



No. _____

Dated 03-01-2023

To,

The Superintendent,
Central Prison Mardan

- Subject: -
1. **JUDGMENT IN SA NO.671/2017, TITLED MURAD ULLAH (WARDER) VS PRISONS DEPARTMENT**
 2. **JUDGMENT IN SA NO.672/2017, TITLED ZEESHAN ALAM(WARDER) VS PRISONS DEPARTMENT**

Memo;

I am directed to refer to your office letter No.5089 dated 23/12/2022 on the subjects noted above and to state that the subject Warders filed Service Appeal before the Khyber Pakhtunkhwa Service Tribunal against your office order dated 30/03/2017, wherein minor penalties of stoppage of 01 increment for 01 year and intervening period treated as leave without pay were awarded to them.

It is worth mentioning here that the Service Tribunal in its Judgment at Para-08 clearly states that the appellants in their departmental appeal had challenged the impugned order only to the extent of treating the intervening period as leave without pay, however, in his service appeal, the appellants have also challenged the minor penalties of stoppage of 01 increment awarded to them by the competent authority. The minor penalties awarded to the appellants in the impugned order were not challenged at departmental appeal. Therefore, the service appeal to such extent is not maintainable. The Honorable Tribunal partially allowed the appeal of the appellants and held them entitled to Salaries for the intervening period with effect from 09/12/2015 to 03/02/2017.

I am further directed to state that this office vide letter dated 15/09/2022 clearly directed you to depute a well conversant officer not below the rank of ASJ along with complete record of the case to attend the Khyber Pakhtunkhwa Service Tribunal Peshawar on 16/09/2022 on behalf of worthy Inspector General of Prisons. You were further directed that the officer so deputed may be asked to get certified copy of Judgment and other relevant record if the decision arrived against the department/government and to submit to this office for further course of action. It may be highlighted here that the Judgment so produced by your office does not have any date of application submitted for the attested copy of Judgment nor shown any date of receiving of



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the Judgment which is very important for the limitation point of view in order to file CPLA before the August Supreme Court of Pakistan well within time. The Judgment is likely to suffer by the period of limitation.

Therefore, you are directed to implement the Judgment ibid under the laws/rules. You are further directed to probe into the matter thoroughly and fix the responsibility upon the officer so deputed for the subject cases for the wastage of time and resources of the government, unnecessary created financial implication for the provincial government and avoiding clear direction of this office, which amounts to the gross misconduct on parts of the officer(s) so deputed for the purpose by your office. A detailed and comprehensive report be submitted to this office within fortnight with clear findings and recommendations for perusal of the worthy Inspector General of Prisons.

ASSISTANT DIRECTOR
INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

Endst; No. 302-05 /-

Copy of the above is forwarded to the:

1. Secretary to Government of Khyber Pakhtunkhwa, Home & T.As Department Peshawar.
2. Registrar, Khyber Pakhtunkhwa Service Tribunal Peshawar.
3. Additional Advocate General Khyber Pakhtunkhwa Service Tribunal Peshawar.
4. PA to Inspector General of Prisons Khyber Pakhtunkhwa Peshawar.
(For information).

ASSISTANT DIRECTOR
INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR