

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No.1172/2019

Date of Institution ... 24/09/2019

Date of Decision ... 12/01/2022

Muhammad Hasham son of Sanaullah R/O Dera Ismail Khan Ex-Warder  
Attached to Central Prison, Mardan.

... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Inspector General of Prisons,  
Peshawar and others. ... (Respondents)

Present.

Mst. Roeeda Khan,  
Advocate

... For appellant.

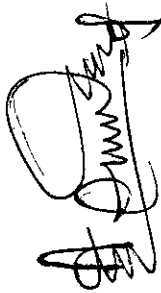
Mr. Muhammad Riaz Khan Paindakhel,  
Asstt. Advocate General,

... For respondents.

MR AHMAD SULTAN TAREEN  
MR. ATIQ-UR-REHMAN WAZIR,

... CHAIRMAN  
... MEMBER(E)

JUDGMENT

 **AHMAD SULTAN TAREEN, CHAIRMAN:-**The appellant named above has invoked the jurisdiction of this Tribunal through above titled appeal with the prayer as copied below:-

**"On acceptance of this appeal both the impugned orders dated 03.06.2019 and 16.09.2019 may kindly be set aside and the appellant may kindly be reinstated in service alongwith all back benefits. Any other remedy which this August Tribunal Deems fit that may also be granted in favour appellant."**

2. Brief facts of the case as enumerated in the Memorandum of appeal are that the appellant was appointed as Warden in Prisons department 11 years before and performed his duty regularly and with full devotion and no complaint whatsoever was made against him. While posted at District Prison Mardan, he fell seriously ill due to Hepatitis-C and was unable to perform his duties with effect from 06.04.2019; that the respondent department removed the appellant from service on 03.06.2019 on the ground of absence without fulfilling the codal formalities; that the appellant submitted departmental appeal on 20.06.2019 alongwith copies of medical prescriptions; that the departmental appeal was rejected on 16.09.2019, hence the present appeal on 24.09.2019.

3. After admission of the appeal for regular hearing, the respondents have submitted written reply/comments, refuting the claim of the appellant with several factual and legal objections and asserted for dismissal of appeal with cost.

4. We have heard the arguments and perused the record

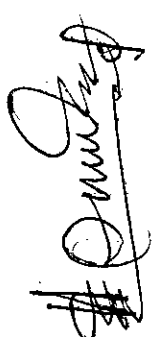
5. Learned counsel for the appellant argued that the impugned order is illegal and *void ab-initio*; that no charge sheet has been served upon the appellant nor regular enquiry was conducted; that no opportunity of personal hearing was afforded to the appellant; that no final show cause notice was served upon the appellant which were mandatory under the law; that absence of the appellant was not deliberate and intentional but due to serious illness of the appellant; and that the punishment awarded to the appellant was harsh



and not commensurate with the charge leveled against him. Learned counsel for the appellant requested that the appeal may be accepted as prayed for.

6. Learned Assistant Advocate General while rebutting the arguments of learned counsel for the appellant contended that the appellant remained absent at different intervals of his duties; that previously the appellant remained absent from his duties w.e.f. 07.12.2018 to 15.02.2019 and submitted medical rests which were sent to the concerned Hospital for verification and found bogus; that the appellant was proceeded against under the Khyber Pakhtunkhwa Government Servants(E&D) Rules, 2011 and for his willful absence, a notice was served upon him under Rule 9 of the Rules ibid on his home address and also a notice was published in the leading Newspapers of the province but the appellant did not respond to the said notices and then ex-parte decision was taken against him and he has rightly been removed from service. Learned AAG requested that the appeal may be dismissed with costs.


7. Having perused the comments of the respondents and copies of the record annexed there with, we are constrained to hold that the appellant was properly proceeded under Rule 9 of the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011 with regard to willful absence of the appellant. At the same time it is observed that the proceedings having culminated against the appellant under Rule 9 ibid are ex-parte. When the appellant has turned up to challenge the said proceedings with the prayer for his reinstatement, we deem it appropriate to substitute the penalty of removal from service with that of reduction to the lower post of pay scale. This is for the reason that the appellant has got a considerable long service at his credit.



8. For what has gone above, the impugned order as to imposition of ex-parte major penalty of removal from service is substituted with the penalty of reduction of the post of appellant for pay scale from BPS-07 to BPS-06 for a period of three years. The respondents are directed to give effect to substitution of said penalty. The appeal stands disposed of accordingly. Parties are left to bear their own costs. File be consigned to the record room.





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



(AHMAD SULTAN TAREEN)  
Chairman

ANNOUNCED  
12.01.2022

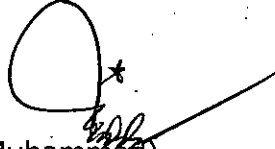
S.No.	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	12.01.2022	<p><u>Present.</u></p> <p>Mst. Roeeda Khan, ... For appellant Advocate</p> <p>Mr. Muhammad Riaz Khan Paindakhel, ... For respondents. Asstt. Advocate General</p> <p>Vide our detailed judgment, this appeal is disposed of as per Para-8 of the detailed judgment. Parties are left to bear their own costs. File be consigned to the record room.</p> <p> (ATIQ-UR-REHMAN WAZIR) Member(E)</p> <p> CHAIRMAN</p> <p><u>ANNOUNCED</u> 12.01.2022</p>

1172/19

15.02.2021

Counsel for the appellant and Syed Asif Masood, DDA for the respondents present.

The matter involving the issue of retrospective application of penalty has not yet been decided by the Larger Bench. The proceedings in hand are, therefore, adjourned to 25.05.2021 for hearing before the D.B.



(Mian Muhammad)  
Member(E)



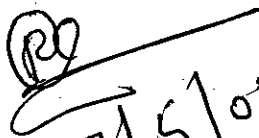
Chairman

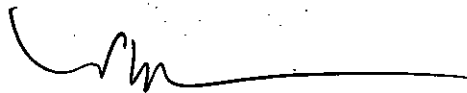
25.05.2021

Nemo for parties.

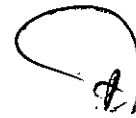
Javid Ullah learned Assistant Advocate General present.

Issue involved in the instant case is pending before Larger Bench of this Tribunal, therefore case is adjourned to 02/9/2021 for hearing, before D.B. Both the parties be put on notice for the date fixed.

  
02/9/2021



(Atiq ur Rehman Wazir)  
Member (E)



(Rozina Rehman)  
Member (J)

02.09.2021

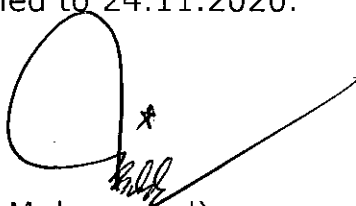
Due to summer vacations, the case is adjourned to 12.01.2022 for the same as before.

