

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
AT CAMP COURT, D.I.KHAN
Service Appeal No.1293/2019

Date of Institution ... 08.10.2019
Date of Decision ... 16.12.2021

Muhammad Waqar son of Muhammad Yousaf resident of Basti
Nad Al Shah District Dera Ismail Khan.

... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Inspector General
of Prisons, Peshawar and four others.

... (Respondents)

Wasim Rehan,
Advocate

... For appellant.

Noor Zaman Khan Khattak,
District Attorney

... For respondents.

Ahmad Sultan Tareen ...
Rozina Rehman ...

Chairman
Member (J)

JUDGMENT

Rozina Rehman, Member(J): Brief facts of the case are that appellant was appointed as Warder (BS-5) in Prison Department. He was proceeded against departmentally on the allegations of absence and was ultimately removed from service. He filed departmental appeal which was rejected, hence, the present service appeal.

2. We have heard Wasim Rehan Advocate learned counsel for appellant and Noor Zaman Khan Khattak learned District Attorney for the respondents and have gone through the record and the proceedings of the case in minute particulars.

3. Wasim Rehan Advocate, learned counsel for appellant submitted that the impugned order is illegal, against law and facts as the appellant was not treated according to law and rules; that the

appellant has been discriminated and given step motherly treatment as he was condemned unheard; that no charge sheet and show cause notices were communicated to the appellant and no proper inquiry was conducted in the matter. He, therefore, requested for reinstatement of the appellant into service with all back benefits.

4. Conversely, learned District Attorney submitted that the appellant deserted himself from duty as well as Jail premises on his own accord w.e.f 18.04.2017; that he was served with show cause notice but no response was received from the appellant. He contended that final show cause notice was served upon him but no response was received from the appellant side, therefore, he was removed from service after fulfillment of all cocdal formalities.

5. From the record it is evident that appellant was appointed as Warder in BPS-5 in Prison Department vide order dated 22.01.2015 and was posted at Central Prison Dera Ismail Khan. He was proceeded against under Rule-9 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 on the allegations of his long willful absence from 18.04.2017 to 17.05.2017. Procedure in case of willful absence is fully mentioned in Rule-9 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 which is hereby reproduced for ready reference:

9. Procedure in case of willful absence.—

Notwithstanding anything to the contrary contained in these rules, in case of willful absence from duty by a Government servant for seven or more days, a notice shall be issued by the competent authority through registered acknowledgement on his home address directing him to

resume duty within fifteen days of issuance of the notice. If the same is received back as undelivered or no response is received from the absentee within stipulated time, a notice shall be published in at least two leading newspapers directing him to resume duty within fifteen days of the publication of that notice, failing which an *ex-parte* decision shall be taken against the absentee. On expiry of the stipulated period given in the notice, major penalty of removal from service may be imposed upon such Government servant."

6. In the instant case no proper notice was issued by the competent authority through registered acknowledgement on his home address directing him to resume duty within 15 days of issuance of the notice. Copy of the show cause notice which is available on file clearly shows that he was called upon to show cause within 7 days as to why punishment of removal from service may not be awarded to him. As per Rule-9, a notice shall also be published in at least two leading newspapers directing the absentee to resume duty within 15 days of the publication of notice failing which, an *ex-parte* decision shall be taken against the absentee. From perusal of the entire record, it becomes crystal clear that proper procedure as laid down in rule-9 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 was not followed by the competent authority strictly in accordance with law.

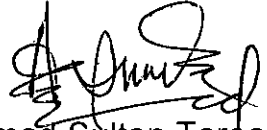
7. In this view of the matter, instant service appeal is allowed. Appellant is reinstated into service. Absence period and intervening



period shall be treated as leave without pay. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.

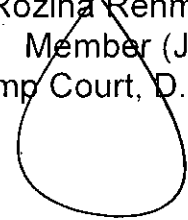
16.12.2021



(Ahmad Sultan Tareen)
Chairman
Camp Court, D.I.Khan



(Rozina Rehman)
Member (J)
Camp Court, D.I.Khan



Order

16.12.2021

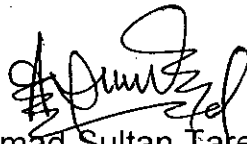
Appellant present through counsel.

Noor Zaman Khan Khattak learned District Attorney alongwith Adeel Ahmad Budget Officer for respondents present. Arguments heard and record perused.

Vide our judgment of today of this Tribunal placed on file, instant service appeal is allowed. Appellant is reinstated into service. Absence period and intervening period shall be treated as leave without pay. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.

16.12.2021



(Ahmad Sultan Fareen)
Chairman
Camp Court, D.I.Khan



(Rozina Rehman)
Member (J)
Camp Court, D.I.Khan

22.11.2021

Learned counsel for the appellant present. Mr. Adeel Ahmed, Budget & Accounts Officer alongwith Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present.

Comments on behalf of respondents No. 1, 2 & 5 have already been submitted.

Learned counsel for the appellant stated at the bar that respondents No. 3 & 4 are unnecessary parties in the instant appeal and requested for deletion of name of said respondents from the panel of respondents. The request of learned counsel the appellant is accepted and respondents No. 3 & 4 are deleted from the panel of respondents. Office is directed to do the needful. Adjourned. To come up for arguments before the D.B on 16.12.2022 at Camp Court D.I.Khan.

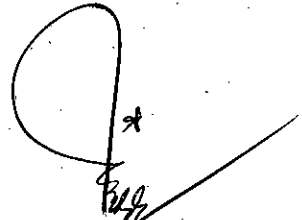

Chairman
Camp Court D.I.Khan

25.03.2021

Nemo for the appellant. Mr. Muhammad Rashid, DDA for respondents present.

