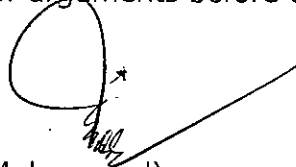


10.10.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak,
Additional Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on
the ground that he has not made preparation for arguments. Adjourned.
To come up for arguments before the D.B on 06.12.2022.



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

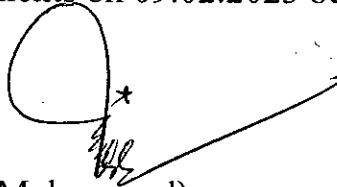
06.12.2022

Counsel for the appellant present.


Mr. Naseer-ud-Din Shah, Assistant Advocate General for
the respondents present.

Former requested for adjournment on the ground that he
has not made preparation of the brief. Adjourned. To come up
for arguments on 09.02.2023 before D.B.

SCANNED
KPST
Peshawar



(Mian Muhammad)
Member (E)



(Rozina Rehman)
Member (J)

09.02.2023

Clerk of counsel for the appellant present Mr. Umair
Azam, learned Additional Advocate General for respondents
present.

SCANNED
KPST
Peshawar

Mrs. Rozina Rehman, Learned Member (Judicial) is on
leave today, therefore, case is adjourned to 18.05.2023 for
arguments before D.B.



(Fareeha Paul)
Member (E)

7-2-2022

Due to retirement of the Honibly
Chairman the case is adjourned to come
up for the same as before on 30-5-2022


Reader

30th May, 2022

Counsel of the counsel present. Mr. Kabirullah Khattak,
Addl: AG alongwith Mr. Suleman Shah, Law Instructor for
respondents present.

Written reply/comments on behalf of the respondents
submitted which is placed on file. A copy of the same is also
handed over the learned counsel for the appellant. Adjourned.
To come up for arguments on 04.08.2022 before D.B.



(Kalim Arshad Khan)
Chairman

4-8-2022

Proper DB not available the case is adjourned
to 10-10-2022


Reader

11.06.2021

Junior to counsel for the appellant present.
Preliminary arguments heard.

In term of normal procedure, the appeal appears to be time barred but in view of Section 30 of the Khyber Pakhtunkhwa Epidemic Control and Emergency Relief Act, 2020, the limitation period provided under any law shall remain frozen. This appeal having been filed after promulgation of the said Act, is not affected by bar of limitation. Points raised need consideration. The 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 for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 03.11.2021 before the D.B.

Appellant deposited
Security & Process Fee



Chairman

03.11.2021

Counsel for appellant present.

Muhammad Adeel Butt, learned Additional Advocate General alongwith Suleman Instructor for respondents present.

Reply on behalf of respondents is still awaited. Representative of respondents requested for time to submit reply/comments; Last opportunity is granted with direction to submit the same within 10 days in office positively. If the reply/comments are not submitted within stipulated time, the right of respondents for submission of reply shall be deemed as struck off. To come up for arguments on 07.02.2022 before D.B.


(Rozina Rehman)
Member (J)

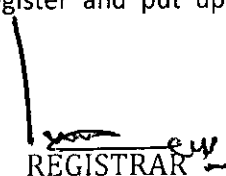
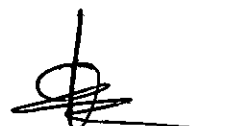

Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. - 4837 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	15/04/2021	<p>The appeal of Mr. Kamal Jalal presented today by Mr. Mir Zaman Safi Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	27/05/21	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>11/06/21</u></p> <p style="text-align: right;"> CHAIRMAN</p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

APPEAL NO. 4837 /2021

KAMAL JALAL

VS

I.G. PRISON & OTHERS

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1	Memo of appeal	1- 3.
2	Order	A	4- 6.
3	Medical prescriptions	B	7- 11.
4	Application	C	12- 13.
5	Application	D	14.
6	Impugned order	E	15.
7	Departmental appeal	F	16.
8	Appellate order	G	17.
9	Wakalat nama	18.

APPELLANT

THROUGH:


**MIR ZAMAN SAFI
ADVOCATE**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. _____/2021

Mr. Kamal Jalal, Ex-Warder (BPS-05),
Circle Headquarter Prison, Mardan.....**APPELLANT**

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Secretary Home Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
- 3- The Superintendent Circle Headquarter Prison, Mardan.

.....**RESPONDENTS**

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDERS DATED 31.12.2020 COMMUNICATED TO THE APPELLANT ON 30.03.2021 WHEREBY MAJOR PENALTY OF REMOVAL FROM SERVICE HAS BEEN IMPOSED ON THE APPELLANT AND AGAINST THE IMPUGNED APPELLATE ORDER DATED 08.04.2021 WHEREBY DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED ON NO GOOD GROUNDS

PRAYER:

That on acceptance of this service appeal the impugned orders dated 31.12.2020 and 08.04.2021 may very kindly be set aside and the appellant may be re-instated into service with all back benefits. Any other remedy which this august Tribunal deems fit that may also be granted in favor of the appellant.

