come up for preliminary hearing before S.B.</p> <p style="text-align: right;"> (Muhammad Jamal Khan) Member (Judicial)</p>

The appeal of Mr. Arshad Khan s/o Muhammad Azeem Ex-Warder Central Prison Bannu received today i.e. on 15.09.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Copies of medical certificates mentioned in the memo of appeal are not attached with the appeal which may be placed on it.

No. 2691 /S.T,

Dt. 17/09 /2020

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Nasir Mehmood Adv. Peshawar.

*Sir, resubmitted after doing the needful.*

*H. U. [Signature]*  
*29/09/2020*

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Service Appeal No. \_\_\_\_/2020

**Arshad Khan .....Appellant**

**VERSUS**

**The IGP & Others ..... Respondents**

**I N D E X**

<b>S.No</b>	<b>Description of Documents</b>	<b>Annex</b>	<b>Pages</b>
1.	Service Appeal		1-7
2.	Affidavit		8
3.	Copy of removal Order dated 13.07.2020	A	9
4.	Copy of Service Appeal	B	10
5.	Copy of Medical Certificate (later on will be produce)	C	11 -11A
6.	Copy of Impugned Order dated 31.08.2020	D	12
7.	Wakalat NAMA		13

Appellant

Through:

  
**NASIR MAHMOOD**

Advocate, Supreme Court  
Of Pakistan

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

11403

Service Appeal No. \_\_\_\_/2020

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 10284

Dated 15/9/2020

Arshad Khan S/o Muhammad Azeem, Ex-Warder,  
Central Prison Bannu R/o Yaqoobi Kalay Tehsil  
Takhat-e-Nusrati District Karak.

..... Appellant

**VERSUS**

1. The Inspector General Prison, KPK Peshawar
2. The Superintendent Circle Headquarter Prison D.I Khan.
3. The Superintendent Circle Headquarter Prison Bannu.

..... Respondents

**APPEAL UNDER SECTION 4 OF**  
**KHYBER PAKHTUNKHWA SERVICE**  
**TRIBUNAL ACT 1974 AGAINST THE**  
**ORDER OF RESPONDENT NO. 1**  
**DATED 31.08.2020, WHEREBY**  
**DEPARTMENTAL APPEAL FILED BY**  
**THE APPELLANT AGAINST THE**  
**ORDER DATED 13.07.2020 PASSED**

Filed to-day

*eww*  
Registrar

15/9/2020

Re-submitted to-day  
and filed.

*eww*  
Registrar

29/9/2020

**BY RESPONDENT NO 2, WHEREBY  
THE APPELLANT WAS REMOVED  
FROM SERVICE.**

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**Prayer:**

On acceptance of this Appeal the impugned Orders dated 31.08.2020 and 13.07.2020 passed by the respondents No 1 & 2 may kindly be set aside and the Appellant may kindly be re-instated with all back benefit.

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**Respectfully Sheweth:-**

1. That the appellant was appointed as Warder in Central Prison Bannu in January 2015, after fulfilling all legal and codal formalities and since then the appellant was performing his duty with full zest and zeal, devotion and honesty and not a single complaint has ever been made against the



appellant. It may be noted here the during his entire career of service he is performing his duty to the entire satisfaction of his superiors.

2. That it was on 02.04.2020 that the appellant became ill while performing his duty in Central Prison Bannu, he attended DHQ Hospital Bannu wherein he was advised complete bed Rest which was duly communicated to the Jail authorities.
3. That the appellant was paid full salary for the month of April, May and June because he was performing his duty regularly and no explanation was served upon the appellant for his absence.
4. That it was on 13.07.2020 he was verbally informed that he has been removed from service, thereafter he is preferred departmental appeal to respondent no 1 which was rejected on 31.08.2020 without giving proper opportunity for being heard. The appellant thereafter has procured his removal order from service. **(Copy of**

**the Departmental Appeal, Removal Order and Order dated 31.08.2020 are attached)**

5. That the Appellant having aggrieved wherefrom approaches this Hon'ble Tribunal, for setting aside the impugned orders dated 31.08.2020 and 13.07.2020, inter alia on the following grounds:-

**GROUND S:-**

- A. That the impugned orders dated 31.08.2020 and 13.07.2020 of Respondent No 1 & 2 are illegal, unlawful, without authority as well as based on the malafide intentions.
- B. That while passing the impugned order date 13.07.2020 no proper procedure was followed as mentioned in Rule 9 of (E&D) Rule 2011.
- C. That the appellant was not served with any show cause or statement of allegation by the inquiry officer and all the proceedings conducting in the back of the appellant, although the appellant was

performing his duty under the command of Respondent No 2. So the plea of the Respondents as mentioned in the impugned orders that the appellant has willfully not appeared before the inquiry officer which is absolutely wrong and white lie.

- D. That there is also not a single charge or complaint against the Appellant but the Respondent No 1 & 2 passed the order illegally and without any lawful reasons which is also against the law and the natural justice.
- E. That the order dated 31.08.2020 and 13.07.2020 are against the law on the subject because the appellant became ill while performing his duty in Central Prison Bannu, he attended DHQ Hospital Bannu wherein he was advised four days complete Rest which was duly communicated to the Jail authorities but they have illegally initiated inquiry proceedings against the appellant at his back and has not considered the clean record and illness of the appellant.

