

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 15769/2020

BEFORE: MRS. ROZINA REHMAN ... MEMBER (J)
 MISS. FAREEHA PAUL ... MEMBER(E)

**Umer Hayat (Head Warder) S/O Samand Khan R.O Mohallah Pathan Parshai,
Tehsil & District Kohat.**

.... (Appellant)

Versus

1. **Inspector General of Prisons Khyber Pakhtunkhwa, Peshawar.**
2. **Additional Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.**
3. **Superintendent Central Headquarters Prison D.I Khan.**
4. **Superintendent Central Prison, Karak.**

... (Respondents)

Mr. Waqas Ur Rehman
Advocate

...

For appellant

Mr. Kabir Ullah Khattak
Addl. Advocate General

...

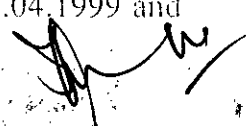
For respondents

Date of Institution.....07.12.2020
Date of Hearing.....01.06.2022
Date of Decision.....01.06.2022

JUDGEMENT

FAREEHA PAUL, MEMBER (E): The service appeal in hand has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the order dated 29.09.2020 whereby the major penalty of compulsory retirement from service and leave without pay had been imposed upon the appellant and order dated 21.10.2020 whereby his departmental appeal had been dismissed.

2. Brief facts of the case, as given in the memorandum of appeal, are that the appellant was appointed Constable in Central Prison Peshawar on 31.04.1999 and

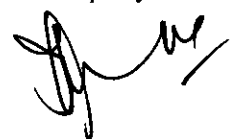


was promoted to Head Constable in the year 2017. The appellant who was attached with Central Prison Karak was relieved from his duty vide order dated 13.08.2020 and directed to report to the Superintendent Sub Jail Sadda, by allowing him nil days joining time. He, instead of acting as per orders, absented himself from duty and was issued show cause notice on 02.09.2020 with allegations of willful absence. He responded to the show cause notice which was not accepted and after giving him opportunity of personal hearing major penalty of compulsory retirement was awarded to him on 29.09.2020. The period of absence from 14.08.2020 to 29.09.2020 was treated as leave without pay. A departmental appeal was submitted on 01.12.2020 which was also rejected and the penalty was upheld vide order dated 21.10.2020.

3. Respondents were put on notice who submitted written replies/comments on the appeal. We have heard the learned counsel for the appellant as well as the Assistant Advocate General and perused the case file with connected documents minutely and thoroughly.

4. Learned counsel for appellant contended that no formal inquiry was conducted against him before awarding major penalty. He further contended that when his absence period was converted into leave without pay, how could the competent authority retire the appellant compulsorily as they themselves regularized the absence period.


5. The learned Additional Advocated General argued that the appellant absented himself from duty on account of illness of his son. He invited the attention to Prison Rules 2018, Rule No. 1083 about absence caused by illness or other unavoidable cause based on which appellant had to give notice to superintendent along with reasons for absence but he failed to do so. He further argued that inquiry was conducted and the appellant appeared before the inquiry



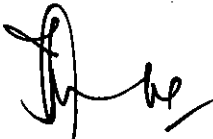
officer which indicated that he was heard but his reply was not found satisfactory and hence he was awarded major penalty.

6. After hearing both the learned counsel and going through the record available before us it transpires that the order of the Superintendent Central Prison Karak regarding relieving the appellant from Central Prison Karak and directing him to report for duty to Superintendent Sub Jail Sadda with nil days joining time was very clear. The appellant was bound to obey the orders but deviated from it and absented himself which tantamounts to misconduct. Keeping in view the sensitivity of his job as Head Warder this act of the appellant could not be ignored or taken leniently. It was also noted that the appellant did not bother to submit any application to his competent authority and remained absent which is a violation of Prison Rules 2018. The record attached with reply of the respondents reveals numerous red entries in the service book of the appellant during his entire service. In view of all the facts present before us, the appeal in hand stands dismissed. Parties are left to bear their own costs. Consign.

7. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 1st day of June, 2022.*


(ROZINA REHMAN)
Member (J)




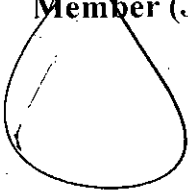

(FAREEHA PAUL)
Member (E)

Appeal No. 15769/2020

Mr. Waqas Ur Rehman, Advocate for the appellant present. Mr. Kabir Ullah Khattak, Additional Advocate General for the respondents present. Arguments heard and record perused.

2. Vide our detailed judgement containing 03 pages, that the order of the Superintendent Central Prison Karak regarding relieving the appellant from Central Prison Karak and directing him to report for duty to Superintendent Sub Jail Sadda with nil days joining time was very clear. The appellant was bound to obey the orders but deviated from it and absented himself which tantamounts to misconduct. Keeping in view the sensitivity of his job as Head Warder this act of the appellant could not be ignored or taken leniently. It was also noted that the appellant did not bother to submit any application to his competent authority and remained absent which is a violation of Prison Rules 2018. The record attached with reply of the respondents reveals numerous red entries in the service book of the appellant during his entire service. In view of all the facts present before us, the appeal in hand stands dismissed. Parties are left to bear their own costs. Consign.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 1st day of June, 2022.*


(ROZINA REHMAN)
Member (J)



(FAREEHA PAUL)
Member (E)

1

¹[Khyber Pakhtunkhwa] Civil Servants Revised Leave Rules, 1981

No. FD. SO (SR-IV) 5-54 / 80 (Vol:II) dated 17-12-1981.---In exercise of the powers conferred by section 26 of the ²[Khyber Pakhtunkhwa] Civil Servants Act, 1973 (³[Khyber Pakhtunkhwa] Act XVIII of 1973) and in supersession of this Department's Notification No. FD.SO(SR-IV) 1-17/78, dated the 20th November, 1979, the Governor of the ⁴[Khyber Pakhtunkhwa] is pleased to make the following rules namely:--

1. Short title, commencement and application.---(1) These rules may be called the ⁵[Khyber Pakhtunkhwa] Civil Servants Revised Leave Rules, 1981.

(2) They shall come into force at once.

(3) They shall apply to all Civil Servants under the rule making authority of the Governor except those who opted not to be governed by the ⁶[Khyber Pakhtunkhwa] Civil Servants Leave Rules, 1979.

2. Admissibility of Leave of Civil Servant.---Leave shall be applied for, expressed and sanctioned in terms of days and shall be admissible to a civil servant at the following rate and scale:---

(i) A civil servant shall earn leave only on full pay. It shall be calculated at the rate of four days for every calendar months of the period of duty rendered and credited to the leave account as "leave on full pay" duty period of 15 days or less in a calendar month being ignored and those of more than 15 days being treated as a full calendar month, for the purpose. If a civil servant proceeds on leave during a calendar month and returns from it during another calendar month and the period of duty in either month is more than 15 days, the leave to be credited for both the incomplete months will be restricted to that admissible for one full calendar month only.

(ii) The provisions of clause (i) will not apply to vacation departments. A civil servant of a vacation department may earn leave on full pay as under:--

(a) When he avails himself of vacation in a calendar year. At the rate of one day of every calendar month of duty rendered.

(b) When during any year he is prevented from availing himself of the full vacation. As for a civil servant in non-vacation Department for that year; and

(c) When he avails himself of only a part of the vacation. As in (a) above plus such proportion of thirty days as the number of days of vacation not taken bears to the full vacation.

¹ Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

² Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

³ Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

⁴ Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

⁵ Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

⁶ Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

- (iii) There shall be no maximum limit on the accumulation of such leave.

⁷[Note. Deleted]

3. When leave earned.---(a) All service rendered by a civil servant qualifies him to earn leave in accordance with these rules but shall not be earned during the period of leave.

(b) Any period spent by a civil servant in foreign service qualifies him to earn leave provided that a contribution towards leave salary is paid to the Government on account of such period.

4. Grant of Leave on Full Pay.---(1) The maximum period of leave on full pay that may be granted at one time by the competent authority shall be as follows:--

- | | | | |
|------|-----------------------------|-----|----------|
| (i) | Without medical certificate | ... | 120 days |
| (ii) | With medical certificate | ... | 180 days |

PLUS

- | | | | |
|-------|--|-----|----------|
| (iii) | On medical certificate from leave account in entire service. | ... | 365 days |
|-------|--|-----|----------|

(2) The maxima prescribed at (i) and (ii) of sub-rule (1) are independent of each other. In other words a civil servant may be granted, at a time, total leave on full pay on medical certificate upto the permissible extent in continuation of leave upto 120 days without medical certificate, subject to given conditions.

5. Grant of Leave on Half Pay.---(1) Leave on full pay may be converted into leave on half pay, at the option of the civil servant.

(2) Debits to the leave account will be at the rate of one day of the former for every two days of the latter, fraction of one-half counting as one full day's leave on full pay.

(3) The request for such conversion shall be specified by the civil servant in his application for the grant of leave.

(4) There shall be no limit on the grant of leave on half pay so long as it is available by conversion in the leave account.

6. Conversion of Leave Account.---(1) All leave at credit in the account of a civil servant who was in service on the 1st day of July, 1978, shall be carried forward and expressed in terms of leave on full pay. The leave account in such cases shall, with effect from 1st July, 1978 or in case of civil servant who was on leave on that date with effect from the date of his return from leave, be recast as under, ignoring the fraction if any:--

- | | | | | |
|------|--------------------|---------|-----|---------|
| (i) | Leave of full pay— | | | |
| | (a) | 1 month | ... | 30 days |
| | (b) | 1 day | ... | 1 day |
| (ii) | Leave on half pay— | | | |
| | (a) | 1 month | ... | 15 days |
| | (b) | 2 day | ... | 1 day |

(2) In carrying forward the leave, the leave at credit of a civil servant in columns 7 and 8 and half of the leave at credit in column 9 of the existing leave account shall be carried forward to the new leave account of the civil servant.

⁷ The "Note" at the end of rule 2 deleted by Notification No. FD. 50(SR-IV)5-54/80(Vol.II), dated 01-06-1982.

(3) The leave availed under the existing rules from column 13 (a) of the leave account shall be debited against the maximum limit of 365 days fixed under rule 4 (1) (iii).

7. Leave not due.---(1) Leave not due may be granted on full pay, to be offset against leave to be earned in future, for a maximum period of three hundred and sixty five days in the entire period of service, subject to the condition that during the first five years of service it shall not exceed ninety days in all.

(2) Such leave may be converted into leave on half pay.

(3) Such leave shall be granted only when there are reasonable chances of the Civil Servant resuming duty on the expiry of the leave.

(4) Such leave shall be granted sparingly and to the satisfaction of the sanctioning authority but it shall not be admissible to the temporary civil servants.

8. Leave Salary.---(1) Leave pay admissible during leave on full pay shall be the greater of--

(a) the average monthly pay earned during the twelve complete months immediately preceding the month in which the leave begins; and

(b) the rate equal to the rate of pay drawn on the day immediately before the beginning of the leave.

(2) When leave on half pay is taken, the amount calculated under clause (a) and (b) of sub-rule (1) shall be halved to determine the greater of the two rates.

⁸[(3) A civil servant shall be entitled to the leave pay at the revised rate of pay if a general revision in pay of civil servants takes place or an annual increment occurs during the period of leave of the civil servant.]

9. Special Leave to Female Civil Servants.---As female civil servant may, on the death of her husband, be granted special leave on full pay not exceeding 130 days. This leave shall not be debited to her leave account and will commence from the date of death of her husband. For this purpose she will have to produce death certificate issued by competent authority either alongwith her application for special leave or, if that is not possible, the said certificate may be furnished to the leave sanctioning authority separately.

10. Maternity Leave.---(1) Maternity leave may be granted on full pay, outside the leave account, to a female civil servant to the extent of ninety days in all from the date of its commencement or forty five days from the date of her confinement, whichever be earlier.

(2) Such leave may not be granted for more than three times in the entire service of a female civil servant except in the case of a female civil servant employed in a vacation department who may be granted maternity leave without this restriction.

(3) For confinement beyond the third one, the female civil servant would have to take leave from her normal leave account.

(4) The spells of maternity leave availed of prior to the coming into force of these rules shall be deemed to have been taken under these rules.

(5) Maternity leave may be granted in continuation of, or in combination with, any other kind of leave including extraordinary leave as may be due and admissible to a female civil servant.

⁸ Sub-rule (3) of rule 8 added by Notif. No. FD.SO(SR-IV)5-54/80-Vol.III, dated 26.10.1994.

(6) Leave salary to be paid during maternity leave shall be regulated as for other leave, in accordance with the formula provided in rule 8.

(7) The leave salary to be paid during maternity leave will, therefore, remain unaffected even if any increment accrues during such leave and the effect of such an increment will be given after the expiry of maternity leave.

11. Disability Leave.---(1) Disability leave may be granted outside leave account on each occasion upto a maximum of seven hundred and twenty days on such medical advice as the head of office may consider necessary, to a civil servant, other than civil servant in part time service, disabled by injury, ailment or disease contracted in course or in a consequence of duty or official position.

(2) The leave salary during disability leave shall be equal to full pay for the first one hundred and eighty days and on half pay for the remaining period.

12. Extraordinary Leave (Leave without Pay).---(1) Extraordinary leave may be granted on any ground upto a maximum period of five years at a time; provided that the civil servant to whom such leave is granted has been in continuous service for a period of not less than ten years. In case a civil servant has not completed ten years of continuous service, extraordinary leave without pay for a maximum period of two years may be granted at the discretion of the leave sanctioning authority. This leave can be granted irrespective of the fact whether a civil servant is a permanent or temporary employee.

(2) The maximum period of extraordinary leave without pay combined with leave on full pay and leave on half pay shall be subject to the limit of 5 years prescribed in FR-18, i.e. the maximum period of extraordinary leave without pay that would be admissible to a civil servant who has rendered continuous service for a period of not less than 10 years shall be 5 years less the period of leave on full pay and leave on half pay so combined.

⁹[(3) - Extraordinary leave may be granted retrospectively in lieu of absence without leave.]

13. Leave on Medical Certificate.---Leave applied for on medical certificate shall not be refused. The authority competent to sanction leave may, however, at its discretion, secure a second medical opinion by requesting the Civil Surgeon or the Medical Board to have the applicant medically examined. The existing provisions contained in Supplementary Rules 212, 213 and Rule 220 to 231 for the grant of leave on medical grounds will continue to apply.

14. Leave Preparatory to Retirement.---The maximum period upto which a Civil Servant may be granted leave preparatory to retirement shall be 365 days only. It may be taken subject to availability in the leave account, either on full pay or partly on full pay and partly on half pay, or entirely on half pay, at the discretion of the Civil Servant and it will not extend beyond the age of superannuation.

15. Recreation Leave.---Recreation leave may be granted for fifteen days once in a calendar year, the debit to the leave account may, however, be for ten days leave on full pay;

Provided that such leave shall not be admissible to a Civil servant in a vacation department.

Note: Casual Leave (as Recreation Leave) shall, however, continue to be granted for 10 days only subject to other conditions under Government instructions.

16. Leave Ex-Pakistan.---(1) Leave Ex-Pakistan may be granted on full pay to a civil servant who applied for such leave or who proceeds abroad during leave, or takes leave while posted abroad or is otherwise on duty abroad and makes a specific request to that effect.

(2) The leave pay to be drawn abroad shall be restricted to a maximum of three thousand rupees per month.

⁹ Sub-rule (3) of rule 12 added by Notification NO. FD.SO(SR-IV)5-54/1/0 (Vol.II), dated 01.06.1982.

(3) The leave pay shall be payable in sterling, if such leave is spent in Asia other than Pakistan and India.

(4) Such leave pay shall be payable for the actual period of leave spent abroad subject to maximum of one hundred and twenty days at a time.

(5) The civil servants appointed after 17th May, 1958, shall draw their leave salary in rupees in Pakistan irrespective of the country where they spent their leave.

(6) Leave Ex-Pakistan will be regulated and be subject to the same limits and conditions as prescribed in rule 4,5 and 12.

17. Assigning reasons for leave.---It shall not be necessary to specify the reasons for which leave has been applied, so long as that leave is due and admissible to a civil servant.

18. Commencement and end of leave.---Instead of indicating whether leave starts / ends in the forenoon or after-noon, leave shall commence from the day following that on which a civil servant hands over the charge of his post. It shall end on the day preceding that on which he resumes duty.

19. Absence after the expiry of leave.---Unless his leave is extended by the leave sanctioning authority, a civil servant who remains absent (except for circumstances beyond his control) after the end of his leave shall not be entitled to any remuneration for the period of such absence and double period of such absence shall be debited against his leave account. Such debit shall if there is insufficient credit in the leave account, be adjusted against future accumulations. Such double debit shall not preclude any disciplinary action that may be considered necessary under any rule for the time being in force after affording a reasonable opportunity to the civil servant concerned to indicate his position.