  
READER

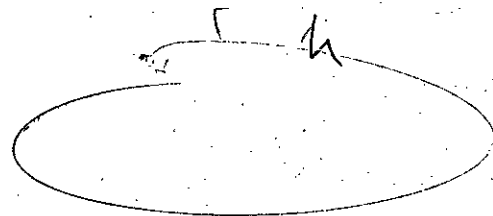
09.09.2020

Miss. Roheeda Khan, Advocate for appellant is present. Mr. Usman Ghani, District Attorney for the respondents is also present.

Since the question with respect to retrospectivity of impugned order is pending adjudication before the Larger Bench of this august Service Tribunal, and the issue involved in the instant appeal also pertains to ex-post-facto effect of an order, therefore, propriety demand to submit the appeal for consideration of the Larger Bench. Till then case is adjourned to 24.11.2020.



(Mian Muhammad)  
Member (Executive)

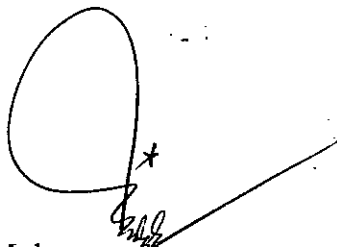


(Muhammad Jamal Khan)  
Member (Judicial)

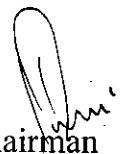
24.11.2020

Counsel for the appellant present. Addl: AG alongwith alongwith Mr. Muhammad Suleman, Law Officer for respondents present.

The proposition regarding retrospectivity of penalty has not yet been settled by the Larger Bench, therefore, the instant matter is adjourned to 15.02.2021, before Larger Bench.



(Mian Muhammad)  
Member (E)



Chairman

06.02.2020

Appellant in person and Addl. AG for the respondents present.

Learned AAG furnished Written statement on behalf of the respondents, which is placed on record. To come up for rejoinder and arguments on 01.04.2020 before the D.B.

  
(Ahmad Hassan)  
Member

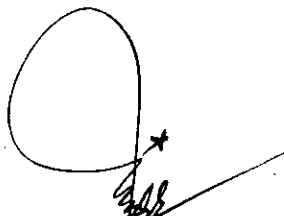
01.04.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 23.06.2020 before D.B.

23.06.2020

Learned counsel for the appellant and Mr. Kabirullah Khattak learned Addl. AG for the respondents present.

Former has submitted rejoinder on behalf of appellant, placed on file. To come up for arguments on 09.09.2020 before D.B.

  
Member

  
Chairman



25.10.2019

Counsel for the appellant present.

Contends that the appellant was imposed upon major penalty of removal from service on account of absence from duty, however, no regular inquiry was conducted against him. Further, that no final show cause notice was issued before imposition of impugned penalty. It is also the argument of learned counsel that the penalty has been given retrospective effect which is not allowed under the law.

In view of the available record and arguments of learned counsel, instant appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/ comments on 27.12.2019 before S.B.

Appellant Deposited  
Security & Process Fee  
31/11/19

  
Chairman

26.12.2019

Counsel for the appellant present. Addl: AG for respondents present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on 6.02.2020 before S.B.


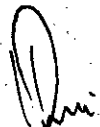
  
Member

Form- A

# FORM OF ORDER SHEET

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

Case No. - 1172/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	24/09/2019	<p>The appeal of Mr. Muhammad Hasham presented today by Roeeda Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	26/09/19.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>25/10/19.</u></p> <p> CHAIRMAN</p>

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. 1172 /2019

Mr. Muhammad Hasham

***VERSUS***

Government of Khyber Pakhtunkhwa & others

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4.	Copies of Medical reports	"A"	8 To 18
5.	Copy of removal order	"B"	19
6.	Departmental appeal and rejection order	"C & D"	20 To 22
7.	Wakalatnama		

(H)  
APPELLANT

Through

@pleas  
**Roeeda Khan**  
Advocate, High Court  
Peshawar.

Dated: 23/09/2019

①

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1297

In Re S.A No. 1172 /2019

Dated 24-9-2019

Mr. Muhammad Hasham S/O Sanaullah R/o  
Dera Ismail Khan. Ex-warden attached to  
the Central Prison Mardan.

**Appellant**

**VERSUS**

Government of Khyber Pakhtunkhwa through

1. Inspector General of Prisons, Khyber  
Pakhtunkhwa, Peshawar
2. Superintendent, Circle HQRs, Prisons, Mardan.

**Respondents**

**APPEAL U/S-4 OF THE KHYBER**  
**PAKHTUNKHWA SERVICES TRIBUNAL ACT**  
**1974 AGAINST THE ORDER DATED 03/06/2019**  
**WHEREBY THE APPELLANT HAS BEEN**  
**AWARDED MAJOR PUNISHMENT OF**  
**REMOVAL FROM SERVICE AND AGAINST**  
**WHICH THE APPELLANT FILED**  
**DEPARTMENTAL APPEAL ON 20/06/2019**  
**AGAINST THE ORDERS DATED 03/06/2019**  
**WHICH HAS BEEN REJECTED ON 16/09/2019**  
**ON NO GOOD GROUNDS**

Filed to-day  
Registrar  
24/9/19

Registrar  
Filed to-day

Prayer:-

ON ACCEPTANCE OF THIS APPEAL  
BOTH THE IMPUGNED ORDERS DATED  
03/06/2019 & 16/09/2019 MAY KINDLY BE  
SET ASIDE AND THE APPELLANT MAY  
KINDLY BE REINSTATED IN SERVICE  
ALONG WITH ALL BACK BENEFITS.  
ANY OTHER REMEDY WHICH THIS  
AUGUST TRIBUNAL DEEMS FIT THAT  
MAY ALSO BE ONWARD TRIBUNAL  
DEEMS FIT THAT MAY ALSO BE  
GRANTED IN FAVOUR APPELLANT.

Respectfully Sheweth.