On previous date of hearing the case was adjourned on the strength of Reader note, therefore, Notices be issued to the parties.

Adjourned to 22.06.2021 before S.B at camp court D.I.Khan.



(Mian Muhammad)
Member(E)
Camp Court D.I.Khan

22-6-21

Due to COVID-19, the case is adjourned to 26-10-21 for same



26.10.2021

Nemo for parties.

Asif Masood Ali Shah learned Deputy District Attorney present.

Reply on behalf of respondents No.1 & 3 was not submitted. Preceding date was adjourned on a Reader's note, therefore, appellant/counsel and respondents No.1 & 3 be put on notice with direction to the respondents by way of last chance, to submit reply/comments. To come up for reply/comments on 22.11.2021 before S.B at Camp Court, D.I.Khan.

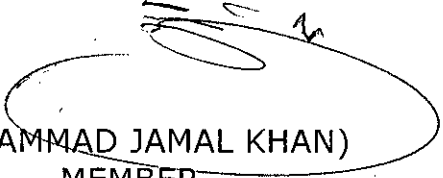


(Rozina Rehman)
Member(J)
Camp Court, D.I.Khan

27.10.2020

Appellant is present in person. Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Khalid Nawaz, Inspector (Legal) on behalf of respondent No. 4, are also present.

Written reply on behalf of respondents No. 2 & 5 has already been submitted while representative of respondent No. 4 is seeking further time to furnish written reply/comments on behalf of the said respondent. Neither written reply on behalf of respondents No. 1 & 3 submitted nor any representative on their behalf is present, therefore, notice be issued to them for submission of written reply/comments for 21.12.2020 before-S.B at Camp Court, D.I.Khan.


(MUHAMMAD JAMAL KHAN)
MEMBER
CAMP COURT D.I.KHAN

21.12.2020

Due to COVID 19, the case is adjourned to 25.3.2021 for the same.



21-4.2020

Due to COVID19, the case is adjourned to

22/9/2020 for the same as before.

Reader

22.09.2020

Appellant in person present.

Mr. Usman Ghani, District Attorney alongwith Adeel Ahmed, Budget Officer on behalf of respondents No. 2 & 5. None present on behalf of respondents No. 1, 3 & 4


Representative of respondents No. 2 & 5 submitted written reply/comments, which is placed on file. Written reply/comments on behalf of respondent No. 1, 3 & 4 was not submitted, therefore notice be issued to respondent No. 1, 3 & 4. Opportunity is granted. To come up for reply/comments on behalf of respondent No. 1, 3 & 4 for 27.10.2020 before S.B at Camp Court D.I Khan.

(Rozina Rehman)
Member (J)

Camp Court, D.I Khan

30.01.2020


Appellant in person present and requested for adjournment on the ground that his counsel is not available today due to general strike of Khyber Pakhtunkhwa Bar Council. Adjourned to 27.02.2020 for preliminary hearing before S.B at Camp Court D.I.Khan.


(M. Amin Khan Kundi)
Member
Camp Court D.I.Khan

27.02.2020

Counsel for the appellant Muhammad Waqar present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was appointed as Warder (BPS-5) in Prison Department vide order dated 22.01.2015. The appellant was imposed major penalty of removal from service vide order dated 17.05.2017 on the allegation of absence from 18.04.2017 to 17.05.2017 total absence period less than one month. The appellant filed departmental appeal, though the same is not available on record but the departmental authority has mentioned in the order of departmental appeal that the departmental appeal was filed on 14.09.2017, the same was rejected vide order dated 25.01.2018 hence, the present service appeal. Learned counsel for the appellant contended that neither charge sheet, statement of allegation was served nor absence notice was issued to the appellant and the major penalty of removal from service on the allegation of absence for a period of less than one month is too harsh, therefore, the impugned order is illegal and liable to be set-aside. It was further contended that there is some delay but the appellant has filed condonation application.

The contentions raised by learned counsel for the appellant need consideration. The appeal is admitted for regular hearing subject to all 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 21.04.2020 before S.B at Camp Court D.I.Khan.


(M. Amin Khan Kundi)
Member
Camp Court D.I.Khan

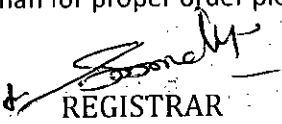
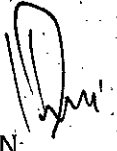

Appellant Deposited
Security & Process Fee
3/3/20

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1293/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	08/10/2019	<p>The appeal of Mr. Muhammad Waqar received today by post through Mr. Wasim Rehan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	15-11-2019	<p>This case is entrusted to touring S. Bench at D.I.Khan for preliminary hearing to be put up there on <u>28.11.2019</u></p> <p> CHAIRMAN</p>
28.11.2019		<p>Appellant in person present and requested for adjournment on the ground that his counsel is not available today due to general strike of the Bar. Adjourned to 30.01.2020 for preliminary arguments before S.B at Camp Court D.I.Khan.</p> <p> (M. Amin Khan Kundi) Member Camp Court D.I.Khan</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. 1293 /2019

Muhammad Waqar

.....APPELLANT

VERSUS

Govt. of K.P.K and others

.....RESPONDENTS


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3	Copy of office order dated 17-05-2017	B	10
4	Copy of order dated 25-01-2018	C	11
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Dated: ___/10/2019

Humble Appellant


Muhammad Waqar
Through Counsel


Wasim Rehan
Advocate High Court,
District Bar, D.I.Khan.

11

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR.

Appeal No. 1293 /2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1412

Dated 08/10/2019

Muhammad Waqar son of Muhammad Yousaf resident of Basti Nad Ali
Shah, District Dera Ismail Khan.