¹⁰**20. Encashment of Leave Preparatory to Retirement.**--- ¹¹[(1)] Where a civil servant opts not to avail the leave preparatory to retirement admissible to him under rule 14, he shall be allowed leave salary for the period for which leave preparatory to retirement is admissible, subject to a maximum of ¹²[three hundred and sixty-five] days. For the purpose of lump sum payment in lieu of leave preparatory to retirement only the senior post allowance will be included in the leave pay so admissible. The payment of leave pay in lieu of leave preparatory to retirement may be made to the civil servant either in lump sum at the time of retirement or may at his option, be drawn by him monthwise, in arrears, for and during the period of leave preparatory to retirement. This amendment shall take effect from 01.07.1983.]

¹³[(2) Encashment of leave preparatory to retirement (LPR) not exceeding three hundred and sixty five days shall be effective from the first day of July, 2012 and shall, for the entire period of leave refused or opted for encashment, be applicable to a civil servant retired or, as the case may be, retiring on or, after the first day of July 2012, provided such leave is available at his credit subject to a maximum of three hundred and sixty five days.

(3) If at any time during such period, leave is granted on account of ill health supposed by medical certificate or for performance of Hajj, the amount of cash compensation on account of leave pay shall be reduced by an amount equal to the leave pay for the period of leave so granted]

(4) Leave pay for the purpose of encashment of LPR shall be computed on the basis of pay and allowances reckonable towards pension as shown in the last pay certificate of a civil servant.]

¹⁴**21. In Service Death, etc.**---(1) In case a civil servant dies, or is declared permanently incapacitated for further service by a Medical Board, while in service, a lump sum payment equal to leave

¹⁰ Rule 20 substituted by Notification No. FD.SO(SR-IV)5-54(Vol:II), dated 24th August, 1983.

¹¹ Renumbered as sub-rule (1) by Notification No. (FR)FD-5-92/2005/Vol-V, DATED 13-12-2012

¹² Substituted for the words "one hundred and eighty" by Notification No. (FR)FD-5-92/2005/Vol-V, DATED 13-12-2012.

¹³ Substituted for the words "one hundred and eighty" by Notification No. (FR)FD-5-92/2005/Vol-V, DATED 13-12-2012.

¹⁴ Rule 21 substituted by Notification No.FD.SO(SR-IV)5-54/80(Vol:III), dated 03.05.1988

pay upto one hundred and eighty days out of the leave at his credit shall be made to his family as defined for the purposes of family pension or, as the case may be, to the civil servant.

(2) For the purpose of lump sum payment under sub rule (1), only the "senior prost allowance" will be included in the "leave pay" so admissible.]

22. Recall from Leave.---If a civil servant is recalled to duty compulsorily with the approval of the leave sanctioning authority, from leave of any kind, which he is spending away from his headquarters, he may be granted single return fare plus daily allowance as admissible on tour from the station where he is spending his leave to the place where he is required to report for duty. In case he is recalled to duty at headquarters and his remaining leave is cancelled, the fare then admissible shall be for one way journey only. If the order of recall to the civil servant is optional then the concession above mentioned will not be admissible.

23. Any type of leave may be applied.---A civil servant may apply for the type of leave which is due and admissible to him and it shall not be refused on the ground that another type of leave should be taken in the particular circumstances for example, a civil servant may apply for extraordinary leave or leave on half pay even if leave on full pay is otherwise due and admissible to him, or he may proceed on extraordinary leave followed by leave on half pay and full pay rather than on full pay, half pay and without pay.

24. Combination of different types of leave etc.---(1) One type of leave may be combined with joining time or with any other type of leave otherwise admissible to the civil servant:

Provided that leave preparatory to retirement shall not be combined with any other kind of leave.

25. Civil Servants on leave not to joint duty without permission before its expiry.--- Unless he is permitted to do so by the authority which sanctioned his leave a civil servant on leave may not return to duty before the expiry of the period of leave granted to him.

26. Leave due may be granted on abolition of post, etc.---(1) When a post is abolished, leave due to the civil servant, whose services are terminated in consequence thereof, shall be granted without regard to the availability of a post for the period of leave.

(2) The grant of leave in such cases shall, so long as he does not attain the age of superannuation be deemed automatically to have also extended the duration of the post and the tenure of its incumbent.

27. Manner of handing over charge when proceeding on leave, etc.---(1) A civil servant proceeding on leave shall hand over the charge of his post, and if he is in Grade-16 and above, he shall, while handing over charge of the post, sign the charge relinquishment report.

(2) If leave ex-Pakistan has been sanctioned on medical grounds, the civil servant shall take abroad with him copy of the medical statement of his case.

28. Assumption of charge on return from leave, etc.---(1) A civil servant, on return from leave, shall report for duty to the authority that sanctioned his leave and assume charge of the post of which he is directed by that authority unless such direction has been given to him in advance.

(2) In case he is directed to take charge of a post at a station other than that from where he proceeded on leave, travel expenses as on transfer shall be payable to him.

29. Account Officer to maintain leave account.---(1) Leave account in respect of a civil servant shall be maintained as part of his Service Book.

(2) The Account Offices shall maintain the leave accounts of civil servants of whom they were maintaining the accounts immediately before the coming into force of these rules.

30. Leave to lapse when civil servant quits service.---All leave at the credit of a civil servant shall lapse when he quits service.

31. Leave application, its sanction, etc.---(1) Except where otherwise stated, an application for leave or for an extension of leave must be made to the head of office where a civil servant is employed and, in the case of the head of office to the next-above administrative authority and the extent of leave due and admissible shall be stated in the application.

(2) An audit report shall not be necessary before the leave is sanctioned.

(3) When a civil servant submits a medical certificate for the grant of leave, it shall be by an authorised medical attendant in the form attached to these rules.

(4) Leave as admissible to a civil servant under these rules may be sanctioned by the head of a department, Attached Department, Office or any other officer authorised by him to do so and, when so required, leave shall be notified in the official Gazette.

(5) In case where all the applications for leave cannot, in the interest of public service, be sanctioned to run simultaneously, the authority competent to sanction leave shall, in deciding the priority of the applications consider:

- (i) whether, and how many applicants can, for the time being, best be spared;
- (ii) whether any applicants were last recalled compulsorily from leave; and
- (iii) whether any applicants were required to make adjustment in the timing of their leave on the last occasion.

FORM OF MEDICAL CERTIFICATE

FORM-I

Signature of applicant _____

MEDICAL CERTIFICATE FOR CIVIL SERVANTS RECOMMENDED FOR LEAVE OR EXTENSION

I, _____ after careful _____ personal examination of the case, hereby certify that, _____ whose signature is given above, is suffering from _____ and I consider that a period of absence from duty of _____ more with effect from _____ is absolutely necessary for the restoration of his / her health.

Dated, the _____ Government Medical Attendant

APPLICATION FOR LEAVE

FORM-II

Notes:--Item 1 to 9 must be filled in by all applicants, Item 12 applied only in the case of Government servants of Grade 16 and above.

1. Name of applicant.
2. Leave Rules applicable.
3. Post held.
4. Department or office.
5. Pay
6. House rent allowance / conveyance allowance or other compensatory allowances drawn in the present post.

- 7. (a) Nature of leave applied for.
- (b) Period of leave in days.
- (c) Date of commencement.

8. Particular Rule / Rules under which leave is admissible.

- 9. (a) Date of return from last leave.
- (b) Nature of Leave.
- (c) Period of leave in days.

Signature of applicant

10. Remarks and recommendation of the Controlling Officer.

11. Certified that leave applied for is admissible under Rule and necessary conditions are fulfilled.

Signature
Designation

12. Report of Audit Office.

Signature
Designation

13. Orders of the sanctioning authority certifying that on the expiry of leave the applicant is likely to return to the same post carrying the compensatory allowance being drawn by him.

Signature
Designation

Dated.....

1. This leave account will be maintained for all civil servants of the Provincial Government who were in service on the 1st July, 1978 including those who were on leave on that date and have not opted to retain the existing leave rules and all others who enter service on or after 1st July, 1978.

Explanatory Instructions for Filling up the Leave Account Form

Leave Account of Mr. / Miss / Mrs.
 Date of commencement of service
 Date of attaining the age of superannuation

FORM OF LEAVE ACCOUNT UNDER THE REVERSED LEAVE RULES, 1981

FORM III

1		Government / Department served under	
2	From	PERIOD OF DUTY	
3	To		
4	Y.M.D		
5	Full Calendar months		
6	Days		
7	Days	Leave at Credit (column 21+6)	
8	From	PERIOD	
9	To		
10	Days	Leave on full pay without medical certificate subject to maximum of 120 days & 365 days in case of L.P.R.	
11	Days	Leave on full pay on medical certificate subject to maximum of 180 days.	
12	Days	Leave on full pay on medical certificate subject to maximum of 365 days in entire service.	
13	Days	In terms of half pay	LEAVE ON HALF PAY
14	Days	In terms of full pay	
15	Days	Recreation leave of 15 days in a year but 10 days to be debited.	
16	Days	In terms of half pay.	LEAVE NOT DUE
17	Days	In terms of full pay	
18	Days	Actual No. of days	ABSENCE
19	Days	No. of days debitible (Round the actual number)	
20	Days	Total leave (Columns 10+11+12+14+15+17+19)	
21	Days	Balance on 01.07.1978/return from leave (Column 7-20)	
22		Remarks	
23		ATTESTATION.	

(N.B.—Instruction for filling in the form are printed on the succeeding pages.
 LEAVE TAKEN (from Column 8 to 20)

2. All leave at credit in the account of a civil servant who was in service on the 1st July, 1978 shall be converted in terms of leave on full pay at the following rates:--

(i)	Leave of full pay--			
	(a)	1 month	...	30 days
	(b)	1 day	...	1 day
(ii)	Leave on half pay--			
	(a)	1 month	...	15 days
	(b)	2 day	...	1 day

(Fraction, if any, to be ignored).

3. The leave account shall commence with an opening entry "Due on 1st July, 1978" or in the case of a Civil servant, who was on leave on 1st July, 1978 with effect from the date of his return from leave. For the purpose of computing the leave at credit, the service upto 30th June, 1978 will be taken into account. The leave due in terms of leave on full pay in days will be noted in Column No. 21.

4. (i) In calculating the leave earned on full pay at the rate of 4 days for every calendar month the duty period of 15 days or less in a calendar month shall be ignored and those of more than 15 days shall be treated as a full calendar month for the purpose. If a civil servant proceeds on leave during a calendar month and returns from it during another calendar month and the period of duty in either month is more than 15 days, the leave to be credited for both the incomplete months will be restrict to that admissible for one full calendar month only. There shall be a maximum limit on accumulation of this leave.

(ii) The provision (i) above will not apply to a vacation department. In its case, a civil servant may earn leave on full pay (a) when he avails himself of full vacation in a calendar yearat the rate of one day for every calendar month of duty rendered (b) when during any year he is prevented from availing himself of the full vacation.....as for a civil servant in a non-vacation department for that year, and (c) when he avails himself of only a part of the vacation.....as in (a) above plus such portion of thirty days as the number of days of vacation not taken bear to the full vacation.

5. (a) Leave on full pay may be converted into leave on half pay at the option of the civil servant, the debit to the leave account will be at the rate of one day of the former for every two days of the latter, fraction of one half counting as on full days leave on full pay. The request for such conversion shall be specified by the civil servant in his application for the grant of leave.

(b) There shall be no limit on the grant of leave on half pay so long as it is available by conversion in the leave account.

6. L.P.R. on full pay will be noted in column No. 10 while that on half pay in columns No. 13 and 14.

7. Leave not due may be granted on full pay to be off-set against leave to be earned in future for a maximum period of 365 days in the entire period of service subject to the condition that during the five years of service it shall not exceed 90 days in all. Such leave may be converted into leave on half pay. It shall be granted only when there are reasonable chances of the civil servant resuming duty.

8. The grant of Special Leave, Maternity Leave, Disability Leave, Extraordinary Leave, payment of leave pay for refused L.P.R. upto a maximum of 180 days lump sum, payment equal to full pay upto 180 days out of leave at credit made to the family of a Government servant whose death occurs while in service, Seaman sick leave, Departmental Leave, Study Leave, Hospital Leave and Quarantine Leave shall be noted in Column No. 22. Maternity leave other than three times in entire service shall however be debited to the relevant column of the leave account.

9. When a Government servant applies for the leave columns 2 to 7 shall be filled in showing the period of duty upto the date preceding that on which a Government servant intends to go on leave. The full calendar months to be noted in column 5 shall be worked out on the lines indicated in para 4 above.

10. When a Government servant returns from leave, column 8 to 23 shall be filled in according to the nature of leave. If leave not due to is availed of the minus balance to be shown in column No. 21 should be written in red ink.

23.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 01.06.2022 for the same as before.


Reader

15769/2020

15.06.2021

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


Respondents have submitted written reply. The appeal is entrusted to D.B for arguments on 28.10.2021.


Chawman

28.10.2021

Learned counsel for the appellant present. Mr. Suleman, Law Officer alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Comments have already been submitted through office, which have been placed on file. Copy of the same handed over to learned counsel for the appellant. Adjourned. To come up for rejoinder, if any, as well as arguments on 23.02.2022 before the D.B.


(Mian Muhammad)
Member (E)


(Salah-Ud-Din)
Member (J)

25.01.2021

Mr. Waqas-ur-Rehman, Advocate, for appellant is present.

According to the learned counsel representing appellant application for leave was forwarded to the competent authority on account of suffering of his son from Kidney disease which was graciously sanctioned however, another application was moved for more leaves just to rescue the life of his son, however, he was relieved by the Superintendent Central Prison Karak to sub-jail Sadda followed by issuance of show-cause notice which was duly replied which culminated into imposition of major penalty of compulsory retirement, against which departmental appeal was preferred which did not see the light of the day, necessitating the present 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 21.04.2021 before S.B.

Appellant Deposited
Security & Process Fee

(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

21.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 15.06.2021 for the same as before.



Reader

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 15769 /2020


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	09/12/2020	<p>The appeal of Mr. Umer Hayat resubmitted today by Mr. Waqas-ur-Rehman Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>25/01/2021</u></p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

The appeal of Mr. Umar Hayat Head Warder son of Samand Khan resident of Mohallah Pathan Parshai District Kohat received today i.e. on 07.12.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of departmental appeal is not attached with the appeal which may be placed on it.
- 2- Annexure-D of the appeal is illegible which may be replaced by legible/better one.

No. 4009 /S.T,

Dt. 08/12 /2020



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Waqar-ur-Rehman Adv. Pesh.

Note :-

- (i) The appellant duly filed departmental appeal before competent forum, upon which order dated 21.10.2020 was passed, wherein, the factum of said departmental appeal is duly mentioned and the order of departmental appeal is duly annexed with appeal as annexure "F". The original copy of departmental is in concerned office and copy is not retained by appellant.
- (ii) The better copy of annexure "D" is annexed with appeal.

Resubmitted


Waqar-ur-Rehman
Advocate, High Court

**BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR.**

Service Appeal # _____ of 2020

Umer Hayat

VERSUS

The ~~Inspector~~ Inspector General of Prisons, KPK

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2	Addresses of the parties		9
2.	Copy of the relieving order	A	10
3.	Copy of the show cause notice	B	11
4.	Copy of the reply to show cause	C	12
5.	Copy of the impugned order dated 29.9.2020	D	13
6.	Copy of the application of the appellant dated 1.12.2020 and order on departmental appeal	E & F	14-15
7	Copy of the Medical record of the son of the appellant	G	16-30
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Appellant

Through:


Waqas Ur Rehman
Advocate High Court,

**BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR.**

Khyber Pakhtukhwa
Service Tribunal

Diary No. 16216

Dated 07/12/2020

Service Appeal # 15769 of 2020

**UMER HAYAT (HHEAD WARDER) SON OF SAMAND KHAN
RESIDENT OF MOHALLAH PATHAN PARSHAI, TEHSIL AND
DISTRICIT KOHAT.**

.....Appellant

Versus

1. THE INSPECTOR GENERAL OF PRISONS, KHYBER
PAKHTUNKHWA, PESHAWAR
2. THE ADDITIONAL INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA, PESHAWAR.
3. THE SUPERINTENDENT CIRCLE H/QS PRISON D.I
KHAN.
4. THE SUPERINTENDENT CENTERAL PRISON, KARAK

.....Respondents

Filed to-day

Registrar
7/12/2020

APPEAL U/S 4 OF SERVICE TRIBUNAL
ACT, 1974 AGAINST THE ORDER
DATED 29.09.2020 AND 21.10.2020
WHEREBY THE MAJOR PENALTY OF
COMPULSORY RETIREMENT AND
LEAVE WITHOUT PAY HAS BEEN
IMPOSED UPON THE APPELLANT.