1. That the Appellant has been appointed as Warden in Prisons department from the last 11 years.
2. That the appellant performed his duty regularly and with full devotion and no complaint whatsoever has been made against the appellant.
3. That while posted at Prison Department Mardan, the appellant become ill seriously due to Hepatitis-C, and was unable to perform his duties with respondent department w.e.f 06.04.2019 as the

appellant was suffering from chronic disease from 2017 while copies<sup>of</sup> the medical prescriptions of the year 2019 has been submitted by the appellant with the departmental appeal to respondent department. **(Copies of Medical reports/prescriptions are attached at annexure "A").**

4. That the respondent department removed the appellant from service on 03.06.2019 on the ground of absentee without fulfilling the codal formalities **(Copy of removal order attached at annexure "B").**
5. That the appellant submitted departmental appeal on 20.06.2019 against the impugned order dated 03.06.2019 which has been rejected on 16.09.2019 on no good grounds **(Copy of departmental appeal and rejection order are attached at annexure "C & D").**
6. That feeling aggrieved the Appellant prefers the instant service appeal before this Hon'ble Tribunal on the following grounds inter alia:-

GROUNDS:-

A. That the impugned order 03.06. 2019 is void and abinitio order because it has been passed without fulfilling codal formalities.

B. That no charge sheet has been served or communicated to the appellant in this respect the appellant relied upon a judgment reported on 2009 SCMR page:615

C. That no regular inquiry has been conducted by the Respondent department and no chance of personal hearing has been provided to the appellant in this respect the appellant relied upon the judgment dated 2008 SCMR Page:1369.

D. That no final show cause notice has been issued and communicated to the appellant by Respondent department before imposing the major penalty in this respect the appellant relied upon a judgment reported on 2009 PLC (CS) 176 and no notice of absentee has been issued by the respondent department.

E. It is a well settled maxim no one can be condemned unheard because it is against the natural justice of law in this respect the appellant relied upon a judgment reported on 2008 SCMR page:678.

F. That no opportunity of cross examination has been provided to the appellant. No notice

*of absentee has been issued on home address of the appellant and no publication has been made by the Respondent department.*

*B*

(5)

- G. That no opportunity of personal hearing has been provided to the appellant and no regular inquiry has been conducted by the respondent department.
- H. That the punishment has been given by the Respondent department is harsh one and the order has been passed from retrospective effects.
- I. That any other ground not raised here may graciously be allowed to be raised at the time full of arguments on the instant service appeal.

*It is therefore, most humbly prayed that on acceptance of this appeal both the impugned order dated 03/06/2019 & 16/09/2019 may kindly be set aside and the appellant may kindly be reinstated in service with all back benefits.*

*Any other relief not specifically asked for may also graciously be extended in favour of the Appellant in the circumstances of the case.*

(H)  
APPELLANT

Through (R)

**Roeeda Khan**  
Advocate, High Court  
Peshawar.

Dated: 23/09/2019

NOTE:-

As per information furnished by my client, no such like appeal for the same petitioner, upon the same subject matter has earlier been filed, prior to the instant one, before this Hon'ble Tribunal.

(R)  
Advocate.



(b)

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. \_\_\_\_\_/2019

Mr. Muhammad Hasham

***VERSUS***


Government of Khyber Pakhtunkhwa & others

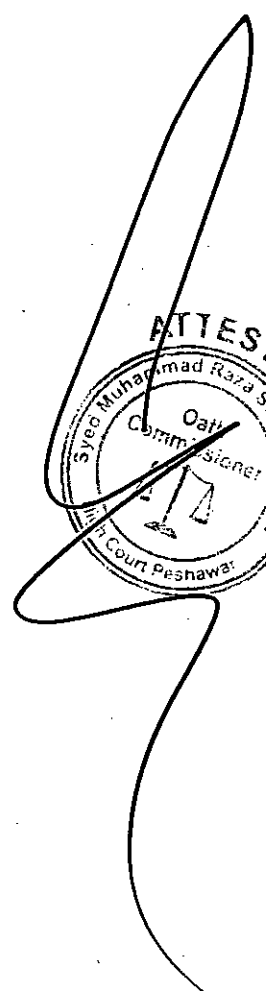
**AFFIDAVIT**

I, Mr. Muhammad Hasham S/O Sanaullah R/o Dera Ismail Khan.do hereby solemnly affirm and declare that all the contents of the **instant appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Court.

(H)  
**DEPONENT**

*Identified by:*

  
**Roeda Khan**  
Advocate High Court  
Peshawar.

**ATTESTED**  
  
Syed Muhammad Raza Shah  
Oath  
Commissioner  
High Court Peshawar

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**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. \_\_\_\_\_/2019

Mr. Muhammad Hasham

***VERSUS***

Government of Khyber Pakhtunkhwa & others

**ADDRESSES OF PARTIES**

***PETITIONER.***

**Mr. Muhammad Hasham S/O Sanaullah R/o  
Dera Ismail Khan.**

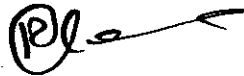
**ADDRESSES OF RESPONDENTS**

- Government of Khyber Pakhtunkhwa through
3. Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar
  4. Superintendent, Circle HQRs, Prisons, Mardan.



**APPELLANT**

Through



**Roeda Khan**  
Advocate, High Court  
Peshawar.

Dated: 23/09/2019

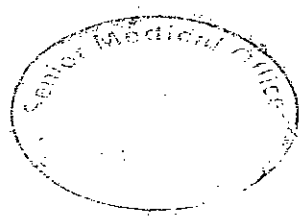
Ann 'A'

7

~~3/86~~  
~~28/7/20~~

Del: Abdominal  
Ultrasound

ray  
2/8/14



ATTESTED

9

**M TEACHING HOSPITAL**

DARABAN ROAD  
NEW DERA TOWNSHIP  
D.I.KHAN

**LABORATORY**

P. Name Hashim Date 27/10/11

Ward \_\_\_\_\_ R. No./Ad. No. \_\_\_\_\_

**BLOOD REPORT**

MP		Blood Sugar	
Hb	<u>15.0 g/dl</u>	Blood Urea	
TLC	<u>8000</u>	S. Creatinin	
DLC	<u>N. 48%</u> <u>47%</u>	S. Bilirubin	
Brucela	<u>M. 03%</u> <u>E. 02%</u>	ALT	
ESR		S. Uric Acid	
RA Factor		Blood Group	
Toxoplasma		RH Factor	
Widal		BT	Min Sec
		CT	
		Hbs. Ag	
Platelets	<u>15000</u>	Anti HCV	