- F. That the appellant was condemned unheard when it is proved on record that the Respondents had paid salaries to the appellant for the months of April, May & June meaning thereby that he was very much performing his duties but the Respondents has illegally initiated the inquiry proceedings against the appellant consequently he was illegally removed from service.
- G. That any other ground will be raised at the time of arguments with prior permission of this Hon'ble Tribunal.

**It is, therefore, respectfully prayed that On acceptance of this Appeal the impugned Orders dated 31.08.2020 and 13.07.2020 passed by the respondents No 1 & 2 may kindly be set aside and the Appellant may kindly be re-instated with all back benefit.**

**Any other relief deemed proper and fit in the circumstances of the case may also very graciously be granted to the appellant.**

*Arshad*  
Appellant

Through:

*Nasir Mahmood*  
**NASIR MAHMOOD**  
Advocate, Supreme Court  
Of Pakistan

**CERTIFICATE:-**

Certified that as per instructions of my client no such Service Appeal on behalf of the petitioner has earlier been filed in this Hon'ble Tribunal on the subject matter.

*Nasir Mahmood*  
**ADVOCATE**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Service Appeal No. \_\_\_\_/2020.

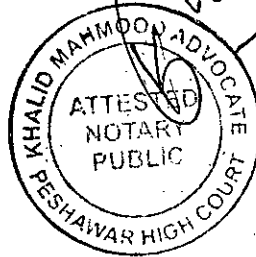
**Arshad Khan .....Appellant**

**VERSUS**

**The IGP & Others ..... Respondents**

**AFFIDAVIT**

I, Arshad Khan S/o Muhammad Azeem, Ex-Warder Central Prison Bannu R/o Yaqoobi Kalay Tehsil Takhat-e-Nusrati District Karak, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



*Arshad*  
**DEPONENT**



(9)

Annexure "A"

WHEREAS, the accused official Mr. Arshad Khan s/o Muhammad Azim attached to Central Prison Bannu was proceeded against under Rule-3 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges of his willful absence & misconduct as mentioned in the charge sheet/Show Cause Notice Served upon him. He was called for inquiry proceedings by the inquiry officer but he did not appear before the inquiry officer. During personal hearing he said that his mother was died due to which he absented himself but he stated that his mother died on 01.01.2020 while his absence period is from 02.04.2020 to 29.04.2020 and it seems he has no cogent reason for his absence.

AND WHEREAS, he furnished reply but the same was found unsatisfactory.

AND WHEREAS, the undersigned being competent authority granted him the opportunity of personal hearing on 09.07.2020 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-145(5) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, having 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, hereby award Major penalty of "REMOVAL FROM SERVICE" to Mr. Arshad Khan s/o Muhammad Azim warder attached to Central Prison Bannu for his willful absence. The period of his absence from 02.04.2020 to 29.04.2020 is hereby treated as "LEAVE WITHOUT PAY".

SUPERINTENDENT  
CIRCLE II/OS PRISON DIKHAN

Endorsement No. 3594-97

13-07-2020

Copy of the above is forwarded to:-

1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information.
2. The Superintendent Central Prison Bannu. Necessary entry may please be made in the Service Book of official concerned under proper attestation.
3. DAO Bannu.
4. Warder Arshad Khan s/o Muhammad Azim attached to Central Prison Bannu.

ATTESTED

To Be True Copy

SUPERINTENDENT  
CIRCLE II/OS PRISON DIKHAN

Scanned with CamScanner

Date: 24/07/2020

(10)

Annexure "B"

To

Inspector General of Prison Police  
Khyber Pakhtunkhwa

**Subject: Rehabilitation of service**

With reference to the notification No. 3592/PB of office of the superintendent prisons circle HeadQuarter D.I.Khan dated 13/07/2020 (copy attached), undersigned has been accused of misconduct and has been notified as "removal from service" in consequence of wilful absence from duty. The undersigned is repentant upon his misconduct and retrospective behaviour and offer his sincere apology. The undersigned had been ill seriously for the mentioned period of his absence from the duty (medical report attached). It is requested to kindly reinstate his service so that the undersign can continue his services for the well-being of the nation.

Sincerely,

Arshad

Arshad Khan S/O Muhammad Azeem  
Warden  
Central Prison Bannu

**ATTESTED**  
To Be True Copy

*[Handwritten Signature]*



11

Amexuse C

# DHO HOSPITAL KARAK

## OUT DOOR PATIENT TICKET

Sent To:

District: \_\_\_\_\_ CRP No: \_\_\_\_\_

Facility Name: \_\_\_\_\_ CRP No: 8079

District: \_\_\_\_\_ CRP No: \_\_\_\_\_

Facility Name: \_\_\_\_\_

Name: ش. ن. ن Age: \_\_\_\_\_ Sex: \_\_\_\_\_

Father's/Husbands' Name: \_\_\_\_\_

Monthly OPD Serial No. \_\_\_\_\_

Provincial Diagnosis: \_\_\_\_\_

Date	Clinical Findings/Investions/Treatment/Test Findings
31 <sup>3</sup> / <sub>20</sub>	<p>L. B. pain</p> <p>Hx of Trauma</p> <p>Each side of neck</p> <p>for</p> <p>for more (check)</p> <p>US - 1st</p> <p>metke any thing</p> <p>atun 1st</p> <p>As seen</p> <p>self</p> <p>Signature</p> <p>Medical Officer DHO Hospital Karak</p> <p>C.T.C. @</p>