R/SHEWETH:
ON FACTS:

- 1- That appellant was the employee of respondent department and was serving as warder at Central Prison, Peshawar quite efficiently and up to the entire satisfaction of his superior.
- 2- That during service the appellant was transferred from Central Prison, Peshawar to Circle Headquarter Prison, Mardan vide order dated 19.10.2020. That at the same time the appellant was seriously ill and after consultation with the Doctor at Services Hospital Peshawar about the said illness and after complete check up he advised some medicine with the instructions of complete bed rest till

- the recovery from the above illness. Copies of the transfer order & medical prescriptions are attached as annexure.....**A & B.**
- 3- That due to the above said illness the appellant was unable to perform his duty. That the appellant sent an application for medical leave alongwith medical prescriptions through TCS but no reply was received on the said application from the quarter concerned. Copy of the application alongwith receipt is attached as annexure.....**C.**
- 4- That after recovery from the said illness the appellant approached the concerned quarter for joining of his duty at Circle Headquarter Prison, Mardan but the concerned authority was not willing to accept the arrival report of the appellant.
- 5- That the appellant time and again visited the concerned quarter to join his duty but of no avail. That lastly the appellant submitted an application before the Superintendent Circle Headquarter Prison, Mardan for acceptance of his arrival but instead of accepting arrival report of the appellant, the impugned order 31.12.2020 handed over to the appellant on 30.3.2021. Copies of the application & impugned order is attached as annexure.....**D & E.**
- 6- That appellant feeling aggrieved from the impugned order dated 31.12.2020 preferred Departmental appeal to the appellate authority but the same was rejected on no good grounds. Copies of the Departmental appeal & appellate order are attached as annexure.....**F & G.**
- 7- That appellant feeling aggrieved and having no other remedy but to file the instant service appeal on the following grounds amongst the others.

GROUND:

- A- That the impugned orders dated 31.12.2020 & 08.04.2021 are against the law, facts, norms of natural justice and materials on the record, hence not tenable and liable to be set aside.
- B- That appellant has not been treated by the respondent department in accordance with law and rules on the subjected noted above and as such respondents violated the Article 4 and 25 of the Constitution of Islamic Republic of Pakistan.
- C- That no absence notice has been served on the appellant before issuing the impugned order dated 31.12.2020.
- D- That no publication has whatsoever been made by the respondent Department before issuing the impugned order dated 31.12.2020

which is necessary as per Rule-9 of the Civil Servant (Efficiency & Discipline) Rules, 2011.

E- That no chance of personal hearing/defense has been provided to the appellant before issuing the impugned order dated 31.12.2020.

F- That the respondent Department acted in arbitrary and malafide manner while issuing the impugned order dated 31.12.2020 without fulfilling the codal formalities.

G- That absence of appellant was not willful but due to cause illness, therefore, the impugned orders dated 31.12.2020 and 08.04.2021 are not tenable in the eye of law, hence the same is liable to be set aside.

H- That the appellant seeks permission to advance any other ground and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

Dated: 13.04.2021

APPELLANT

Kamal Jalal
KAMAL JALAL

THROUGH:

Mir Zaman Safi
MIR ZAMAN SAFI
ADVOCATE

A - 4

INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

091-9210334, 9210406 09 091-9213445

<https://www.facebook.com/kpkprisons>
prisons1@gmail.com

No. 37/22
Dated. 19-10-2020

ORDER

The following postings / transfers are hereby ordered with immediate effect in the public interest in relaxation of ban:-

S#	Name of Warder	From	To
1	Zahid Ali S/O Abdul Haec	Central Prison Mardan	Central Prison Peshawar vice No. 2
2	Abdul Qayum Khan S/O Sahib Nawaz Khan	Central Prison Peshawar	Central Prison Mardan vice No. 1 above
3	Tayyab Shah S/O Mian Sardar Shah	Central Prison Mardan	Central Prison Peshawar vice No. 4
4	Abdul Samad Khan S/O Haji Bahadur Khan	Central Prison Peshawar	Central Prison Mardan vice No. 3 above.
5	Fazal Rahman S/O Akbar Said	Central Prison Mardan	Central Prison Peshawar vice No. 6
6	Afaq Ahmad S/O Umar Nawaz Khan	Central Prison Peshawar	Central Prison Mardan vice No. 5 above.
7	Shah Jehan S/O Wazir Muhammad	Central Prison Mardan	Central Prison Peshawar vice No. 8
8	Amjad Khan S/O Malik Zaman	Central Prison Peshawar	Central Prison Mardan vice No. 7 above.
9	Waqar Khan S/O Abdul Baqi	Central Prison Mardan	Central Prison Peshawar vice No. 10
10	Mehranullah Khan S/O Khan Shahzada	Central Prison Peshawar	Central Prison Mardan vice No. 9
11	Fazal Hayat S/O Said Akbar	Central Prison Mardan	Central Prison Peshawar vice No. 12
12	Mohsin Habib S/O Umar Habib Khan	Central Prison Peshawar	Central Prison Mardan vice No. 11 above.
13	Mohib Ullah Shah S/O Syed Nasir Ali Shah	Central Prison Mardan	Central Prison Peshawar vice No. 14
14	Mohsin Khan S/O Muhammad Nasir Khan	Central Prison Peshawar	Central Prison Mardan vice No. 13 above.
15	Ghanjur Rahman S/O Shamshur Rahman	Central Prison Mardan	Central Prison Peshawar vice No. 16
16	Mudeem Khan S/O Fameddullah Khan	Central Prison Peshawar	Central Prison Mardan vice No. 15 above
17	Muhammad Shafique S/O Anwar Rahman	Central Prison Mardan	Central Prison Peshawar vice No. 18
18	Kumar Ali Shah S/O Amir Jamailullah Shah	Central Prison Peshawar	Central Prison Mardan vice No. 17
19	Usman Ali S/O Jafar Khan	Central Prison Mardan	Central Prison Peshawar vice No. 20
20	Safeerullah Khan S/O Farmanullah Khan	Central Prison Peshawar	Central Prison Mardan vice No. 19
21	Yaseen Shah S/O Pervez Shah	Central Prison Mardan	Central Prison Peshawar vice No. 22
22	Shahrukh Kamal S/O Kamal Khan	Central Prison Peshawar	Central Prison Mardan vice No. 21 above.
23	Saqib Shah S/O Haji Shah	Central Prison Mardan	Central Prison Peshawar vice No. 24
24	Shah Qiyaz Khan S/O Gul Rauf Khan	Central Prison Peshawar	Central Prison Mardan vice NO. 23
25	Abid Khan S/O Malang Jan	Central Prison Mardan	Central Prison Peshawar vice No. 26

