

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 5208/2021

Date of Institution ... 30.04.2021

Date of Decision ... 06.12.2021

Murad Ullah, Ex-Warder Central Prison Peshawar. ... (Appellant)

VERSUS

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

Present.

Mr. Fazal Shah Mohmand, Advocate. ... For appellant.

Mr. Kabirullah Khattak, Addl. Advocate General ... For respondents.

MR AHMAD SULTAN TAREEN ... CHAIRMAN
MR. SALAH-UD-DIN, ... MEMBER(J)JUDGMENT

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

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


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

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

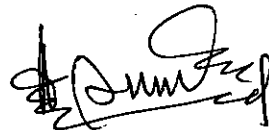
4. Arguments heard and record perused.

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

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


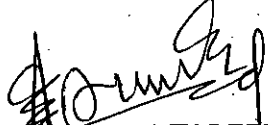


(SALAH-UD-DIN)
Member(J)



(AHMAD SULTAN TAREEN)
Chairman

ANNOUNCED
06.12.2021

S.No.	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	06.12.2021	<p><u>Present.</u></p> <p>Mr. Fazal Shah Momand, ... For appellant Advocate</p> <p>Mr. Kabirullah Khattak, ... For respondents. Addl. Advocate General,</p> <p>Vide our detailed judgment, the appeal stands disposed of as per Para-5 of the judgment. Parties are left to bear their own costs. File be consigned to the record room.</p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  <u>(SALAH-UD-DIN)</u> Member(J) </div> <div style="text-align: center;">  (AHMAD SULTAN TAREEN) CHAIRMAN </div> </div> <p><u>ANNOUNCED</u> 06.12.2021</p>

22.11.2021

Proper D.B is not available, therefore, case is
adjourned to ~~6 .12 .2021~~ for the same.



READER

30.08.2021

Mr. Fazal Shah Mohmand, Advocate, for the appellant present. Mr. Suleman, Senior Instructor alongwith Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present and submitted joint para-wise comments on behalf of respondents No. 1 to 3, which are placed on file. Learned counsel for the appellant sought adjournment on the ground that he has not gone through the record. Adjourned. To come up for rejoinder as well as arguments before the D.B on 23.11.2021.

Noted.
Hutta
16/9/21



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


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

11.10.2021

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

Learned Members of the DBA are observing Sogh over the demise of Dr. Abdul Qadeer Khan (Scientist) and in this regard request for adjournment was made; allowed. To come up for rejoinder as well as arguments on 22.11.2022 before D.B.


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


(Rozina Rehman)
Member (J)

Murad Ullah 5208/2021

05.07.2021

Counsel for the appellant present. Preliminary arguments heard.

The appellant through this appeal has challenged the order dated 17.02.2021 where-against departmental appeal was filed but the same is undated. Moreover, no clarification is there in memorandum of appeal as to what was the actual date of filing of departmental appeal. The order on the departmental appeal was passed on 08.04.2021 and service appeal was filed on 30.04.2021. Though there is ambiguity for determination of limitation of service appeal due to the absence of date on departmental appeal but in view of the legal position to be discussed herein after the question of limitation is immaterial. Extending the benefits of law i.e Khyber Pakhtunkhwa Pandemic and Control Relief Act, 2020 the delay as discussed before is held as immaterial Section-30 of the said Act provides that notwithstanding anything contained in the limitation Act, 1908 or any other law prescribing limitation for initiating any legal proceedings, the limitation period provide under various laws shall be remained frozen from 10.03.2020 till the culmination of emergency period and the proceedings so filed before any court or Tribunal during or immediately upon secession of such emergency period, shall not be time barred on account of delay for the foresaid period. Therefore, this appeal is admitted to regular hearing, subject to all just and legal objections including limitation.

Appellant Deposited
Security & Process Fee

The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days

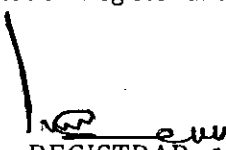

after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 30.08.2021 before the D.B.


Chairman

FORM OF ORDER SHEET

Court of _____

Case No. - 5208 /2021


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/05/2021	<p>The appeal of Mr. Muradullah resubmitted today by Mr. Fazal Shah Mohmand Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	27/05/21	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>05/07/21</u></p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Muradullah Ex-Warder Central Prison Peshawar received today i.e. on 30.04.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Copy of departmental appeal against the impugned order is not attached with the appeal which may be placed on it. Annexure-E is an application for grant of medical leave but not a departmental appeal.

No. 775 /S.T,


Dt. 05/05 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Fazal Shah Mohmand Adv. Pesh.

R/Six,

Resubmitted after necessary completion.


21/5/21

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No _____/2021

Murad UllahAppellant

V E R S U S

IG Prison and Others.....Respondents

I N D E X

S.No	Description of Documents	Annexure	Pages
1.	Service Appeal		1-3
2.	Copy of Show cause Notice & Reply	A & B	4-5
3.	Copies of Medical Chits	C	6-15
4.	Copy of order dated 17-02-2021	D	16
5.	Copy of departmental appeal & order dated 08-04-2021	E & F	17-18
6.	Vakalat Nama		19

Dated:-30-04-2021


Appellant

Through


FAZAL SHAH MOHMAND
ADVOCATE,
SUPREME COURT OF PAKISTAN

OFFICE:- Cantonment Plaza Flat 3/B Khyber Bazar Peshawar Cell# 0301 8804841
Email:- fazalshahmohmand@gmail.com

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 5208 /2021

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 5033

Murad Ullah, Ex Warder, Central Prison Peshawar.

Dated 30-4-2021

.....Appellant

V E R S U S

1. Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar.
2. Superintendent, Headquarters Prison Peshawar.
3. Superintendent Central Prison, Peshawar.

.....Respondents

APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE LETTER DATED 08-04-2021 WHEREBY DEPARTMENTAL APPEAL OF THE APPELLANT FILED AGAINST THE ORDER DATED 17-02-2021, HAS BEEN REJECTED.

PRAYER:-

On acceptance of this appeal the impugned Order of respondent No 1 dated 08-04-2021 and order dated 17-02-2021 of respondent No 2 may kindly be set aside and the appellant may kindly be ordered to be reinstated in service with all back benefits.

Respectfully Submitted:-

1. That the appellant was appointed as warder on 12-05-2012 and was posted to Central Prison Peshawar and since appointment the appellant performed his duties with honesty and full devotion and to the entire satisfaction of his high ups.
2. That the appellant while posted as warder Central Prison Peshawar was issued Show Cause Notice on 24-09-2020 on the allegations of absence from duty w.e.f. 12-09-2020 which the appellant replied in detail refuting the allegations and bringing true facts into the notice of the authority. **(Copy of Show Cause Notice & reply is enclosed as Annexure A & B).**
3. That after attending duty for some days, the appellant fell ill and visited the Medical Officer who advised him bed rest and some tests, which detected that the appellant has suffered from Typhoid, the appellant after recovery while reporting for duty also met accident and was thus unable to have performed his duties and later on even after investigation he was even COVID-19 positive. **(Copies of Medical Chits are enclosed as Annexure C).**

Filed to-day
Registrar
30/04/2021

Re-submitted to-day
and filed.
Registrar
31/5/2021

4. That strangely and shockingly, the appellant was removed from service by respondent No 2 vide Order dated 17-02-2021. **(Copy of Order dated 17-02-2021 is enclosed as Annexure D).**
5. That the appellant preferred departmental appeal before respondent No 2 which was finally rejected vide Order dated 08-04-2021. **(Copy of departmental appeal & Order dated 08-04-2021 is enclosed as Annexure E & F).**
6. That the impugned orders of respondent No 1 dated 08-04-2021 whereby departmental appeal of the appellant has been rejected and order dated 17-02-2021 of respondent No 2 is against the law, facts and principles of justice on grounds inter alia as follows:-

GROUND S:-

- A. That the impugned orders are illegal and void ab-initio.
- B. That mandatory provisions of law and rules have badly been violated by the respondents and the appellant has not been treated according to law and rules and the appellant did nothing that amounts to misconduct.
- C. That Ex-parte proceedings were taken against the appellant and he was never associated with proceedings, thus the impugned order is void and liable to be set aside on this score alone.
- D. That no inquiry was conducted to have found out the true facts and circumstances, on this score too the impugned order is not tenable in the eyes of law.
- E. That no Charge sheet and Show Cause Notice was communicated to the appellant nor was he provided with opportunity of defending the side of his case.
- F. That the appellant was not provided opportunity of personal hearing.
- G. That even otherwise the absence from duty was not willful and deliberate rather the same was because of circumstances compelling in nature and were beyond the control of the appellant as well.
- H. That the penalty awarded to the appellant is very harsh and does not commensurate to the guilt even if any.