(11A)

DHS-02(E)

# DHO HOSPITAL KARAK

## OUT DOOR PATIENT TICKET

Sent To:

District: \_\_\_\_\_ CRP No: 526

Facility Name: \_\_\_\_\_

Name: محمد / محمد Age: \_\_\_\_\_ Sex: \_\_\_\_\_

Father's/Husbands' Name: \_\_\_\_\_

Monthly OPD Serial No. \_\_\_\_\_

Provincial Diagnosis: \_\_\_\_\_

Date	Clinical Findings/Investions/Treatment/Test Findings
<p>15 / 4 / 20</p> <p>فشل في التحسين</p>	<p>Constant Pain Treatment</p> <hr/> <p>Embryonic cell</p>
	<p>Bed rest 2 weeks</p> <p>C. T. C. @</p> <p><i>[Signature]</i> DHO HOSPITAL</p>



(12)

OFFICE OF THE  
INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR

91-9210334, 9210406 991-9213445

No. Estb/Ward/Orders/ PC-30422-

Dated 31-08-2020

Annexure "D"

**ORDER**

**WHEREAS,** **Warder Arshad Khan S/O Muhammad Azeem** attached to Central Prison Bannu, was awarded the major penalty of "Removal from Service" by Superintendent HQ Prisons D.I Khan vide his order No.3593 dated 13-07-2020 due to his willful absence from duty with effect from 02-04-2020 to 29-04-2020.

**AND WHEREAS,** the said warder preferred his departmental appeal for setting-aside the penalty awarded to him, which was examined in light of the available record of the case and it was observed that his appeal is without any substance and penalty was awarded to him by the competent authority due to his willful absence from duty as referred to above after observing all legal and codal formalities as required under the E & D Rules.

**NOW THEREFORE,** keeping in view the facts on record, the provision of rules in vogue and in exercise of power conferred under Rule-5 of Khyber Pakhtunkhwa Civil Servants Appeal Rules 1986, the decision of the competent authority is upheld and appeal of the appellant is hereby rejected being without any substance.

INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA, PESHAWAR.

ENDST,NO. 30423-25

Copy of the above is forwarded to :-

1. The Superintendent, Headquarters Prison D.I Khan for information and necessary action with reference to his Order referred to above.
2. The Superintendent, Central Prison Bannu for information and necessary action with reference 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 Arshad Khan S/O Muhammad Azeem, C/O Superintendent Central Prison Bannu for information.

ASSISTANT DIRECTOR  
INSPECTORATE GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR

31/8

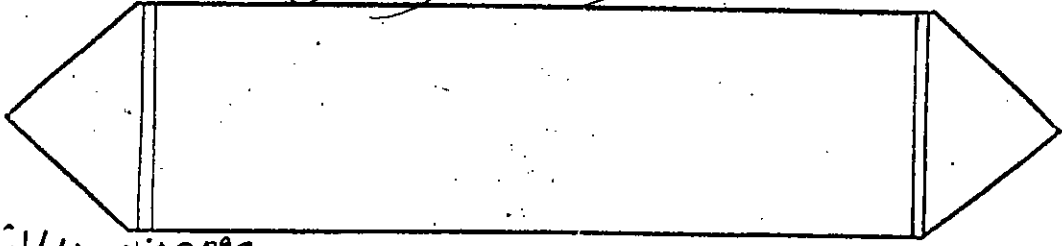
LO/HC  
for MIA  
D3  
7/8/20

No 2144  
7/9/20

**ATTESTED**  
To Be True Copy

(Signature)

# بعدالت سرویس ٹریننگ خیر و حقوقاً ایشیا



2080، منجانب ایشیا

ارشاد خان بنام IGP وغیرہ

موزخہ  
مقدمہ  
دعویٰ  
جرم

سرویس ایشیا

## باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کارروائی متعلقہ  
آن مقام ایشیا کے لیے ناظم محمد ایدو کیسے

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز  
دیکل صاحب کو راضی نامہ کرنے و تقریر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برادگی اور منسوخی  
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقریر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ  
پر داخستہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے لیے ہوگا۔  
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
مذکور کریں۔ لہذا وکالت نامہ لکھدیا کہ سند ہے۔

ایمانت الہ  
ایمانت الہ

Handwritten signature and date: 20/11/20

المرقوم 15

بمقام ایشیا کے لئے منظور ہے۔ Arshad

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

In the matter of

Service Appeal No. 11403/2020

Arshad Khan S/O Muhammad Azeem Ex-Warder.....(**Petitioner**)

**VERSUS**

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

**INDEX**

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3	Detail of Penalties	A	6
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8	Superintendent Circle Headquarter D.I Khan Office Order 13/07/2020 Regard of his Removal from Service	F	11
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Deponent

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

Appeal No. 11403/2020

Arshad Khan s/o Muhammad Azeem ex-warder Central Prison Bannu BPS (07), R/o Yaqoobi Kalay Tehsil Takht-e-Nusrati District Karak.

..... (Appellant)

**VERSUS**

1. The Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
2. The Superintendent, Circle Headquarter Prison D.I.Khan.
3. The Superintendent Central Prison Bannu

..... (Respondents)

**PARAWISE COMMENTS ON BEHALF OF RESPONDENTS ARE AS UNDER**

Respectfully Sheweth;

**Preliminary objections**

- a. That the appellant has no locus standi to file appeal against the Respondents before this Honb'le Court.
- b. That the petitioner is estopped by his own conduct to file the instant appeal.
- c. That the petitioner has concealed material facts from this Honb'le Court.
- d. That the appellant has no cause of action against the Respondents

**Facts**

1. That the appellant has never been interested in his duties. During his short service of about 05 years there are about 07 red entries in his service book. Details of penalties awarded to him are given as **Annexure-A**
2. That the Superintendent Central Prison Bannu (respondent No.03) reported vide No. 2036 dated 11.05.2020 (copy attached as **Anexure B**) that Ex-Warder Arshad Khan have absented himself from line and duty w.e.f 02.04.2020 to 29.04.2020 without any permission. He has wilfully absented himself without any cogent reason.

3. That the appellant had been paid salary because his disciplinary proceedings were under process. After the outcome of final decision his absence period w.e.f 02.04.2020 to 29.04.2020 was treated as Leave without pay. Proper inquiry was conducted against him vide No. 2727 dated 21.05.2020 (copy attached as annexure- C). The inquiry officer called him again and again to appear before him but the appellant did not appear before the inquiry officer, which showed that the appellant was not interested in his duties. In the light of inquiry report (attached as Annexure D) final show cause notice was served upon the appellant vide No. 3132-34 dated 22.06.2020 (copy attached as Annexure-E) with personal hearing date on 29.06.2020 before the Superintendent Circle HQ Prison D.I.Khan (respondent No. 02) but the appellant did not appear for personal hearing on due date. He was given opportunity of personal hearing and was called for personal hearing on 09.07.2020. The appellant appeared for personal hearing on 09.07.2020 before respondent No.02 and stated that he had absented himself because his mother had died but after investigation it became clear that his mother died in January 2020 but the appellant had absented himself in the month of April 2020. Therefore, he was awarded major penalty Removal From Service vide No. 3593 dated 13.07.2020 (copy attached as Annexure-F) for his wilful absence.
4. That the appellant had been informed in time, therefore, he preferred departmental appeal before the Inspector General of Prisons Khyber Pakhtunkhwa Peshawar (Respondent No.01) which was rejected being without any substance (attached as Annexure G)
5. No comments


## GROUNDS


- a. That the orders of removal from service passed by the Superintendent Circle Head Quarter Prison Dikhan (respondent No.02) 3593 dated 13.07.2020 (copy attached as Annexure-F) and order of Inspector General of Prisons Khyber Pakhtunkhwa Peshawar order No. 30422 dated 31.08.2020 (attached as Annexure G) are lawful, legal and based on facts.
- b. That legal proceedings have been carried out against the appellant. Ample opportunities were granted to the appellant to defend himself. Proper disciplinary proceedings were carried out vide No. 2727 dated 21.05.2020 (copy attached as Annexure- C). The inquiry officer called him again and again to appear before him but the appellant did not appear before the inquiry officer, which showed that the appellant himself was not interested in his duties. In the light of inquiry report (attached as Annexure D) final show cause notice was served upon the appellant vide No. 3132-34 dated 22.06.2020 (copy attached as Annexure-E) with personal hearing date on 29.06.2020 before the Superintendent Circle HQ Prison D.I.Khan (respondent No. 02) but the appellant did not appear for personal hearing on due date. He was given ample opportunity of personal hearing and was again called for personal hearing on 09.07.2020.
- c. As of Para-b
- d. As of Para-b.
- e. That the appellant has neither become ill nor presented any medical certificates but he wilfully absented himself from duty and jail premises. Therefore, the disciplinary proceedings against him are legal, lawful and without any bias.
- f. That the appellant has been provided ample opportunity of defence for his wilful absence. The inquiry officer called him again and again to appear before him but he never bothered to appear before the inquiry officer. Then the respondent No.02 gave the appellant, the opportunity of personal hearing on 9.06.2020 to which he did not

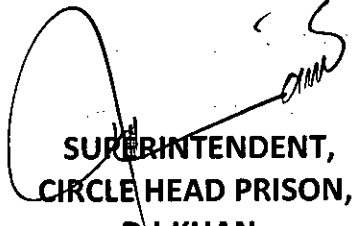



appear. Then again he was called for personal hearing on 09.07.2020. Moreover, he had drawn his salaries during that period because his disciplinary proceedings were under process.

In view of the above reply it is humbly requested that the said appeal may kindly be dismissed with cost.

  
INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA  
PESHAWAR  
(RESPONDENT NO. 01)

  
25.1.2022

  
SUPERINTENDENT,  
CIRCLE HEAD PRISON,  
D.I.KHAN  
(RESPONDENT NO. 02)

  
THE SUPERINTENDENT,  
CENTRAL PRISON,  
BANNU  
(RESPONDENT NO.03)

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

Appeal No. 11403/2020

Arshad Khan s/o Muhammad Azeem ex-warder Central Prison Bannu BPS  
(07), R/o Yaqoobi Kalay Tehsil Takht-e-Nusrati District Karak.