[Handwritten Signature]

5

INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

1448

091-9210334, 9210406 09 091-9213445

https://www.facebook.com/kpkprisons
prisonslg@gmail.com

No. _____/

Dated. _____/

Name of Warden	From	To
Zeeshaan S/O Farmanullah	Central Prison Mardan	Central Prison Peshawar vice No. 108
Masud Haroon S/O Fazal Elahi	Central Prison Peshawar	Central Prison Mardan vice No. 107 above.
Jalalud Din S/O Fazal Mabood	Central Prison Mardan	Central Prison Peshawar vice No. 110
Khalid Mehmood S/O Lal Zaman	Central Prison Peshawar	Central Prison Mardan vice No. 109 above.
Khalid Khan S/O Mir Muhammad Khan	Central Prison Mardan	Central Prison Peshawar vice No. 112
Muhaminad Nacem S/O Azal Din	Central Prison Peshawar	Central Prison Mardan vice No. 111 above.
Zahoor Hussain S/O Dawood Khan	Central Prison Mardan	Central Prison Peshawar vice No. 114
Kamal Jalal S/O Syed Jalal	Central Prison Peshawar	Central Prison Mardan vice NO. 115 above.
Shah Nawaz S/O Ghulam Mustafa	Central Prison Mardan	Central Prison Peshawar vice No. 116
Awad Hayat S/O Abdur Raheem	Central Prison Peshawar	Central Prison Mardan vice No. 115 above.
Mamrez Khan S/O Muhammad Ameer	Central Prison Mardan	Central Prison Peshawar vice No. 118
Ahmedullah Khan S/O Muhammadullah Khan	Central Prison Peshawar	Central Prison Mardan vice No. 117 above.
Syed Muhammad Bilal S/O Syed Fazal Haggani	Central Prison Mardan	Central Prison Peshawar vice No. 120
Muham Khan S/O Muhammad Ayub	Central Prison Peshawar	Central Prison Mardan vice No. 119 above.
Zahar Khan S/O Fareded Gul	Central Prison Mardan	Central Prison Peshawar vice No. 122
Muhammadullah S/O Muhammad Manzoor	Central Prison Peshawar	Central Prison Mardan vice No. 121 above.
Muhammad Shah S/O Gul Shah	Central Prison Mardan	Central Prison Peshawar vice No. 124
Muhammad S/O Habibullah	Central Prison Peshawar	Central Prison Mardan vice No. 123 above.
Zahar Shah S/O Wilayat Shah	Central Prison Mardan	Central Prison Peshawar vice No. 126
Ishadullah Khan S/O Shamsud Din	Central Prison Peshawar	Central Prison Mardan vice No. 125 above.
Muhammad S/O Muhammad Gul	Central Prison Mardan	Central Prison Peshawar vice No. 128
Kashif Ghulam S/O Muhammad Ghulam	Central Prison Peshawar	Central Prison Mardan vice No. 127 above.
Muhammad Shah S/O Zahir Shah	Central Prison Mardan	Central Prison Peshawar vice No. 130
Muhammad Arif S/O Ameer Khan	Central Prison Peshawar	Central Prison Mardan vice No. 129 above.
Zahid Zaman S/O Muhammad Ayub	Central Prison Mardan	Central Prison Peshawar vice No. 132
Muhammad Arif S/O Muhammad Ghulam	Central Prison Peshawar	Central Prison Mardan vice No. 131 above.
Muhammad S/O Gul Marjan	Central Prison Mardan	Central Prison Peshawar vice No. 134

ION
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6

INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

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No. _____/-

Dated. _____/-

S#	Name of Warder	From	To
161	Muhammad Dawood S/O Muhammad Shah	Central Prison Mardan	Central Prison Peshawar vice No. 162
162	Muhammad Umar Nawaz S/O Afsar Khan	Central Prison Peshawar	Central Prison Mardan vice No. 161 above.
163	Ahmad Ali S/O Faizur Rahman	Central Prison Mardan	Central Prison Peshawar vice NO. 164
164	Naveedullah S/O Hassan Khan	Central Prison Peshawar	Central Prison Mardan vice No. 163 above.
165	Jan Ali S/O Alam Khan	Central Prison Mardan	Central Prison Peshawar vice No. 166
166	Shaheedullah S/O Kamal Khan	Central Prison Peshawar	Central Prison Mardan vice No. 165.
167	Malik Zadia S/O Lal Zada	Central Prison Mardan.	Central Prison Peshawar vice No. 168
168	Sifarullah S/O Azeem Khan	Central Prison Peshawar	Central Prison Mardan vice No. 167 above.