- I. That the appellant did nothing that amounts to misconduct.
- J. That the appellant has about nine years of service with unblemished service record with no previous complaint of the sort and is jobless since his illegal Removal from service.
- K. That the appellant seeks the permission of this honorable tribunal for further/additional grounds at the time of arguments.

It is therefore prayed that appeal of the appellant may kindly be accepted as prayed for in the heading of the appeal.

Dated:-30-04-2021

Through


Appellant


FAZAL SHAH MOHMAND
ADVOCATE,
SUPREME COURT OF PAKISTAN

"A"

~~10/1/20~~
-4-

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

You, Warder (BPS-07) Murad Ullah attached to Central Prison Peshawar have willfully absented yourself from your allotted duties as well as jail premises without prior permission of the Competent Authority w.e.f 12-09-2020 and are still at large, which constitutes gross misconduct.

I, Khalid Abbas, Superintendent Headquarters Prison Peshawar as Competent Authority, am satisfied by the report received through the Superintendent Central Prison Peshawar vide report No. 12124 dated 23-09-2020 and there is no need of holding any further inquiry.

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

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


SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR

ATTACHED
Endorsement No: 2970-721 - dated: 24/09/2020.

- Copy of the above is forwarded to the:
- 1- Superintendent Central Prison Peshawar with reference to his report quoted above. The said Show-Cause Notice may be served upon him and a copy of the same duly signed and dated by him may be returned back to this HQs. as token of receipt for record. Moreover, he may be directed to submit his reply/ written defense within 07 days positively after its delivery, failing which it shall be presumed that he has nothing to put-in and in that case Ex-parte action will be taken against him.
 - 2- Head Clerk (Pay Branch) Central Prison Peshawar. Salary of the above named accused Warder may be stopped/ withheld immediately.

خدمت جناب سپرنٹنڈنٹ صاحب نیشنل جیل اینڈ وارڈز

عنوان - جواب برائے شوکار ٹولس

جناب عالی

مردانہ گزارش یہ کہ سائل جیل ہذا میں بطور وارڈز تعینات ہے۔ عرض ہے کہ سائل کو یہ ایچ جی ٹی نمبر 2970-72 مورف، 2020-1-24 ڈیڑھی سے غیر حاضری کی وجہ سے شوکار ٹولس موصول ہوا۔ اس ضمن میں عرض ہے کہ سائل اور سائل کے گروہ والوں کا اپنے حجازیہ سے گھوڑا ہوا تھا اور چونکہ یہ گھوڑا فاسیڈ اور پرہ کی وجہ سے تھما جس کی وجہ سے سائل اور سائل کے گروہ والوں کو مافیہ عدسہ بھی تھا جس کی وجہ سے سائل ڈیڑھی پر آنے سے بھی قاصر تھا۔

چونکہ ٹھکانوں کے بڑے فیصلہ یون میں لگے ہوئے ہیں اور اب حالات

نا اہل سول کی وجہ سے سائل ڈیڑھی پر آنے کے قابل ہے۔

اس لیے آپ صاحبان سے گزارش ہے کہ سائل کی اس غیر حاضری

کو معاف کر کے سائل کو اس شوکار ٹولس کو قابل کرنے کے احکامات صادر فرمائیں۔

سائل تاحیات آپ کی طبی عمر کے لیے دعا گو رہے گا۔

عین نواز جس بھائی

العارض

ATTESTED

آپ کا تابع ارشد

وارڈز مراد اللہ نیشنل جیل اینڈ وارڈز

12/4/2020



**Khyber Teaching Hospital
Medical Teaching Institution,
Peshawar - KPK**

Invoice #K03202181584

M.R. No : **K03ACE20535865**

Operator FAWAD JAN

28 Year(s)

Male

17-NOV-20

ACUTE EMEI

MURAD ULLAH

20:04:37

CASUALTY

"C"
-6-

**R
Y
G**

Complaints:

Sore throat
- Fever
- GDA

Rx

uj voren 1/2 stat
uj Decadron 1/2 stat

Cap Cefixime 400mg
1 اوران 1/2 = 2

Findings:

URTI

Tab Panadol Extra

1-1-1

Cap Esso 20mg

1 اوران 1/2 = 2

Investigations:

one week sick
bed rest is advised

Syp Pulmozel

11-11-11

Tab Nuborol Forte

1-1-1

Diagnosis:

ATK

Next Visit: _____

Consultant Name: _____

Signature: _____

Phone: 091-224401-07

Website: www.kth.gov.pk

ACCIDENT & EMERGENCY DEPARTMENT
Khyber Teaching Hospital
Medical Teaching Institution,



Invoice # **Restawar - KPK**
M.R. No : **K03ACE20545389**

Operator **ARIF ULLAH**

MURAD ULLAH 28 Year(s)
19:44:06

Male
23-NOV-20 ACUTE EMEI

CASUALTY



Complaints:

- Fever - 7 days
- Body aches
- Cough - no sputum

Rx

Tab. Artem DS 80/480

U>5 1+1

Findings:

Tab. Paracetamol

- *[Handwritten scribble]* 2+2+2

Tab. Cepspm DS

U>10. *[Handwritten scribble]* ①

Investigations:

- FBC
- Typhidot
- Mx

Tab. Ibuprofen

U<10 ① *[Handwritten scribble]* ①

ATTESTED

Diagnosis:

Typhidot - *[Handwritten scribble]*
Mx : *[Handwritten scribble]*

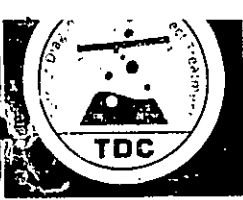
Adm. Bet sent for 15 days

[Handwritten Signature]

Next Visit: _____

Consultant Name: _____

Signature: _____



TOWNSHIP DIAGNOSTIC CENTER

MATEEN MEDICAL CENTER OPP: CAUSALITY GATE KHYBER TEACHING HOSPITAL PESHAWAR

Cell: 0315-9937535 - 0313-9355922 | E-mail: ahmadshahzad229@yahoo.com

HRA Registration No: 05044

-8-

Patient Name	Murad Ullah	Date	23/11/2020
Sex	Male	Lab No	3620
Age	28 Years	Specimen	Blood
Ref By	KTH	Test Req	Typhoid, MP

TYPHOID

Test	Result
------	--------

TYPHIDOT

IgG	Positive (+ive)
IgM	Positive (+ive)

Method:-

Immunochromatography (ICT)

ICT MP

ICT Malaria (Plasmodium Falciparum Ag): ----- Positive (+ive)

ICT Malaria (Plasmodium Vivax Ag): ----- Positive (+ive)

Method:-

Immunochromatography (ICT)

ATTESTED

Dr. Asim Ali
MBBS, FCPS (Microbiology)
Consultant Pathologist

Shahzad Ahmad
DMLT, BS MLT (APIF), M. Phil Biological Sciences
Lab Technologist KMU Pesh

Saif Ullah
BS MLT, M. Phil Microbiology
Lab Technician HMC Pesh.

Phone: 091-9224401-07

Website: www.kth.gov.pk

OUTPATIENT DEPARTMENT (OPD)

MEDICINE - OPD - Token# 019

Appointment Time : 09:12:00 Medical Teaching Institution, Peshawar

Khyber Pakhtunkhwa - Pakistan.

M.R. No: K0300003017783

Name : MURAD ULLAH

Gender : Male

Age : 28 Year(s)

Receipt # : K03201498471

Amount Paid : 10.00

Date : 17-DEC-20

9-

History

Complaints:

Rx

Clinical Examination

- fever - 2 days
- body aches - 2 days
- vomiting - 5 days
- diarrhea - 5 days

Tab. Sumatriptan 50 mg

U 2 10 1H1

Provisional Diagnosis

Findings:

Tab. Celecoxib 50 mg

UTI +ve

Investigations

U 2 7 1H1

UTI +ve
T. P. 10000 CFU/ml
S. P. 10000 CFU/ml

Syr. Lysozid
2 x 2 x 2

Investigations:

Adv. Complete bed rest for 10 days

Diagnosis:

ATTESTED

Next Visit:

Consultant Name:

Signature:



ACCIDENT & EMERGENCY DEPARTMENT

Khyber Teaching Hospital
Medical Teaching Institution,
Peshawar - KPK

M.R. No : K03ACE20597374

Operator FAWAD JAN

-10-

28 Year(s)

Male

Murad Ullah

19:53:48

28-DEC-20

ACUTE EME

CASUALTY

R
Y
G

Complaints:

- Fever
- Body aches
- Abd. Pain

RX

Tab. Enoxaloid 400 l.