.....**APPELLANT**

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Inspector General of Prisons, Govt. of K.P.K, Peshawar.
- ✓ 2. Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
3. Superintendent, Headquarters Prison, Govt. of K.P.K, Peshawar.
4. Deputy Inspector General of Police, Dera Ismail Khan Range.
- ✓ 5. Superintendent, Circle H/QS Prison, Dera Ismail Khan.

.....**RESPONDENTS**

**APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA
SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED
ORDER DATED 25-01-2018 ISSUED BY RESPONDENT NO. 2
AND IMPUGNED ORDER DATED 17-05-2017 ISSUED BY
RESPONDENT NO. 5.**

Filed to Day
08/10/19
Registrar

PRAYER; On acceptance of instant appeal this Honourable Tribunal may be pleased to DECLARE the impugned order dated 25-01-2018 issued by respondent No. 2, impugned order dated 17-05-2017 issued by respondent No. 5 as illegal, without lawful authority, without jurisdiction, void *ab initio* and ineffective upon the rights of the appellant and is liable to be

②

set aside and to reinstate the appellant to the post of Warder on the grounds appearing hereinafter;

OR

GRANT any other relief considered just and appropriate under the given circumstances of the case.

Respectfully sheweth:

1. That the appellant was appointment as Warder (BPS-5) in Prison Department, Khyer Pakhtunkhwa vide office order dated 22-01-2015 and was posted at Central Prison Dera Ismail Khan for discharge of his duties.
2. That vide office order dated 17-05-2017 the respondent No. 5 removed the appellant from the service due to the allegation that allegedly the appellant was absent from his service from 18-04-2017 to 17-05-2017, moreover, the said order was passed on the basis of alleged enquiry but the whole proceeding against the appellant was conducted ex-parte and the appellant did not informed regarding the said proceeding. Copies of appointment order and office order dated 17-05-2017 are enclosed as **Mark-A & B** respectively.
3. That, after getting the knowledge regarding removal order, the present appellant filed the appeal to Respondent No. 2, but the Respondent No. 2 issued the impugned order dated 25-01-2018 and hold that the appeal was time barred due to which the appellate authority did not entertain the appeal. Copy of the same is enclosed as **Mark-C**.

3

Being aggrieved against the impugned order dated 25-01-2018 issued by respondent No. 2 and impugned order dated 17-05-2017 issued by respondent No. 5, the appellant filing the instant appeal, inter alia, on the following grounds;

GROUND:

- A. That, during the entire service the appellant perform his duty with full of his professional skills and hard-work.

- B. That the impugned enquiry was not conducted in accordance with law and facts, and the whole proceeding regarding alleged enquiry against the appellant was conducted ex-parte and the appellant did not informed regarding the said proceeding. Moreover the finding with regard to the allegations leveled against the appellant are totally incorrect, as the appellant was absent due to his illness and the same was not willful but no opportunity was given to appellant to clear his position during the alleged enquiry proceeding. Thus the impugned findings are not based on proper appreciation of record; hence the same are liable to be set aside.

- C. That during the alleged enquiry no notice was served to appellant, and the whole proceeding was conducted against the Service Rules.

D. That the respondent No. 5 also not properly appreciated the law in its true perspective and committed material illegality which failed to entertain the appeal of the appellant and wrongly considered the same as time barred. In-fact, the removal order was not conveyed to appellant, therefore, after getting the knowledge regarding removal order, the appellant preferred the appeal and it was the duty of the appellate authority to entertain the appeal and to decide the same on merits. Thus finding of respondent No. 2 & 5 are based on malafide, arbitrary, against the canon of justice, equity and fair play. Thus the same is liable to be set aside.

E. That respondent No. 2 has also failed to decide the Departmental appeal of the appellant in accordance with law & facts. Hence, the impugned findings are liable to be reversed. The office order dated 25-01-2018 was also not conveyed to present appellant and after getting the knowledge regarding the order dated 25-01-2018 the instant appeal is well within time, however, the separate application for Condonation of delay is also filling with the instant appeal due to the reason that the appellant was seriously ill.

F. That the appellant may kindly be allowed to argue the additional grounds at the time of arguments.

5

It is, therefore, prayed that on acceptance of this appeal this Honourable Tribunal may be pleased to pass orders as prayed for in the heading of this appeal.

Dated: ___/10/2019

Humble Appellant

Muhammad Waqar
Muhammad Waqar
Through Counsel

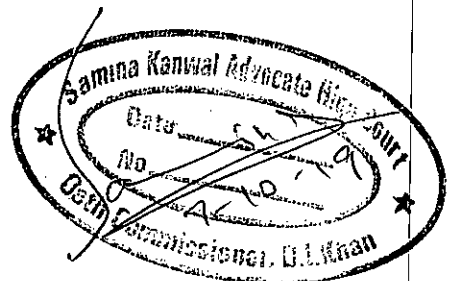
Wasim Rehan
Wasim Rehan
Advocate High Court,
District Bar, D.I.Khan.

AFFIDAVIT

I, the appellant, do hereby solemnly affirm and declare on Oath that all the para-wise contents of this appeal are true and correct to the best of my knowledge and belief; and that nothing has been deliberately concealed or kept secret from this Honourable Tribunal.

[Signature]
Identified by Counsel

[Signature]
Deponent



6

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. _____/2019

Muhammad Waqar

.....APPELLANT

VERSUS

Govt. of K.P.K and others

.....RESPONDENTS

ADDRESSES OF THE PARTIES

Muhammad Waqar son of Muhammad Yousaf resident of Basti Nad Ali
Shah, District Dera Ismail Khan.