ADDL; INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

Encls. No. 27123-199/1

Copy of the above is forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Superintendent Circle Headquarters Prison Mardan and Peshawar.
3. Superintendent Central Prison Mardan and Peshawar.
4. District Accounts Officer Mardan.

For information and necessary action.

ASSISTANT DIRECTOR
INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

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SERVICES HOSPITAL PESHAWAR
GOVERNMENT OF KPK
OPD REGISTRATION

RES-107

Name _____ Age 35 Sex MALE

B ~~10~~
7

Department KAMAL JALAL

Address PESHAWAR

GENERAL OPD

Hospital Yearly No. _____ Dated 26/10/2020

65417-20

History

R/-

Clinical Examination

Dehydrated

*Tide Roshid 500mg
141
Tale Khalil
[Drawing of a building with a dome and minaret]
[Drawing of a building with a dome and minaret]
[Drawing of a building with a dome and minaret]*

Provisional Diagnosis

Acute

Investigations

*AR (72) has received
26/10/2020
[Signature]
26/10/2020*

Doctor on Duty _____

Doctor's Signature _____

Services Hospital
Peshawar

as-lama



SERVICES HOSPITAL PESHAWAR
GOVERNMENT OF KPK
OPD REGISTRATION

R-101

8

Name KAMAL TALAL Age 5 Sex MALE

Department GENERAL OPD Address PESHAWAR

Hospital Yearly No. 67613-20 Date 29-10-2020

History

R/-

For
RT

Clinical Examination
Barbed

Levann
150
Postural
Barbed

Provisional Diagnosis

Investigations

Bed Rest for 13 days
29/10/20

Doctor on Duty _____ Doctor's Signature _____

DR. ASIF IZHAR
Physician Medical Specialist
Police & Services Hospital
Peshawar

Handwritten signature



SERVICES HOSPITAL PESHAWAR
GOVERNMENT OF KPK
OPD REGISTRATION

9

Name KAMAL JALAL Age 35 Sex MALE

Department GENERAL OPD City PESHAWAR

Hospital Yearly No. 68286-20 Date 02-JUL-2020

History

R/-

Fever
Cough
Clinical Examination

Left flex 50
Basal
Sub

Provisional Diagnosis

Investigations

Red Rest for
03 dys

Doctor on Duty

Doctor Signature

DR ASH IZHAR
Physician Medical Specialist
Peshawar Services Hospital
Peshawar

Mr. B...



SERVICES HOSPITAL PESHAWAR
GOVERNMENT OF KPK
OPD REGISTRATION

RS 10/-

10

Name KAMAL IALAL Age SMALL
 Department GENERAL OPD A PESHAWAR
 Hospital Yearly No. 71259-20 05-11-2020

History R/-

L B P e
 (Rt)
 Radiculopathy

Tab Acer
 1+1

Clinical Examination

Slr 30
 90

Provisional Diagnosis



Investigations

1

Doctor on Duty _____ Doctor's Signature [Signature]

[Handwritten signature]



SERVICES HOSPITAL PESHAWAR
GOVERNMENT OF KPK
OPD REGISTRATION

Rs 10/-

Name KAMAL JALAL Age 35 Sex MALE

11

Department GENERAL OPD Address PESHAWAR

Hospital Fee No. 73444-20 Dated 10-11-2020

History

Bariatric

Refers into OPD

Clinical Examination

Impaired mobility

Tub. Neck of spine
Tub. 3rd
Tub. Acute (150g)
Tub. 2nd

Laxative

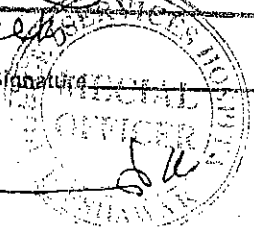
Investigation

Refer to physio

⇒ Avoid any lifts, wt bearing, heavy exercise for 2 weeks

Do. or on Duty _____ Doctor's Signature _____

[Handwritten signature]



M. Javed

خدمت جناب سپرٹنڈنٹ سنٹرل جیل مردان

عنوان :- درخواست برادرِ رغبت کو طے بیماری

صبا علی

موردانہ نواز رشیدی کہ سابق سنٹرل جیل قندھار سے

سنٹرل جیل مردان تبادلہ سزا ہے ، (رہنما نواز سپرٹنڈنٹ جیل)

آپ صاحبان سے بذریعہ درخواست التماس ہے کہ سابق کو طے
بیماری کے غیر حاضری کا جائزہ رغبت کو طے ہو اور اس کا