**URINE REPORT**

Colour \_\_\_\_\_ SP Gravity \_\_\_\_\_  
Sugar \_\_\_\_\_ Albumin \_\_\_\_\_

**MICROSCOPIC EXAM**

Pus Cells \_\_\_\_\_  
RB Ces \_\_\_\_\_  
Crystal \_\_\_\_\_

SIGNATURE \_\_\_\_\_

**PREGNANCY TEST**

P  
**ATTENDED**

**MMM TEACHING HOSPITAL  
LABORATORY**

Daraban Road  
New Dera Township,  
Dera Ismail Khan

Patient Name Hashim Date 26/8/17  
Ward \_\_\_\_\_ R. No./Ad. No. \_\_\_\_\_

**BLOOD REPORT**

MP		Blood Sugar	355 mg/dl
Hb	13.8 g/dl	Blood Urea	—
TLC	9500	S. Creatinin	0.7 mg/dl
Dlc	P. 60 C 36	S. Bilirubin	—
Brucela	M. 03	ALT	101 U/L
ESR	E 07	S. Uric Acid	
RA Factor		Blood Group	
Toxoplasma		RH Factor	
Widal	TO	BT	Min / Sec.
	TH	CT	
Platelets	149,000	Hbs Ag.	
		Anti:HCV	

**URINE REPORT**

Colour \_\_\_\_\_ Sp Gravity \_\_\_\_\_  
Sugar \_\_\_\_\_ Albumin \_\_\_\_\_  
**MICROSCOPIC EXAM:**  
Pus Cells \_\_\_\_\_  
RB Ces \_\_\_\_\_  
Crystal \_\_\_\_\_

**Pregnancy Test**

Signature \_\_\_\_\_

*(Handwritten mark)*

111

Mufti Mahmood Memorial Teaching Hospital

Dera Ismail Khan

OUTDOOR PATIENTS DEPARTMENT

36

Date 19/8/17

Yearly No. 49559

Name

Disease

Rs. 5/-

CHC

treated in (FN + RL)  
in 2012

how

PCR

(Qualitative)

trans

[Signature]

ATTESTED

112

17  
Mufti Mahmood Memorial Teaching Hospital  
Dera Ismail Khan

**OUT DOOR PATIENT'S DEPARTMENT**

Date: 6/10/2017 Yearly No: 7706

Name: *Dr. Nadeem Khan*

Disease: *Allergic* Rs: 5/-

*Adv*  
- FBC *128*  
- ALT *(9)*  
- S-Creatinine *(0.8)*  
- *HCV*  
- *Im*

EMERGENCY

Ⓟ  
ATTACHED

138

**MMM TEACHING HOSPITAL**

DARABAN ROAD  
NEW DERA TOWNSHIP  
D.I.KHAN

**LABORATORY**

P. Name Rawal Date 3-3-18

Ward \_\_\_\_\_ R. No./Ad. No: 15303

**BLOOD REPORT**

MP		Blood Sugar	
Hb	<u>14.2 g/dl</u>	Blood Urea	
TLC	<u>9100</u>	S. Creatinin	<u>0.8 mg/dl</u>
DLC	<u>N2.54</u>	S. Bilirubin	
	<u>W2.39</u>	ALT	<u>31 u/L</u>
Brucela	<u>m.o.s</u>	S. Uric Acid	
ESR	<u>E=02</u>	Blood Group	
RA Factor		RH Factor	
Toxoplasma		BT	Min Sec
Widal		CT	
		Hbs.Ag	
Platelets	<u>205000</u>	Anti HCV	


**URINE REPORT**

Colour \_\_\_\_\_ SP Gravity \_\_\_\_\_  
Sugar \_\_\_\_\_ Albumin \_\_\_\_\_

**MICROSCOPIC EXAM**

Pus Cells \_\_\_\_\_  
RB Ces \_\_\_\_\_  
Crystal \_\_\_\_\_  
SIGNATURE \_\_\_\_\_

**PREGNANCY TEST**

  
**ATTACHED**



144

**RADIOLOGY UNIT**

**MUFTI MEHMOOD MEMORIAL TEACHING HOSPITAL  
DERA ISMAIL KHAN**



*Forhel*  
*Hakim*

Patients Name \_\_\_\_\_ Date \_\_\_\_\_ Ref. No: \_\_\_\_\_

ULTRA-SONOGRAPHY - ABDOMEN

LIVER *Normal size plethoric no focal*  
GALL BLADDER *low sea. Intraluminal debris*  
C.B.D *Common one not dilated.*  
SPLEEN *GB, CBD, PV are normal*  
KIDNEYS *Spleen is normal.*  
URINARY BLADDER *Both kidneys are normal size*

PELVIC ULTRA SONOGRAPHY *Normal - No stone cyst or hydronephrosis*

REPORT IS NOT VALID FOR COURT PURPOSE

*Bladder is empty  
No masses.*

INCHARGE RADIOLOGIST  
MUFTI MEHMOOD MEMORIAL TEACHING HOSPITAL  
DERA ISMAIL KHAN

*P*  
**ATTENDED**



16



# Global Diagnostic Laboratory®

Patient #: 1001-17-108344755  
Case #: 1122-23-08

Medical Record No: 2282  
Patient Name: HASHIM  
Father/Husband Name:  
Age/Sex: 36 Year(s)/Male  
Blood Group: Unknown  
NIC:  
Phone:  
Address:  
Registration Date: 23-Aug-2017 3:29 pm  
Registration Location: HEAD OFFICE ( PHC Reg# 12183 )  
Destination Location: HEAD OFFICE ( PHC Reg# 12183 )  
Reference: D.I KHAN  
Consultant:

### MOLECULAR DIAGNOSTICS SECTION:

PCR GROUP	RESULT	
	IU/ml	RESULT
TEST		
HCV BY PCR QUANTITATION Real time	23345	Detected

#### Principle

Diagnosis by PCR is based on the amplification of specific regions of the pathogen genome. In Real Time PCR the amplified product is detected via fluorescent dyes. These are linked to oligonucleotide probes which bind specifically to the amplified product. Monitoring the fluorescence intensities during the PCR run (i.e. in Real Time) allows the detection and quantitation of the accumulating product. HCV RTPCR Kit contains reagents and enzymes for the specific amplification and detection of 240 bp region of HCV genome on Rotor-Gene. In addition, the kit contains a second heterologous amplification system to identify possible PCR inhibition. This is detected as an internal control (IC) in 2nd fluorescence channel. WHO reference standards are used for quantitation of HCV RNA.