..... (Appellant)

**VERSUS**


1. The Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
2. The Superintendent, Circle Headquarter Prison D.I.Khan.
3. The Superintendent Circle headquarter Prison Bannu

..... (Respondents)

**AFFIDAVIT**

I, Mr. Binyamin Khan, Superintendent, Circle Headquarter Prisons  
D.I.Khan do hereby solemnly affirm and declare on oath that the contents of  
Parawise Comments in above appeal are correct and true to the best of my  
knowledge and belief that nothing has been concealed from this Honourable  
Court.

**DEPONENT**

  
**BINYAMIN KHAN**  
**SUPERINTENDENT**  
**HEADQUARTER PRISON,**  
**D.I.KHAN**  
**RESPONDENT NO.03**



OFFICE OF THE SUPERINENDENT  
PRISONS CIRCLE HEAD QUARTER D.I.KHAN  
No. \_\_\_\_\_ / HQ Date \_\_\_\_\_  
PH&FAX \No. 0966-9280299  
cpdikhan1@gmail.com

Table-A

S. No	Name of Jail	Period of posting
01	Cental Prison Mardan	28.01.2015 to 07.08.2015
02	Central Prison D.I.Khan	08.08.2015 to 28.02.2016
03	District Jail Lakki Marwat	01.03.2016 to 07.10.2016
04	Central Prison Haripur	08.10.2016 to 28.02.2017
05	Central Prison Bannu	29.02.2017 to 10.04.2018
06	District Jail Lakki Marwat	11.04.2018 to 31.01.2019
07	Central Prison Bannu	01.02.2019 to 13.07.2020

Table-B

S. No	Detail of penalties awarded
01	Awarded minor punishment of Stoppage of two increments for two years and his absence period treated as leave without pay w.e.f 02.10.2015 to 06.10.2015 vide HQ D.I.Khan No. 6548-51 dated 22.10.2015.
02	Awarded minor penalty of stoppage of one increment for one year vide HQ D.I.Khan No. 1498-1503 dated 09.03.2016.
03	Absence period from 21.06.2016 to 12.07.2016 treated as leave without pay vide HQ D.I.Khan No. 4890-93 dated 25.08.2016.
04	Awarded minor punishment of Stoppage of two increments for two years and period of absence w.e.f 12.09.2016 to 06.10.2016 treated as leave without pay vide HQ D.I.Khan No. 6982-84 dated 06.10.2016
05	Absence period from 28.03.2017 to 14.04.2017 treated as Leave Without Pay vide HQ D.I.Khan No. 7720-23 dated 13.07.2017.
06	Awarded minor punishment of Stoppage of one increment for 01 year vide HQ D.I.Khan No. 10095 dated 12.10.2017
07	Awarded major penalty of Removal from Service vide superintendent and period of absence from 02.04.2020 to 29.04.2020 treated as Leave without pay HQ D.I.Khan No.3593 dated 13.07.2020

SUPERINTENDENT  
CIRCLE HQ/PS PRISON DIKHAN



Tel & Fax #0928-633327  
Email: cpbannu@gmail.com

Ref

OFFICE OF THE  
SUPERINTENDENT  
CENTRAL PRISON BANNU  
No. 2036  
Dated: 11/1/2020

To

The Superintendent,  
Circle Headquarters Prison, D.I. Khan.

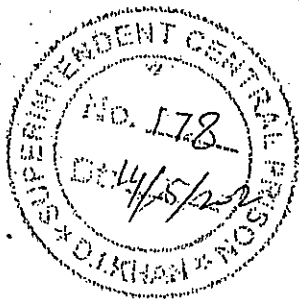
Subject: - DISCIPLINARY ACTION.

Memo:

The following waders absented themselves from their duty and line without the permission of competent authority as noted below against each:-

S#	Name of Warden	Faults
1.	Warder Arshad Khan	absented himself from line and duty w.e.f 02.04.2020, to 29.04.2020 (26 days)
2.	Warder Sami Ullah Khattak	absented himself from line and duty w.e.f 15.04.2020 to 18.04.2020 (03 days)
3.	Warder Hameed Ullah Khattak	He was granted 07 days casual leave w.e.f 13.04.2020 and was subject to resume his duty on 21.04.2020 but he absented himself and resumed duty on 28.04.2020 after remaining absent for 07 days.
4.	Warder Ameer Ullah	He was granted 03 days Medical rest by Jail Medical Officer w.e.f 08.04.2020 and was subject to resume his duty on 11.04.2020 but he absented himself till date
5.	Warder Sami Ullah#03	He was granted 05 days casual leave w.e.f 19.03.2020 and was subject to resume his duty on 24.03.2020 but he absented himself and resumed duty on 13.04.2020 after remaining absent for 20 days.

It is therefore, requested that stern disciplinary action be initiated against the said warders under the Efficiency & Discipline Rule-2011 please.



*[Handwritten signatures and initials]*

*[Handwritten signature]*  
SUPERINTENDENT  
CENTRAL PRISON BANNU  
*[Handwritten initials]*



OFFICE OF THE SUPERINENDENT.  
PRISONS CIRCLE HEAD QUARTER D.I.KHAN  
No. 2727 / HQ Date \_\_\_\_\_  
PH&FAX \No. 0966-9280299  
cpdikhan1@gmail.com

DISCIPLINARY ACTION

I, Muhammad Binyamin Khan Superintendent Headquarter Prison DIKhan as competent authority, am of the opinion that Warders Arshad Khan, Sami Ulla h Khattak, Hameed Ullah Khattak, Ameer Ullah and Sami Ullah No. 03 attached to Central Prison Bannu have rendered themselves liable to be proceeded against them committed the following acts of misconduct within the meaning of Section 3 of the Khyber Pakhtunkhwa (Efficiency & Discipline) Rule 2011.