عین نواز رشیدی

الگارہ

تاریخ: 01/11/2021

آئیڈیٹا لیکچر وارڈر

مقام: جیل سنٹرل جیل مردان



13

IN: 4764303504

PLW 600 IPos 9.0
Claff 116236 Route X33102

Address: KAMAL JAIL
PEW CITY

Phone: 6090990999
Address: CENTER JAIL, MAORAN

Net	0
Net Standard	174.0
Insurance	0
Net	0
Net	0
TOTAL	174.0

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درخواست پراسرار جان دینے

D-

14

جناب سی ایم

مذکورہ عاجزانہ اکتھاس کرتا ہے کہ جس نیشنل جیل ہسپتال میں

بطور وارڈر فرائض سربراہ بنام دے رہا تھا کہ میرا تبادلہ

صرف 19¹⁰/₂₀₂₀ کو نیشنل جیل مردان کر دیا گیا

چونکہ اس دوران میں شدید بیماری میں مبتلا تھا

جس کی وجہ سے میں نیشنل جیل مردان میں کامی نہ ہو

سکا اور اپنی بیماری بار بار میں اپنی درخواست منع میڈیکل

رپورٹ بنی ہوئی TCS نیشنل جیل مردان بھیجوا کر

بھرا صحت یابی میں سپرنٹنڈنٹ صاحب نیشنل جیل مردان

کے دفتر کے چکر کاٹ رہا ہوں۔ لیکن مجھے ڈیوٹی سربراہ نام

دینے کی اجازت نہیں دی جا رہی۔

لہذا آپ صفا صبا سے گزارش ہے کہ سپرنٹنڈنٹ نیشنل

جیل مردان کی برابری جا رہا ہے مجھے ڈیوٹی دینے کی اجازت

دی جائے یا اگر میرا خلاف کوئی اور ہوا ہے تو 6-2-2021

صرف 26³/₂₀₂₁

اللہ اعلم
محمد جمال جلال وارڈر
نیشنل جیل مردان

BETTER COPY OF PAGE-15

OFFICE OF THE SUPERINTENDENT CIRCLE HQS: PRISON, MARDAN

No.8516/PB Dated 31.12.2020.

OFFICE ORDER:

WHEREAS, the accused official Mr. Kamal Jalal S/O Said Kamal 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 charge of his willful absence w.e.f 24.10.2020 and a notice at his home address was served upon him vide this Headquarters 2001/PB dated 06.11.2020.

AND WHEREAS, due to no response from him, another notice was published in leading newspapers of the Province "Daily Express" Peshawar on 04.12.2020 and "Daily Mashriq" Peshawar on 07.12.2020 as per provided under the rules ibid.

AND WHEREAS, the accused official failed to resume duties till date as reported the Central Prison Mardan his report dated 30.12.2020.

NOW THEREFORE, in exercise of the powers conferred under Rule-9 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, the undersigned be the competent authority after observing all legal procedural formalities, hereby awarded major penalty of "Removal from service" with immediate effect to Mr. Kamal Jalal S/O Said Kamal attached to Central Prison, Mardan for his misconduct willful absence WEF 24.10.2020. He is not entitled to any remuneration for the absence period under rule-19 of the Khyber Pakhtunkhwa Civil Servant Revised Leave Rules, 1981.

**FAZAL HAMEED KHAN KHEL
SUPERINTENDENT
CIRCLE HQS: PRISON, MARDAN**

E-15

OFFICE OF THE SUPERINTENDENT CIRCLE HQS. PRISON MARDAN

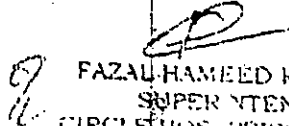
No. 3517/1 PB Dated 31/12/2020. E-Mail: unadanjail@gmail.com 033-843114
OFFICE ORDER

WHEREAS, the accused official Mr Kamal Jalal S/O Said Jalal attached to Cent 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 W 24-10-2020, and a notice at his home address was served upon him vide this Headquarters 2001/PB dated 06-11-2020.

AND WHEREAS, due to no response from him, another notice was published in leading newspapers of the Province, "Daily Express" Peshawar on 04-12-2020 and "Daily Mash" Peshawar on 07-12-2020 as provided under the rules ibid.

AND WHEREAS, the accused official failed to resume duties till date as reported the Central Prison Mardan his report dated 30.12.2020.

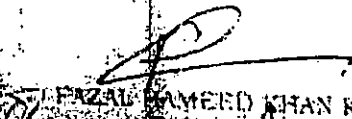
NOW THEREFORE, in exercise of the powers conferred under Rule-9 of the Khy Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 the undersigned be competent authority after observing all legal procedural formalities, hereby award the major pen of "Removal from service" with immediate effect to Mr Kamal Jalal S/O Said Jalal attached Central Prison Mardan for his misconduct, wilful absence WEF 24-10-2020. He is not entitled any remuneration for the absence period under rule 19 of the Khyber Pakhtunkhwa Govern Servant Revised Leave Rules 1981.



FAZAL HAMEED KHAN KHEL
SUPERINTENDENT
CIRCLE HQS. PRISON MARDAN

Order No. 3517/1 Dated 31/12/2020

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 and necessary action, please.
3. The District Accounts Officer, Mardan for information, and necessary action please.
4. Mr. Kamal Jalal S/O Said Jalal R/O Padir Ghari Fazal, Terri Payan, Tehsil & District Peshawar for information please.


FAZAL HAMEED KHAN KHEL
SUPERINTENDENT
CIRCLE HQS. PRISON MARDAN



جناب آئی جی صاحب، جیل خانہ جات خیبر پختون خوا، پشاور

جناب عالی!