Findings:

- GPT red

U 7 1+1

Tab. Paracet. Extra.

Tab. 1+1+1

Syr. Lysovit.

M. 27.2.2

Investigations:

Tab. Benidol.

1+1

Diagnosis:

ATTESTED

Next Visit: _____

Consultant Name: _____

Signature: _____

Phone: 091-9224401-07

Website: www.kth.gov.pk



ACCIDENT & EMERGENCY DEPARTMENT
Khyber Teaching Hospital
Medical Teaching Institution,
Peshawar - KPK

Invoice # K03210053757

M.R. No : K03ACE21017928

Operator RAHILA WAZIR

-11-

28 Year(s)

Male

12-JAN-21

ACUTE EMEI

Murad Ullah

10:56:49

CASUALTY



Complaints:

RTA. Acute Back ach.
 - 1 day

Neurology Intact Ⓟ

1m
 1000

1/m

Findings:

① Tab. Brufen 400 mg

Us @ — 1 — 1

Investigations:

② Tab. MOYAK 2 mg

new C — 1 — 1

Diagnosis:

9

ATTESTED

Next Visit: _____

Consultant Name: _____ Signature: _____



ACCIDENT & EMERGENCY DEPARTMENT
Khyber Teaching Hospital
Medical Teaching Institution,
Peshawar - KPK

Invoice No: K03ACE21041752

M.R. No : K03ACE21041752

Operator RAHILA WAZIR

-12-

28 Year(s)

Male

26-JAN-21

ACUTE EME

Murad Ullah

10:41:18

CASUALTY



Complaints:

R.T. A Severe
 Backache
 for neck ~~as~~
 Damage to ligaments
 structure

Findings:

Rx

Rx-

2y - venen state

① Tab. Synflex 500mg - 2 weeks
 (1+1)

② Tab. Neurobion-Forte
 (1+1) - 2 weeks

③ Cap. Risedal 40mg
 1/1, 1/1, 1/1

④ Tab. Surber-T - one month
 1/1, 1/1

Investigations:

Diagnosis:

ATTESTED

Next Visit: _____

Consultant Name: _____

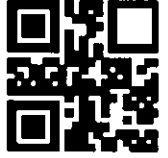
Signature: _____



CORONA ALERT - COVID19

Health Department
Profile of MURADULLAH

-13-



Dated: 22-Feb-2021

Patient information

Section - 1: Demographic Data

EPID #	
Patient's ID	COVID19/PAK/KP/1/954466
Name	MURADULLAH
Father/Guardian/ Husband Name	MALIK FARHAD KHALIL
Date of Birth (dd/mm/yyyy)	
Gender (M/F)	Male
CNIC 13 digits with dashes	17301-4022781-5
Recent Home Address (House #, Village, UC, Tehsil, District)	ABDARA HOUSE PESHAWAR , Peshawar / Town II
Is he/she a health care worker (Y/N)	No
If yes, name of health care facility of the worker	
Date of registration of suspect (DD/MM/YYYY)	
Reporting type (Hospital, Lab, RRT, POE)	Tier-2 Team
Name of reporting institution/RRT	RRT Team II, Peshawar
Name of person reporting the case	
Designation of the person reporting the case	

Section - 2: Epidemiological Link

Is the patient symptomatic? (Y/N)	No
Date of onset of illness (DD/MM/YYYY)	19/02/2021
Does the patient have the following symptom (Y/N)	
1. Fever	No
2. Fatigue/myalgia	
3. Cough	No
4. Shortness of breath	No
Does the patient have the following underlying conditions and comorbidities (Y/N)	
1. Cardiovascular disease including hypertension	No
2. Chronic lung disease	No
3. Chronic neurological disease	No
4. Others (specify)	
Exposure Risk:	
A. Asymptomatic (in last 14 days) OR	
B. Symptomatic (14 days prior to onset of symptoms)	
Has this person come into contact with a positive case (Y/N)	
Details of positive case contact	
Name of contact	

ATTESTED

Relationship with contact	
Has this person traveled abroad in the last 14 days (Y/N)	No
Name of country	
Is this person a Zaireen from Iran or Iraq (Y/N)	
Date of return to Pakistan (DD/MM/YYYY)	
Has this person traveled domestically in the last 14 days (Y/N)	No
Name of city	
Date of return to home city (DD/MM/YYYY)	
Has this person come into contact with someone from abroad in the last 2 weeks (Y/N)	
Has this suspected case been approved for testing (Y/N)	
If yes, name of laboratory to which sample has been sent to	
Where has this person been referred for quarantine (home, hospital, quarantine center)	
Name of quarantine institution	

-14-

Section - 3: Lab Testing Data

Date of collection of sample (DD/MM/YYYY)	19/02/2021
Date of sample sent (DD/MM/YYYY)	19/02/2021
Type of sample collected (nasal, oral, other)	Nasopharyngeal Swab
Is the sample post-mortem (Y/N)	
Lab Result (Positive, Negative, Inconclusive)	Positive
Date of receiving of result (DD/MM/YYYY)	20/02/2021
Repeat lab test (Y/N)	
Date of repeat result received (DD/MM/YYYY)	
Repeat Lab Result (Positive, Negative, Inconclusive)	
Current Status (Active, Cleared, Recovered, Expired)	Active

Section - 4: Isolation information (only for positive patients)

Has the test sample been sent (Y/N)	
Date of sample sent (DD/MM/YYYY)	
Name of lab sample sent to (Y/N)	
For confirmed cases: Is this person admitted in a isolation unit (Y/N)	
Location of isolation (Hospital, Separate Isolation Center, Home, Other)	
Name of hospital where isolated	
Is this person admitted in ICU (Y/N)	

Section - 5: Quarantine Information (only for suspected case)

Has the test sample been sent (Y/N)	
Date of sample sent (DD/MM/YYYY)	
Name of lab sample sent to (Y/N)	
Is this person quarantined (Y/N)	
Location of quarantine (Home, Quarantine Center)	

ATTESTED

"E" - 17 -

بخدمت جناب انسپکٹر جنرل جیل خانہ جات خیبر پختونخوا پشاور

درخواست برآمد: (اپیل برائے بحالی جیل وارڈر پشاور سنٹرل جیل)

جناب عالی!

مودبانہ گزارش ہیکہ سائل سنٹرل جیل پشاور میں بحیثیت جیل وارڈر ڈیوٹی سرانجام دے رہا ہے۔ سائل مورخہ 17.11.2020 کو شدید بخار میں مبتلا ہو کر جو بعد ازاں لیبارٹری ٹیسٹ سے معلوم ہوا کہ سائل ٹائیفائیڈ کا شکار ہو چکا ہے۔ ٹائیفائیڈ سے صحتیابی پر سائل اپنی حاضری کی رپورٹ کر رہا تھا۔ کہ سائل روڈ ٹریفک ایکسیڈنٹ میں زخمی ہو کر جس سے سائل کی سپینل کارڈ متاثر ہو کر سائل دوبارہ جسمانی تکلیف میں مبتلا ہو کر بستر پر پڑا رہا اور ڈیوٹی سے غیر رہا۔ سائل کو نہ تو کسی قسم کا نوٹس وغیرہ ملا ہے نہ ہی کسی قسم شوکا ز وغیرہ موصول ہوا ہے۔ سائل نے شدید تکلیف سپینل کارڈ کی بیماری سے صحتیابی پر مورخہ 16.02.2021 کو دفتر سپرائنٹنڈنٹ جیل میں اپنی درخواست اور میڈیکل کاغذات بغرض ہمدردی جمع کی تھی۔ جو اب بعد میں دو / تین دن پہلے سائل کو معلوم ہوا کہ مورخہ 17.02.2021 کو آپ درخواست ہوئے ہو۔ سائل نے اس سے قبل کسی قسم کی غیر حاضری، کیجول یو، لانگ یو نہیں لی ہے۔ اور نہ ہی افسران بالا کو کسی قسم کی شکایت کا موقع دیا ہے۔ سائل با امر مجبوری ڈیوٹی سے قاصر رہا۔ میڈیکل رپورٹس برائے ملاحظہ لے رہے۔