STATEMENT OF ALLEGATIONS.

that Warder Arshad Khan attached to Central Prison Bannu absented himself from line and duty w.e.f 02.04.2020 to 29.04.2020.

Warder Sami Ullah Khattak absented himself from line and duty w.e.f 15.04.2020 to 18.04.2020.

Warder Hameed Ullah Khattak was granted 07 days casual leave w.e.f 13.04.2020 and was subject to resume duty on 21.04.2020 but he absented himself and resumed duty on 28.04.2020 after remaining 07 days absent.

Warder Ameer Ullah was granted 03 days medical rest by jail medical officer w.e.f 08.04.2020 and was subject to resume his duty on 11.04.2020 but he absented himself till date.

Warder Sami Ullah No. 03 was granted 05 days casual w.e.f 19.03.2020 and was subject to resume duty on 24.03.2020 but he absented himself and resumed duty on 13.04.2020 after remaining 05 days absent.

2. Mr. Ijaz Ahmed Assistant Superintendent Jail attached to Central Prison D.I.Khan hereby appointed as Inquiry Officer.

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

4. The accused officials and a well conversant representative of the department shall join the proceedings at the date, time & place fixed by the Inquiry Officer.

SUPERINTENDENT  
CIRCLE H/OS PRISON DIKHAN

Endst: No. 2728-30 dated: 21/05/2020

Copy of the above is forwarded to the:-

1. Mr. Ijaz Ahmed Assistant Superintendent Jail attached to Central Prison DIKhan Inquiry Officer for initiating proceedings against the above named warders under the meaning of Section 3 of the Khyber Pakhtunkhwa (Efficiency & Discipline) Rule 2011.
2. Warder Warders Arshad Khan, Sami Ulla h Khattak, Hameed Ullah Khattak, Ameer Ullah and Sami Ullah No. 03 attached to Central Prison Bannu with the directions to appear before the Inquiry Officer for the purpose of inquiry proceedings.
3. Superintendent Central Prison Bannu for information with reference to his memo; No 2036 dated 11.05.2020 with the request to produce the relevant record before the Inquiry Officer and assist them during the inquiry proceedings. One copy of the same duly signed and dated by above named officials may be returned to this office as a token of receipt.

SUPERINTENDENT  
CIRCLE H/OS PRISON DIKHAN

The Superintendent,  
Circle Headquarter Prisons  
DIKhan.

Subject:- INQUIRY REPORT

R/Sir;

I have been appointed as inquiry officer against Warder Arshad Khan, Warder Sami Ullah Khattak, Warder Hameed Ullah Khattak and Warder Sami Ullah No.03 Vide Superintendent Headquarter Prisons DIKhan Endst Nos. 2728-30 dated 21.05.2020 to conduct inquiry for the allegations leveled against them by Superintendent Central Prison Bannu. The aforesaid officials were directed to appear before the undersigned at Central Prison DIKhan on 02.06.2020.

STATEMENT OF ABOVE SAID WARDERS:-

In the above said warders only Hameed Ullah Khattak appeared for personal hearing before the inquiry officer on 02.06.2020 at Central Prison DIKhan (Written statement attached).

Rest of 03 warders Arshad Khan, Sami Ullah Khattak and Sami Ullah No.03 remained absent after calling two to three times telephonically through Central Prison Bannu line Muharar Hajat Khan and line officer Saad Ullah.

RECOMMENDATIONS:-

After conducting the inquiry from different sources and going through the statement of the concerned official on record, I recommend the following punishments to the said warders.

S#	Name of warders	Punishment
1	Warder Arshad Khan	As he did not appear before the inquiry officer, so I recommend major penalty.
2	Warder Sami Ullah Khattak	As he did not appear before the inquiry officer, so I recommend major penalty.
3	warder Sami Ullah No.03	As he did not appear before the inquiry officer, so I recommend major penalty.
4	Warder Hameed Ullah Khattak	His absentee period be treated as leave without pay.

17/6/20  
Agreed, Final  
Sham. Case against  
for removal  
Sunnit.  
11/6/20  
Ijaz Ahmed

IJAZ AHMED  
ASSISTANT SUPERINTENDENT  
CENTRAL PRISON DIKHAN.  
(INQUIRY OFFICER)

FINAL SHOW CAUSE NOTICE

I, Binyamin Khan Superintendent Headquarter Prison D.I.Khan, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, do hereby serve you Warder Arshad Khan attached to Central Prison Bannu as follow;

1. (i) that consequent upon Inquiry conducted against you under Khyber Pakhtunkhwa Peshawar Govt Servants Efficiency and Disciplinary Rule 2011 vide No. 2727 dated 21.05.2020.