F- (16)

اپیل برائے ملازمت پر بحالی۔

مودبانہ گزارش کی جاتی ہے۔ کہ میں سائل کمال جلال ولد سید جلال جیل خانہ جات میں پچھلے سولہ سال سے بطور وارڈن ڈیوٹی سرانجام دے رہا ہے۔ اور حال ہی میں سنٹرل جیل پشاور سے میرا تبادلہ مردان جیل ہو گیا، (آرڈر نمبر: 37122 مورخہ: 19/10/2020)۔ اس دوران سائل شدید بیمار تھا اور جیل میں حاضری سے قاصر تھا، اسی لیے سائل نے اپنا میڈیکل ریکارڈ سنٹرل جیل مردان سے درخواست مندرجہ TCS مینام سپر اینڈنٹ سنٹرل جیل مردان کو بھیجا دیا۔ (میڈیکل کی کاپی لف ہے)۔ سپر اینڈنٹ سنٹرل جیل مردان نے سائل کو غیر حاضری پر مردان سے بحال آرڈر نمبر: 2517 مورخہ: 31/12/2020 کو درخواست کر دیا، حالانکہ اس دوران سائل کو نہ کوئی شہکار ملا اور نہ ہی کسی اور زرلیہ سے مطلع کیا گیا، بلکہ یک طرفہ کارروائی کی گئی ہے، جو کہ سائل کے ساتھ سراسر نا انصافی ہے، جیل حکام نے میرے گھر کے پتے پر کوئی نوٹس نہیں بھیجا، اور نہ ہی فون پر اس سلسلہ میں اطلاع دی گئی۔ متعلقہ آرڈر مجھے آج مورخہ: 30/03/2021 ہیڈ آفس سے موصول ہوا۔

مندرجہ بالا حقائق کو مدنظر رکھتے ہوئے سائل آپ صاحبان سے اپیل کرتا ہے کہ سائل کی غربت اور بیماری کو مدنظر رکھتے ہوئے مجھے مردان پر بحال کیا جائے اور مذکورہ چٹھی کو میڈیکل میں شمار کیا جائے، اور سائل کو بذات خود پیشی کا موقع دیا جائے۔

نعین نواز شہ ہوگی۔

العارض:

مورخہ 31-3-2021

آپ کا تابع دار وارڈن

کمال جلال ولد سید جلال

فون نمبر: 0313-9020618

6891

31/3/2021

(Signature)

G-17

OFFICE OF THE
INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA,
PESHAWAR

No.Estb/Ward-/Orders/Kc 1092-5/-

Dated: 08/04/2021

ORDER

WHEREAS, Ex-Warder Kamal Jalal S/O Said Jalal while attached to the Central Prison Mardan was awarded the major penalty of "Removal from service" by the Superintendent HQs Prison Mardan vide his office order No.1516 dated 31.12.2020 due to his misconduct and willful absence from duty. Moreover no remuneration allowed to him for his absence period w.e.f 24.10.2020 to 31.12.2020.

AND WHEREAS, the said Warder preferred his departmental appeal for setting aside the penalty awarded to him, which was examined in light of the available record of the case and it was observed that his appeal is time barred and penalty awarded to him by the competent authority due to his misconduct/willful absence w.e.f 24.10.2020 to 31.12.2020 after observing all legal and codal formalities as required under the E&D Rules, 2011.

NOW THEREFORE, keeping in view the facts on record, the provision of rules in vogue and in exercise of powers conferred under Rule-17 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 read with Rule-05 of the Khyber Pakhtunkhwa Service Appeal Rules-1986, the decision of the competent authority is upheld and appeal of the appellant is hereby rejected being time barred and without any substance.

**ADDL: INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA, PESHAWAR**

ENDST; NO. 10926-28



OFFICE OF THE

INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

91-9210334, 9210406

91-9213445

No. Estb/Ward./Orders/ 1099-C-1

Dated 08-04-2021

ORDER

WHEREAS, **Ex-Warder Kamal Jalal S/O Said Jalal** while attached to Central Prison Mardan was awarded the major penalty of "**Removal from service**" by Superintendent HQs Prison Mardan vide his office order No. 2516 dated 31-12-2020 due to his misconduct and willful absence from duty. Moreover no remuneration allowed to him for his absence period w.e.f 24-10-2020 to 31-12-2020.

AND WHEREAS, the said Warder preferred his departmental appeal for setting-aside the penalty awarded to him, which was examined in light of the available record of the case and it was observed that his appeal is time-barred and penalty awarded to him by the competent authority due to his misconduct/willful absence w.e.f 24-10-2020 to 31-12-2020 after observing all legal and codal formalities as required under the E&D Rules 2011.

NOW THEREFORE, keeping in view the facts on record, the provisions of rules in vogue and in exercise of powers conferred under Rule-17 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 read with Rule-05 of Khyber Pakhtunkhwa Service Appeal Rules 1986, the decision of the competent authority is upheld and appeal of the appellant is hereby rejected being time-barred and without any substance.

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

ENDST; NO. 10976-28

Copy of the above is forwarded to:

1. The Superintendent, Headquarters Prison Mardan for information and necessary action with reference to his order referred to above.
2. The Superintendent Central Prison Mardan for information and necessary action. He is directed to inform the appellant accordingly and to make necessary entry in his Service Book under proper attestation.
3. Ex-Warder Kamal Jalal S/O Said Jalal R/o Faqeer Garhi Fazal P/O Faqeer Bani Tehsil & District Peshawar (0813-9020618) for information.