PRAYER IN APPEAL:

ON ACCEPTANCE OF THIS APPEAL, THE
IMPUGNED ORDER DATED 29.9.2020 AND
21.10.2020 MAY KINDLY BE SET ASIDE WITH

**THE DIRECTION TO THE RESPONDENTS TO RE-
INSTATE THE APPELLANT ALONGWITH ALL
BACK BENEFITS.**

Respectfully Sheweth:

1. That the appellant was appointed as Constable at Central Prison Peshawar on 31.4.1999 and was further promoted head constable in the year 2017.
2. That since his appointment the appellant served the department to the best of his ability without a single complaint.
3. That the son of the appellant namely Mubshir aged about 10 years is suffering from kidney disease, therefore the appellant moved an application to respondent No.4 for leave which was sanctioned and accordingly the appellant observed said leave.
4. That after such sanctioned leave, the appellant once again moved an application to respondent No.4 for further leave in order to rescue the life of his son, in the meanwhile the appellant was relieved by the respondent No.4 from Central Jail Karak to Sub Jail Sadda in nil days on 13.8.2020.

(Copy of the relieving order is annexed as annexure A)

5. That in the meanwhile the respondent No.3 issued a show Cause notice to the appellant with allegations of willful absence on 2.9.2020.

(Copy of the show cause notice is annexed as annexure B)

6. That the appellant duly replied the said show cause notice in time and explained his position and condition of his son.

(Copy of the reply to show Cause notice is annexed as annexure C)

7. That on 29.9.2020 by all of sudden, the respondent No. 3 imposed major penalty of compulsory retirement upon the appellant and leave was also considered as leave without pay, even without conducting proper inquiry.

(Copy of the impugned order dated 29.9.2020 is annexed as annexure D)

8. That being aggrieved, the appellant filed a departmental appeal to the respondent No.1 well within time for reinstatement, which was also dismissed by the respondent No.1 on 21.10.2020 without any legal and justifiable ground. Needless to mention that malafide of the respondents is depicted from the fact that such order has neither been communicated to the appellant in time and it was the appellant who filed an application to respondent No.1 on 1.12.2020 to know about the fate of the departmental appeal of the appellant. Such application was duly diaried in the office respondent No.1 vide diary No.24477 dated 1.12.2020. Suffice to submit that the order date 21.10.2020 in respect of the dismissal of department appeal was communicated for the first time to the appellant on 1.12.2020, hence, the instant appeal.

(Copy of the application of the appellant dated 1.12.2020 and order of departmental appeal dated 21.10.2020 is annexed as annexure E & F respectively)

That feeling aggrieved from the the impugned orders dated 29.9.2020 and appellate order dated 21.10.2020 (communicated to the appellant on

1.12.2020), the appellant left with no option but to file the instant appeal on the following grounds inter-alia:

GROUND:

1. That the impugned order is perverse, against the law and facts, liable to be set aside as for imposition of the major penalty, the respondents have to conduct full fledged inquiry as provided in the rules which includes statement of allegation, charge sheet and personal hearing but not following so and passing of the impugned order is nullity in the eyes of law and liable to set-aside.
2. That article 13 of the Constitution of Pakistan 1973, clearly provides protection from the double punishment for same cause, the impugned order itself is a double punishment as the appellant is not only compulsory retired rather his alleged absentee period have also been considered as leave without pay, such order having double punishment is in violation of Constitution and fundamental rights of the appellant, therefore on this score alone the same is liable to be set-aside.
3. That there are number of leaves in the credit of appellant and the respondents have also considered the alleged absentee period of the appellant as leave without pay, how the respondents could then compulsory retire the appellant, such order being illegal and without law is liable to be set-aside.

4. That for imposition of the major penalty, the respondents have to conduct full fledged inquiry including the statement of allegations, charge sheet and personal hearing, which is not conducted, hence, the impugned order is passed without proper procedure is liable to set-aside.
5. That the essence of rule 9 is also not been adopted which itself render impugned order as legally infirm in nature, therefore the same is not sustainable and liable to be set-aside.
6. That the appellant has served the department for almost 21 years without any complaint and is a poor and sole person to maintain his family, similarly his son is a kidney patient for which the appellant is trying his level best to rescue his life, therefore, imposing major penalty upon the appellant in such circumstances without law and facts is liable to be set-aside.

(Copy of the Medical record of the son of the appellant is annexed as annexure G)

7. That it is principle of natural justice that "no body shall be condemn unheard" but not providing the hearing opportunity to the appellant is against such principle, therefore the impugned order is liable to be set-aside.
8. That the respondent No.1 while dismissing the departmental appeal has opined that the departmental appeal is time barred, which is based upon self assumption and presumption as initial order was passed on 29.9.2020 whereafter, the appellant filed departmental appeal in time and the same was dismissed on 21.10.2020 within period

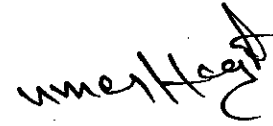
of 22 days from initial order, then how could the departmental appeal was time barred when the same is decided within 22 days, the impugned orders based on malafide are liable to be set-aside.

9. That another malafide on the part of respondents can be depicted from this fact that the appellate order was passed on **21.10.2020** but the same was not served/communicated to the appellant on time, it was the appellant who by his own when approached the office of the respondent No.1 by filing application on 1.12.2020 to see the result of departmental appeal, the same was then communicated to the appellant, hence, the impugned orders being based on malafide are liable to be set-aside.
10. That the impugned order is not a speaking order and against the law & facts, therefore, the same is not tenable in the eyes of law and needs to be set aside by this Hon'ble Court.
11. That any other points will be agitated during the course of arguments.

PRAYER

It is therefore most humbly prayed that on acceptance of this appeal, the impugned order dated 29.09.2020 and appellate order dated 21.10.2020 may kindly be set aside with the directions to the respondents to re-instate the appellant alongwith all back benefits.

Any other relief not specifically prayed for and
deems fit in the interest of justice may also be granted
to the appellant.



Appellant

Through:



Waqas Ur Rehman
Advocate High Court,

Peshawar

**BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR.**

Service Appeal # _____ of 2020

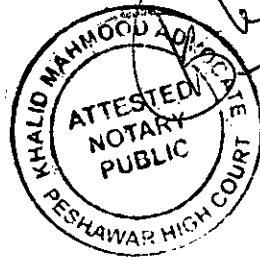
Umer Hayat

VERSUS

The Additional Inspector General of Prisons, KPK

Affidavit.

I, **UMER HAYAT SON OF SAMAND KHAN RESIDENT OF MOHALLAH PATHAN PARSHAI, TEHSIL AND DISTRICT KOHAT** do hereby affirm & declare on oath that the contents of accompanying appeal are true & correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



Umer Hayat
Deponent

**BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR.**

Service Appeal # _____ of 2020

Umer Hayat

VERSUS

The Additional Inspector General of Prisons, KPK

Addresses of the parties

Appellant

**UMER HAYAT SON OF SAMAND KHAN RESIDENT OF
MOHALLAH PATHAN PARSHAI, TEHSIL AND DISTRICT
KOHAT.**

Versus

Respondents

- 1. THE INSPECTOR GENERAL OF PRISONS, KHYBER
PAKHTUNKHWA, PESHAWAR**
- 1. THE ADDITIONAL INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA, PESHAWAR.**
- 2. THE SUPERINTENDENT CIRCLE H/QS PRISON D.I
KHAN.**
- 3. THE SUPERINTENDENT CENTRAL PRISON, KARAK**

Umer Hayat
Appellant

Through:

Waqas Ur Rehman
Waqas Ur Rehman
Advocate High Court,

Amesure - A



OFFICE OF THE
SUPERINTENDENT
CENTRAL PRISON KARAK



10

Tele & Fax:- 0927291137
Email:- districtjailkarak@gmail.com

No. 1190 / 1
Dated. 13 / 08 / 2020

To

The Head Warder Umar Hayat
Attached to Central Prison Karak

Subject: - **RELIEVING DOCKET.**

Memo;

Under the instruction contained in the Superintendent Circle H/Qs Prison D.I.Khan order No.4990-92 dated 11-08-2020.

You are hereby relieved from this Jail for the purpose of duty to **Superintendent Sub Jail Sadda** on dated 13-08-2020 (A.N) and for the purpose of pay you will remained attached to Central Prison Karak.

Note: You are allowed NIL days joining time.


**SUPERINTENDENT
CENTRAL PRISON KARAK**

Endst:No _____/-

Copy of the above is forwarded to:-

1. The Superintendent Circle H/Qs Prison D.I Khan for information with reference to his order No. referred to above please.
2. The Superintendent Sub Jail Sadda for information please.


**SUPERINTENDENT
CENTRAL PRISON KARAK**


Umar Hayat

Annexure - "B"

11

No. 4704

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

You **Head warder (BPS-09)** Umar Hayat S/o Samand Khan was relieved on 13.08.2020 by the superintendent Central Prison Karak to Sub Jail Sadda with Nil days joining time but you have not reported arrival at Sub Jail Sadda till date i.e 02.09.2020

I, Muhammad Binyamin Superintendent Headquarter Prison DIKhan competent authority, am satisfied by the report submitted by the Superintendent Central Prison Karak and Sub Jail Sadda and there is no need of holding any further inquiry.

Now therefore, you above named **warder** are hereby called upon to show cause within 07 days of receipt of this notice as to why the punishment of **Removal From Service** may not be awarded to you for your above stated act of negligence and mis-conduct.

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

You may appear before the undersigned for personal hearing on 11-09-2020, if you wish to.


SUPERINTENDENT
CIRCLE HQS PRISON DIKHAN

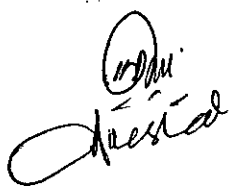
Order No. 4705-06 dated 02/09/2020

Copy of the above is forwarded to :-

1. Superintendent Central Prison Karak w/r to No. 1629-we dated 27.08.2020 and superintendent Sub Jail Sadda w/r to No.1053 dated 21.08.2020, a copy of show cause notice be sent on the home address of the said warder on home address through registered post.
2. **Head Warder (BPS-09)** Umer Hayat s/o Samand Khan Village Pershai P.S Gumbat Tehsil and District Kohat.

Registered


SUPERINTENDENT
CIRCLE HQS PRISON DIKHAN



کثرت جناب عزت مآب پرنسپل صاحب ایڈیوٹر جنرل ٹی ایچ اے

دہلی

عنوان : جواب شوکار نوٹیشن نمبر 06-4705 مورخہ 09/02/2020

جناب عالی

زیادت ادب سے گزارش کی جاتی ہے کہ سائل کو سائل جنرل کے بارے میں صرف 10/07 اور 15/08 کے نوٹیشن پر نوٹیشن کی بیماری کے بارے میں کچھ نہیں کہا گیا جس کا سبب (10 سالہ) گروہ کی بیماری میں قبلا ہی ریسرچ ہو چکی تھی اور اس کی وجہ سے سائل کو صرف نوٹیشن میں ہی بیماری کا ذکر کیا گیا اور سائل نے طبیوں اور طبیوں سے بھی ریسرچ کی ہے جس سے سائل کو یہ علم حاصل ہوا ہے کہ اس کے پاس اس کی بیماری کے بارے میں کوئی ریسرچ نہیں ہوئی ہے۔

اس کے علاوہ سائل نے دہلی کے ایک اور ڈاکٹر سے بھی ریسرچ کروائی ہے جس سے سائل کو یہ علم حاصل ہوا ہے کہ اس کے پاس اس کی بیماری کے بارے میں کوئی ریسرچ نہیں ہوئی ہے۔

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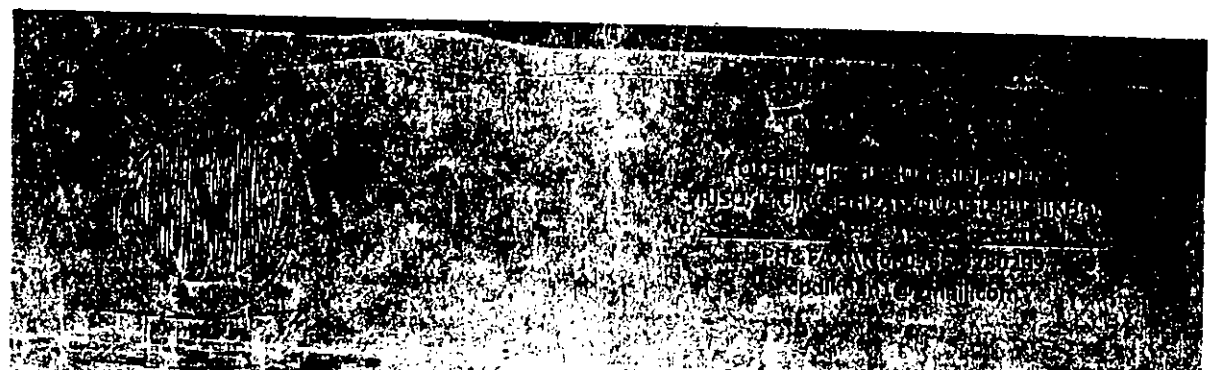
اس کے علاوہ سائل نے دہلی کے ایک اور ڈاکٹر سے بھی ریسرچ کروائی ہے جس سے سائل کو یہ علم حاصل ہوا ہے کہ اس کے پاس اس کی بیماری کے بارے میں کوئی ریسرچ نہیں ہوئی ہے۔

Handwritten signature

1

Annexure - "D"

13



OFFICE ORDER

WHEREAS, the accused Mr. Umer Hayat Head warder attached to Central Prison Karak under transfer to Sub Jail Sadda was proceeded against under Rule 50 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges that he was relieved by the superintendent Central Prison Karak on 14.08.2020 with nil days joining time for duty at Sub Jail Sadda however he has not joined duties at Sub Jail Sadda without any cogent reason.

AND WHEREAS, the undersigned being competent authority granted him the opportunity of personal hearing on 11.09.2020 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 "COMPULSORY RETIREMENT FROM SERVICE" to Mr. Umer Hayat s/o Samand Khan Head warder under transfer from Central Prison Karak to Sub Jail Sadda for his willful absence. The period of his absence w.e.f 14.08.2020 to 29.09.2020 is hereby treated as Leave Without pay.

Attested

SUPERINTENDENT
CIRCLE NOS PRISON DIKHAN

Endorsement No. 5355-58

Copy of the above is forwarded to :-

1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information please.
2. The Superintendent Central Prison Karak and Sub Jail Sadda. Necessary entry may please be made in the Service Book of official concerned under proper attestation.
3. DAO Karak and Kurram.
4. Head Warder Umer Hayat s/o Samand Khan village Pershahi P.S Gumbat Tehsil and District Kohat.

SUPERINTENDENT
CIRCLE NOS PRISON DIKHAN

Better Copy

**OFFICE OF THE SUPERINTENDENT
PRISON CIRCLE HEAD QUARTER D.I KHAN
No. _____ / DATED: 29.9.2020
PH & FAX/No: 0966-9280299
Cpdikhan1@gmail.com**

OFFICE ORDER

WHEREAS, the accused Mr. Umer Hayat Head Warder attached to Central Prison Karak under transfer to Sub Jail Sadda was proceeded against under Rule-3 of Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules, 2011 for the charge that he was relieved by the Superintendent Central prison Karak on 13.8.2020 with nil days joining time or duty at Sub Jail Sadda however he has not joined duties at Sub Jail Sadda without any cogent reason.

AND WHEREAS, the undersigned being the competent authority granted him the opportunity of personal hearing on 11.9.2020 as provided for under rules ibid.