(ii) On going through the findings and the material on record and other connected papers including your defence. I am satisfied that you have committed the following acts / omissions specified in rule-3 of the said rules;

You **Warder (BPS-07)** Arshad Khan attached Central Prison Bannu have absented himself w.e.f 02.04.2020 to 29.04.2020 from duty and jail premises of Central Prison Bannu. Moreover, you did not appear before the Inquiry Officer although you were called by the inquiry Officer again and again.

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of **Removal From Service** under rule-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 and also intimate whether you desire to be heard in person.

4. If no reply o this notice is received within seven days or no more than fifteen days of its delivery, it shall be assumed that you have no defence to put in and in that case as ex-parte action shall be taken against you.

5. You can appear for personal hearing before the undersigned on 29-06-2020 if you wish to.

SUPERINTENDENT  
CIRCLE H/QS PRISON DIKHAN

Endst No. 3132-34 dated 22/06/2020

Copy of the above is forwarded to :-

1. Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information please.
2. superintendent Central Prison Bannu for information please.
3. Warder (BPS-07) Arshad Khan attached to Central Prison Bannu c/o superintendent Central Prison Bannu.

SUPERINTENDENT  
CIRCLE H/QS PRISON DIKHAN

*BS/P/13*  
*Some terminated*  
*19/7/2020*



OFFICE OF THE SUPERINENDENT  
PRISONS CIRCLE HEAD QUARTER D.I.KHAN  
No. 3593 / PB Date: 13-07-2020  
PH&FAX \No. 0966-9280299  
cpdikhan1@gmail.com

WHEREAS, the accused official Mr. Arshad Khan s/o Muhammad Azim attached to Central Prison Bannu was proceeded against under Rule-3 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges of his willful absence & misconduct as mentioned in the charge sheet/Show Cause Notice Served upon him. He was called for inquiry proceedings by the inquiry officer but he did not appear before the inquiry officer. During personal hearing he said that his mother was died due to which he absented himself but he stated that his mother died on 01.01.2020 while his absence period is from 02.04.2020 to 29.04.2020 and it seems he has no cogent reason for his absence.

AND WHEREAS, he furnished reply but the same was found unsatisfactory.

AND WHEREAS, the undersigned being competent authority granted him the opportunity of personal hearing on 09.07.2020 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 Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, having 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, hereby award Major penalty of "REMOVAL FROM SERVICE" to Mr. Arshad Khan s/o Muhammad Azim warder attached to Central Prison Bannu for his willful absence. The period of his absence from 02.04.2020 to 29.04.2020 is hereby treated as "LEAVE WITHOUT PAY".

Endorsement No. 3594-97 13-07-2020  
SUPERINTENDENT  
CIRCLE H/QS PRISON DIKHAN

Copy of the above is forwarded to:-

1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information.
2. The Superintendent Central Prison Bannu. Necessary entry may please be made in the Service Book of official concerned under proper attestation.
3. DAO Bannu.
4. Warder Arshad Khan s/o Muhammad Azim attached to Central Prison Bannu.

SUPERINTENDENT  
CIRCLE H/QS PRISON DIKHAN



خدمت حساب سپرٹنڈنٹ صاحب سٹرل جیل D.K

حساب عالیہ

گزارش ہے کہ سائل ماماہ فوت ہو چکی تھی اور سائل

کو ساتہ دن ایگز جسی رحمت عطا کی گئی منیر جیل و کم سے

کو روٹہ لاکہ ڈاون ہو گیا تھا۔ کوئی امرت نہیں تھی

سائل کا چھل علاقہ بند ہو گیا تھا جسلی و کم سے سارے علاقے

کے گھروں کو سبیل کر گیا تھا۔

دھم مٹلان ہمار سائل وردار ارشد خان

سٹرل جیل بنوں

11/1/2020

تقول آئے اسلی ماہ  
فلوری میں فوت ہوئی  
صبر یہ اسرٹل میں منیر خان  
ہوا۔

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INSPECTORATE GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR

091- 9210334, 9210406 09 091- 9213445

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

No. KC-2715-WE,

Dated. 05-08-2020

To,

The Superintendent,  
Circle Headquarters Prison D.I Khan.

Subject:- **DEPARTMENTAL APPEAL**

Memo:

I am directed to refer to the subject and to forward herewith a copy of departmental appeal/application (self-explanatory) submitted by Ex- Warder **Arshad Khan S/o Muhammad Azeem** for information.

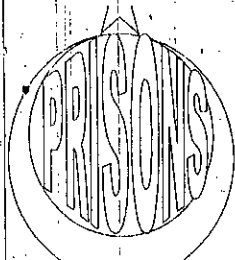
Please look into the matter and your views/comments alongwith history of his service on the below noted format may be furnished to this office for further necessary action:-

S.No.	Name & Parentage	Rank	Date of Birth	Date of appointment.	Detail Of Postings	Penalty if any awarded
-------	------------------	------	---------------	----------------------	--------------------	------------------------

*Handwritten initials and signatures:*  
PB  
10/8/20



*Handwritten signature of Assistant Director*  
ASSISTANT DIRECTOR  
INSPECTORATE GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR



**KPKP**

OFFICE OF THE SUPERINTENDENT  
PRISONS CIRCLE HEAD QUARTER D.I.KHAN

No. 4382/we/HQ Date 20.08.2020

PH&FAX No. 0966-9280299

cpdikhan1@gmail.com

To,

The Inspector General Of Prisons,  
Khyber Pakhtunkhwa Peshawar.