#### Procedure

HCV RNA is isolated from blood samples of patients, using QIAamp DSP Virus spin kit. HCV RNA if present in the patient sample is amplified using Qiagen HCV RTPCR kit on the Real Time PCR system Rotor Gene.  
The Analytical Sensitivity of this assay is 36.4 IU/ml

Electronically verified report. No signature(s) required (Not valid for court)

Dr. Aleem Nawaz  
M.B.B.S., RMP  
Advisor

Dr. Naim Ahmed Nizami  
M.B.B.S., H.Phil  
Assistant Professor  
Biochemistry & Chemical Pathology

Dr. Tariq Mahmood  
MBBS, MCPS, M.Phil, FCPS  
Professor of Pathology  
Consultant Histopathologist

Dr. Kashif Ur Rehman  
M.Sc. Biochemistry  
M.Phil, Ph.D. Molecular Biology  
Consultant Molecular Biologist

M. Zubair Aftab  
B.S. Biochemistry  
M.Phil. Molecular Biology  
Molecular Biologist

ndllab786@gmail.com

P

ATTACHED



171

17

SPD.NHHS.147.1125.1145.OPQ.PARD.MAM.111.DIK.08/09/2015

# VIT TEACHING HOSPITAL LABORATORY

Patient Name: Eng Date: 6-10-12  
Ward: Eng R. No./Ad. No. 17706

## BLOOD REPORT

MP		Blood Sugar	
Hb	<u>12.8 g/dl</u>	Blood Urea	
TLC	<u>9900</u>	S. Creatinin	<u>0.8 mg/dl</u>
Dlc	<u>NA 60</u>	S. Bilirubin	
	<u>W 35</u>	ALT	<u>25 IU</u>
Brucella	<u>W 04</u>	S. Uric Acid	
ESR	<u>R 201</u>	Blood Group	
RA Factor		RH Factor	
Toxoplasma		BT	Min Sec.
Widal	TO	CT	
	TH	Hbs Ag.	
Platelets		Anti HCV	

## URINE REPORT

Colour: \_\_\_\_\_ Sp Gravity: \_\_\_\_\_  
Sugar: \_\_\_\_\_ Albumin: \_\_\_\_\_

### MICROSCOPIC EXAM:

Pus Cells: \_\_\_\_\_  
RB Cells: \_\_\_\_\_  
Crystal: \_\_\_\_\_

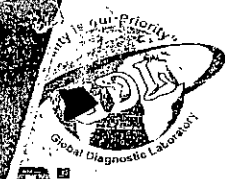
Pregnancy test: \_\_\_\_\_

Signature: \_\_\_\_\_


(P)


**ATTESTED**

181



# Global Diagnostic Laboratory®

Patient #:   
 1001-18-108309431

Case #:   
 1087-06-01

Medical Record No: 578  
 Patient Name: HASHIM  
 Father/Husband Name: SANA ULLAH  
 Age/Sex: 36 Year(s)/Male  
 Blood Group: Unknown  
 NIC:  
 Phone:  
 Address:

Registration Date: 06-Jan-2018 4:01 pm  
 Registration Location: HEAD OFFICE ( PHC Reg# 12183 )  
 Destination Location: HEAD OFFICE ( PHC Reg# 12183 )  
 Reference: D.I KHAN  
 Consultant:

### MOLECULAR DIAGNOSTICS SECTION:

PCR GROUP	RESULT	
	IU/ml	RESULT
HCV BY PCR QUANTITATION	< assay	Detected

#### Features of the Assay:

HCV RNA is isolated from blood samples of patients, using QIAamp DSP Virus spin kit.  
 HCV RNA if present in the patient sample is amplified using Qiagen HCV RT PCR kit on the Real Time system Rotor-Gene Q-QIAGEN (Germany).

HCV PCR assay: Detection limit:

Detected < 36.4 IU/ml

Detected > 36.4 IU/ml

Electronically verified report. No signature(s) required (Not valid for court)

Dr. Aleem Nawaz  
 M.B.B.S., RMP  
 Advisor

Dr. Naim Ahmed Nizami  
 M.B.B.S., M.Phil  
 Assistant Professor  
 Biochemistry & Chemical Pathology

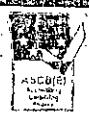
Dr. Tariq Mahmood  
 MBBS, MCPS, M.Phil, FCPS  
 Professor of Pathology  
 Consultant Histopathologist


Khursheed Javaid  
 M.Sc, M.L.S  
 M.Phil (Immunology)  
 PhD Scholar (Immunology)

M. Zubair Aftab  
 B.S Biochemistry  
 M.Phil Molecular Biology  
 Molecular Biologist

97 A Main Jail Road Lahore.  
 +92 42 35406977 Mob: +92 321 4236581

gdllab786@gmail.com  
 www.globaldiagnosticlab.com



  
**ATTESTED**

191



Ann 'B'

OFFICE OF THE SUPERINTENDENT CIRCLE HQS. PRISON MARDAN

No. 810/PB Dated. 03/06/2019. E-Mail:-mardanjail@gmail.com.



0937-843114

OFFICE ORDER.

WHEREAS, the accused official Mr Muhammad Hasham s/o Sana Ullah attached to Central Prison Mardan was proceeded against under Rule-3 read with 9 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges of his wilful absence WEF 06-04-2019, and a notice at his home address was served upon him vide this Headquarters No. 597/PB dated 17-04-2019.

AND WHEREAS, due to no response from him, another notice was published in the leading newspapers of the Province, "Daily Mashriq" Peshawar on 17-05-2019 and "Daily Aaj" Peshawar on 19-05-2019 as provided under the rules ibid.

AND WHEREAS, the accused official failed to resume duties till date as reported by the Superintendent Central Prison Mardan his report dated 03.06.2019.

NOW THEREFORE, in exercise of the powers conferred under Rule-9 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, the undersigned being competent authority after observing all legal procedural formalities, hereby award the major penalty of "**Removal from Service**" with immediate effect to Mr. Muhammad Hasham s/o Sana Ullah attached to Central Prison Mardan for his misconduct/wilful absence WEF 06-04-2019. He is not entitled for any remuneration for the absence period under rule 19 of the Khyber Pakhtunkhwa Government Servant Revised Leave Rules 1981.

(FAZAL HAMEED KHAN KHEL)  
SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

Endst: No. 811-14/. Dated. 03/06/2019.

Copy of the above is forwarded to:-

1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information please.
2. The Superintendent Central Prison Mardan for information with reference to his report dated. 15.04.2019.
3. The District Accounts Officer, Mardan for information please.
4. Mr. Muhammad Hasham s/o Sana Ullah R/O Village Band Korai, Tehsil Pahar Pur District D.I.Khan.