The accused official completely failed to defend his case with the 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 accused official and after affording the opportunity of personal hearing, the undersigned being the competent authority, hereby award Major Penalty of **"COMPLUSORY RETIERMENT FROM SERVICE"** to Mr. Umer Hayat s/o Samand Khan Head Warder under transfer from Civil Prison Karak to Sub Jail Sadda for his willful absence. The period of his absence w.e.f 14.8.2020 to 29.9.2020 is hereby treated as **Leave Without Pay**.

s/d

SUPERINTENDENT
CIRCLE H/QS PRISON DIKHAN

Endorsement No. 5355-58/

1. The inspector General of Prison Khyber pakhtunkhwa Peshawar for information
2. The Superintendent Central Prison Karak and Sub jail Sadda. Necessary entry may please be made in service Book of official concerned under proper attestation.
3. DAO Karak and Kurram
4. Head Warder Umer Hayat s/o Samand Khan Village Pershaii P.S Gumbal Tehsil and District Kohat.

s/d

SUPERINTENDENT
CIRCLE H/QS PRISON DIKHAN

خدمت جناب النیئر جنرل جیل خانہ جات پشاور

Annex - E

درخواست برائے فراہمی معلومات بابت ڈیٹا، عملی اپیل

دائرہ شدہ بر خلاف حکم جبری ریٹائرمنٹ مورخہ 2020-9-29

14

جناب عالی!

1. یہ کہ سائل کو سپر ریٹائرمنٹ جیل (ڈی آئی خان) مورخہ 2020-9-29

کو جبری ریٹائر کیا گیا۔

2. یہ کہ سائل نے مذکورہ آرڈر کے خلاف آپ حضور کو ڈیٹا، عملی اپیل بہ وقت

دائرہ کیا تھا جس کے بابت تاحال آپ حضور نے من سائل کو نامی استغوائی

کا موقع دیا اور نہ ہی اس کے فیصلے کے بارے میں کوئی معلومات فراہم کی۔

3. یہ کہ من سائل نے مذکورہ اپیل کے بابت فیصلہ ~~کی~~ کی معلومات فراہم کی

گئے۔

پیشہ آگے لے دیا گواہ رہوں گا۔

سائل

H. L.

محررات و لکھنؤ مورخہ 2020-12-01

2020-12-01

Daisy No 24477

Date

01-12-2020

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ORDER

Answer - F

15

OFFICE OF THE
INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

91-9210334, 9210406

91-9213445

No. Estb/Ward-/Orders/ 37447-49

Dated 21-10-2020

WHEREAS, Head Warder **Umar Hayat S/o Samand Khan** while attached to Central Prison Karak, was awarded the major penalty of "**Compulsory Retirement from Service**" and **absence period 14-08-2020 to 29-09-2020 is hereby treated as leave without pay** by Superintendent HQ Prison D.I Khan vide his order No. 5354 dated 28-09-2020 due to his willful absence.

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 badly time-barred and penalty awarded to him by the competent authority due to his willful absence from duty after observing all legal and codal formalities as required under the E & D Rules 2011.

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 dismissed being without any substance.

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

ENDST;NO. 37447-49 / 1.

Copy of the above is forwarded to :-

1. The Superintendent, Headquarters Prison D.I Khan for information and necessary action with reference to his letter No. 5712/WE dated 16-10-2020.
2. The Superintendent Central Prison Karak for information and necessary action. He is directed to inform the appellant accordingly and to make necessary entry in his Service Book under proper attestation.
3. Head Warder Umar Hayat S/O Samand Khan, C/O Superintendent Central Prison Karak for information.

Amesher

q/c

21/10/20
**ASSISTANT DIRECTOR
INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR**

21/10/2020

Distt. Children Specialist

Dr. Shabir Ahmad

F.C.P.S (Pediatric)
Liaqat Memorial
Hospital Kohat



Announcement "G" ڈسٹرکٹ چلڈرن سپیشلسٹ

ڈاکٹر شبیر احمد

ایف سی پی ایس (پیڈیاٹرک)
لیاقت میموریل ہسپتال کوہاٹ

16

Pt's Name: Mohashir Wt: 26 kg Age: 10 1/2 Sex: M Date: 20/08/2020

Clinical Record

Rx

Recurrent episodes of Ascites.
+ resolution (Twice)
Remained Undiagnosed
Fresh - episode of Ascites - 2 wks
Frequent stools & clay colour
Vital stable
clubbed
shifting dullness
Ankle edema

Had extensively investigated for cause disease / nephrotic - with Unreliable results

UFT - ALP 129
- SBR - 0.7
- ALP phosph. 235

Adho: U/S - Hepatobilia
- S. Ceruloplasmin = result (+)
- 24 hrs Urinary Copper
E D-ben challenge.

NOT VALID FOR M.L.C / COURTS

0332-9834030 کلینک: پاک میڈیکل سنٹر بالمقابل گریلز کالج پشاور چوک کوہاٹ
0334-8299899 کلینک: میری کالونی بنوں روڈ کوہاٹ سوبان
Wilson Autoimmune hepatitis - KF - Kings / Family screening.

Signature of Dr. Shabir Ahmad

Syr. Cipaste 2507 →

Syr. Urso →

2010/998

Syr. Levijon →

2010/999

Tab. Spiromide →

2010/ - 2010/

P/U 2607/2000 free

Syr. Zinct-00

Pr. NAL

2010/999 (2)

(~~Tab. Vitamin~~)

Pr. NAL

SEMEN ANALYSIS

Colour _____

Volume _____ ml

Viscosity _____

Total Sperms Count _____ millions/ml

Active (Motile) _____ %

Sluggish _____ %

Dead (Non Motile) _____ %

Pus Cells _____ HPF

RBC _____ HPF

Any Other Finding _____

Lost Coitus _____

Remarks _____

DAWN PRESS KOHAT.

Lab Technician

AB. AZIZ COMPUTERIZED MEDICAL LAB



Meeri Colony Opp: Suzuki Kohat Motors University Road Kohat

Tel : 0334 - 5127520

Regd: 02841

Pt's Name Mobasliv.

Age - Sex Male Date 26/7/2020

Referred by Dr. Shabir Ahmad.

Investigations (ALT + HBs ag + Anti HCV)

Handwritten signature/initials

17

HAEMATATOLOGY		IMMUNOLOGY	
Test	Normal Range	Result	
Hb %	M:14-18, F:12-16		g/dl
TLC	4000-11000		/cmm
DLC			%
Neutrophils	40-75 %		%
Lymphocytes	20-45 %		%
Eosinophils	01-06 %		%
Monocytes	06-10 %		%
Basophils	0-01 %		%
Platelets Count	4.5 - 5.5		
Total RBC	M: 4.5-6.5 F: 3.9-5.6		
MP			
ESR			mm/1st hr
Typhidot	IgG	IgM	
Dengue Virus			

Widal Test
S. Typhi O
S. Typhi H
BRUCELLA TEST
Abortus
Melitensis
Urine Pregnancy
Toxoplasmosis
Blood Group
Rh Factor
ASO Titer
HBs Ag *Non-Reactive*
HCV *Non-Reactive*
HIV -

URINE EXAMINATION		STOOL EXAMINATION	
PHYSICAL		PHYSICAL	
Quantity		Colour	
Colour		Consistency	
Reaction		Mucus	
SP Gravity		Blood	
CHEMICAL		MICROSCOPIC (Direct by Concentration)	
Albumin		Red Cells	HPF
Sugar		Pus Cells	HPF
Ketone Bodies			
Bile Salt		Parasite	
Bile Pigment		Ova	
Urobilinogen			
MICROSCOPY OF CENTRIFUGED DEP		Cyst	
Red Cells	HPF	Trophozite	
Pus Cells	HPF	Other	
Epith Cells	HPF		
Casts of Granular	HPF		
Casts of Hayline	HPF		
Casts Red Cells	HPF		
Casts Pus Cells	HPF		
Casts Epith Cells	HPF		
Calcium Oxalat Crystal	HPF		
Crystals			
Yeasts Cells			
Bacteria			
Mucus Thread			
Amorphous Urates	HPF		
Amorphous Phosphates	HPF		
Other			

BIOCHEMISTRY

Test	Normal Range	Result	
Glucose (F)	70 - 120 mg %		Mg %
Glucose (R)	Upto 180 mg %		mg %
Urea	20 - 40 mg %		mg %
Creatinine	M: 0.5-1.1 F: 0.6-0.9		mg %
Cholesterol (T)	140 - 200 mg %		mg %
Urates (Uric Acid)	M: 3.4-7.0 F: 2.4-5.7		mg %
Bilirubin (T)	0 - 1.0 mg %		mg %
Bilirubin Direct	Upto 0.25 mg %		mg %
Bilirubin Indirect			
SGOT	Upto 12 u/l		u/l
SGPT	09 - 42 u/l	39	u/l
ALK Phose (Adult)	9 - 35 ml		u/l
ALK Phos (Child)			u/l
RA Factor			

[Signature]
Lab Tech:

DR. ALTAF DIAGNOSTIC CLINIC. *****

Dr. Altaf Hussain.

M.B.B.S. R.M.P.(Reg.No.956-N)

Ex. S.M.O. Radiology Deptt. KDA Hospital Kohat.

ڈاکٹر الطاف حسین

ایم. بی. بی. ایس. - الفراساؤنڈ سپیشلسٹ

Ultrasound Specialist

Behram Medical Centre opp. Company Bagh Kohat.

18

Name :- Mubashir

Age :-

Sex ; M

Date :- 26.7.2020

Area :- Abdomen

FINDINGS

LIVER: - Scan of the liver shows normal size with normal parenchymal appearance. No focal mass seen. Portal vein is normal measuring 7 mm.

GALL BLADDER: Gall bladder is normally distended with normal lumen & normal wall thickness. CBD is within normal limits.

PANCREAS: - Pancreas appears normal in thickness with normal echotexture. No focal mass seen. Pancreatic duct is normal.

SPLEEN: - Normal in size with normal parenchymal appearance. No focal mass is seen. Splenic vessel is normal.

KIDNEYS: - Both kidneys are normal in size and normal parenchymal appearance. No focal mass, calculus or hydronephrosis is seen.

URINARY BLADDER: - No distension. Wall thickness normal. No stones seen. No mass or calculus.

Intestinal loops are normal.

- o No free fluid is seen in the peritoneal cavity.
- o Para Aortic lymph nodes are normal.
- o Both CP angles are clear.

CONCLUSION :- Normal abdominal System. Normal B.S. // No Portal HTN

No Repeat US

* Dr. Altaf Hussain *

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Shifa International Hospitals Ltd.

شفا انٹرنیشنل ہسپتال اسلام آباد

PATHOLOGY

Chemistry

OUT-PATIENT

MR No..... : Q1-0G-53
 Patient..... : Mr. Mubasher
 Age/Gender..... : 10 Yrs 00 Months 05 Days /Male
 Ordered By..... : Dr. Muhammad Ikhtaq Paracha
 Ordered On..... : 15/07/2020 13:40
 Specimen No..... : 20-010221686
 Received in Lab.: 15/07/2020 23:55
 Verified On..... : 16/07/2020 02:19

19

TEST	RESULTS	HISTORY	REFERENCE RANGE
Cholesterol.....	100 mg/dL		Desirable < 200 mg/dL Borderline 200 - 239 mg/dL High > 240 mg/dL

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Dr.Fazal Iqbal MD

Senior Advisor Pathology
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Diplomate Anatomical
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Clinical Pathology U.S.A
FCAP FASCP U.S.A.

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Chief Pathologist / Director Lab
Assistant Professor of
Pathology
Diplomate Anatomic Pathology
and Hematology(USA)
Fellow Hematopathology(USA)

Dr.Nadira Mamoon

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Consultant Pathologist
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Ext: 3873

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FCPS (Histopathology)
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Associate Professor of
Pathology (SCM)

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Professor of Pathology
Program Director Hematology
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Ext: 4116

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MBBS, FCPS
Assistant Professor of
Pathology, SCM
Section Head Cytogenetic
Laboratory Ext: 4326

Printed On :

20/07/2020 -20 08:47

Printed By ZAHID_KOHAT

MR No..... : Q1-0G-53

Patient..... : Mr. Mubasher

Age/Gender..... : 10 Yrs 00 Months 05 Days /Male

Ordered By..... : Dr. Muhammad Ikhtlaq Paracha

Ordered On..... : 15/07/2020 13:40

Specimen No..... : 20-010221686

Received in Lab. : 15/07/2020 23:55

Verified On..... : 16/07/2020 02:19



Shifa International Hospitals Ltd.

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PATHOLOGY

Chemistry

TEST	RESULTS	HISTORY	REFERENCE RANGE
Albumin Serum.....	1.5 g/dL		Adult. 3.5 - 5.0 g/dL Newborn 0 - 4 days 2.8 - 4.4 g/dL Children 4days - 14 years 3.8 - 5.4 g/dL

Comments :

STAFF EJAAZ AT 3416

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* The report contains panic value(s) STAFF EJAAZ AT 3416 has been informed by 20178 at 16/07/2020 02:19

Dr.Fazal Ilahi MD Senior Advisor Pathology D.Path Eng. D.C.P. London Diplomate Anatomical Pathology, Clinical Pathology U.S.A FCAP FASCP U.S.A.	Dr.Imran Ahmad MD,FCAP Chief Pathologist / Director Lab Assistant Professor of Pathology Diplomate Anatomic Pathology and Hematology(USA) Fellow Hematopathology(USA)	Dr.Nadira Mamoon Associate Chief Pathologist Consultant Pathologist Professor of Pathology MBBS, FCPS (Histopathology, Cytopathology), FRC Path(UK) Ext: 3873	Dr.Humaira Nasir MBBS, FRCPath (UK) MCPS (Pathology), FCPS (Histopathology) Consultant Histopathologist Associate Professor of Pathology (SCM)	Dr.Ayesha Junaid Consultant Haematologist Professor of Pathology Program Director Hematology MBBS,M.C.P.S (Clinical Pathology) FCPS (Haematology)	Dr.Ghazanfar Abbas Consultant Chemical Pathologist, Assistant Professor of Pathology, MBBS, FCPS (Chemical Pathology) Ext: 3640
Dr.Tahir Aziz Ahmed Consultant Immunologist Professor of Pathology MBBS, MCPS,FCPS(Microbiology) FRC Path (Immunology) Ext:4348	Dr.Asna Haroon Khan Consultant Histopathologist MBBS,FCPS (Histopathology and Cytopathology) Ext: 4203	Dr.Muhammad Usman Consultant Microbiologist MBBS,FCPS(Microbiology) Ext:4283	Dr.Zafar Ali Consultant Histopathologist Assistant Professor of Pathology MBBS, FCPS (Histopathology, Cytopathology) Ext: 4322	Dr.Zujajah Hameed Associate Consultant Histopathologist, MBBS, FCPS (Histopathology, Cytopathology) Ext: 4116	Dr.Shawana Kamran Consultant Hematologist MBBS, FCPS Assistant Professor of Pathology, SCM Section Head Cytogenetic Laboratory Ext: 4326
Printed On : 20/07/2020 -20 08:47	Printed By ZAHID_KOHAT				



Shifa International Hospitals Ltd.

شفا انٹرنیشنل ہسپتال اسلام آباد

PATHOLOGY

Microbiology

OUT-PATIENT

MR No..... : Q1-0G-53
 Patient..... : Mr. Mubasher
 Age/Gender..... : 10 Yrs 00 Months 05 Days /Male
 Ordered By..... : Dr. Muhammad Ikhlaq Paracha
 Ordered On..... : 15/07/2020 13:40
 Specimen No..... : 20-110028636
 Received in Lab. : 15/07/2020 23:55
 Verified On..... : 16/07/2020 01:44

91

TEST	RESULTS	HISTORY	REFERENCE RANGE
MU01-Urine R/E	16/07/20		
Color.....	P.YELLOW		Pale Yellow - Yellow
Appearance.....	Clear		Clear
Specific Gravity.....	1.030		1.005 - 1.025
pH.....	5.5		5 - 8
Protein.....	Negative		Negative
Glucose.....	Negative		Negative
Ketone.....	Negative		Negative
Urobilinogen.....	Normal		Negative
Bilirubin.....	+		Negative
Blood.....	Negative		Negative
Nitrite.....	Negative		0 -2 /HPF
Red Blood Cells.....	NIL		Negative
Leukocytes-Estrases.....	Negative		1 - 2 /HPF
WBC.....	1-2		

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TECHNOLOGIST : Waqas Ahmed (17688)

TECHNOLOGIST : Muhammad Saqib (20178)

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Senior Advisor Pathology
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 Ext: 4116

Dr.Shawana Kanran

Consultant Hematologist
 MBBS, FCPS
 Assistant Professor of
 Pathology, SCM
 Section Head Cytogenetic
 Laboratory Ext: 4326

Printed On : 20/07/2020 -20 08:47

Printed By ZAHID_KOHAT

(Signature)

SEMEN ANALYSIS

Colour _____

Volume _____ ml

Viscosity _____

Total Sperms Count _____ millions/ml

Active (Motile) _____ %

Sluggish _____ %

Dead (Non Motile) _____ %

Pus Cells _____ HPF

RBC _____ HPF

Any Other Finding _____

Lost Coitus _____

Remarks _____

Amir

DAWN PRESS KOHAT.