استدعا ہیکہ سائل کی غیر حاضری میڈیکل یو میں شمار کرنے کے احکامات صادر فرما کر مشکور و ممنون فرمائے۔

سائل تاحیات دعا گو رہے گا۔

العارض

آپ کا تابع احکم جیل وارڈر سردار الد ولد ملک فخر ہاد خلیل متعین سنٹرل جیل پشاور



ATTESTED

"F" #

OFFICE OF THE
INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

91-9210334, 9210406 91-9213445

No. Estb/Ward-/Orders/ 10231

Dated 08-04-2021

-18-



UH
1792
09/04/21

ORDER

WHEREAS, **Ex-Warder Murad Ullah S/O Malak Farhad** while attached to Central Prison Peshawar was awarded the major penalty of "**Removal from Service**" by Superintendent HQs Prison Peshawar vide his office order No. 569 dated 17-02-2021 due to his willful absence w.e.f 12-09-2020 to 11-11-2020 and 16-11-2020 17-02-2021.

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 penalty awarded to him by the competent authority due to his willful absence 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 powers conferred under Rule-17 of Khyber Pakhtunkhwa Government Servants' (Efficiency & Discipline) Rules 2011 read with Rule-05 of Khyber Pakhtunkhwa Service Appeal Rules 1986, the decision of the competent authority is upheld and appeal of the appellant is hereby rejected being without any substance.

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

ENDST; NO. 11024-26 /

Copy of the above is forwarded to:-

1. The Superintendent, Headquarters Prison Peshawar for information and necessary action with reference to his letter No. 993 dated 26-03-2021.
2. The Superintendent Central Prison Peshawar 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. Ex-Warder Murad Ullah S/o Malak Farhad C/O Superintendent, Central Prison Peshawar for information.

**ASSISTANT DIRECTOR
INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR**

08/4/2021

ATTESTED

*1007/20
pe inform the
appellant the
9-4-2021*

-19-

VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. _____/2021

Murad UllahAppellant

V E R S U S

IG Prison & othersRespondent(s)

I, the undersigned, do hereby appoint and constitute,
FAZAL SHAH MOHMAND Advocate Supreme Court. To act, appear and plead in the above-mentioned matter and to withdraw or compromise the said matter or submit to arbitration any differences or dispute that shall arise touching or in any manner relating to the said matter and to receive money and grant receipts therefore and to do all other acts and things which may be necessary to be done for the progress and the course of the prosecution of the said matter.

1. To draft and sign files at necessary pleadings, applications, objections, affidavits or other documents as shall be deemed necessary and advisable for the prosecution of the said matter at all its stages.
2. To employ any other Legal Practitioner, authorizing him to exercise the power as conferred on the undersigned Advocate, wherever he may think fit to do so.

AND I hereby agree to ratify whatever the Advocate or his substitute shall do in the above matter. I also hereby agree not to hold the Advocate or his substitute responsible for the result of the said matter in consequence of his absence from the Court when the said matter is called up for hearing. I further hereby agree that in the event for the whole or any part of the fee to be paid to the Advocate remaining unpaid, he shall be entitled to withdraw from the above matter.

Received by me on 29-4-21


CLIENT(S)
Murad Ullah

ACCEPTED BY:


FAZAL SHAH MOHMAND
ADVOCATE,
SUPREME COURT OF PAKISTAN.

&

Accepted By :


RABIA MUZAFFAR
ADVOCATE PESHAWAR

OFFICE:- Cantonment Plaza Flat 3/B Khyber Bazar Peshawar Cell# 0301 8804841
(Clerk) Cell# 03339214136

Email: - fazalshahmohmand@gmail.com.

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR.

Service Appeal No. 5208/2021

Murad Ullah, Ex-Warder, Central Prison Peshawar (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa and others..... (Respondents)

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Dated 11-08-2021


Deponent

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

In the matter of

Service Appeal No. 5208/2021

Murad Ullah, Ex- Warder, Central Prison Peshawar

.....Appellant

VERSUS

1. The Inspector General of Prisons Khyber Pakhtunkhwa, Peshawar

2. The Superintendent Headquarter Prison Peshawar

3. The Superintendent Central Prison Peshawar

.....Respondents

SUBJECT: JOINT PARA-WISE COMMENTS ON BEHALF OF RESPONDENT NO. 1 TO 3.

Respectfully Sheweth:-

PRELIMINARY OBJECTION:

- i. That the appellant has got no cause of action to file the Appeal.
- ii. That the appeal is not maintainable in its present form.
- iii. That the appellant is estopped by her own conduct.
- iv. That the appellant has got no locus standi to file present appeal.
- v. That the appellant has not come to the court with clean hands.
- vi. That the appeal is bad for mis- joinder and non-joinder of necessary and proper parties.
- vii. That the Present appeal is hit by laches.

Factual Objections:

1. Admitted to extent that he was appointed as warder in KPK Prison Department, but he never took his job in serious manner. The appellant was create to hurdles for the administration and to squalid the environment for the other staff.
2. Admitted to extend that while posted as warder in Central Prison Peshawar the appellant wilfully absented himself from his official duties without prior permission w.e.f 12-09-2020. The competent authority served with show cause notice vide this HQs Prison Peshawar No. 2970-72 dated 24-09-2020. After a laps of 02 months and violated of rules 1082 (i) & (ii) of KPK Prison Rules 2018. (Copy of Show Cause Notice, reply of Show cause notice and relevant rule of KPK Prison Rules 2018 as Annex -A, B &C).
3. Incorrect and not admitted. Plea of appellant is subject to proof. The appellant is habitual absented person and not willing to perform his duty with devotion and honesty. The appellant after a long wilful absence period resume back for duty on 12-11-2020. But as resuming duty very soon the appellant remain absent from his official duty, being sensitive and force service duty from 16-11-2020 without any sanctioned and approval of competent authority absconder from duty. In this connection proper final show cause was duly served upon him vide HQs Prison Peshawar No.3880 dated 09-12-2020 (copy enclosed as Annex-D).
4. Incorrect and not admitted. The appellant was time and again contacted telephonically to resume his duty, but in vain. In this way a proper publication was issued in daily mashriq and daily express even then the appellant does not bother to resume duty. After fulfilment the codal

formalities such impugned order was passed. (Copy of publications are enclosed as Annex-E&F).


5. The competent authority keeping in view of his wilful absence from official duty time and again, being a sensitive service where hardened criminals are behind the bars. In such like situation, a wilful absence of warder/appellant is un-desirable. The respondents/ competent authority rightly awarded him the said penalty.
6. As explained in Para No-5.


OBJECTION ON GROUNDS:

- A) Incorrect and not admitted. All codal formalities are fulfilled. Therefore the impugned order is accordingly to Law and Rules on the subject is correct.
- B) As explained in Para No "A" above.
- C) Incorrect and not admitted. The appellant avoided to associate in the proceedings.
- D) Incorrect as under the Law there is no need of proper inquiry.
- E) Incorrect and not admitted. As elaborated in Para No. A above.
- F) As explained in Para No "C" above.
- G) Incorrect and not admitted. The appellant deliberately absented himself from official duty and violated rule 1082 of KPK Prison rules 2018.
- H) Incorrect and not admitted. The act of the appellant himself rendered him for the said penalty.
- I) Incorrect and not admitted. The act of the appellant as come within the ambid of misconduct and tantamount to such penalty.
- J) Incorrect and not admitted. His service is full of red entries violating many times the discipline of the jail duty. In the same way he has already been awarded many penalties. His service record is (Annex-G).
- K) The respondents would also seeks permission of the Honourable Service Tribunal to raise additional grounds at the time of arguments.

Prayer:

In the light of the above submission of Joint Para-wise comments on behalf of respondent No.1, 2 &3 the appeal of the appellant may kindly be dismissed being devoid of merit and law.


INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA PESHAWAR
(RESPONDENT # 1)


SUPERINTENDENT
Head Quarter Prison Peshawar.
(RESPONDENT # 2 &3)

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL PESHAWAR

In the matter of

Service Appeal No. 5208/ 2021

Murad Ullah Ex-Warder,

attached to Central Prison Peshawar-----Appellant


VERSUS


- 1- **Inspector General of Prisons,**
Khyber Pakhtunkhwa, Peshawar.
- 2- **Superintendent ,**
Circle Headquarters Prison Peshawar
- 3- **Superintendent,**
Central Prison Peshawar-----Respondents

COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENTS

No. 1, 2 & 3.

We, the undersigned respondents do hereby solemnly affirm and declare that the contents of the para-wise comments in the above cited appeal are true and correct to the best of our knowledge and belief that no material/ facts have been kept concealed from this Honorable Service Tribunal.


Inspector General of Prisons
Khyber Pakhtunkhwa
Peshawar
(Respondent No. 1)


SUPERINTENDENT,
Headquarter Prison Peshawar
(Respondent No. 2 & 3)



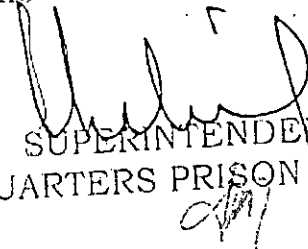
SHOW CAUSE NOTICE UNDER RULE-5(1) READ WITH RULE-7 OF THE
PESHAWAR PAKHTUNKHWA GOVERNMENT SERVANTS (EFFICIENCY &
DISCIPLINE) RULES, 2011.

You, **Warder (BPS-07) Murad Ullah** attached to Central Prison Peshawar have willfully absented yourself from your allotted duties as well as jail premises without prior permission of the Competent Authority w.e.f 12-09-2020 and are still at large, which constitutes gross misconduct.

I, **Khalid Abbas**, Superintendent Headquarters Prison Peshawar as Competent Authority, am satisfied by the report received through the Superintendent Central Prison Peshawar vide report No. 12124 dated 23-09-2020 and there is no need of holding any further inquiry.

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

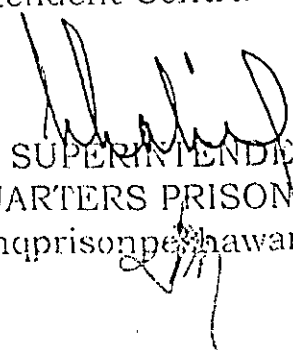
In case of reply does not reach this office within stipulated period, ex-parte action shall be taken against you.


SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR.

Endorsement No: 2970-72 - dated: 24/09/2020

Copy of the above is forwarded to the: -

- 1- Superintendent Central Prison Peshawar with reference to his report quoted above. The said Show-Cause Notice may be served upon him and a copy of the same duly signed and dated by him may be returned back to this HQs. as token of receipt for record. Moreover, he may be directed to submit his reply/ written defense within 07 days positively after its delivery, failing which it shall be presumed that he has nothing to put-in and in that case Ex-parte action will be taken against him.
- 2- **Head Clerk (Pay Branch) Central Prison Peshawar. Salary of the above named accused Warder may be stopped/ freezed immediately.**
- 3- **Warder Murad Ullah C/o to Superintendent Central Prison Peshawar.**


SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR
E-mail: hqprisonpeshawar@gmail.com

حضرت جناب پیرزادہ مفتی صاحب رضوی مدظلہ العالی

عنوان - جواب سرائے شریک انیس

جناب عالی

مردانہ گزارش یہ کہ سائل جناب اعلیٰ حضرت میں رولر وزیر اعلیٰ
ہے۔ عرض ہے کہ سائل کو یہ اطلاع چھٹی نومبر 297-75 سے 200-1-1-2
سے شریک انیس کی وجہ سے شریک انیس میں سائل نے اس ضمن میں عرض
ہے کہ سائل اور سائل کے گھرانوں کا ایچ جی ایل سے تعلق ہے اور
اور چونکہ یہ تعلق جارجیا اور گورنمنٹ کی وجہ سے تھا اور وہ سائل اور
سائل کے گھرانوں کو کافی قدر تکلیف دینا چاہتا ہے اور سائل نے
پہلے آئے سے کہیں تاخیر کیا۔

چونکہ سائل نے سائل کے گھرانوں میں گئے ہیں اور اب حالات
تاریخ سے کہ سائل نے سائل کے گھرانوں میں گئے ہیں اور اب حالات
اس لیے آپ سے اعلان ہے کہ سائل نے سائل کے گھرانوں میں
کو سائل کے سائل کے گھرانوں میں گئے ہیں اور اب حالات
نزدیک مشکو، فرماؤں
سائل نے سائل کے گھرانوں میں گئے ہیں اور اب حالات

عین نواز حسین مدظلہ العالی

الطافی

آپ کا نفع دار

ڈاکٹر، سائل کے گھرانوں میں گئے ہیں اور اب حالات

10/1/2000

1080. Prohibition against business and pecuniary transactions.---(1) No prison officer shall directly or indirectly engage in any trade, business or employment other than his legitimate duties.

(2) No prison officer shall lend money to, borrow money from, enter into any pecuniary transaction with, or incur any obligation in favor of any other officer or any prisoner.

1081. Residential quarters.---(1) Rent free residential quarters shall ordinarily be provided at each prison for the Superintendent, Deputy Superintendent, Senior Assistant Superintendent, Assistant Superintendents, Senior Medical Officer, Medical Officer, Pharmacy Technician, Assistants and Clerical Staff, Storekeepers, Instructors, Teachers, Head Warders and the Warders.

(2) Every prison official for whom the residential quarters are not available in prison shall reside within such distance from the prison as the Superintendent may direct,

1082. Leave to Subordinate Officers.---(1) No subordinate officer shall, at any time, without the permission of the Deputy Superintendent, if such officer is subordinate to him, and, in any other case, of the Superintendent, be absent from the prison premises, whether by day or night.

(2) The Deputy Superintendent shall not, without the sanction of the Superintendent, grant leave of absence to any subordinate officer, or permit any such officer to remain absent, for any period exceeding four hours at any one time.

(3) Whenever any leave is granted by the Deputy Superintendent to any subordinate officer he shall, at the time the leave is granted, record the fact, and the period of leave in his report book.

(4) Every subordinate officer shall immediately on return from leave report the fact to the Deputy Superintendent, who shall forthwith record his arrival in his report book.

(5) The Deputy Superintendent shall similarly record in his report book, all leave granted by the Superintendent and all reports made of return from leave.

(6) Fifteen (15) days recreation leave shall be granted to every employee of Department once in a calendar year on rotation basis.

1083. Absence caused by illness or other unavoidable cause.--- Whenever any subordinate officer is at any time prevented by sudden illness or other unavoidable cause, from attending the prison or performing his duties he shall forthwith give notice to the Superintendent along with his reasons for absence. The Superintendent shall then make suitable arrangements for the due performance of his duties.

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دفتر پرنسٹنٹ

پشاور جیل پشاور

موری: 12/2020/07

مراد اولد ملک فرحاد خلیل

نملہ سرزائی، مکان نمبر 1، گاؤں پاؤ کے تحصیل ضلع پشاور

انوائس غیر حاضری

انوائس نمبر 3881-82 پر نوٹس ہذا مطلع کیا جاتا ہے کہ آپ کو نوکری سے غیر حاضری پر شوکا نوٹس مورخہ 24-09-2020 کو جاری کیا گیا اس سلسلے میں مورخہ 12-11-2020 کو اپنا جواب دفتر میں جمع کرایا اور نوکری بھی جاری کی مگر مورخہ 16-11-2020 سے آپ پھر سے نوکری سے غائب ہوئے اور انوائس اجازت کے غیر حاضر ہو گئے اور ابھی تک نوکری پر رپورٹ نہیں کیا۔ اس لئے آپ کو مطلع کیا جاتا ہے کہ مذکورہ نوٹس کے منے کے 03 دن کے اندر اندر زیر دستخطی کے سامنے حاضر ہو کر اپنی غیر حاضری کی وجہ سے غائب ہونے کی صورت دیکھ کر آپ کے خلاف یکطرفہ کارروائی عمل میں لائی جائیگی جو کہ نوکری سے برخاستگی پر منتج ہو سکتی ہے۔