.....APPELLANT

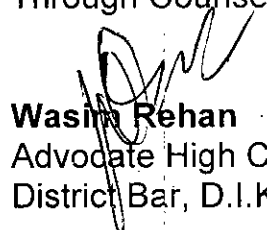
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1. Govt. of Khyber Pakhtunkhwa through Inspector General of Prisons, Govt. of K.P.K, Peshawar.
 2. Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
 3. Superintendent, Headquarters Prison, Govt. of K.P.K, Peshawar.
 4. Deputy Inspector General of Police, Dera Ismail Khan Range.
 5. Superintendent, Circle H/QS Prison, Dera Ismail Khan.

.....RESPONDENTS

Dated: ___/10/2019

Humble Appellant


Muhammad Waqar
Through Counsel


Wasim Rehan
Advocate High Court,
District Bar, D.I.Khan.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR.

C.M No. _____/2019

In Appeal No. _____/2019

Muhammad Waqar

.....APPELLANT

VERSUS

Govt. of K.P.K and others

.....RESPONDENTS

APPLICATION FOR CONDONATION OF DELAY FOR

FILLING THE ABOVE TITLED APPEAL.

Applicant Most Respectfully Sheweth,

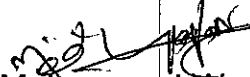
1. That from the order dated 25-01-2018 passed by the respondent No. 2, applicant is filling the appeal in this Tribunal.
2. That the impugned enquiry was not conducted in accordance with law and facts, and the whole proceeding regarding alleged enquiry against the appellant was conducted ex-parte and the appellant did not informed regarding the said proceeding. Moreover the finding with regard to the allegations leveled against the appellant are totally incorrect, as the appellant was absent due to his illness and the same was not willful but no opportunity was given to appellant to clear his position during the alleged enquiry proceeding. Thus the impugned findings are not based on proper appreciation of record, hence the same are liable to be set aside.
3. That the petitioner has a good arguable case and is sanguine about its success. Moreover, after getting the knowledge regarding impugned order the above titled appeal is well within time, however, if this Honorable Tribunal consider that the appeal is not within time then the delay may


kindly be condoned for interest of justice. The Superior Courts always directed that to decide the cases on merits and to avoid the technicalities.

It is, therefore, prayed that may graciously be pleased to condone the delay for filling the above titled appeal and to decide the case on merits.

Dated: ___/10/2019

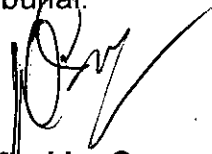
Humble Appellant

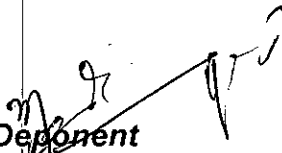

Muhammad Waqar
Through Counsel


Wasim Rehan
Advocate High Court,
District Bar, D.I.Khan.

AFFIDAVIT

I, the appellant, do hereby solemnly affirm and declare on Oath that all the para-wise contents of this application are true and correct to the best of my knowledge and belief; and that nothing has been deliberately concealed or kept secret from this Honourable Tribunal.


Identified by Counsel


Deponent



To

Mr. MUHAMMAD WAQAR S/O MUHAMMAD YOUSAF
R/o Basti Nad Ali Shah, GPO Tehsil & Distt: D.I.Khan

ANNEX - A
Page 9

Subject:

APPOINTMENT AS WARDER (BPS-05)

Memo:

Reference your test/ interview for the subject post.

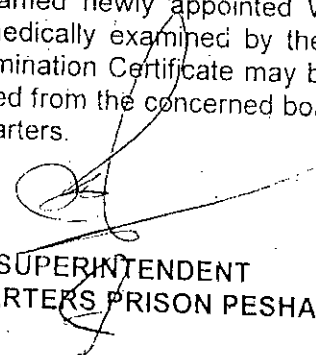
You are hereby offered the post of temporary Warder in BPS-05 (5400-260-13200) and all other usual allowances as admissible under the rules subject to the following conditions: -

- 1- You are liable to serve anywhere in the Jails/ Judicial Lockups/ Internment Centers of Khyber Pakhtunkhwa.
- 2- Your appointment is purely temporary and your services can be terminated at any time without assigning any reason during probationary period.
- 3- For all other purposes such as pay, T.A & medical attendance etc, you will be governed by the rules applicable to the government servants of your category.
- 4- The terms and conditions of your appointment as Warder (BPS-05) will be those as laid down in the Khyber Pakhtunkhwa Prison Rules 1985, Prisons Department (Recruitment, Promotion & Transfer) rules 1980 and all other rules and regulations prescribed for Government Servants or the rules which may be promulgated by the Government from time to time in this behalf.
- 5- Your appointment will be subject to your medical fitness and prescribed physical standard.
- 6- No TA/ DA will be admissible to you on joining your first appointment.
- 7- You cannot resign from the service immediately but will have to put in writing at least one month prior notice or in lieu thereof, one month pay shall be forfeited from you.
- 8- Your appointment is subject to fulfillment of all the conditions laid down in the service rules.
- 9- You will be on probation for a period of two years extendable to one more year.
- 10- Your appointment will be subject to verification of your antecedents/ character.
- 11- If you report for duty, it will be taken for granted that you have accepted all the above terms and conditions and if you failed to report within 10 days of the receipt of this appointment order, it will be presumed that you have declined to accept this offer, hence this order of appointment shall stand cancelled/ withdrawn.
- 12- You are directed to report to the Superintendent District Jail Lakki Marwat for duties.


SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR

Endorsement No: 5723-124 /-

- 1- Copy of the above is forwarded to the Superintendent District Jail Lakki Marwat. The above named newly appointed Warder is attached with his jail for all purposes. He may be got medically examined by the Medical Superintendent concerned and a copy of his Medical Examination Certificate may be sent to this office for record. His SSC certificate may also be verified from the concerned board within one month and the result be communicated to this Headquarters.
- 2- District Accounts Officer, Lakki Marwat.


SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR

Musawer/-



KP

OFFICE OF THE
SUPERINTENDENT
CIRCLE H/Qs PRISON D.I.KHAN

No. /HQ-DI; 17105/2017

PH&FAX NO.0966-9280299

Centraljail_dikhan@yahoo.com

ANNEX-B
Page: 10

OFFICE ORDER

WHEREAS, the accused official Mr. Muhammad Waqar attached to Central Prison D.I.Khan was proceeded against under Rule 3 read with Rule-9 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges of his long willful absence i.e from 18.04.2017 to 17.05.2017 and notice at his home address served upon him vide letter No.2725 Dated 24.04.2017 and another Showcause notice No. 4004 dated 05.05.2017.

AND WHEREASE, the accused official not only failed to resume duty till date but also failed to justify his willful absence.

NOW THEREFORE, in exercise of power conferred under Rule-09 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, the undersigned being competent authority after observing all legal procedural formalities hereby award major penalty of **removal from service** to Mr. Muhammad waqar attached to Central Prison D.I.Khan for his willful absence. The period of his absence i.e from 18.04.2017 to 17.05.2017 is hereby treated as **Leave Without Pay**.

SUPERINTENDENT
CIRCLE H/QS PRISON DIKHAN

ENDST NO 4743-46 /

Copy of the above is forwarded the; -

1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information please.
2. Superintendent Circle Head Quarter Prison Peshawar for information please.
3. The Superintendent Jail D.I.Khan. Necessay entry may please be made in the service book of official concerned under proper attestation.
4. DAO D.I.Khan.
5. Muhammad Waqar attached to Central Prison D.I.Khan.

SUPERINTENDENT
CIRCLE H/QS PRISON D.I.Khan



OFFICE OF THE
INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

091-9210334, 9210406

091-9213445

No. 3673 /-

Dated 25-01-18 /-

ANNEX-C
Page 11


To,

Mr. Muhammad Waqar S/O Muhammad Yousaf (Ex-Warder),
C/O Superintendent Central Prison D.I Khan.

Subject:- DEPARTMENTAL APPEAL FOR REINSTATEMENT IN SERVICE.

Memo;

I am directed to refer to your appeal dated 14-09-2017 on the subject and to convey that you removed from service on 17-05-2017 and according to rules you were required to prefer your departmental appeal within 30 days after the decision of the competent authority however, you submitted your appeal on 14-09-2017 which is badly time barred due to which the appellate authority did not entertain your appeal.


ASSISTANT DIRECTOR (ADMN:)
FOR INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

Endst No. _____ /-

Copy of the above is forwarded to the Superintendent HQ Prison D.I Khan for information with reference to his letter No. 10760 dated 09-11-2017.

ASSISTANT DIRECTOR (ADMN:)
FOR INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

WASIM REHMAN

Advocate High Court

bc-10-4298

Date of Issue: 09-09-2013

Valid upto: 09-09-2016



12

کورٹ فیس

Secretary
KP Bar Council

بعدالت جناب سروسز ٹریڈنگ کمپنی

مخائب ایس بی آر

چند دھار بنام گورنمنٹ آف پاکستان و سب

دعویٰ یا جرم ایس بی آر

تفصیل دعویٰ یا جرم _____

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے پیر کی وجوہی برائے پیشوا یا تصفیہ مقدمہ بمقام گورنمنٹ آف پاکستان کو حسب ذیل شرائط پر وکیل مقرر کیا ہے، کہ میں ہر پیشی پر خود بذریعہ مختار صاحب روز بروز عدالت حاضر ہوتا رہوں گا۔ اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا، اگر پیشی پر منظر حاضر نہ ہوں اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا۔ تو صاحب موصوف اسکے کسی طرح ذمہ دار نہ ہوں گے، نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیروی کرنے کے ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیروی کرنے کے ذمہ دار نہ ہوں گے۔ اور مقدمہ صدر پکھری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر منظر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا جتانہ واپس کرنے کے بھی موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر داخل صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ، یا جواب دعویٰ یا درخواست اجراءے ڈگری و نظر ثانی اپیل گرانی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کرنے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور اس پر طاشی یا راضی نامہ و فیصلہ بر حلف کرنے، اقبال دعویٰ کا بھی اختیار ہوگا۔ اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مذکورہ بیرون از پکھری صدر بیروی مقدمہ مذکورہ نظر ثانی اپیل و گرانی و درآمدگی مقدمہ یا منوشی ڈگری یا طرف یا درخواست حکم انتہائی یا قرتی یا گرفتاری مثل از فیصلہ اجراءے ڈگری بھی صاحب موصوف کو بشرط ادا سنگلی علیحدہ جتانہ بیروی کا اختیار ہوگا اور تمام ساختہ پر داخل صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اسکے کسی جزو کی کارروائی یا بصورت درخواست نظر ثانی اپیل یا گرانی یا دیگر معاملہ مقدمہ مذکورہ کسی دوسرے وکیل یا پیر منکر کو اپنے بجائے یا اپنے ہمراہ مقرر کریں۔ اور ایسے مشیر قانون کو بھی ہر امر میں حق اور ویسے اختیارات حاصل ہوں گے، جیسے صاحب موصوف کو حاصل ہیں، اور دوران مقدمہ میں جو کچھ ہر جانہ التواء چڑیکا، وہ صاحب موصوف کا حق ہوگا۔ مگر صاحب موصوف کو پورنی فیس تاریخ پیشی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی بیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ گھدیا ہے۔ تاکہ سند رہے
موجودہ _____ ہاہ _____ اکتوبر 2013

مضمون وکالت نامہ سن لیا ہے۔ اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

العبد _____ العبد _____ العبد _____

ایس بی آر

چند دھار

Handwritten signatures and notes at the bottom left.