*[Handwritten signature]*

*[Handwritten signature]*

(FAZAL HAMEED KHAN KHEL)  
SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

03/6/19

RECEIVED

کتابت میں آج کے روزنامہ کے تحت دستخط کیا گیا

درویش احمد / احمد خان غور کے وکیل  
کے نوکر وارث

50  
ص 1  
5  
سجل زر زمین پر درج ہے۔

1۔ یہاں سے زمین کے مال سے آج کے زر زمین سے اس میں وارثوں  
کی قسمت سے زمین سہرا فی درج ہے۔

2۔ یہاں سے زمین کے مال سے اس میں وارثوں کی قسمت سے زمین سہرا فی درج ہے۔

3۔ یہاں سے زمین کے مال سے اس میں وارثوں کی قسمت سے زمین سہرا فی درج ہے۔

4۔ یہاں سے زمین کے مال سے اس میں وارثوں کی قسمت سے زمین سہرا فی درج ہے۔

5۔ یہاں سے زمین کے مال سے اس میں وارثوں کی قسمت سے زمین سہرا فی درج ہے۔

6۔ یہاں سے زمین کے مال سے اس میں وارثوں کی قسمت سے زمین سہرا فی درج ہے۔

ATTESTED

(2)







**ORDER**

Am "D"

(22)

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

☎ 091-9210334, 9210406 📠 091-9213445

No.Esth/Ward-/Orders/ 27673 /-

Dated 16-9-2019 /-

**WHEREAS**, Warder Muhammad Hashim S/O Sanullah attached to Central Prison Mardan was removed from service by Superintendent Headquarters Prison Mardan vide office order No. 810 dated 03-06-2019 due to willful absence from duty with effect from 06-04-2019.

**AND WHEREAS**, the said warder preferred his departmental appeal for setting-aside his Removal from service which was examined in light of the available record of the case and observed that the appellant absented himself from his duty without prior permission of the competent authority.

**AND WHEREAS**, he was afforded the opportunity of personal hearing on 16-09-2019. During the course of hearing, he failed to justify his innocence. In addition, his past service record are also adverse as so many penalties were awarded to him.

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

**ADDITIONAL INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA PESHAWAR.**

ENDST;NO. 27674-77 /-

Copy of the above is forwarded to :-

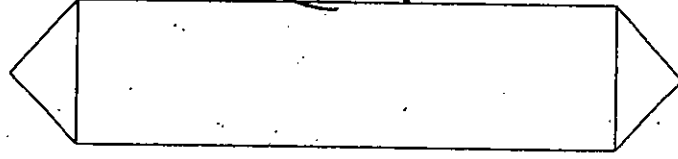
1. The Superintendent, Headquarters Prison Mardan for information and necessary action with reference to his letter No.924-WE dated 05-07-2019.
2. The Superintendent Central Prison Mardan for information.
3. District Accounts Officer Mardan for information.
4. Mr. Muhammad Hashim S/O Sanullah village Band Korai, Tehsil Pahar Pur District DI Khan for information with reference to his appeal dated Nil.

  
**ASSISTANT DIRECTOR**

**FOR INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA PESHAWAR.**

**ATTESTED**

بعدالت جناب صاحب محترم



Prisons

2019 پنجاب

سید محمد اسلم بنام

موردہ

مقدمہ

دعویٰ

جرم

### باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ  
آن مقام سکندریہ کیلئے روئیدہ جناب اسلم  
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقریر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی  
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت  
مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے  
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی ہمد مذکورہ باختیارات حاصل ہوں گے  
اور اس کا ساختہ پرداختہ منظور و قبول ہوگا اور ان مقدمہ میں جو خرچہ نہ جائے التوائے مقدمہ کے  
سبب سے وہ ہوگا۔ کوئی تاریخ پیشی مقام ذورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں  
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ مندر ہے۔

Accepted  
By  
(Signature)

2019

ماہ اکتوبر

23

المرقوم

العبد گندگ

کے لئے منظور ہے۔

مقام

BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

In the matter of Service appeal No. 1172 of 2019

Muhammad Hasham s/o Sana Ullah, R/O Dera Ismail Khan.

(Appellant)

----VERSUS----

1. The Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
2. The Superintendent Circle Headquarters Prison, Mardan.

(Respondents)

S.No	Description of Documents	Annexure	Pages
1.	Para wise comments/ reply	-----	1----3
2.	Service record	A	4
3.	Absence Notice & Advertisement Notices	B	5----7
<b>Total</b>			<b>07 Pages</b>

①

BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

In the matter of Service appeal No. 1172 of 2019

Muhammad Hasham s/o Sana Ullah, R/O Dera Ismail Khan.

(Appellant)

----VERSUS----

1. The Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
2. The Superintendent Circle Headquarters Prison, Mardan.

(Respondents)

WRITTEN STATEMENT ON BEHALF OF THE RESPONDENTS

**PRELIMINARY OBJECTIONS**

1. That the appeal is incompetent, badly time barred and is not maintainable in its present form.
2. That the appellant is estopped by his own conduct to bring the present appeal.
3. That the appellant has got no cause of action.
4. That the appellant has no locus standi.
5. That the appellant is bad for mis-joinder and non-joinder of necessary party.
6. That the appeal is hit by laches.

PARA-WISE COMMENTS ON BEHALF OF THE RESPONDENTS

**RESPECTFULLY SHEWETH.**

1. Correct, pertains to record, hence no comment.
2. Incorrect, the appellant was in the habit of willful absenting him from his allotted duties and his service record reveals that he remained willful absent every now and then. He remained absent w.e.f. 06.04.2019 to 03.06.2019. **(Service Record attached as Annexure-A).**
3. Incorrect, prior to this case, the appellant remained absent from his duties w.e.f. 07.12.2018 to 15.02.2019 and submitted Medical Rests which were sent to the concerned Hospital for verification and found bogus/not verified clearly mentioned in his service record.

4. Incorrect as the appellant was proceeded against under rule 9 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 for his willful absence from duty and he was served an absence Notice on his home address and a Notice was also published in the leading Newspapers of the province and the appellant did not respond to the absence Notices then ex-party action was taken against him, as a result of which he was awarded the punishment of "Removal from Service" following all legal and codal formalities under the rule ibid.

**(Copies attached as Annexure-B).**

5. Correct to the extent that Departmental appeal of the appellant was rejected by the appellate authority being competent authority.

6. No comments.

**GROUND.**

A. Incorrect, misleading, as the order of the competent authority dated 03.06.2019 is in accordance with the law, rules and procedure as laid down in the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 and is explained in Para-04 above.

B. Incorrect, misleading, as the appellant was proceeded against under rule 9 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 for his willful absence from duty and he was served an absence Notice on his home address as standard procedure and a last resort Notice was also published in the leading Urdu Newspapers of the province and the appellant did not respond to the absence Notices at all, as a result of which he was awarded the punishment of "Removal from Service".