Lab Technician

AB. AZIZ COMPUTERIZED MEDICAL LAB



Regd: 02841

Meeri Colony Opp: Suzuki Kohat Motors University Road Kohat

Tel : 0334 - 5127520

Pt's Name Mobashir

Age — Sex male Date 20/8/2020

Referred by Dr. Shabir Ahmad

Investigations (LFTs)

22

HAEMATOLOGY			IMMUNOLOGY
Test	Normal Range	Result	Widal Test
Hb %	M:14-18, F:12-16	g/dl	S. Typhi O
TLC	4000-11000	/cmm	S. Typhi H
DLC			BRUCELLA TEST
Neutrophils	40-75 %	%	Abortus
Lymphocytes	20-45 %	%	Melitensis
Eosinophils	01-06 %	%	Urine Pregnancy
Monocytes	06-10 %	%	Toxoplasmosis
Basophils	0-01 %	%	Blood Group
Platelets Count	4.5 - 5.5		Rh Factor
Total RBC	M: 4.5-6.5 F: 3.9-5.6		ASO Titer
MP			HBs Ag
ESR		mm/1st hr	HCV
Typhidot	IgG	IgM	HIV
Dengue Virus			

BIOCHEMISTRY			
Test	Normal Range	Result	
Glucose (F)	70 - 120 mg %		Mg %
Glucose (R)	Upto 180 mg %		mg %
Urea	20 - 40 mg %		mg %
Creatinine	M: 0.5-1.1 F: 0.0-0.9		mg %
Cholesterol (T)	140 - 200 mg %		mg %
Urates (Uric Acid)	M: 3.4-7.0 F: 2.4-5.7		mg %
Bilirubin (T)	0 - 1.0 mg %	(0.7)	mg %
Bilirubin Direct	Upto 0.25 mg %		mg %
Bilirubin Indirect			
SGOT	Upto 12 u/l		u/l
SGPT	09 - 42 u/l	(129)	u/l
ALK Phose (Adult)	86-289 = 357ml	(233)	u/l
ALK Phos (Child)	177-300		u/l
RA Factor			

URINE EXAMINATION		STOOL EXAMINATION	
PHYSICAL		PHYSICAL	
Quantity		Colour	
Colour		Consistency	
Reaction		Mucus	
SP Gravity		Blood	
CHEMICAL		MICROSCOPIC (Direct by Concentration)	
Albumin		Red Cells	HPF
Sugar		Pus Cells	HPF
Ketone Bodies			
Bile Salt		Parasite	
Bile Pigment		Ova	
Urobilinogen			
MICROSCOPY OF CENTRIFUGED DEP		Cyst	
Red Cells	HPF	Trophozite	
Pus Cells	HPF	Other	
Epith Cells	HPF		
Casts of Granular	HPF		
Casts of Hayline	HPF		
Casts Red Cells	HPF		
Casts Pus Cells	HPF		
Casts Epith Cells	HPF		
Calcium Oxalat Crystal	HPF		
Crystals			
Yeasts Cells			
Bacteria			
Mucus Thread			
Amorphous Urates	HPF		
Amorphous Phosphates	HPF		
Other			

Lab Tech:



آغا خان یونیورسٹی ہسپتال، کراچی

The Aga Khan University Hospital, Karachi

43

Stadium Road, P.O. Box 3500,
Karachi - 74800, Pakistan
Kohat Collection Unit Tel:(0922) 513192

Medical Record # : L23554866 (KQ6946)

Patient Name : MOBASHIR,;

Specimen ID : 20072020:CS0076R

Clinical Information / Comments:

Age / Gender : 10Y / Male

Location : KOHAT

Requesting Physician : SHABIR

Account # : C31310518 - OSR

Requested on : 20/07/2020 - 13:42

Collected on : 20/07/2020 - 13:42

Reported on : 24/07/2020 - 17:47

SAMPLE RECIEVED AFTER CUTOFF TIME AND WILL BE
REPORTED ON 24/07/2020, INFORMED THROUGH EMAIL AT
INFO.CP.....SN
adbc

Test	Current Result	Previous Results & Date	Unit	Ranges
SERUM CERULOPLASMIN	0.13		G/L	

REFERENCE RANGE:

AGE	RANGE
CORD	0.05-0.33 g/L
BIRTH	0.15-0.56 g/L
5-6 MONTHS	0.26-0.83 g/L
7-36 MONTHS	0.31-0.9 g/L
4-12 YEARS	0.25-0.45 g/L
13-19 YEARS MALE	0.15-0.37 g/L
13-19 YEARS FEMALE	0.22-0.5 g/L
ADULTS (MALE AND FEMALE)	0.20-0.6 g/L

This is a computer generated report therefore does not require any signature.

Printed on/by : 26/07/2020 10:18 AM / asad.mehmood

Dr. Aysha Habib Khan
MBBS, FCPS (Chemical Pathology)
Associate Professor

Dr. Farooq Ghani
MBBS, PHD (Boston University)
Associate Professor

Dr. Imran Siddiqui
MBBS, FCPS (Chemical Pathology),
FRCP (Edin)
Professor

Dr. Lena Jafri
MBBS, FCPS (Chemical Pathology)
Assistant Professor

237060987949371

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Asad Mehmood

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شفا انٹرنیشنل ہسپتال اسلام آباد

Shifa International Hospitals Ltd.

Sector: H-8/4, Islamabad - Pakistan

Tel: 051-8463000 Fax: 051-4863182

ISO 9001 Certificate No. 2555



Shifa Labs

REFERRAL FORM

Patient Name: عسیر Date: 15 JUL 2009
Age / Sex: 10yrs / F

Clinical Information: - Abd Distension
- Scroled Swelling
- Pitting Edema

Diagnostic Tests: - Urine R/E

Referring Physician: DR. M. KHAN, MD, FRCP
GEN. SPECIALIST
Q.15 ROAD, KOHAT
S. Albumin
S. Cholesterol

Shifa Lab is a participant in following international quality assurance programs.



BIO RAD (USA)



CAP (USA)



NRL (AUS)



AFIP (PAK)

COLLECTION POINT

Katchehri Chowk, Kohat Cant.
Ph: 0922-518963, 0336-9709997
فون: 0922-518963, 0336-9709997

Handwritten signature

TEAM OF PATHOLOGISTS

Fazal Illahi MD

Senior Advisor Pathology,
D. Path Eng. D.C.P London,
Diplomat Anatomical Pathology,
Clinical Pathology U.S.A,
FCAP, FASCP U.S.A

Imran Nazir Ahmad MD

Chief Pathologist / Director Lab,
Assistant Professor of Pathology,
Diplomat Anatomic Pathology &
Hematology (USA),
Fellow Hematopathology (USA) &
Surgical Pathology (USA)

Dr. Humaira Nasir

Associate Chief Pathologist,
Assistant Professor of Pathology,
MBBS, FRCP Path (UK),
MCPS (Clinical Pathology),
FCPS (Histopathology, Cytopathology)

Dr. Nadira Mamoon

Consultant Pathologist,
Professor of Pathology,
MBBS, FCPS (Histopathology,
Cytopathology), FRCPATH

Dr. Ayesha Junaid

Consultant Hematology,
Professor of Pathology,
MBBS, MCPS (Clinical Pathology),

Dr. Ijaz Ahmad

Consultant Chemical Pathologist,
Diplomat Chemical Pathology,
Anatomical, Clinical (USA),
Fellow Forensic Pathology, USA

Dr. Asna Haroon Khan

Consultant Histopathologist,
MBBS, FCPS (Histopathology &
Cytopathology)

Dr. Tahir Aziz Ahmed

Consultant Immunologist,
Professor of Pathology,
MBBS, MCPS, FCPS, FRCPATH

Dr. Asim Qureshi

Associate Consultant Histopathologist
MBBS, FCPS
(Histopathology & Cytology)

Dr. Shawana Kamran

Incharge Cytogenetics Labs
Associate Consultant Hematologist
MBBS, FCPS (Hematology)

Dr. Zafar Ali

Assistant Consultant Histopathologist
MBBS, FCPS (Histopathology &
Cytology)



Patient's Copy

25

25

Shifa International Hospital Ltd.

شفا انٹرنیشنل ہسپتال اسلام آباد پاکستان

H-8/4, Islamabad - Pakistan Ph : 051-8463666 Fax : 051-4863182

** Patient Account Statement **

MR Number : Q1-OG-53

Dated 15/07/20

Patient : Mr. Mubasher
O/O

Time 13:40:02

Order By : Dr. Muhammad Ikhtlaq Paracha

Code	Description	STAT	Date Paid	Service Charges	Remark
** Laboratory **					
MU01-01909	Urine R/E-	normal	15/07/2020	270	A/C
CR17-01599	Albumin	normal	15/07/2020	340	A/C
CR18-01600	Cholesterol Serum	normal	15/07/2020	450	A/C
Rupees One Thousand Sixty Only.				Total	1060

Kohat

[ORIGINAL]

N.T.N. 29-13-0712126

In case of diagnostics, Sample must be provided within 72 Hours of the issuance of original receipt.

No refunds will be given after 7 days from the date of this Receipt.

Our valued patients are advised to avail diagnostic/pharmacy services from Shifa to ensure that quality is not being compromised.

Cashier: Zahid Kohat

F-RE-0005

Receipt# 01688

Shifa Labs, Kohat

Shifa Lab Near Mussarat Jabeen Clinic
Kacheri Chowk Kohat
Tel # : 0922-518963

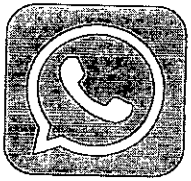
For further information

Coordination office Shifa International
Hospital Islamabad
Tel#: 051-8463416
Email: coordination.office@shifalabs.org
g

شفا انٹرنیشنل لیبارٹری کولیسٹریل پوائنٹ
0922-518963
پیمبر کی جوب کوہاٹ
Report Date 16/07/2020

Your diagnostic reports will also be available on the following link https://pp.shifa.com.pk/patient_portal/. For further queries, please contact 051-8464646

آپ کی تجاویز و آراء ہماری کوالٹی کو مزید بہتر بنانے کے لیے بہت اہم ہیں، اپنے شہر میں موجود شفا لیب کلینکس سینٹر کے متعلق کسی بھی قسم کی شکایات/تجاویز کے لیے



0333 1 786 123

complaints@shifalabs.org

شاف کا اخلاق و برتاؤ	<input type="checkbox"/> تسلی بخش	<input type="checkbox"/> غیر تسلی بخش
شفا کی سہرائی اور جراثیم سے محفوظ ماحول	<input type="checkbox"/> تسلی بخش	<input type="checkbox"/> غیر تسلی بخش
معلومات کی فراہمی / مددگار رویہ / رسید کی فراہمی	<input type="checkbox"/> تسلی بخش	<input type="checkbox"/> غیر تسلی بخش
واش روم کی صفائی سہرائی	<input type="checkbox"/> تسلی بخش	<input type="checkbox"/> غیر تسلی بخش

Attestad



آغا خان یونیورسٹی ہسپتال، کراچی

The Aga Khan University Hospital, Karachi



CAP
ACCREDITED
COLLEGE of AMERICAN PATHOLOGISTS

96

Stadium Road, P.O. Box 3500,
Karachi - 74800, Pakistan
Kohat Collection Unit Tel:(0922) 513192

Medical Record # : L23658156 (KQ7130)
Patient Name : MUBASHIR,HAYAT
Specimen ID : 07092020:CS0014R
Clinical Information / Comments:

Age / Gender : 10Y / Male
Location : KOHAT
Requesting Physician : DR.SHABIR
Account # : C31609142 - OSR
Requested on : 07/09/2020 - 09:07
Collected on : 07/09/2020 - 09:07
Reported on : 15/09/2020 - 08:17

Total Volume is810 ML
appc

Test	Current Result	Previous Results & Date	Unit	Ranges
URINARY COPPER	15		ug/Day	
REFERENCES VALUES:				
NORMAL: LESS THAN 60 ug/day				
WILSONS DISEASE: GREATER THAN 200 ug/day				
TOTAL URINARY VOLUME	810		ml/24hr	

This is a computer generated report therefore does not require any signature.
Printed on/by : 19/09/2020 09:01 AM / asad.mehmood

Dr. Aysha Habib Khan MBBS, FCPS (Chemical Pathology) Associate Professor	Dr. Farooq Ghani MBBS, PhD (Boston University) Associate Professor	Dr. Imran Siddiqui MBBS, FCPS (Chemical Pathology), FRCP (Edin) Professor	Dr. Lena Jafri MBBS, FCPS (Chemical Pathology) Assistant Professor
--	--	--	--

238630455732345

A Unit of The Aga Khan Hospital and Medical College Foundation; Licensed under Section 42 of the Companies Ordinance, 1984; Registered Office: Stadium Road, P.O. Box 3500, Karachi 74800, Pakistan

Dr. M. Ikhtlaq Paracha

IKHLAQ

Child Health Centre

M.B.B.S. (Pesh) D.C.H. (Edin) M.C.P.S. (Peads)
F.R.A.M. (F. in Ireland) F.I.C.T.M. (Detroit USA)
Fellow R. Academy of Medicine (Ireland)

Senior Consultant Paediatrician & Neonatologist

Dr. M. Imran Paracha

M.B.B.S. (Pesh) D.C.H. (London)
M.R.C.P.CH (London, UK), PGPN (Boston USA)
Consultant Paediatrician & Neonatologist



فون نمبر 0922-860131
موبائل 0334-0919174

سینئر کنسلٹنٹ چائلڈ ہیلتھ
ڈاکٹر محمد اخلاق پراچہ
ایم بی بی ایس (پشاور)، ڈی سی ایچ (ڈیٹرگ)
ایم بی بی ایس (بیلٹن)، ایف آر ایم (ڈیٹرویت آئرلینڈ)
ایف آئی سی بی ایم (ڈیٹرگ، امریکہ)
ڈاکٹر محمد عمران پراچہ
ایم بی بی ایس (پشاور)، ڈی سی ایچ (لندن)
ایم آر سی پی سی ایچ (لندن، یو کے)، پی جی پی این (بوسٹن امریکہ)
کنسلٹنٹ چائلڈ ہیلتھ

97

Date 15 JUL 2020

تعطیل بروز جمعہ و اتوار

O.T.S Road Kohat City

41 B10

Name عیشہ Tubashir S/O Umar Age 1a 6m

Sex Address Parchai Profession _____

History Abs

F 0 Shv 0

C 0 Wh 0 RN 0 BN 0

D _____

H2O Y G M B

V _____ PROJ. 1

Vac 7 BCG 2 P 2

PENTA 7 M.M.R. 0

Nut BF Bottle M/W

Solids foods

P.H. Duffin

G. Exam Resp _____

Temp 100 Pulse _____

Wt 20lb OFC 80

Ht _____ B.P. 60

Mile Stones D.H.

Clinical Notes

Nut _____ Hyd _____

P C J CL RD O

HP 11-2

u 24

ev 0.5

u RB

Asci Gs

Scroled

oed nil

Neph. Sw.