ASSISTANT DIRECTOR

INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

07/04/2021

VAKALATNAMA

Before the KP Service Tribunal, Peshawar

_____ OF 2021

Kamal Talal

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

I.G. Mirson & Others

(RESPONDENT)
(DEFENDANT)

I/We Kamal Talal

Do hereby appoint and constitute **MIR ZAMAN SAFI, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ____/____/2021

Kamal Talal
CLIENT

Mir Zaman Safi
ACCEPTED
MIR ZAMAN SAFI
ADVOCATE

OFFICE:

Room No.6-E, 5th Floor,
Rahim Medical Centre, G.T Road,
Hashtnagri, Peshawar.
Mobile No.0323-9295295

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

In the matter of
Service Appeal No. 4837 of 2021
Kamal Jalal (ex-warder) (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa and Others (Respondents)

INDEX

S.NO.	DESCRIPTION OF DOCUMENTS	Annex	Page No.
1.	Joint Para-wise comments	-	1-3
2.	Affidavit	-	4
3.	Copy of Absent notice No. 2001/PB dated 06.11.2020	A	5
4.	Copy of Absent Notice published in Daily Express dated 04.12.2020	B	6
5.	Copy of Absent Notice Published in Daily Mashriq dated 07.12.2020	C	7
6.	Superintendent Circle Headquarter Prison Mardan office order No. 2516 dated 31.12.2020	D	8
7.	Copy of Departmental Appeal	E	9
8.	Inspector General of Prisons office order dated 08.04.2021	F	10


Deponent

BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

In the matter of

Service appeal No. 4837 of 2021

Mr. Kamal Jalal, Ex-Warder (BPS-05) ----- **(Appellant)**

----VERSUS----

1. Government of Khyber Pakhtunkhwa through Secretary Home Department, Khyber Pakhtunkhwa, Peshawar.
2. The Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
3. The Superintendent Circle Headquarter Prison, Mardan.

(Respondents)

WRITTEN STATEMENT ON BEHALF OF THE RESPONDENTS

PRELIMINARY OBJECTIONS

1. That the appeal is 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. No Comments.
2. Correct, the petitioner was transferred from Central Prison Peshawar to Central Prison Mardan but the appellant failed to report for duty and instead sent 03 Nos of Medical rest, each for 03 days from 26-10-2020 to 04-11-2020. On expiry of Medical rest the appellant failed to resume/ report for duty and consequently as per Rule 9 of the Khyber Pakhtunkhwa Government Servant Efficiency & Discipline Rules 2011, Absence Notice No. 2001/PB dated 06-11-2020 was posted at his home address **(Copy attached as Annexure "A")** but the petitioner failed to report for duty at Central Prison Mardan. Thereafter, absence notice was published in daily Express on 04-12-2020 and daily Mashriq on 07-12-2020 **(Copy attached as Annexure "B")** but petitioner failed to report for duty. Thereafter, as required under the aforesaid rules ex-parte action was taken against him and major penalty of removal from service was imposed on the said

petitioner vide Order No. 2516/PB dated. 31-12-2020 of the Superintendent Circle Headquarter Prison Mardan. **(Copy attached as Annexure "C")**. Against the decision of Superintendent Circle Headquarter Prison Mardan the petitioner submitted departmental appeal in respect of Inspector General of Prisons, Khyber Pakhtunkhwa, for setting aside the penalty awarded to him. Inspector General of Prisons, Khyber Pakhtunkhwa withhold decision of the competent authority and rejected appeal of the appellant vide his office order No. 10925 dated. 03-04-2021. **(Copy attached as Annexure "D")**.

3. Correct, the appellant submitted 03 Nos of Medical rest, each for 03 days from 26-10-2020 to 04-11-2020. On expiry of Medical rest the appellant failed to resume/ report for duty and consequently Absence Notice No. 2001/PB dated 06-11-2020 was posted his home address but the petitioner failed to resume his duties. As explained earlier in Para- 02 procedure under rule-9 of the Khyber Pakhtunkhwa Government Servant Efficiency & Discipline Rules 2011 was followed and the petitioner was removed from service as per rules.
4. Incorrect and misleading as the petitioner didn't approach, report at Central Prison Mardan or Circle Headquarter Prison Mardan.
5. Incorrect and misleading as the appellant didn't report for duty upon serving of Absence Notice No. 2001/PB dated 06-11-2020 was posted at his home address and publication of absence notice in daily Express on 04-12-2020 and daily Mashriq on 07-12-2020 respectively.
6. Correct.
7. No Comments.

GROUND.

- A. Incorrect & misleading as removal from service of the petitioner was carried out under Rule 9 of the Khyber Pakhtunkhwa Government Servant Efficiency & Discipline Rules 2011 as mandatory under the aforesaid rules, Absence Notice No. 2001/PB dated 06-11-2020 was posted at his home address but the petitioner failed to report for duty. Consequently absence notice was published in daily Express on 04-12-2020 and daily Mashriq on 07-12-2020 but petitioner failed to report for duty. Thus plea of the appellant that removal order are against law is without any substance as procedure under rule-9 of the Khyber Pakhtunkhwa Government Servant Efficiency & Discipline Rules 2011 was followed in letter and spirit.
- B. Incorrect & misleading as the petitioner was treated as per laws and rules of the Khyber Pakhtunkhwa Government Servant Efficiency & Discipline Rules 2011 was followed.
- C. Incorrect & misleading as Absence Notice No. 2001/PB dated 06-11-2020 was served upon the petitioner by post.