C. Incorrect, misleading, as explained in above Para-04.

D. Incorrect, misleading, as already explained in above Para-04.

E. No comments already explained in Para-04.

F. No comments already explained in Para-04.

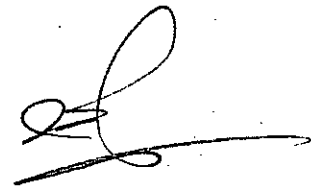
G. No comments already explained in Para-04.

H. No comments already explained in Para-04.

I. No comments.

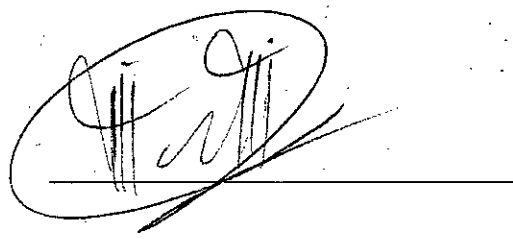
Keeping in view of the above fact, It is, therefore, humbly prayed that the appeal filed by the Appellant may be rejected being not covered with law and rules please.

1. INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR.



---

2. SUPERINTENDENT  
HEADQUARTER PRISON MARDAN



---

BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

In the matter of Service appeal No. 1172 of 2019

Muhammad Hasham s/o Sana Ullah, R/O Dera Ismail Khan.

(Appellant)

----VERSUS----

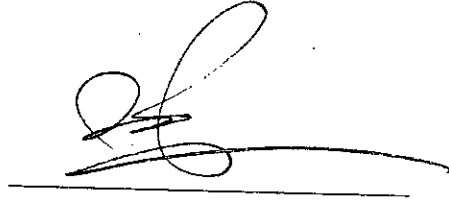
1. The Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
2. The Superintendent Circle Headquarters Prison, Mardan.

(Respondents)

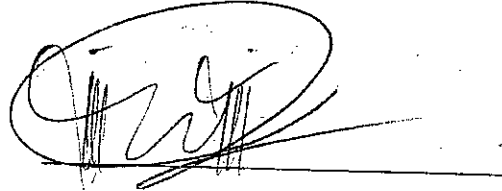
AFFIDAVIT OF THE RESPONDENTS.

We, the respondents, do hereby solemnly affirm and declare on oath that the contents of the reply/Para wise comments are true and correct to the best of our knowledge and belief and nothing material fact has been concealed and kept secret from this Honorable Tribunal.

1. INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR.



2. SUPERINTENDENT  
HEADQUARTER PRISON MARDAN





4

## OFFICE OF THE SUPERINTENDENT CIRCLE HQS. PRISON MARDAN

Mardan Circle HQs Mardan Circle HQs Mardan Circle HQs Mardan Circle HQs Mardan Circle HQs Mardan Circle HQs Mardan Circle HQs Mardan Circle HQs Mardan Circle HQs Mardan Circle HQs Mardan Circle HQs Mardan

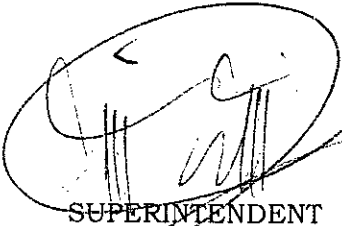
E-Mail: mardanjail@gmail.com,



0937-843114

**SERVICE RECORD OF EX-WARDER MUHAMMAD HASHAM.**

1.	Name with Parentage	Muhammad Hasham s/o Sana Ullah
2.	Rank	Warder (BPS-05)
3.	Date of Birth	01-03-1982
4.	Date of Appointment	14-05-2009
5.	Punishment awarded during his entire service with date and nature of offence	<ol style="list-style-type: none"><li>1. <b>One increment stopped without future effect</b> vide Superintendent H.Q Prison Bannu order No. 1590, dated 09.05.2011.</li><li>2. <b>"Censure"</b> and his absence period w.e.f 15.01.2013 to 24.01.2013 is hereby treated as leave on medical grounds vide Superintendent H.Q Prison D.I.Khan order No. 1186-88, dated 28.03.2013.</li><li>3. On 19-09-2013 <b>two increments stopped for two years</b> vide Superintendent H.Q Prison D.I.Khan.</li><li>4. <b>"Censure"</b> vide Superintendent H.Q Prison D.I.Khan order No. 2104-06, dated 12.04.2016.</li><li>5. <b>Two increments stopped for two years</b> and his absence period w.e.f 11.09.2016 to 06.10.2016 is hereby treated as leave without pay vide Superintendent H.Q Prison D.I.Khan order No. 6982-84, dated 06.10.2016.</li><li>6. <b>Three increments stopped without future effect</b> and his absence period w.e.f 23-03-2017 to 12-06-2017 seventy nine (79) days is hereby treated as leave without pay vide Superintendent H.Q Prison Haripur order No. 2003-06, dated 13.06.2017.</li><li>7. <b>Three increments stopped without future effect</b> and his absence period of seventy seven (77) days is hereby treated as leave without pay vide Superintendent H.Q Prison Haripur order No. 2427, dated 04.08.2017.</li><li>8. <b>Reduction to lower stage for five (05) years</b> and his absence period absence period is hereby treated as leave without pay vide Superintendent H.Q Prison Haripur order No. 3514, dated 08.11.2017.</li><li>9. Absence period w.e.f 26.02.2019 to 06.03.2019 is hereby treated as leave without pay vide Superintendent H.Q Prison Mardan order No. 1737, dated 06.03.2019.</li><li>10. <b>Two increments stopped for two years</b> and his absence period w.e.f 07-12-2018 to 15-02-2019 is hereby treated as leave without pay vide Superintendent H.Q Prison Mardan order No. 465-68, dated 25.03.2019.</li><li>11. Major Penalty <b>"Removal from service"</b> is awarded to the official on his absence from duty with effect from 06-04-2019 vide Superintendent Circle Headquarter Prison Mardan Order No. 810 dated. 03-06-2019.</li></ol>

  
SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN  
Su





Annexure "B"

OFFICE OF THE SUPERINTENDENT CIRCLE HQS. PRISON MARDAN

No. 597 /PB Dated: 17/04/2019, E-Mail: mardanjail@gmail.com 0937-843114

To

Warder Muhammad Hasham s/o Sana Ullah,  
R/O Village Band Korai, Tehsil Pahar Pur District Dikhan.

Subject: ABSENCE NOTICE.

As reported by the Superintendent Central Prison Mardan, you were granted four (04) Days Causal leave from 01-04-2019 (AN) to 06-04-2019 (FN) and were required to resume duty after expiry of causal leave. But you failed to resume duty and remained absent from 06-04-2019 (FN) till date with any further leave or permission from the competent authority thus violating rule 1082 of the Prison Rule.