900 Td. Delta culture

6 + 6

Amoxil 250

Tal. Elston

20g Larisip

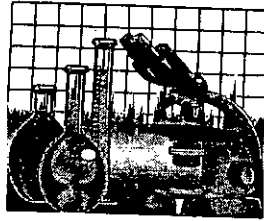
NOT VALID FOR COURT

اوقات کلینک صبح 7:30 تا 1 بجے دن معائنہ کیلئے آنے سے پہلے فون پر وقت لے لیں دوبارہ معائنہ کے لئے دن بعد تشریف لائیں۔

Attested

AL-TAIF

Clinical Laboratory
O.T.S. Road, Kohat



طائف کلینکل لیبارٹری

او.ٹی. ایس. روڈ کوہاٹ

98

Patient's Name: میشہ

Age _____ Sex: _____

Test Required: _____

Date 15-08-20

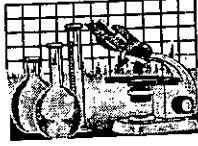
HAEMATOLOGY			BIOCHEMISTRY		
Test	Result	Normal Values	Test	Result	Normal Values
WBC	1cmm	4000 - 11000	Glucose F	mg/dl	60 - 110
RBC	million/cmm	3.5 - 5.5	Glucose R	mg/dl	60 - 180
Hb%	11.2 g/dl	Male 12 - 16 G/dl Female 12 - 15 G/dl	Bilirubin Total	mg/dl	1.0
HCT	%	37 - 47	Bilirubin Direct	mg/dl	0.25
MCV	FL	80 - 97	Bilirubin Indirect	mg/dl	0.1 - 0.5
MCH	RG	26 - 32	SGPT	U/L	40
MCHC	g/dl	32 - 36	Alk Posphatase	U/L	10 - 275
PLT	1cmm	150,000 - 400,000	Urea	24 mg/dl	10 - 50
Neutrophils	%	45 - 75	Creatinine	0.5 mg/dl	0.5 - 1
Lymphocytes	%	15 - 45	Calcium	mg/dl	9 - 11
Ecsinophils	%	02 - 10	Sodium	M mole / L	135 - 145
Monocyte	%	02 - 06	Potassium	M mole / L	3.5 - 5
Basophils	%	0 - 06			

SEROLOGY

ICT Method		Typhidot	
HCV		IgG	
Hbs Ag		IgM	
ICT TB		Blood group	
IgG		RH Factor	
IgM		MP	
ICT MP		Widal	
PV		To	
PF		TH	

Signature Lab. Incharge

Dr. Arshad



99

Patient's Name مستتر Age Sex Date 15-07-020

Ref: Dr. Specimen Test Required

URINE EXAMINATION



Colour / Appearance yellow
Sp. Gravity Acidic
Reaction

Protines (+)
Sugar Nil
Ketones
Bile Pigments
Bile Salts

Pus Cells 06 - 08
RBCs 01 - 02
Epithelial Cells
Crystals (see)
Casts
Others calcium oxalate (+++)

[Signature]
INCHARGE LAB.

[Signature]
Attested

قیمت 50 روپے	29399	PBA PESHAWAR BAR RESOLUTION		
ایڈوکیٹ: حَاصِل الرَحمٰن اَبُو لَیْسٰ ہاشم آباد		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل/ایسوسی ایشن نمبر: bc-14-4726				
رابطہ نمبر: 0334-2472723				

بعدالت جناب: سر سہرا بنوئل صلیبو کستوا لیسٹا

مخاطب: APPELLANT	دعویٰ: سر سہرا اعلیٰ
عمر صیات	علت نمبر: 15769/20
بنام	مورخہ:
السید حسنین و غیرہ	جرم:
	تھانہ:

باعث تحریر آتکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ
 آن مقام کے لئے حَاصِل الرَحمٰن اَبُو لَیْسٰ ہاشم آباد کو وکیل مقرر
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقررات و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست ازہر قسم کی تصدیق
 زرائیں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی، نیز
 دائر کرنے اپیل نگرانی و نظریاتی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
 کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب
 مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا
 دوران مقدمہ میں جو خرچہ ہر جائے التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے
 باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے
 المرقوم:

مقام لیسٹا

بد

کلمہ کلمات صلیبو کستوا

نوٹ: اس وکالت نامہ کی فونو کالی نام قابل قبول ہوگی۔

Accepted and accepted

Waqar-ur-Rehman

Advocate High Court

(1)

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

Appeal No.15769/2020

Umer Hayat s/o Samand Khan Ex-Head Warder Resident of Mohallah
Pathan Prshai, Tehsil and District Kohat

.....(Appellant)

VERSUS

- 1-Inspector General of Prisons Khyber Pakhtunkhwa, Peshawar
- 2.Additional Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
- 3.Superintendent, Circle H/Qs Prisons D.I Khan.
- 4.Superintendent Central Prison Karak.

.....(Respondents)

INDEX

S.NO.	DESCRIPTION OF DOCUMENTS	Annex	Page No
1-	Joint Para-wise comments	-	1-3
2-	Affidavit	-	4
3-	Disciplinary action/penalties awarded to appeallant	A	5
4-	Relieving docket dated 21-08-2020	B	
5-	Inquiry Report	C	
6-	Show cause notice	D	
7-	Office order dated 29-09-2020	E	
8-	IG Prison office order dated 21-10-2020		

①

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

Appeal No.15769/2020

Umer Hayat s/o Samand Khan Ex-Head Warder Resident of Mohallah
Pathan Prshai, Tehsil and District Kohat

.....(Appellant)

VERSUS

- 1-Inspector General of Prisons Khyber Pakhtunkhwa, Peshawar
- 2.Additional Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
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5-	Inquiry Report	C	11
6-	Show cause notice	D	12
7-	Office order dated 29-09-2020	E	13
8-	IG Prison office order dated 21-10-2020	F	14

Dated 14-06-2021


Deponent

(2)

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No. 15769/2020

Umer Hayat s/o Samand Khan Ex-Head Warder Resident of Mohallah
Pathan Parshai, Tehsil and District Kohat

..... (Appellant)

VERSUS

1. The Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
2. Additional Inspector General of Prisons, Khyber Pakhtunkhwa,
Peshawar.
3. The Superintendent, Circle H/Qs Prison D.I.Khan.
4. Superintendent Central Prison Karak.

..... (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. No. comments.
2. That the appellant has never been interested in his duties. During his service there are many entries in his service book. Details of penalties awarded to him are given as **Annexure-A**
3. That the appellant has not applied for any kind of leave to respondent No.04. The Superintendent Sub Jail Sadda reported vide No. 1053 dated 21.08.2020 that the appellant was relieved by the Superintendent Central Prison Karak for further duty at Sub Sadda on 13.08.2020 with Nil days joining time, however, the appellant had not reported arrival at

Sub Jail Satta and absented himself without any cogent reasons. Copy attached as **Annexure-B**

4. As of para-03
5. As of para-03.
6. That the appellant appeared before the respondent No.03 on 11.09.2020, however, his reply was not satisfactory. In order to further investigate into the matter, inquiry was conducted against the appellant. The inquiry officer investigated into the matter and found him negligent. Copy of inquiry report attached as **Annexure-C**.
7. That inquiry was conducted against the appellant and the major penalty was imposed only after the outcome of the inquiry report. As the appellant had absented himself, therefore, his period of absence was treated as leave without pay. Copy attached as **Annexure-D**
8. That the appellant had filed the departmental appeal before the respondent No.01 which was dismissed being without any substance.

GROUNDS

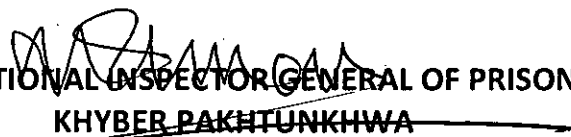
1. That the orders of removal from service passed by the Superintendent Circle Head Quarter Prison Dikhan (respondent No.03) No. 5354 dated 29.09.2020 (attached as **Annexure-D**) are lawful, legal and based on facts. The appellant was served with show cause notice, inquiry was conducted against him and ample opportunity of personal hearing was granted to him.
2. That legal proceedings have been carried out against the appellant. Ample opportunities were granted to the appellant to defend himself. The appellant has not been awarded double punishments. He was awarded major penalty of compulsory retirement for his wilful absence, and, as he has not performed duty by remaining absent, therefore, his absence period was treated and leave without pay. No duty no pay.
3. As of Para-2

4. That inquiry was conducted against the appellant and the major penalty was imposed only after the outcome of the inquiry report. Copy attached as **Annexure-D**
5. As of para-4
6. That the appellant has never been interested in his duties. During his service there are many red entries in his service book. Details of penalties awarded to him are given as **Annexure-A**
7. That the appellant has been awarded ample opportunities of personal hearing. First personal hearing on 11.09.2020 with the respondent No.03 and then the inquiry officer also heard him in person on 21.09.2020.
8. That the appellant's appeal was dismissed by the respondent No. 01 for being without any substance.
9. No comments
10. As of para-01
- 11.No comments

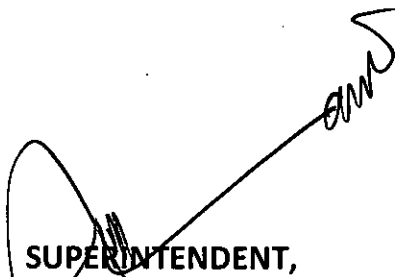
In view of the above reply it is humbly requested that the said appeal may kindly be dismissed with cost.



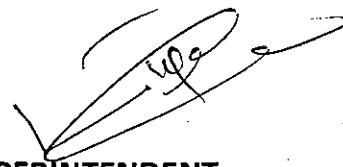
**INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA
PESHAWAR
(RESPONDENT NO. 01)**



**ADDITIONAL INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA
PESHAWAR
(RESPONDENT NO. 02)**



**SUPERINTENDENT,
CIRCLE H/Q PRISON,
DIKHAN
(RESPONDENT NO. 03)**



**SUPERINTENDENT,
CENTRAL PRISON,
KARAK.
(RESPONDENT NO. 04)**

5

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No. 15769/2020

Umer Hayat s/o Samand Khan Ex-Head Warder Resident of Mohallah
Pathan Parshai, Tehsil and District Kohat

..... (Appellant)

VERSUS

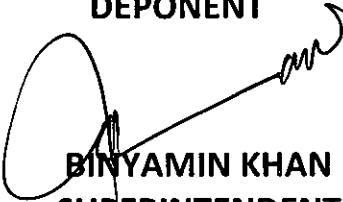
1. The Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
2. Additional Inspector General of Prisons, Khyber Pakhtunkhwa,
Peshawar.
3. The Superintendent, Circle H/Qs Prison D.I.Khan.
4. Superintendent Central Prison Karak.

..... (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
Circle H/Q PRISON,
D.I.KHAN
RESPONDENT NO.03

①



OFFICE OF THE
SUPERINTENDENT
CENTRAL PRISON KARAK

6



Tele & Fax:- 0927291137
Email:- districtjailkarak@gmail.com

No. 1269 /wf
Dated. 27 / 08 / 2020

To

The Superintendent,
Circle Head Quarter Prisons,
D.I Khan.

Subject: **DISCIPLINARY ACTION.**

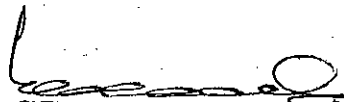
R/Sir,

Reference Superintendent Sub Jail Sadda letter No.1053 dated 21-08-2020 (copy attached).

It is submitted that Head Warder Umar Hayat was transferred from this Jail to Sub Jail Sadda on Administrative grounds for the purpose of duty while for the purpose of pay he remained attached to this Jail vide Superintendent Circle H/Q Prison D.I Khan order No.4990-92 dated 11-08-2020 and was relieved to Sub Jail Sadda on dated 13-08-2020 vide this office memo No.1191-92 with NIL days joining time. As he was absent, therefore relieving docket was endorsed on his home address.

Later on Superintendent Sub Jail Sadda informed this office vide above reference memo that the said Head Warder did not reported for duty till date. The said Head warder is habitual and not interested in duty. The said Head Warder absented himself from this Jail w.e.f 26-07-2020 till relieving and also not reported at Sub Jail Sadda. He was also awarded the minor penalty of "**CENSURE**" by your good self office order No.40-43 dated 02-01-2020 for the same reason but he has proved himself habitual and thus he has committed misconduct.

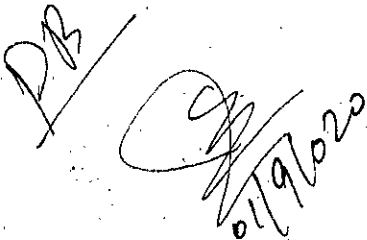
In view of the above it is requested that strict disciplinary action may please be initiated against him under the rules please.


SUPERINTENDENT
CENTRAL PRISON KARAK

Endst No. _____ /

Copy of the above is forwarded to the Superintendent Sub Jail Sadda for information w.r.t his letter No. referred to above please.






SUPERINTENDENT
CENTRAL PRISON KARAK



(7)

OFFICE OF THE SUPERINENDENT
PRISONS CIRCLE HEAD QUARTER D.I.KHAN
No. 5712 WF/ HQ Date 16-10-2020
PH&FAX \No. 0966-9280299
cpdikhan1@gmail.com

To,

The Inspector General Of Prisons,
Khyber Pakhtunkhwa Peshawar.

Subject: DEPARTMENTAL APPEAL.

Respected Sir,

Reference your letter No. 35297-we dated 06.10.2020 on the subject noted above.

It is submitted that superintendent Sub Jail Sadda reported vide No. 1053 dated 21.08.2020 (copy attached) that Head Warder Umer Hayat attached to Central Prison Karak was relieved for further temporary duty (on administration grounds) at Sub Jail Sadda with nil days joining time on 13.08.2020 but he has not reported arrival at Sub Jail Sadda till 21.08.2020.

In view of the report submitted by the superintendent Sub Jail Sadda Show cause notice No. 4704 dated 02.09.2020 (copy attached) was sent on the home address of the above mentioned official with personal hearing date fixed for 11.09.2020 before the undersigned.

The official appeared before the undersigned on due date but his reply was not satisfactory. Mr. Ijaz Ahmed Assistant Superintendent Jail attached to Central Prison DIKhan was directed to inquire into his matter. In the light of inquiry report submitted by the inquiry officer major penalty of Compulsary Retirement from service was awarded to Head warder Umer Hayat s/o Samand Khan for his willful absence and his period of absence was treated as Leave without pay.

The requisite information about the said warder is given below on the prescribed format:-

Name & parentage	Rank	Date of Birth	Date of Appointment	Detail of Posting	Penalty if any awarded
Umer Hayat s/o Samand Khan	Head Warder (BPS-07)	01-04-1978	30-04-1999	Given in Table B	Given in Table A.

Table A

S#	Punishments awarded
1	Placed under suspension in disciplinary case vide Supdt. H/Q Prison Peshawar order No.207/22-C dated 02-02-2003.
2	Re-Instate into Service. The period between of his suspension i.e. 18-11-2003 to 05-01-2004 is treated as leave on medical grounds with full average pay vide Supdt H/Q Prison Peshawar P.B order No.10/22-C dated 13-01-2004.
3	Placed under suspension w.e.f 12-11-2012 bearing involved in a disciplinary case i.e. unlawful absence from duty and jail premises vide Supdt.H/Q Prisons haripur order No.1082-83 dated 12-11-2012.



8

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

4	Re-instate into service vide Supdt H/Q Prison Haripur order No.153 dated 22-01-2013.
5	Placed under suspension with immediate effect in a disciplinary case vide Supdt Haripur order No.669 dated 08-04-2013.
6	On completion of inquiry one increment without future effect on the charges contained in show cause notice served upon him vide No.786-87 dated 19-04-2013. Re-instate into service with immediate effect vide Supdat H/Q Prisons Haripur office order No.832 dated 30-04-2013.
7	Placed under suspension with immediate effect due to their willful absence from duty vides Supdt H/Q Prison Haripur No.1696 dated 07-08-2013.
8	On completion of inquiry proceeding umar hayat is here by awarded the penalty of stoppage of annual increment for one year without future effect. Absent period from 31-07-2013 to 17-08-2013 also treated as leave without pay vide supdt H/Q prison Haripur No.1984 dated 20-08-2013.
9	Awarded minor penalty "CENSURE" and absence period w.e.f 25-08-2019 to 31-08-2019 treated on extra ordinary leave without pay.
10	07-01-2020 he is hereby awarded the minor penalty of "CENSURE" in a disciplinary case by the order of Supdt H/Q prisons D.I Khan vide his order dated 39-43 dated 02-01-2020.
11	On 28-09-2020 he is hereby awarder Major penalty of "COMPULSORY RETIREMNET FROM SERVICE" for his willful absence. The period of absence w.e.f 14-08-2020 to 29-09-2020 is hereby treated as Leave without pay vide Supdt Circle H/Q Prison D.I Kahn order No.5355-58 dated 28-09-2020.

Table B

S#	Place of posting
1.	Central Prison Peshawar
2.	District Jail Kohat
3.	Central Prison D.I Khan
4.	District Jail Kohat
5.	Central Prison Haripur
6.	Sub Jail Dassu Kohistan
7.	Sub Jail Nowshera
8.	Central Prison Peshawar
9.	Central Prison Bannu
10.	Central Prison Peshawar
11.	District Jail Mansehra
12.	Central Prison Karak

SUPERINTENDENT
 CIRCLE H/Q PRISON DIKHAN



OFFICE OF THE
SUPERINTENDENT
CENTRAL PRISON KARAK

9



Tele & Fax:- 0927291137
Email:- districtjailkarak@gmail.com

No. 1609
Dated. 15/10/2020

To

The Superintendent
Circle H/Q Prison D.I Khan

Subject: **DEPARTMENTAL APPEAL.**

R/Sir,

Reference Worthy Inspector General of Prison Khyber Pakhtunkhwa Peshawar letter No.35297/we dated 06-10-2020 on the above subject.