Handwritten signatures and notes at the bottom right.



OFFICE OF THE
INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

091-9210334, 9210406 091-9213445

No. 156 19753 /- uk

Dated 8-6-2020 /-

To,

The Superintendent,
Central Prison D.I Khan.

Subject: - **SERVICE APPEAL NO. 1293 OF 2019 FILED BY MUHAMMAD WAQAR EX
WARDER VS GOVERNMENT OF KHYBER PAKHTUNKHWA AND OTHER
ETC.**

I am directed to refer to your letter no, 2276-we dated 13-04-2020 on the subject and to returned herewith Joint para wise comments (in original) alongwith all annexure's duly vetted and singed by all concerned / respondents for further necessary action.

It is further directed to depute a well conversant officer to submit the same before the learned service tribunal camp court at D.I.Khan on the next date of hearing. Progress, if any, may also be intimated to this office regularly.

ASSISTANT DIRECTOR
INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

Endst; No. _____ /-

Copy of the above is forwarded to the: -

1. Secretary to Government of Khyber Pakhtunkhwa Home and T.As Department Peshawar.
2. Registrar, Khyber Pakhtunkhwa Service Tribunal Peshawar.
3. Additional Advocate General Khyber Pakhtunkhwa Service Tribunal camp court at D.I Khan.

For information please

ASSISTANT DIRECTOR
INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR



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

SERVICE APPEAL NO. 1293 OF 2019

Muhammad Waqar S/O Muhammad Yousaf Warder BPS-05 R/O Basti Nad Ali Shah,
District Dera Ismail Khan.(Appellant)

VERSUS

Govt of Khyber Pakhtunkhwa and Others.

.....(RESPONDENTS).

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DEPONENT

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No. 1293/2019

Muhammad Waqar s/o Muhammad Yousaf warder BPS (05), R/o Basti Nad Ali Shah, District Dera Ismail Khan.

..... (Appellant)

VERSUS

1. The Government of Khyber Pakhtunkhwa through the Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
2. The Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
3. The Superintendent, Headquarters Prison Govt Of Khyber Pakhtunkhwas, Peshawar.
4. Deputy Inspector General of Police, Dera Ismail Khan.
5. Superintendent, Circle H/QS Prison, Dera Ismail Khan.

..... (Respondents)

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS ARE AS UNDER

Respectfully Sheweth;

Preliminary objections

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

Facts

1. No. comments.
2. That the appellant deserted himself from duty as well as jail premises on his own accord w.e.f 18.04.2017. The appellant was served with showcause Notice No. 2725 dated 24.04.2017 (copy attached as **Annexure-A**). As no response was received from the appellant another notice No. 4005-6 dated 05.05.2017 was served upon him (copy

attached as **Annexure B**) through registered post (copy attached as **Annexure C**) on his home address but no response was received from appellant.

3. That the appellant was removed from service vide No. 4743-46 dated 17.05.2017 but the appellant filed departmental appeal before the respondent No. 02 on 14.09.2017 which was badly time barred. He was heard in person by the Respondent No. 02 on dated 04.01.2018 Vide No. 250 dated 03.01.2018 (copy attached as **Annexure D**). The departmental appeal was rejected by the respondent No. 02 being badly time barred.

GROUNDS

- A. The appellant had left the duty and jail premises without any cogent reason which shows that the appellant was not interested in duties.
- B. Legal proceedings have been carried out against the appellant. The appellant never bother to resume his duty or appear before the competent authority. Notice vide No. 2725 dated 24.04.2017 and (copies attached as **Annexures-A**) was sent on his home address but it was not responded by the appellant. Final Showcause Notice vide NO. 4005-6 dated 05.05.2017 was served upon his home address but no response was received from the appellant side. The appellant was given ample opportunity to resume duty and appear for personal hearings but the appellant never bothered to resume duty or appear for personal hearing.
- C. As of para b.
- D. Incorrect the appellant was time and again called for resuming duty and to appear for personal hearings as mentioned in Para-b but the appellant was not interested in duties, therefore, after following all the codal formalities the appellant was awarded major penalty by the respondent No. 05. The appellant was handed over the office order of "Removal from Service" (attached as **Annexure-E**) well in time but due to the lack of interest in duties the appellant filed departmental appeal before the respondent No. 02 after a lapse of

almost 04 months. This huge lapse of time shows the lack of interest on part of the appellant and his lack of interest in duties.


- E. Incorrect that the respondent No. 02 have heard the appellant in person on 04.01.2018 and the decision of the Departmental Appeal was sent on home address of the appellant vide No. 3073 dated 25.01.2018 (copy attached as **Annexure- F**), therefore, once again the appeal of the appellant before the Honourable Service Tribunal is badly time barred.
- F. The respondents may also be allowed to raise additional grounds at the time of arguments.

PRAYERS:-

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



**INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA PESHAWAR
RESPONDENT NO. 02**



**SUPERINTENDENT,
CIRCLE HEAD QUARTER PRISON
D.I.KHAN
RESPONDENT NO. 05**

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Appeal No. 1293/2019

Muhammad Waqar s/o Muhammad Yousaf warder BPS (05), R/o Basti Nad Ali Shah, District Dera Ismail Khan.