Subject: DEPARTMENTAL APPEAL.

Respected Sir,

Kindly refer to your memo No. 27115-/we dated 05.08.2020.

It is submitted that the superintendent Central Prison Bannu reported vide No. 2036 dated 11.05.2020 that warder Arshad Khan absented himself from line and duty w.e.f 02.04.2020 to 29.04.2020. Therefore, disciplinary action vide this office No. 2727 dated 21.05.2020 was initiated against the said warder and Mr. Ijaz Ahmed Assistant Superintendent Jail attached to Central Prison DIKhan was nominated as inquiry officer.

The inquiry officer reported that he called warder Arshad Khan s/o Muhammad Azeem for inquiry proceedings, again and again, but the said warder did not bother to give any response to the inquiry officer. Therefore, major penalty was recommended by the inquiry officer.

Showcause Notice No. 3132-34 dated 22.06.2020 was served upon him through superintendent Central Prison Bannu with personal hearing date fixed for 29.06.2020. However, he not only failed to appear before the undersigned on due date of personal hearing nor gave any response to the showcause notice. He was again given the chance of personal hearing on 09.07.2020, wherein, he appeared before the undersigned but he could not justify his absence, therefore, major penalty of removal from service was awarded to above mentioned warder.

S. No	Name and parentage	Rank	Date of birth	Date of appointment	Detail of postings	Penalty if any
01	Arshad Khan s/o Muhammad Azim	Warder	24.02.1988	28.01.2015	Given in table-A	Given in table-B



**ORDER**

OFFICE OF THE  
INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR

91-9210334, 9210406 091-9213445

No. Estb/Ward-/Orders/ PC-30422-5

Dated 31-08-2020

**WHEREAS,** **Warder Arshad Khan S/O Muhammad Azeem** attached to Central Prison Bannu, was awarded the major penalty of "Removal from Service" by Superintendent HQ Prisons D.I Khan vide his order No.3593 dated 13-07-2020 due to his willful absence from duty with effect from 02-04-2020 to 29-04-2020.

**AND WHEREAS,** the said warder preferred his departmental appeal for setting-aside the penalty awarded to him, which was examined in light of the available record of the case and it was observed that his appeal is without any substance and penalty was awarded to him by the competent authority due to his willful absence from duty as referred to above after observing all legal and codal formalities as required under the E & D Rules.

**NOW THEREFORE,** keeping in view the facts on record, the provision of rules in vogue and in exercise of power conferred under Rule-5 of Khyber Pakhtunkhwa Civil Servants Appeal Rules 1986, the decision of the competent authority is upheld and appeal of the appellant is hereby rejected being without any substance.

INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA, PESHAWAR.

ENDST;NO. 30423-25

Copy of the above is forwarded to :-

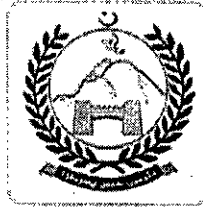
1. The Superintendent, Headquarters Prison D.I Khan for information and necessary action with reference to his Order referred to above.
2. The Superintendent, Central Prison Bannu for information and necessary action with reference to above. He is directed to inform the appellant accordingly and also to make necessary entry in his Service Book under proper attestation.
3. Warder Arshad Khan S/O Muhammad Azeem, C/O Superintendent Central Prison Bannu for information.



ASSISTANT DIRECTOR

INSPECTORATE GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR

31/8



**KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL, PESHAWAR**

No. 828 /ST

Dated: 31-3-2022

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281  
Fax:- 091-9213262


To :

The Superintendent Circle Headquarters Prison,  
Government of Khyber Pakhtunkhwa,  
D.I.Khan.

Subject: JUDGMENT IN APPEAL NO. 11403/2020 MR. ARSHAD KHAN. & 1 OTHER.

I am directed to forward herewith a certified copy of Judgement dated 01.02.2022 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.



**KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR**

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Fax:- 091-9213262

No. \_\_\_\_\_/ST Dated \_\_\_\_/\_\_\_\_/2022


To:

The Superintendent Circle Headquarter Prison, D.I.Khan.

**SUBJECT:- JUDGMENT IN SERVICE APPEAL NO. 11403/2020, ARSHAD KHAN VERSUS THE INSPECTOR GENERAL OF PRISON, KHYBER PAKHTUNKHWA, PESHAWAR ETC.**

I am directed to forward herewith a certified copy of order dated 01.02.2022, passed by this Tribunal in the above mentioned Service Appeal for compliance.

Encl. As above.

  
(WASEEM AKHTAR)  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL,  
PESHAWAR.



**KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL, PESHAWAR**

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No. \_\_\_\_\_/ST Dated \_\_\_\_/\_\_\_\_/2022


To:

The Superintendent Circle Headquarter Prison, D.I.Khan.

**SUBJECT:-** JUDGMENT IN SERVICE APPEAL NO. 11403/2020, ARSHAD KHAN VERSUS THE INSPECTOR GENERAL OF PRISON, KHYBER PAKHTUNKHWA, PESHAWAR ETC.

I am directed to forward herewith a certified copy of order dated 01.02.2022, passed by this Tribunal in the above mentioned *Service Appeal* for compliance.

Encl. As above.

  
(WASEEM AKHTAR)  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL,  
PESHAWAR.