The requisite information in respect of Head Warder Umar Hayat S/o Samandar Khan attached to this Jail for the purpose of pay is listed below on the given format.

S.No	Name & Parentage	Rank	Date of Birth	Date of appointment	Detail of postings	Penalty if any awarded
1.	Umar Hayat S/o Samandar Khan	Head Warder BPS-09	01-04-1978	30-04-1999	For the purpose of pay attached to Central Prison Karak and for the purpose of duty attached to Sub Jail Parachinar.	<ol style="list-style-type: none"> Placed under suspension in disciplinary case vide Supdt. H/Q Prison Peshawar order No.207/22-C dated 02-02-2003. Re-Instate into Service. The period between of his suspension i.e. 18-11-2003 to 05-01-2004 is treated as leave on medical grounds with full average pay vide Supdt H/Q Prison Peshawar P.B order No.10/22-C dated 13-01-2004. Placed under suspension w.e.f 12-11-2012 bearing involved in a disciplinary case i.e. unlawful absence from duty and jail premises vide Supdt.H/Q Prisons haripur order No.1082-83 dated 12-11-2012. Re-instate into service vide Supdt H/Q Prison Haripur order No.153 dated 22-01-2013. Placed under suspension with immediate effect in a disciplinary case vide Supdt Haripur order No.669 dated 08-04-2013. On completion of inquiry one increment without future effect on the charges contained in show cause notice served upon him vide No.786-87 dated 19-04-2013. Re-instate into service with immediate effect vide Supdat H/Q Prisons Haripur office order No.832 dated 30-04-2013. Placed under suspension



OFFICE OF THE
SUPERINTENDENT
CENTRAL PRISON KARAK

1609



Tele & Fax:- 0927291137
Email:- districtjailkarak@gmail.com

No. 1609 / 1
Dated. 15 / 10 / 2020

						<p>with immediate effect due to their willfull absence from duty vides Supdt H/Q Prison Haripour No.1696 dated 07-08-2013.</p> <p>8. On completion of inquiry proceeding umaf hayat is here by awarded the penalty of stoppage of annual increment for one year without future effect. Absensnce period from 31-07-2013 to 17-08-2013 also treated as leave without pay vide supdt H/Q prison Haripur No.1984 dated 20-08-2013.</p> <p>9. Awarded minor penalty "CENSURE" and absence period w.e.f 25-08-2019 to 31-08-2019 treated on extra ordinary leave without pay.</p> <p>10. 07-01-2010 he is herby awarded the minor penalty of "CENSURE" in a disciplinary case by the order of Supdt H/Q prisons D.I Khan vide his order datted 39-43 dated 02-01-2020.</p> <p>11. On 28-09-2020 he is hereby awarder Major penalty of "COMPULSORY RETIREMNET FROM SERVICE" for his willfull absence. The period of absence w.e.f 14-08-2020 to 29-09-2020 is hereaby treated as Leave without pay vide Supdt Circle H/Q Prison D.I Kahn order No.5355-58 dated 28-09-2020.</p>
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SUPERINTENDENT
CENTRAL PRISON KARAK



OFFICE OF THE
SUPERINTENDENT
SUB JAIL SADDA KURRAM
E-Mail: subjail.sadda@pud.gov.pk
No. 1053 / Dated: 21-8-2020

To

The Superintendent,
Central Prison, Karak.

Subject: RELIEVING DOCKET

R/Sit:

Your kind attention is invited to your Office Endst. No. 1191-92 dated 13.08.2020 on subject.

It is submitted that Head Warden Umer Hayat (BPS-09) was relieved to this jail for duty purpose, from your jail on 13.08.2020, with Nil days joining time. In the light of Superintendent, Circle Headquarters Prison, DI Khan Order bearing No. 4990-92 dated 11.08.2020, however, the said official, did not reported arrival for duty, at this jail, till date.

In view of the above, it is therefore requested that his salary may be stopped and a case for initiating stern disciplinary action against him, may be submitted to Superintendent, Circle Headquarters Prison, DI Khan please.

SUPERINTENDENT
SUB JAIL SADDA
21/8/2020

Endst. No. _____

Copy of the above is forwarded to _____

1. The Superintendent, Circle Headquarters Prison, DI Khan for information and further necessary action with reference to above, please.

SUPERINTENDENT
SUB JAIL SADDA

(12)

The Superintendent,
Circle Headquarter Prisons
DIKhan.

Subject:- **INQUIRY REPORT**

R/Sir;

I have been appointed as inquiry officer against **Head Warder Umar Hayat** attached to Central Prison Karak under transfer to Sub Jail Sadda vide Superintendent Headquarter Prisons DIKhan Endst Nos.4705-06 dated 02.09.2020 to conduct inquiry for the allegations leveled against him by Superintendent Sub Jail Sadda.

ALLEGATION.

The Superintendent Sub Jail Sadda reported to Circle Headquarter Prison DIKhan Vide No.1053 dated 21.08.2020 that Head warder Umer Hayat was relieved on 13.08.2020 by Superintendent Central Prison Karak to Sub Jail Sadda for duty purpose (on administrative grounds) with nil days joining time however the said Head warder has not reported at Sub Jail Sadda.

STATEMENT OF ABOVE SAID HEAD WARDER:-

The above said Head warder appeared before the undersigned on 21.09.2020 and stated that his son was ill due to which he cannot joined his duty on time.(written statement attached).

RECOMMENDATIONS:-

After conducting the inquiry from different sources and going through the statement of the concerned official I reached to the conclusion and recommend that he may be awarded **major penalty of compulsory retirement from service** and his period of absence from 14.08.2020 to 29.09.2020 is treated as **leave without pay.**

DS/PB
Compulsory
retirement
28/9/2020

IJAZ AHMED
ASSISTANT SUPERINTENDENT
CENTRAL PRISON DIKHAN

P.B. 4704 (13)

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

You **Head warder (BPS-09)** Umar Hayat S/o Samand Khan was relieved on 08.08.2020 by the superintendent Central Prison Karak to Sub Jail Sadda with Nil days remaining time but you have not reported arrival at Sub Jail Sadda till date i.e 02.09.2020 (34 days)

I, Muhammad Binyamin Superintendent Headquarter Prison Dikhan competent authority, am satisfied by the report submitted by the Superintendent Central Prison Karak and Sub Jail Sadda and there is no need of holding any further inquiry.

Now therefore, you above named **warder** are hereby called upon to show cause within 07 days of receipt of this notice as to why the punishment of **Removal From Service** may not be awarded to you for your above stated act of negligence and mis-conduct.

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

You may appear before the undersigned for personal hearing on 11-09-2020 if you wish to.

SUPERINTENDENT
CIRCLE HQS PRISON DIKHAN

Endst No. 4705-06 dated 02/09/2020

Copy of the above is forwarded to :-

1. Superintendent Central Prison Karak w/r to No. 1629-we dated 27.08.2020 and superintendent Sub Jail Sadda w/r to No:1053 dated 21.08.2020, a copy of show cause notice be sent on the home address of the said warder on home address through registered post.

2. **Head Warder (BPS-09)** Umer Hayat s/o Samand Khan Village Pershai P.S Gumbat Tehsil and District Kohat. 0313 92 99 5 21

13-8-2020
Same Case
9/11/20

SUPERINTENDENT
CIRCLE HQS PRISON DIKHAN



(14)

OFFICE OF THE SUPERINENDENT
PRISONS CIRCLE HEAD QUARTER D.I.KHAN
No. 5354 / PB Date 29-09-2020
PH&FAX \No. 0966-9280299
cpdikhan1@gmail.com

OFFICE ORDER

WHEREAS, the accused Mr. Umer Hayat Head warder attached to Central Prison Karak under transfer to Sub Jail Sadda was proceeded against under Rule-3 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges that he was relieved by the superintendent Central Prison Karak on 13.08.2020 with nil days joining time for duty at Sub Jail Sadda however he has not joined duties at Sub Jail Sadda without any cogent reason.

AND WHEREAS, the undersigned being competent authority granted him the opportunity of personal hearing on 11.09.2020 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 "**COMPULSORY RETIREMENT FROM SERVICE**" to Mr. Umer Hayat s/o Samand Khan Head warder under transfer from Central Prison Karak to Sub Jail Sadda for his willful absence. The period of his absence w.e.f 14.08.2020 to 29.09.2020 is hereby treated as **Leave Without pay**.

SUPERINTENDENT
CIRCLE H/QS PRISON DIKHAN

Endorsement No. 5355-58

Copy of the above is forwarded to :-

1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information please.
2. The Superintendent Central Prison Karak and Sub Jail Sadda. Necessary entry may please be made in the Service Book of official concerned under proper attestation.
3. DAO Karak and Kurram.
4. Head Warder Umer Hayat s/o Samand Khan village Pershahi P.S Gumbat Tehsil and District Kohat.

SUPERINTENDENT
CIRCLE H/QS PRISON DIKHAN



OFFICE OF THE
INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

91-9210334, 9210406 091-9213445

No. Estb/Ward-/Orders/ 374476-1-

Dated 21-10-2020

ORDER

WHEREAS, Head Warder **Umar Hayat S/o Samand Khan** while attached to Central Prison Karak, was awarded the major penalty of "**Compulsory Retirement from Service**" and **absence period 14-08-2020 to 29-09-2020 is hereby treated as leave without pay** by Superintendent HQ Prison D.I Khan vide his order No. 5354 dated 28-09-2020 due to his willful absence.

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 badly time-barred and penalty awarded to him by the competent authority due to his willful absence from duty after observing all legal and codal formalities as required under the E & D Rules 2011.

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 dismissed being without any substance.

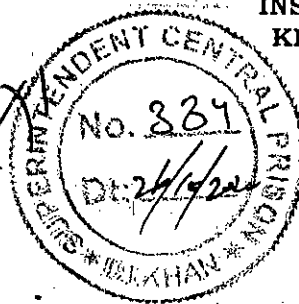
**ADDL; INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA, PESHAWAR.**

ENDST; NO. 37447-49

Copy of the above is forwarded to :-

- ✓ The Superintendent, Headquarters Prison D.I Khan for information and necessary action with reference to his letter No. 5712/WE dated 16-10-2020.
- The Superintendent Central Prison Karak for information and necessary action. He is directed to inform the appellant accordingly and to make necessary entry in his Service Book under proper attestation.
- Head Warder Umar Hayat S/O Samand Khan, C/O Superintendent Central Prison Karak for information.

[Handwritten signature]
[Handwritten initials]



[Handwritten signature]
**ASSISTANT DIRECTOR
INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR**

[Handwritten date]
21/10/2020

1

¹[Khyber Pakhtunkhwa] Civil Servants Revised Leave Rules, 1981

No. FD. SO (SR-IV) 5-54 / 80 (Vol:II) dated 17-12-1981.---In exercise of the powers conferred by section 26 of the ²[Khyber Pakhtunkhwa] Civil Servants Act, 1973 (³[Khyber Pakhtunkhwa] Act XVIII of 1973) and in supersession of this Department's Notification No. FD.SO(SR-IV) 1-17/78, dated the 20th November, 1979, the Governor of the ⁴[Khyber Pakhtunkhwa] is pleased to make the following rules namely:--

1. Short title, commencement and application.---(1) These rules may be called the ⁵[Khyber Pakhtunkhwa] Civil Servants Revised Leave Rules, 1981.

(2) They shall come into force at once.

(3) They shall apply to all Civil Servants under the rule making authority of the Governor except those who opted not to be governed by the ⁶[Khyber Pakhtunkhwa] Civil Servants Leave Rules, 1979.

2. Admissibility of Leave of Civil Servant.---Leave shall be applied for, expressed and sanctioned in terms of days and shall be admissible to a civil servant at the following rate and scale:---

(i) A civil servant shall earn leave only on full pay. It shall be calculated at the rate of four days for every calendar months of the period of duty rendered and credited to the leave account as "leave on fully pay" duty period of 15 days or less in a calendar month being ignored and those of more than 15 days being treated as a full calendar month, for the purpose. If a civil servant proceeds on leave during a calendar month and returns from it during another calendar month and the period of duty in either month is more than 15 days, the leave to be credited for both the incomplete months will be restricted to that admissible for one full calendar month only.

(ii) The provisions of clause (i) will not apply to vacation departments. A civil servant of a vacation department may earn leave on full pay as under:--

(a) When he avails himself of vacation in a calendar year. At the rate of one day of every calendar month of duty rendered;

(b) When during any year he is prevented from availing himself of the full vacation. As for a civil servant in non-vacation Department for that year; and

(c) When he avails himself of only a part of the vacation. As in (a) above plus such proportion of thirty days as the number of days of vacation not taken bears to the full vacation.

¹ Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

² Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

³ Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

⁴ Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

⁵ Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

⁶ Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

- (iii) There shall be no maximum limit on the accumulation of such leave.

⁷[Note. Deleted]

3. When leave earned.---(a) All service rendered by a civil servant qualifies him to earn leave in accordance with these rules but shall not be earned during the period of leave.

(b) Any period spent by a civil servant in foreign service qualifies him to earn leave provided that a contribution towards leave salary is paid to the Government on account of such period.

4. Grant of Leave on Full Pay.---(1) The maximum period of leave on full pay that may be granted at one time by the competent authority shall be as follows:--

- | | | | |
|------|-----------------------------|-----|----------|
| (i) | Without medical certificate | ... | 120 days |
| (ii) | With medical certificate | ... | 180 days |

PLUS

- | | | | |
|-------|--|-----|----------|
| (iii) | On medical certificate from leave account in entire service. | ... | 365 days |
|-------|--|-----|----------|

(2) The maxima prescribed at (i) and (ii) of sub-rule (1) are independent of each other. In other words a civil servant may be granted, at a time, total leave on full pay on medical certificate upto the permissible extent in continuation of leave upto 120 days without medical certificate, subject to given conditions.

5. Grant of Leave on Half Pay.---(1) Leave on full pay may be converted into leave on half pay, at the option of the civil servant.

(2) Debits to the leave account will be at the rate of one day of the former for every two days of the latter, fraction of one-half counting as one full day's leave on full pay.

(3) The request for such conversion shall be specified by the civil servant in his application for the grant of leave.

(4) There shall be no limit on the grant of leave on half pay so long as it is available by conversion in the leave account.

6. Conversion of Leave Account.---(1) All leave at credit in the account of a civil servant who was in service on the 1st day of July, 1978, shall be carried forward and expressed in terms of leave on full pay. The leave account in such cases shall, with effect from 1st July, 1978 or in case of civil servant who was on leave on that date with effect from the date of his return from leave, be recast as under, ignoring the fraction if any:--

- | | | | | |
|------|--------------------|---------|-----|---------|
| (i) | Leave of full pay— | | | |
| | (a) | 1 month | ... | 30 days |
| | (b) | 1 day | ... | 1 day |
| (ii) | Leave on half pay— | | | |
| | (a) | 1 month | ... | 15 days |
| | (b) | 2 day | ... | 1 day |

(2) In carrying forward the leave, the leave at credit of a civil servant in columns 7 and 8 and half of the leave at credit in column 9 of the existing leave account shall be carried forward to the new leave account of the civil servant.

⁷. The "Note" at the end of rule 2 deleted by Notification No. FD. 50(SR-IV)5-54/80(Vol.II), dated 01-06-1982.

(3) The leave availed under the existing rules from column 13 (a) of the leave account shall be debited against the maximum limit of 365 days fixed under rule 4 (1) (iii).

7. Leave not due.---(1) Leave not due may be granted on full pay, to be offset against leave to be earned in future, for a maximum period of three hundred and sixty five days in the entire period of service, subject to the condition that during the first five years of service it shall not exceed ninety days in all.

(2) Such leave may be converted into leave on half pay.

(3) Such leave shall be granted only when there are reasonable Chances of the Civil Servant resuming duty on the expiry of the leave.

(4) Such leave shall be granted sparingly and to the satisfaction of the sanctioning authority but it shall not be admissible to the temporary civil servants.

8. Leave Salary.---(1) Leave pay admissible during leave on full pay shall be the greater of--

(a) the average monthly pay earned during the twelve complete months immediately preceding the month in which the leave begins; and

(b) the rate equal to the rate of pay drawn on the day immediately before the beginning of the leave.

(2) When leave on half pay is taken, the amount calculated under clause (a) and (b) of sub-rule (1) shall be halved to determine the greater of the two rates.

⁸[(3) A civil servant shall be entitled to the leave pay at the revised rate of pay if a general revision in pay of civil servants takes place or an annual increment occurs during the period of leave of the civil servant.]