Mahid

ہیڈ کوارٹرز جیل پشاور

Mahid

3881-82

انوائس نمبر 3881-82

پشاور جیل پشاور بحوالہ پشٹمی نمبر 12124/10 مورخہ 23-09-2020

پشاور جیل پشاور، درج بالا نوٹس کی توجہ بند کی جائے۔

Mahid

ہیڈ کوارٹرز جیل پشاور

Mahid

0313-9765037

مدیر جیل پشاور

اللہ ہی کیلئے ہیں مشرق و مغرب القرآن

DAILY MASHRIQ PESHAWAR

روزنامہ
سید تاج میر شاہ
مہند کے ہانی
پشاور
54 سال

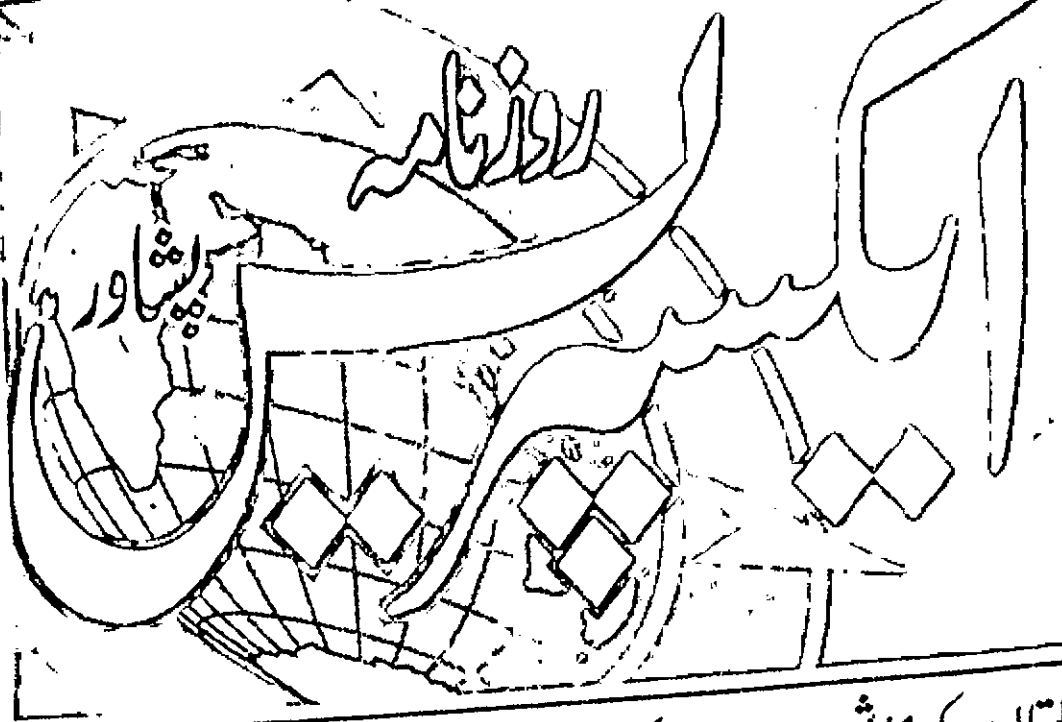
ABC
CERTIFIED

پشاور اسلام آباد سبیک وقت شائع ہونے والا کثیر الاشاعت قومی اخبار

جلد 54 اتوار 17 جمادی الثانی 1442ھ 31 جنوری 2021ء 19 ماگھ قیمت 30 روپے

اشتہار برائے حاضری

آپ مسی مراد اللہ ولد فرحاد خلیل، جیل وارڈر حال سنٹرل جیل پشاور، سکنہ محلہ عمر زائی، مکان نمبر 1، گاؤں پاؤ کے تحصیل و ضلع پشاور بذریعہ اشتہار ہذا مطلع کیا جاتا ہے کہ آپ 16-11-2020 سے ڈیوٹی سے غیر حاضر ہیں اور تاحال ڈیوٹی پر حاضر نہیں ہوئے، آپ کو بمطابق سپرنٹنڈنٹ ہیڈ کوارٹرز جیل پشاور قسطہیری نمبر 3880 مورخہ 09/12/2020 کو آپ کے گھر کے پتہ پر نوٹس بھیجا گیا اور آپ کو ہدایت کی گئی کہ تین دن کے اندر اندر ڈیوٹی پر حاضر ہو کر اپنی غیر حاضری کی وجہ بتائیں مگر آپ ابھی تک نہ تو ڈیوٹی پر حاضر ہوئے اور نہ ہی اپنی غیر حاضری کی وجہ زبردستی کے دفتر میں جمع کروائی۔ اس لئے آپ کو بذریعہ اشتہار ہذا آخری بار مطلع کیا جاتا ہے کہ اشتہار ہذا کے شائع ہونے کے 15 دن کے اندر اندر سپرنٹنڈنٹ ہیڈ کوارٹرز جیل پشاور کے سامنے پیش ہو کر اپنی غیر حاضری کی وجہ بتائیں بصورت دیگر آپ کے خلاف یکطرفہ کارروائی عمل میں لائی جائیگی جو کہ آپ کی ملازمت سے برخاستگی پر منتج ہو سکتی ہے۔



MONDAY, FEBRUARY, 1, 2021

پاکستان کے 11 شہروں سے بیک وقت شائع ہونے والا واحد اخبار

19 نومبر 2020ء | 18 مئی 2021ء | 10 صفحات | قیمت 20 روپے

D
پشاور

80

اشتبہار ہذا کے حاضری

آپ سکی مراد اللہ ولد قمر حاد غلیل، جیل وارڈر حال سنٹرل جیل پشاور، سکنہ محلہ عمر زانی، مکان نمبر 1، گاون
 و کے تحصیل و ضلع پشاور بذریعہ اشتہار ہذا مطلع کیا جاتا ہے کہ آپ 16-11-2020 سے ڈیوٹی سے غیر حاضر
 رہے اور تاحال ڈیوٹی پر حاضر نہیں ہوئے، آپ کو بمطابق سپرنٹنڈنٹ ہیڈ کوارٹرز جیل پشاور اٹھبیری نمبر 3880
 درختہ 09-12-2020 کو آپ کے گھر کے پتہ پر نوٹس بھیجا گیا اور آپ کو ہدایت کی گئی کہ تین دن کے اندر اندر
 یوٹی پر حاضر ہو کر اپنی غیر حاضری کی وجہ بتائیں مگر آپ ابھی تک نا تو ڈیوٹی پر حاضر ہوئے اور نہ ہی اپنی غیر حاضری کی
 پوزیشن دستخطی کے دفتر میں جمع کروائی۔

اس لئے آپ کو بذریعہ اشتہار ہذا آخری بار مطلع کیا جاتا ہے کہ اشتہار ہذا کے شائع ہونے کے 15 دن
 کے اندر اندر سپرنٹنڈنٹ ہیڈ کوارٹرز جیل پشاور کے سامنے پیش ہو کر اپنی غیر حاضری کی وجہ بتائیں بصورت دیگر آپ
 کے خلاف یکطرفہ کارروائی عمل میں لائی جائیگی جو کہ آپ کی ملازمت سے برخواستگی پر منتج ہو سکتی ہے۔

INF(P)514/2021

پشاور

OFFICE ORDER

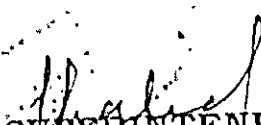
WHEREAS, the accused Warder (BPS-07) Murad Ullah S/O Malak Farhad Khalil attached to Central Prison Peshawar has willfully absented w.e.f 12-09-2020. Show Cause notice was served upon him vide this Headquarters Prison No. 2970-72 dated 24-09-2020. The accused warder resume duty on 12-11-2020, but again absented himself w.e.f 16-11-2020 from duty as well Jail premises without prior permission of the competent authority and still at large which constitute gross misconduct.

AND WHEREAS, the accused warder was served Final Show cause notice on his home address through registered post vide this Headquarters Prison No. 3880 dated 09-12-2020 and was directed to submit his-reply within 03 days of the receipt of the letter but he fails to do so.

AND WHEREAS, absence notice in respect of the accused Warder was also published in two daily newspapers i.e. Mashriq dated 31-01-2021 and Express dated 01-02-2021 with the direction to report to the Superintendent Headquarters Prison Peshawar and explained his position within 15 days of the publication of notice.

AND WHEREAS, the accused Warder has not submitted his reply nor appeared before the competent authority for personal hearing.

NOW THEREFORE, in exercise of powers conferred under Rule-9 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 having considered the charges leveled against him in light of available record and the undersigned being Competent Authority is pleased to initiate ex-parte action against the accused Warder and award him major penalty of **Removal From Service**.


SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR

Endorsement No: 570-711

Copy of the above is forwarded to the: -

1. Inspector General of Prisons Khyber Pakhtunkhwa Peshawar.
2. Accountant General Khyber Pakhtunkhwa Peshawar.
3. Superintendent Central Prison Peshawar. Proper entry to this effect may be made in service book under proper attestation.
4. Head Clerk (Pay Branch) Central Prison Peshawar.
5. Official concerned.


SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR

"E" - 17

بخدمت جناب انسپکٹر جنرل جیل خانہ جات خیبر پختونخوا پشاور

درخواست برآء: (اپیل برآء بحالی جیل وارڈرپشاور سنٹرل جیل)

جناب عالی!

مودبانہ گزارش ہیکہ سائل سنٹرل جیل پشاور میں بحیثیت جیل وارڈر ڈیوٹی سرانجام دے رہا ہے۔ سائل مورخہ 17.11.2020 کو شدید بخار میں مبتلا ہو کر جو بعد ازاں لیبارٹری ٹیسٹ سے معلوم ہوا کہ سائل ٹائیفائیڈ کا شکار ہو چکا ہے۔ ٹائیفائیڈ سے صحتیابی پر سائل اپنی حاضری کی رپورٹ کر رہا تھا۔ کہ سائل روڈ ٹریفک ایکسیڈنٹ میں زخمی ہو کر جس سے سائل کی سپینل کارڈ متاثر ہو کر سائل دوبارہ جسمانی تکلیف میں مبتلا ہو کر بستر پر پڑا رہا اور ڈیوٹی سے غیر رہا۔ سائل کو نہ تو کسی قسم کا نوٹس وغیرہ ملا ہے نہ ہی کسی قسم شوکا ز وغیرہ موصول ہوا ہے۔ سائل نے شدید تکلیف سپینل کارڈ کی بیماری سے صحتیابی پر مورخہ 16.02.2021 کو دفتر سپرائنٹنڈنٹ جیل میں اپنی درخواست اور میڈیکل کاغذات بغرض ہمدردی جمع کی تھی۔ جو اب بعد میں دو / تین دن پہلے سائل کو معلوم ہوا کہ مورخہ 17.02.2021 کو آپ درخواست ہوئے ہو۔ سائل نے اس سے قبل کسی قسم کی غیر حاضری، کیجول لیو، لانگ لیو نہیں لی ہے۔ اور نہ ہی افسران بالا کو کسی قسم کی شکایت کا موقع دیا ہے۔ سائل با امر مجبوری ڈیوٹی سے قاصر رہا۔ میڈیکل رپورٹس برآئے ملاحظہ لیں۔

استدعا ہیکہ سائل کی غیر حاضری میڈیکل لیو میں شمار کرنے کے احکامات صادر فرما کر مشکور و ممنون فرمائے۔

سائل تاحیات دعا گو رہے گا۔

العارض

آپ کا تاجح احکم جیل وارڈر سردار اللہ ولد ملک منہاد خلیل متعین سنٹرل جیل پشاور





1790
09/04/21

OFFICE OF THE
INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

91-9210334, 9210406

091-9213445

No. Estb/Ward-/Orders/ 110231

Dated 08-04-2021

ORDER

WHEREAS, **Ex-Warder Murad Ullah S/O Malak Farhad** while attached to Central Prison Peshawar was awarded the major penalty of "**Removal from Service**" by Superintendent HQs Prison Peshawar vide his office order No. 569 dated 17-02-2021 due to his willful absence w.e.f 12-09-2020 to 11-11-2020 and 16-11-2020 17-02-2021.

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 penalty awarded to him by the competent authority due to his willful absence 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 powers conferred under Rule-17 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 read with Rule-05 of Khyber Pakhtunkhwa Service Appeal Rules 1986, the decision of the competent authority is upheld and appeal of the appellant is hereby rejected being without any substance.

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

ENDST; NO. 11024-26 /..

Copy of the above is forwarded to:-

1. The Superintendent, Headquarters Prison Peshawar for information and necessary action with reference to his letter No. 993 dated 26-03-2021.
2. The Superintendent Central Prison Peshawar 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. Ex-Warder Murad Ullah S/o Malak Farhad C/O Superintendent Central Prison Peshawar for information.

ASSISTANT DIRECTOR
INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

08/4/2021

1790/PB
9.4.2021

1	2	3	4	5	6	7	
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "p"	Date of appointment	Signature of Government Servant
Warden	5400-260-	13200-	31 $\frac{12}{13}$	Pay Rs-	59200		

~~5400-260-13200-31 $\frac{12}{15}$ Pay Rs- 61800/m~~

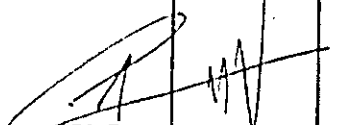
Dated 16/12/2015
 Under Superintendent Circle Headquarter
 in exercise of power under Rule-9 of
 Khyber Pakhtoonkhawan Government Servants
 (Efficiency & Discipline) Rule 2011 was order
 issued to Mr. Haq Noor Khan Judicial
 Officer (K) at Narsarai from his
 duties. The order signed is pleased
 to impose upon him the major penalty of
 Dismissal from Service with
 Immediate effect.

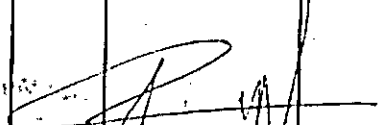
Signature
 Supt. of District
 Khyber Pakhtoonkhawan
 16/12/2015

Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination or appointment.	Reason of termination such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer.	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure or praise of the Government Servant.	
				Nature and duration of leave taken.	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government			
					Period			Government to which debitable

Service Verified upto and from 30-11-2013 from the office Record. Roll and other available office Record.

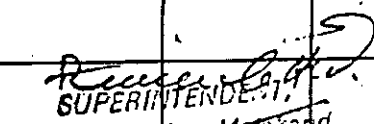
Granted Annual Increment of Rs... 260 raising his pay from Rs... 5660/- to Rs... 5920/- P.M

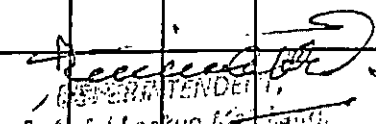

SUPERINTENDENT,
Judicial Lockup Meiskand


SUPERINTENDENT,
Judicial Lockup Meiskand

Service Verified upto and from 30-11-14 from the office Record. Roll and other available office Record.

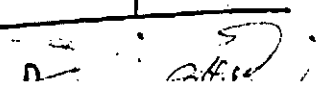
Granted Annual Increment of Rs... 260 raising his pay from Rs... 5920/- to Rs... 6180/- P.M


SUPERINTENDENT,
Judicial Lockup Meiskand


SUPERINTENDENT,
Judicial Lockup Meiskand

25/2
2016

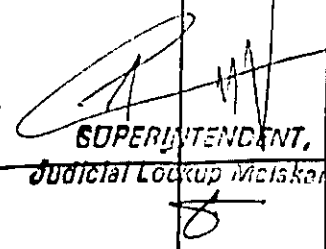
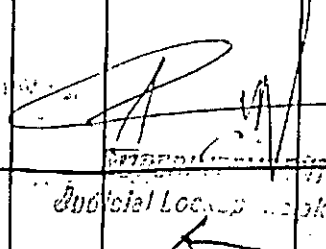
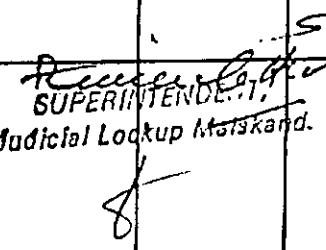
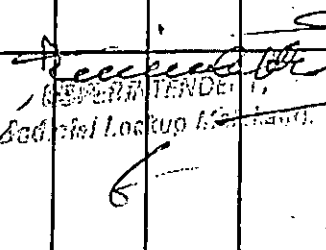
Whereas warder Muhammad Attachad to Judicial Lockup Meiskand was dismissed from service by Superintendent Head Quarter Prison Meiskand vide order No. 332 dated 9-9-2015 due to his wilful absence from duty with effect from 15-9-2015 to 8-12-2015 - It is held by removal from service and appeal of the Appellant is hereby rejected being without any substance.