You are therefore directed to report to Superintendent Central Prison Mardan within fifteen (15) days of the receipt of this Notice and explain then reasons of your absence otherwise strict disciplinary action will be taken against you under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rule 2011.

(FAZAL HAMEED KHAN KHEL)  
SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

Endst. No: 598-11 /

Copy of the above is forwarded to:-

- 1- The Inspector General of Prison Khyber Pakhtunkhwa, Peshawar for information please.
- 2- The Superintendent Central Prison Mardan for information with references to his report dated. 16-04-2019 please.

(FAZAL HAMEED KHAN KHEL)  
SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

# نوٹس فیروز خاں

آپ وارڈ امدان رتی میل وارڈ راجو کہ سنٹرل جیل مردان رڈ سڑک جیل سوات رجسٹرڈ پشیل لاک اپ ملاکنڈ سے مندرجہ ذیل تاریخوں سے غیر حاضر ہیں کو بذریعہ نوٹس ہڈا آخری بار ہدایت کی جاتی ہے کہ پندرہ (15) ایام کے اندر اندر حاضری کی رپورٹ سنٹرل جیل مردان رڈ سڑک جیل سوات رجسٹرڈ پشیل لاک اپ ملاکنڈ میں کریں اور اپنی غیر حاضری کی معقول وجہ بتائیں بصورت دیگر آپ کے خلاف یکطرفہ قانونی کارروائی عمل میں لائی جائے گی جو کہ ملازمت سے برخواستگی پر منتج ہو سکتی ہے۔

1- وارڈ رزاہ علی ولد محمد نواز سکنہ ریگا ڈگری سڑک یونیورسٹی جیل وارڈ رآپ ڈ سڑک جیل سوات سے مورخہ 17-03-2019 کو بغیر کسی اجازت کے لائن اور ڈیوٹی سے غیر حاضر ہوئے۔ آپ کو سرکل ہیڈ کوارٹر جیل مردان سے نوٹس نمبر 484 مورخہ 29-03-2018 کو بذریعہ رجسٹرڈ پوسٹ گھر کے پتہ پر ارسال کیا اور آپ کو ہدایت کی گئی کہ پندرہ (15) ایام کے اندر اندر ڈ سڑک جیل سوات میں حاضری کریں لیکن آپ پھر بھی حاضر نہ ہوئے۔

2- وارڈ محمد ہاشم ولد شامہ اللہ سکنہ بند کورائی تحصیل پیرا پور ڈ سڑک ڈیڑہ اسماعیل خان ڈ پلور جیل وارڈ رآپ کو بمطابق سپرنٹنڈنٹ سنٹرل جیل مردان کے مورخہ 01-4-2019 کو چار پونج رخصت ضروری پر چھوڑا گیا تھا اور آپ کی حاضری مورخہ 06-04-2019 کو منجی تھی لیکن آپ حاضر نہ ہوئے۔ آپ کو سرکل ہیڈ کوارٹر جیل مردان نوٹس نمبر 597 مورخہ 17-04-2019 کو بذریعہ رجسٹرڈ اک گھر کے پتہ پر ہدایت کی گئی کہ پندرہ (15) ایام کے اندر اندر سنٹرل جیل مردان میں حاضری کریں لیکن آپ پھر بھی حاضر نہ ہوئے۔

3- فی میل وارڈ رجانہ پروین زوجہ محمد جلیل سکنہ مکان نمبر 1310 شیخ آباد نمبر 4 تحصیل ضلع پشاور پلور جیل فی میل وارڈ رآپ کو بمطابق آئی بی جیل خانہ جات کے آرڈر کے مطابق سنٹرل جیل پشاور سے جوڈیشل لاک اپ ملاکنڈ تبدیل کیا گیا اور آپ کو سنٹرل جیل پشاور سے رجسٹرڈ ڈاکٹ نمبر 1833 مورخہ 12-02-2019 کو پانچ دن کے اندر اندر جوڈیشل لاک اپ ملاکنڈ میں ڈیوٹی کیلئے رپورٹ کرنے کو کہا گیا لیکن آپ حاضر نہ ہوئی۔ آپ کو سرکل ہیڈ کوارٹر جیل مردان سے نوٹس نمبر 477 مورخہ 29-03-2019 کو بذریعہ سپرنٹنڈنٹ جوڈیشل لاک اپ ملاکنڈ کو بھیجا گیا جس میں ہدایت کی گئی کہ آپ پندرہ (15) ایام کے اندر اندر جوڈیشل لاک اپ ملاکنڈ میں حاضری کریں جس کو سپرنٹنڈنٹ جوڈیشل لاک اپ ملاکنڈ نے لیٹر نمبر 640 مورخہ 11-04-2019 آپ کو بذریعہ رجسٹرڈ اک گھر کے پتہ پر روانہ کیا گیا لیکن آپ پھر بھی حاضر نہ ہوئی۔

## فصل حسبہ خان قبیل سپرنٹنڈنٹ سنٹرل جیل کوارٹر جیل مردان

وارڈ محمد ہاشم ولد شامہ اللہ

ایوز امدان رتی میل وارڈ

17/04/2019



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

In S.A # 1172/2019

Muammad Hasham

Versus

Government of Khyber Pakhtunkhwa & Others

**REJOINDER ON BEHALF OF**  
**APPELLANT**

**Respectfully Sheweth,**

All the Preliminary objection raised by the Respondents are incorrect and baseless and not in accordance with law and rules rather the Respondents are stopped due to their own conduct to raised any objection at the stage on the appeal.

**Facts**

All the facts of the appeal are correct while reply of the Respondent Department is incorrect wide abinitio and illegal, because the impugned removal order is void because it has been passed without fulfilling the codal formalities, No opportunity of defense and personal haring has been provided to the Appellant, no Notice has been served or received by the appellant and no notice has been issued and two leading

Newspaper which is a clear cut violation of rule 9 of efficiency and discipline rule 2011.

ON GROUNDS:-

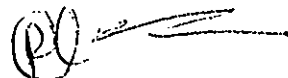
All the grounds of the appeal are correct and accordance with law and prevailing rules and that of the Respondents are incorrect baseless and not in accordance with law and rules hence denied, because the appellant has not been treated according law and rules. The penalty is harsh one, the absentee of the appellant is not deliberate or intentionally but due to sever illness of the appellant, and the service record attached with the reply is a past and close transaction and no verification report of the medical prescription has been available with respondent department.

*It is, therefore, requested that the appeal may kindly be accepted as prayed for.*

Dated 23/06/2020

Petitioner

Through



Roeeda Khan

Advocate, High Court

Peshawar.