9. Special Leave to Female Civil Servants.---As female civil servant may, on the death of her husband, be granted special leave on full pay not exceeding 130 days. This leave shall not be debited to her leave account and will commence from the date of death of her husband. For this purpose she will have to produce death certificate issued by competent authority either alongwith her application for special leave or, if that is not possible, the said certificate may be furnished to the leave sanctioning authority separately.

10. Maternity Leave.---(1) Maternity leave may be granted on full pay, outside the leave account, to a female civil servant to the extent of ninety days in all from the date of its commencement or forty five days from the date of her confinement, which ever be earlier.

(2) Such leave may not be granted for more than three times in the entire service of a female civil servant except in the case of a female civil servant employed in a vacation department who may be granted maternity leave without this restriction.

(3) For confinement beyond the third one, the female civil servant would have to take leave from her normal leave account.

(4) The spells of maternity leave availed of prior to the coming into force of these rules shall be deemed to have been taken under these rules.

(5) Maternity leave may be granted in continuation of, or in combination with, any other kind of leave including extraordinary leave as may be due and admissible to a female civil servant.

⁸ Sub-rule (3) of rule 8 rule 8 added by Notif. No. FD.SO(SR-IV)5-54/80-Vol.III, dated 26.10.1994.

(6) Leave salary to be paid during maternity leave shall be regulated as for other leave, in accordance with the formula provided in rule 8.

(7) The leave salary to be paid during maternity leave will, therefore, remain unaffected even if any increment accrues during such leave and the effect of such an increment will be given after the expiry of maternity leave.

11. Disability Leave.---(1) Disability leave may be granted outside leave account on each occasion upto a maximum of seven hundred and twenty days on such medical advice as the head of office may consider necessary, to a civil servant, other than civil servant in part time service, disabled by injury, ailment or disease contracted in course or in a consequence of duty or official position.

(2) The leave salary during disability leave shall be equal to full pay for the first one hundred and eighty days and on half pay for the remaining period.

12. Extraordinary Leave (Leave without Pay).---(1) Extraordinary leave may be granted on any ground upto a maximum period of five years at a time; provided that the civil servant to whom such leave is granted has been in continuous service for a period of not less than ten years. In case a civil servant has not completed ten years of continuous service, extraordinary leave without pay for a maximum period of two years may be granted at the discretion of the leave sanctioning authority. This leave can be granted irrespective of the fact whether a civil servant is a permanent or temporary employee.

(2) The maximum period of extraordinary leave without pay combined with leave on full pay and leave on half pay shall be subject to the limit of 5 years prescribed in FR-18, i.e. the maximum period of extraordinary leave without pay that would be admissible to a civil servant who has rendered continuous service for a period of not less than 10 years shall be 5 years less the period of leave on full pay and leave on half pay so combined.

⁹[(3) Extraordinary leave may be granted retrospectively in lieu of absence without leave.]

13. Leave on Medical Certificate.---Leave applied for on medical certificate shall not be refused. The authority competent to sanction leave may, however, at its discretion, secure a second medical opinion by requesting the Civil Surgeon or the Medical Board to have the applicant medically examined. The existing provisions contained in Supplementary Rules 212, 213 and Rule 220 to 231 for the grant of leave on medical grounds will continue to apply.

14. Leave Preparatory to Retirement.---The maximum period upto which a Civil Servant may be granted leave preparatory to retirement shall be 365 days only. It may be taken subject to availability in the leave account, either on full pay or partly on full pay and partly on half pay, or entirely on half pay, at the discretion of the Civil Servant and it will not extend beyond the age of superannuation.

15. Recreation Leave.---Recreation leave may be granted for fifteen days once in a calendar year, the debit to the leave account may, however, be for ten days leave on full pay;

Provided that such leave shall not be admissible to a Civil servant in a vacation department.

Note: Casual Leave (as Recreation Leave) shall, however, continue to be granted for 10 days only subject to other conditions under Government instructions.

16. Leave Ex-Pakistan.---(1) Leave Ex-Pakistan may be granted on full pay to a civil servant who applied for such leave or who proceeds abroad during leave, or takes leave while posted abroad or is otherwise on duty abroad and makes a specific request to that effect.

(2) The leave pay to be drawn abroad shall be restricted to a maximum of three thousand rupees per month.

⁹ . Sub-rule (3) of rule 12 added by Notification NO. FD.SO(SR-IV)5-54/80 (Vol.II), dated 01.06.1982.

(3) The leave pay shall be payable in sterling, if such leave is spent in Asia other than Pakistan and India.

(4) Such leave pay shall be payable for the actual period of leave spent abroad subject to maximum of one hundred and twenty days at a time.

(5) The civil servants appointed after 17th May, 1958, shall draw their leave salary in rupees in Pakistan irrespective of the country where they spent their leave.

(6) Leave Ex-Pakistan will be regulated and be subject to the same limits and conditions as prescribed in rule 4,5 and 12.

17. Assigning reasons for leave.---It shall not be necessary to specify the reasons for which leave has been applied, so long as that leave is due and admissible to a civil servant.

18. Commencement and end of leave.---Instead of indicating whether leave starts / ends in the forenoon or after-noon, leave shall commence from the day following that on which a civil servant hands over the charge of his post. It shall end on the day preceding that on which he resumes duty.

19. Absence after the expiry of leave.---Unless his leave is extended by the leave sanctioning authority, a civil servant who remains absent (except for circumstances beyond his control) after the end of his leave shall not be entitled to any remuneration for the period of such absence and double period of such absence shall be debited against his leave account. Such debit shall if there is insufficient credit in the leave account, be adjusted against future accumulations. Such double debit shall not preclude any disciplinary action that may be considered necessary under any rule for the time being in force after affording a reasonable opportunity to the civil servant concerned to indicate his position.

¹⁰**20. Encashment of Leave Preparatory to Retirement.**--- ¹¹[(1)] Where a civil servant opts not to avail the leave preparatory to retirement admissible to him under rule 14, he shall be allowed leave salary for the period for which leave preparatory to retirement is admissible, subject to a maximum of ¹²[three hundred and sixty-five] days. For the purpose of lump sum payment in lieu of leave preparatory to retirement only the senior post allowance will be included in the leave pay so admissible. The payment of leave pay in lieu of leave preparatory to retirement may be made to the civil servant either in lump sum at the time of retirement or may at his option, be drawn by him monthwise, in arrears, for and during the period of leave preparatory to retirement. This amendment shall take effect from 01.07.1983.]

¹³[(2) Encashment of leave preparatory to retirement (LPR) not exceeding three hundred and sixty five days shall be effective from the first day of July, 2012 and shall, for the entire period of leave refused or opted for encashment, be applicable to a civil servant retired or, as the case may be, retiring on or, after the first day of July 2012, provided such leave is available at his credit subject to a maximum of three hundred and sixty five days.

(3) If at any time during such period, leave is granted on account of ill health supposed by medical certificate or for performance of Hajj, the amount of cash compensation on account of leave pay shall be reduced by an amount equal to the leave pay for the period of leave so granted]

(4) Leave pay for the purpose of encashment of LPR shall be computed on the basis of pay and allowances reckonable towards pension as shown in the last pay certificate of a civil servant.]

¹⁴**21. In Service Death, etc.**---(1) In case a civil servant dies, or is declared permanently incapacitated for further service by a Medical Board, while in service, a lump sum payment equal to leave

¹⁰ . Rule 20 substituted by Notification No. FD.SO(SR-IV)5-54(Vol:II), dated 24th August, 1983:

¹¹ . Renumbered as sub-rule (1) by Notification No. (FR)FD-5-92/2005/Vol-V, DATED 13-12-2012

¹² . Substituted for the words "one hundred and eighty" by Notification No. (FR)FD-5-92/2005/Vol-V, DATED 13-12-2012.

¹³ . Substituted for the words "one hundred and eighty" by Notification No. (FR)FD-5-92/2005/Vol-V, DATED 13-12-2012.

¹⁴ . Rule 21 substituted by Notification No.FD.SO(SR-IV)5-54/80(Vol:III), dated 03.05.1988

pay upto one hundred and eighty days out of the leave at his credit shall be made to his family as defined for the purposes of family pension or, as the case may be, to the civil servant.

(2) For the purpose of lump sum payment under sub rule (1), only the "senior prost allowance" will be included in the "leave pay" so admissible.]

22. Recall from Leave.---If a civil servant is recalled to duty compulsorily with the approval of the leave sanctioning authority, from leave of any kind, which he is spending away from his headquarters, he may be granted single return fare plus daily allowance as admissible on tour from the station where he is spending his leave to the place where he is required to report for duty. In case he is recalled to duty at headquarters and his remaining leave is cancelled, the fare then admissible shall be for one way journey only. If the order of recall to the civil servant is optional then the concession above mentioned will not be admissible.

23. Any type of leave may be applied.---A civil servant may apply for the type of leave which is due and admissible to him and it shall not be refused on the ground that another type of leave should be taken in the particular circumstances for example, a civil servant may apply for extraordinary leave or leave on half pay even if leave on full pay is otherwise due and admissible to him, or he may proceed on extraordinary leave followed by leave on half pay and full pay rather than on full pay, half pay and without pay.

24. Combination of different types of leave etc.---One type of leave may be combined with joining time or with any other type of leave otherwise admissible to the civil servant:

Provided that leave preparatory to retirement shall not be combined with any other kind of leave.

25. Civil Servants on leave not to joint duty without permission before its expiry.--- Unless he is permitted to do so by the authority which sanctioned his leave a civil servant on leave may not return to duty before the expiry of the period of leave granted to him.

26. Leave due may be granted on abolition of post, etc.---(1) When a post is abolished, leave due to the civil servant, whose services are terminated in consequence thereof, shall be granted without regard to the availability of a post for the period of leave.

(2) The grant of leave in such cases shall, so long as he does not attain the age of superannuation be deemed automatically to have also extended the duration of the post and the tenure of its incumbent.

27. Manner of handing over charge when proceeding on leave, etc.---(1) A civil servant proceedings on leave shall hand over the charge of his post, and if he is in Grade-16 and above, he shall, while handing over charge of the post, sign the charge relinquishment report.

(2) If leave ex-Pakistan has been sanctioned on medical grounds, the civil servant shall take abroad with him copy of the medical statement of his case.

28. Assumption of charge on return from leave, etc.---(1) A civil servant, on return from leave, shall report for duty to the authority that sanctioned his leave and assume charge of the post of which he is directed by that authority unless such direction has been given to him in advance.

(2) In case he is directed to take charge of a post at a station other than that from where he proceeded on leave, travel expenses as on transfer shall be payable to him.

29. Account Officer to maintain leave account.---(1) Leave account in respect of a civil servant shall be maintained as part of his Service Book.

(2) The Account Offices shall maintain the leave accounts of civil servants of whom they were maintaining the accounts immediately before the coming into force of these rules.

30. Leave to lapse when civil servant quits service.---All leave at the credit of a civil servant shall lapse when he quits service.

31. Leave application, its sanction, etc.---(1) Except where otherwise stated, an application for leave or for an extension of leave must be made to the head of office where a civil servant is employed and, in the case of the head of office to the next-above administrative authority and the extent of leave due and admissible shall be stated in the application.

(2) An audit report shall not be necessary before the leave is sanctioned.

(3) When a civil servant submits a medical certificate for the grant of leave, it shall be by an authorised medical attendant in the form attached to these rules.

(4) Leave as admissible to a civil servant under these rules may be sanctioned by the head of a department, Attached Department, Office or any other officer authorised by him to do so and, when so required, leave shall be notified in the official Gazette.

(5) In case where all the applications for leave cannot, in the interest of public service, be sanctioned to run simultaneously, the authority competent to sanction leave shall, in deciding the priority of the applications consider:

- (i) whether, and how many applicants can, for the time being, best be spared;
- (ii) whether any applicants were last recalled compulsorily from leave; and
- (iii) whether any applicants were required to make adjustment in the timing of their leave on the last occasion.

FORM OF MEDICAL CERTIFICATE

FORM-I

Signature of applicant _____

MEDICAL CERTIFICATE FOR CIVIL SERVANTS RECOMMENDED FOR LEAVE OR EXTENSION

I, _____ after careful _____ personal examination of the case, hereby certify that, _____ whose signature is given above, is suffering from _____ and I consider that a period of absence from duty of _____ more with effect from _____ is absolutely necessary for the restoration of his / her health.

Dated, the _____

Government Medical Attendant

APPLICATION FOR LEAVE

FORM-II

Notes:--Item 1 to 9 must be filled in by all applicants, Item-12 applied only in the case of Government servants of Grade 16 and above.

1. Name of applicant.
2. Leave Rules applicable.
3. Post held.
4. Department or office.
5. Pay
6. House rent allowance / conveyance allowance or other compensatory allowances drawn in the present post.

- 7. (a) Nature of leave applied for.
(b) Period of leave in days.
(c) Date of commencement.
- 8. Particular Rule / Rules under which leave is admissible.
- 9. (a) Date of return from last leave.
(b) Nature of Leave.
(c) Period of leave in days.

Signature of applicant

- 10. Remarks and recommendation of the Controlling Officer.
- 11. Certified that leave applied for is admissible under Rule and necessary conditions are fulfilled.

Signature
Designation

- 12. Report of Audit Office.

Signature
Designation

- 13. Orders of the sanctioning authority certifying that on the expiry of leave the applicant is likely to return to the same post carrying the compensatory allowances being drawn by him.

Signature
Designation

Dated.....

2. All leave at credit in the account of a civil servant who was in service on the 1st July, 1978 shall be converted in terms of leave on full pay at the following rates:--

(i)	Leave of full pay--				
	(a)	1 month	...	30 days	
	(b)	1 day	...	1 day	
(ii)	Leave on half pay--				
	(a)	1 month	...	15 days	
	(b)	2 day	...	1 day	

(Fraction, if any, to be ignored).

3. The leave account shall commence with an opening entry "Due on 1st July, 1978" or in the case of a Civil servant, who was on leave on 1st July, 1978 with effect from the date of his return from leave. For the purpose of computing the leave at credit, the service upto 30th June, 1978 will be taken into account. The leave due in terms of leave on full pay in days will be noted in Column No. 21.

4. (i) In calculating the leave earned on full pay at the rate of 4 days for every calendar month the duty period of 15 days or less in a calendar month shall be ignored and those of more than 15 days shall be treated as a full calendar month for the purpose. If a civil servant proceeds on leave during a calendar month and returns from it during another calendar month and the period of duty in either month is more than 15 days, the leave to be credited for both the incomplete months will be restrict to that admissible for one full calendar month only. There shall be a maximum limit on accumulation of this leave.

(ii) The provision (i) above will not apply to a vacation department. In its case, a civil servant may earn leave on full pay (a) when he avails himself of full vacation in a calendar yearat the rate of one day for every calendar month of duty rendered (b) when during any year he is prevented from availing himself of the full vacation.....as for a civil servant in a non-vacation department for that year, and (c) when he avails himself of only a part of the vacation.....as in (a) above plus such portion of thirty days as the number of days of vacation not taken bear to the full vacation.

5. (a) Leave on full pay may be converted into leave on half pay at the option of the civil servant, the debit to the leave account will be at the rate of one day of the former for every two days of the latter, fraction of one half counting as on full days leave on full pay. The request for such conversion shall be specified by the civil servant in his application for the grant of leave.

(b) There shall be no limit on the grant of leave on half pay so long as it is available by conversion in the leave account.

6. L.P.R. on full pay will be noted in column No. 10 while that on half pay in columns No. 13 and 14.

7. Leave not due may be granted on full pay to be off-set against leave to be earned in future for a maximum period of 365 days in the entire period of service subject to the condition that during the five years of service it shall not exceed 90 days in all. Such leave may be converted into leave on half pay. It shall be granted only when there are reasonable chances of the civil servant resuming duty.

8. The grant of Special Leave, Maternity Leave, Disability Leave, Extraordinary Leave, payment of leave pay for refused L.P.R. upto a maximum of 180 days lump sum payment equal to full pay upto 180 days out of leave at credit made to the family of a Government servant whose death occurs while in service, Seaman sick leave, Departmental Leave, Study Leave, Hospital Leave and Quarantine Leave shall be noted in Column No. 22. Maternity leave other than three times in entire service shall however be debited to the relevant column of the leave account.

9. When a Government servant applies for the leave columns 2 to 7 shall be filled in showing the period of duty upto the date preceding that on which a Government servant intends to go on leave. The full calendar months to be noted in column 5 shall be worked out on the lines indicated in para 4 above.

10. When a Government servant returns from leave, column 8 to 23 shall be filled in according to the nature of leave. If leave not due to is availed of the minus balance to be shown in column No. 21 should be written in red ink.