..... (Appellant)

VERSUS

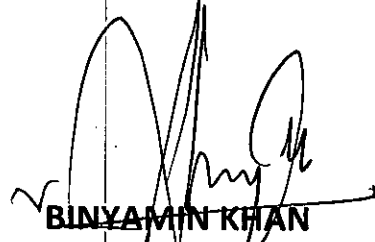
1. The Government of Khyber Pakhtunkhwa through the Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
2. The Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
3. The Superintendent, Headquarters Prison Govt Of Khyber Pakhtunkhwas, Peshawar.
4. Deputy Inspector General of Police, Dera Ismail Khan.
5. Superintendent, Circle H/QS Prison, Dera Ismail Khan.

..... (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 HEADQUARTER PRISONS,
D.I.KHAN
RESPONDENT NO.05**

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

Warder فردوقار attached with Central Prison DIKhan.

I, Muhammad Binyamin Khan Superintendent Headquarte Prison DIKhan, being competent authority am satisfied with evidence on record that the charge can be proved against you and that there is no need of holding any further inquiry.

You, دارڈر فردوقار مورخہ ۱۸-۰۴-۲۰۱۷ بعد دوپہر سے لائین اور ڈوٹی سے
غیب جانے پر اور ۱۷ اپریل ۲۰۱۷ کو تاحال غائب ہیں۔

Now therefore, you Warder فردوقار attached with Central Prison DIKhan are hereby called upon to show cause within seven days as to why punishment of Removal from Service may not be awarded to you for your above stated act.

You are further directed to state in writing whether you also desire to be heard in person.

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

SUPERINTENDENT
CENTRAL PRISON DIKHAN

Endst; No. 2725 dated 24-04-2017

Copy o the above is forwarded to the:-

1. Superintendent Headquarter Prisons DIKhan.
2. Warder فردوقار attached to Central Prison DIKhan.
Basti Nad Ali Shah Teh. & Distt. Dera Ismail Khan.

SUPERINTENDENT
CENTRAL PRISON DIKHAN

Annex-B

No 4004

DT 5-5-17

FINAL SHOW CAUSE NOTICE

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

1. (i) that consequent upon Direct Show Cause Notice Served upon You under Khyber Pakhtunkhwa Peshawar Govt Servants Efficiency and Disciplinary Rule 2011.

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

You warder Muhammad Waqar attached to Central Prison D.I.Khan absented yourself from duty and line w.e.f 18.04.2017 and show cause notice No 2725 dated 24.04.2017 was served upon you to which you did not reply.

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of Removal From Service under rule-4 of the said rules.

3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in-person.

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

5. You can appear for personal hearing before the undersigned on 11-05-2017, if you wish to.

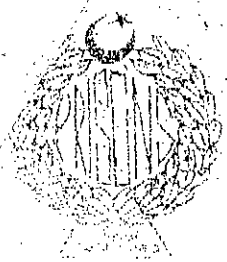
SUPERINTENDENT
CIRCLE H/QS PRISON DIKHAN

Endst No: 400556 dated 5.15.2017

Copy of the above is forwarded to :-

1. Superintendent Central Prison D.I.Khan a copy of show cause notice duly signed / dated by the accused warder may please be returned to this Headquarter as a token of receipt and office record.
2. Warder Muhammad Waqar attached to Central Prison D.I.Khan.

SUPERINTENDENT
CIRCLE H/QS PRISON DIKHAN



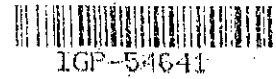
Annex - D

OFFICE OF THE
INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

091-9210334, 9210406 091-9213445

MOST IMMEDIATE/
BY FAX

No. 250
Dated 03-01-2018



The Superintendent,
Headquarters Prison D.I Khan.

Subject: DEPARTMENTAL APPEAL.

I am directed to refer to your letter No.10760 dated 09-11-2017 on the subject and to ask you to please direct Warden Muhammad Waqar S/O Muhammad Yousof to appear before the worthy I.G on 04-01-2018 at 10.00 AM for personal hearing in his appeal case. Also equipped a well conversant officer alongwith Service Book as well as original record of the case to attend this hearing on the date and time fixed above please.

ENDST.NO. _____

Copy of the above is forwarded to PA to I.G. Prisons Khyber Pakhtunkhwa for information.

[Signature]
ASSISTANT DIRECTOR(ADMIN)
FOR INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

ASSISTANT DIRECTOR(ADMIN)
FOR INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

DSJ LO
[Signature]
21/1/18



OFFICE ORDER

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Annex - E

OFFICE OF THE
SUPERINTENDENT
CIRCLE H/Qs PRISON D.I.KHAN
No. /HQ Dt: 17/1/2017
PH&FAX NO.0966-9280299
Centraljail_dikhan@yahoo.com

WHEREAS, the accused official Mr. Muhammad Waqar attached to Central Prison D.I.Khan was proceeded against under Rule 3 read with Rule-9 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges of his long willful absence i.e from 18.04.2017 to 17.05.2017 and notice at his home address served upon him vide letter No.2725 Dated 24.04.2017 and another Showcause notice No. 4004 dated 05.05.2017.

AND WHEREASE, the accused official not only failed to resume duty till date but also failed to justify his wilfull absence.

NOW THEREFORE, in exercise of power conferred under Rule-09 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, the undersigned being competent authority after observing all legal procedural formalities hereby award mojour penalty of **removal from service** to Mr. Muahhamd waqar attached to Central Prison D.I.Khan for his willful absence. The period of his absence i.e from 18.04.2017 to 17.05.2017 is hereby treated as **Leave Without Pay**.

SUPERINTENDENT
CIRCLE H/QS PRISON DIKHAN

ENDST NO 4743-46 /

Copy of the above is forwarded the; -

1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information please.
2. Superintendent Circle Head Quarter Prison Peshawar for information please.
3. The Superintendent Jail D.I.Khan. Necessay entry may please be made in the service book of official concerned under proper attestation.
4. DAO D.I.Khan.
5. Muhammad Waqar attached to Central Prison D.I.Khan.