9 Signature and Designation of the head of the office or other attesting officer In attestation of columns 1 to 8	10 Date of termination or appointment.	11 Reason of termination such as: promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting officer.	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punish- ment or censure or praise of the Government Servant.	
				Nature and duration of leave taken.	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government			
					Period			Government to which debitable
			Transferred to	CP Mardan - vide				
			Superintendent C HQ Prison					
			Mardan No: 66-72	dt 2/3/2017				
						<i>(Signature)</i>		
						SUPERINTENDENT DISTRICT JAIL CENTRAL		
			<u>30⁰³<u>17</u>'' one increment stopped for one year to not maintain good conduct / will full absence i.e from 12/02/2015 to 09/12/2015 (Eighty four (84) days is hereby treated as leave without pay over the intervening period between removal from service and reinstatement in to service is hereby treated as leave without pay. vide S.O. No. 10 HQ Prison Mardan No. 66-72 dt: 30/03/2017 <i>(Signature)</i> Superintendent Central Prison Mardan</u>					

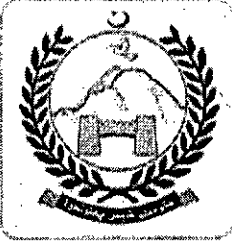
1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "p"	Date of appointment	Signature of Government Servant
Waddan			31 $\frac{12}{13}$	Pay Rs -	5920/-		
			31 $\frac{12}{15}$	Pay Rs -	6180/-		
Dated 16/12/2015	Under Superintendent Circle, Muzaffargarh No. 335-37 Rule 9-A-2015 in exercise of power under Rule 9 of						
Khyber Pakhtoonkhwa	Government Servants						
(Efficiency & Discipline)	Rule 201 was order						
Lawrence Lal Khan	has not been Judicially sanctioned from his duties. The undersigned is pleased to impose upon him the major penalty of Dismissal from Service with immediate effect.						

R. M. ...
 SUPERINTENDENT
 Muzaffargarh
 16/12/2015

Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination or appointment.	Reason of termination such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer.	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure or praise of the Government Servant.	
				Nature and duration of leave taken.	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government			
					Period			Government to which debitable
Service Verified upto and from <u>30-11-2013</u> from the acquittance Roll and other available office Record.				Granted for Rs... <u>260</u> from Rs... <u>5660/-</u>	...ment of his pay Rs... <u>5920/-</u> P.M			
 SUPERINTENDENT, Judicial Lockup Malakand				 SUPERINTENDENT, Judicial Lockup Malakand				
Service Verified upto and from <u>30-11-14</u> from the acquittance Roll and other available office Record.				Granted Annual Increment of Rs... <u>260</u> raising his pay from Rs... <u>5920</u> to Rs... <u>6180/-</u> P.M				
 SUPERINTENDENT, Judicial Lockup Malakand				 SUPERINTENDENT, Judicial Lockup Malakand				
<u>25/2</u> <u>2016</u>	Whereas	warder Muzadullah	Attached to	Judicial Lockup Malakand	was Dismissed from	Head Quarter Prison		
Service by	Supervisor	Mazlan	vide order No. 332	Dated 9-9-2015	due	To his wife's absence	from duty with effect	
from 15-9-2015 to 8-12-2015	It is held by Removal	from Service and Appeal	of the Appellant is hereby	Rejected being without any	substance.			

25/2/2016

9 Nature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination or appointment.	11 Reason of termination such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting officer.	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure or praise of the Government Servant.	
				Nature and duration of leave taken.	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government			
					Period			Government to which debitable
	4-6 2021	CENSURE, vide Super H/10						
		Inl letter P. Order No. 1706 PB dated 4-6-2020. in disciplinary case of the completion of all codal formalities						
						<i>Mahid</i> SUPERINTENDENT CENTRAL PRISON PESHAWAR 4.9.20 46		
	17-02 2021	Major Penalty of Removal from Service has been awarded vide						
		Supdt HC's Prison Peshawar order No. 570-71 dated 17-02-2021 in a disciplinary action after completion of all codal formalities.						
						<i>Mahid</i> SUPERINTENDENT CENTRAL PRISON PESHAWAR 17/2/2021 Koc		



**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

No. 520 /ST

Dated: 22-2-2022

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

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

To

The Superintendent Headquarters Prison,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: JUDGMENT IN APPEAL NO. 5208/2021 MR. MURAD ULLAH.

I am directed to forward herewith a certified copy of Judgement dated 06.12.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

S.A.No. 5208/2021

Murad Ullah.....Applicant/ Appellant.



VERSUS
I.G Prison and others.....Respondents.

APPLICATION FOR EARLY HEARING OF THE TITLED SERVICE APPEAL.

Respectfully Sheweth;

1. That the above titled service appeal is pending adjudication before this August Tribunal, fixed for 23-11-2021 in **D.B.**

2. That the applicant/ appellant is passing through hard times due to poor financial conditions having no source of income, thus the date of hearing is required to be expedite.

3. That fixing an early date is in interest of justice and there is no hurdle in fixing an early date in the above titled appeal, besides if any early date is not fixed in the titled appeal, the service appeal would lose its purpose and would become infructuous.

IT IS THEREFORE, PRAYED, THAT ON ACCEPTANCE OF THIS APPLICATION, THE ABOVE TITLED SERVICE APPEAL MAY KINDLY BE FIXED FOR AN EARLY DATE.

DATED: 08-09-2021

APPLICANT/ APPELLANT

THROUGH,

Fazal Shah Mohmand
FAZAL SHAH MOHMAND
ADVOCATE SUPREME COURT

AFFIDIVAT

I, Murad Ullah (applicant/ appellant), do hereby solemnly affirm and declare on oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

Murad Ullah
DEPONENT

Put up to the worthy chair-man with relevant affidavits.

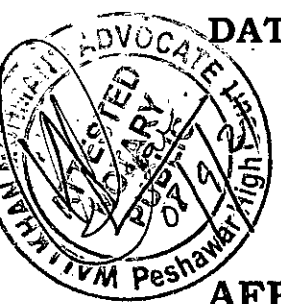
18/9/2021

Leadu

Second week of October, 2021

11-10-21

*Noted on 16/9/21
create of counsel for the appellant.
(Hatt)*



BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

S.A.No. 5208/2021

Murad Ullah.....Applicant/Appellant.

VERSUS

I.G Prison and others.....Respondents.

**APPLICATION FOR EARLY HEARING OF THE TITLED
SERVICE APPEAL.**

Respectfully Sheweth;

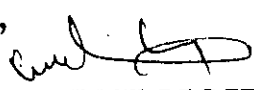
1. That the above titled service appeal is pending adjudication before this August Tribunal, fixed for 23-11-2021 in **D.B.**
2. That the applicant/appellant is passing through hard times due to poor financial conditions having no source of income, thus the date of hearing is required to be expedite.
3. That fixing an early date is in interest of justice and there is no hurdle in fixing an early date in the above titled appeal, besides if any early date is not fixed in the titled appeal, the service appeal would lose its purpose and would become infructuous.

IT IS THEREFORE, PRAYED, THAT ON ACCEPTANCE OF THIS APPLICATION, THE ABOVE TITLED SERVICE APPEAL MAY KINDLY BE FIXED FOR AN EARLY DATE.

DATED: 08-09-2021

APPLICANT/ APPELLANT

THROUGH,


FAZAL SHAH MOHMAND
ADVOCATE SUPREME COURT

AFFIDIVAT

I, Murad Ullah (applicant/ appellant), do hereby solemnly affirm and declare on oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.


DEPONENT



BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

S.A.No. 5208/2021

Murad Ullah.....Applicant/Appellant.

VERSUS

I.G Prison and others.....Respondents.

**APPLICATION FOR EARLY HEARING OF THE TITLED
SERVICE APPEAL.**

Respectfully Sheweth;

1. That the above titled service appeal is pending adjudication before this August Tribunal, fixed for 23-11-2021 in **D.B.**
2. That the applicant/appellant is passing through hard times due to poor financial conditions having no source of income, thus the date of hearing is required to be expedite.
3. That fixing an early date is in interest of justice and there is no hurdle in fixing an early date in the above titled appeal, besides if any early date is not fixed in the titled appeal, the service appeal would lose its purpose and would become infructuous.

IT IS THEREFORE, PRAYED, THAT ON ACCEPTANCE OF THIS APPLICATION, THE ABOVE TITLED SERVICE APPEAL MAY KINDLY BE FIXED FOR AN EARLY DATE.

DATED: 08-09-2021

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THROUGH,


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DEPONENT