SUPERINTENDENT
CIRCLE H/QS PRISON D.I.Khan

CIRCUIT HOUSE PRISON DIKHAN
SUPERINTENDENT

Submitted please

S#	Name with Rank	Date of Birth	Date of Appointment	Punishment awarded during his entire service with date and nature of offence	Awarded removal from service for willful absence from 18.04.2017
	Muhammad Wagar s/o Muhammad Yousaf	28-12-1992	26-01-2015		

The information required in your above referred memo on the prescribed proforma is give below:-

Dated 17.05.2017 after fulfilling codal procedures he was awarded major penalty of Removal from Service vide this office No. 4743-40 application nor he had ever presented any medical certificates of his sickness. Therefore, had applied for leave due to sickness is totally fabricated as he had neither presented any on 1.05.2017 but he did not bother to give any sort of response. His statement that he address where in he was directed to explain his position and appear for personal hearing. Therefore, final show cause notice No. 4004 Dated 05.05.2017 was sent on his home. 2725 Dated 24.2017 was sent on his home address but no reply was received from him. premises with out any permission since 18.04.2017, resultantly a show cause notice No. 24.04.2017 that Ex-warder Muhammad Wagar absented himself from duty and jail. It is submitted that Line Office of Central Prison D. Khan reported on dated 25.10.2017.

Reference your memo No. 22687- we dated 29.09.2017 and No. 25287 Dated 25.10.2017.

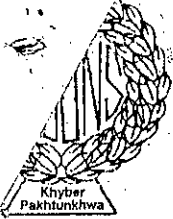
The Inspector General of Prisons,
Khyber Pakhtunkhwa, Peshawar.

DEPARTMENTAL APPEAL

OFFICE OF THE
SUPERINTENDENT
CIRCUIT HOUSE PRISON DIKHAN
No. 1076, HQ. D. 9/11/2017
PHS FAX NO. 0966-9280299
Central Prison Dikhan@yahoo.com

Handwritten signature and initials.





**OFFICE OF THE
INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA
PESHAWAR**

☎ 091-9210334, 9210406 ☎ 091-9213445
No. 25287 I-4E

Dated 25-10-2017 I-

Muhammad Waqar
RQ

To

The Superintendent,
Headquarters Prison D.I.Khan.

Subject:- DEPARTMENTAL APPEAL

Memo:

I am directed to refer to the subject and to forward herewith a copy of appeal submitted by Ex-warder Muhammad Waqar on the captioned subject (self explanatory) for information.

Please look into the matter and furnish your necessary comments on annotated form alongwith inquiry report, charge sheet, Show Cause Notice and history of his service on the below noted format within two days positively for further necessary action by this office:-

S.No.	Name & Parentage	Rank	Date of Birth	Date of appointment.	Punishment awarded during his entire service with date and nature of offence

No-861
27/10/17
QW
W/S PB
27/10/17

Amir
ASSISTANT DIRECTOR (ADMN)
FOR INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA PESHAWAR.

بخدمت جناب انسپکٹر جنرل جیل خانہ جات خیبر پختونخواہ

عنوان: اپیل برادر وں بجائی

جناب عالی

گزارش ہے کہ سائل 18/05/2017 کو بیمار ہو گیا تھا نفری کی کمی کی وجہ سے چھٹی نہ ملنے پر مجبوراً غیر حاضر ہونا پڑا۔ بخار ٹائیفائیڈ میں تبدیل ہو گیا جس کی وجہ سے سائل 3 ماہ بیمار رہا۔ دوبارہ جب حاضری کے لیے ڈیوٹی پر گیا تو غیر حاضری کی وجہ سے سائل کو Terminate کر دیا گیا تھا۔

سائل کا غریب گھرانے سے تعلق ہے آپ صاحبان سے گزارش ہے کہ سائل کو دوبارہ ڈیوٹی پر بحال کیا جائے تاکہ سائل اپنے گھر کا نظام چلا سکے۔ سائل دوبارہ کبھی کسی بھی قسم کی شکایت کا موقع نہیں دے گا اور تاحیات آپ کو دعا گو رہے گا۔

العارض
MINISTER FOR PRISONS/KP

SIR! Kindly RESTATE & ORIGIN/
Thanks!

آپ کا تابعدار وارڈر

محمد وقار ولد محمد یوسف

14.9.0

17864

15-9-17

Kindly Process
Favourably

19.10.17
Maik Qasim Khan Khattak
Advisor To Chief Minister
(Prisons)
Khyber Pakhtunkhwa

13/9/17



Annex-9

OFFICE OF THE
INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

091-9210334, 9210406

091-9213445

No. _____ /-

Dated 25-01-18 /-

To.

Mr. Muhammad Waqar S/O Muhammad Yousaf (Ex-Warder),
C/O Superintendent Central Prison D.I Khan.

Subject:- DEPARTMENTAL APPEAL FOR REINSTATEMENT IN SERVICE.

Memo;

I am directed to refer to your appeal dated 14-09-2017 on the subject and to convey that you removed from service on 17-05-2017 and according to rules you were required to prefer your departmental appeal within 30 days after the decision of the competent authority however you submitted your appeal on 14-09-2017 which is badly time barred due to which the appellate authority did not entertain your appeal.

ASSISTANT DIRECTOR (ADMN:)
FOR INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

Endst No. 3074 /-

Copy of the above is forwarded to the Superintendent HQ Prison D.I Khan for information with reference to his letter No. 10760 dated 09-11-2017.

No. 108
3/1/18

PR
10/1/18
info to
W. General

[Signature]
ASSISTANT DIRECTOR (ADMN:)
FOR INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

[Signature]