- D.** Incorrect & misleading as absence notice was published in daily Express on 04-12-2020 and daily Mashriq on 07-12-2020, as per rule of the Khyber Pakhtunkhwa Government Servant Efficiency & Discipline Rules 2011.
- E.** Incorrect & misleading as the petitioner didn't approach the competent authority upon service of absence notice on his home address and neither on publication of absence.
- F.** Incorrect & misleading as procedure under rule-9 of the Khyber Pakhtunkhwa Government Servant Efficiency & Discipline Rules 2011 was followed in letter and spirit.
- G.** Incorrect & misleading as the petitioner submitted medical rest from 26-10-2020 to 04-11-2020 whereas for the remain period from 04-11-2020 till his removal order on 31-12-2020 (58 days) the petitioner remained absent without any medical rest certificate.
- H.** No Comments.

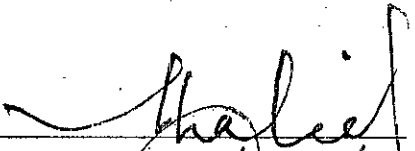
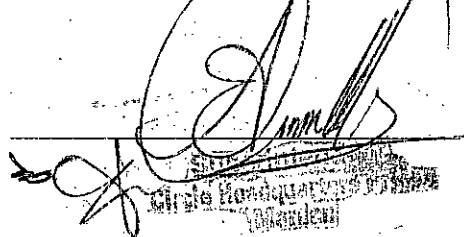
Keeping in view the above mentioned facts/comments, It is humbly prayed that his appeal may kindly be filed, being baseless and devoid of facts.

1. THE GOVERNMENT OF KHYBER PAKHTUNKHWA
THROUGH SECRETARY HOME & TRIBAL AFFAIRS,
DEPARTMENT PESHAWAR.
(Respondent No.01)


Home Secretary,
Khyber Pakhtunkhwa

2. INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR.
(Respondent No.02)

3. SUPERINTENDENT
CIRCLE HEADQUARTER PRISON MARDAN.
(Respondent No.03)



Circle Headquarter Prison
Mardan

BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

In the matter of

Service appeal No. 4837 of 2021

Mr. Kamal Jalal, Ex-Warder (BPS-05) ----- (Appellant)

----VERSUS----

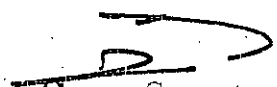
1. Government of Khyber Pakhtunkhwa through Secretary Home Department, Khyber Pakhtunkhwa, Peshawar.
2. The Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
3. The Superintendent Circle Headquarter Prison, Mardan.


(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. THE GOVERNMENT OF KHYBER PAKHTUNKHWA
THROUGH SECRETARY HOME & TRIBAL AFFAIRS,
DEPARTMENT PESHAWAR.
(Respondent No.01)


Home Secretary,
Khyber Pakhtunkhwa

2. INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR.
 (Respondent No.02)

3. SUPERINTENDENT
CIRCLE HEADQUARTER PRISON MARDAN.
(Respondent No.03)


Superintendent
Circle Headquarter Prison
Mardan



④
Ammeduse "A"

OFFICE OF THE SUPERINTENDENT CIRCLE HQS. PRISON MARDAN

No. 2001 /PB Dated: 06/11/2020. E-Mail: mardanjail@gmail.com 0957-643115

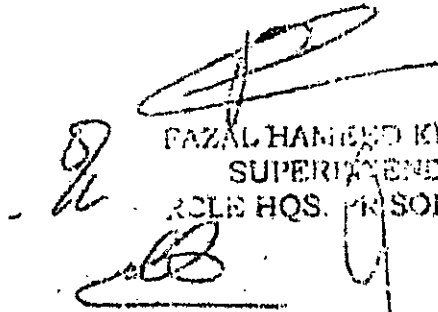
To

- 1- Warder Junaid Zafar S/O Zafar Ul Islam,
Village Sultan Abad Post Office, Inser Danda,
Tehsil Takhati Nusrati, District Karak.
- 2- Warder Kamal Jalal S/O Saïd Jalal,
Village Faqir Ghari Fazal Tarri Payyan, ~~Tehsil Lagosa,~~
Tehsil & District Peshawar.

Subject: ABSENCE NOTICE.

As per report of Superintendent Central Prison Mardan, you were relieved on 21.10.2020 by Superintendent Central Prison Peshawar upon transfer to Superintendent Central Prison Mardan vide Inspector General of Prisons Khyber Pakhtunkhwa, Peshawar Order No. 37122 dated 19-10-2020, but you failed to report for duty at Central Prison Mardan and are absent up to date.

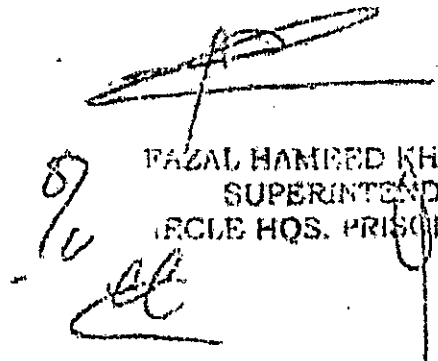
You are therefore directed to report to Central Prison Mardan within fifteen (15) days of the receipt of this Notice and explain then reasons of your absence otherwise strict disciplinary action will be taken against you under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rule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


FAZAL HAMID KHAN KHEL
SUPERINTENDENT
CIRCLE HQS. PRISON MARDAN

Enclst. No: 2002-03/1.

Copy of the above is forwarded to:-

- 1- The Inspector General of Prison Khyber Pakhtunkhwa, Peshawar for information, please.
- 2- The Superintendent Central Prison Peshawar/Mardan for information, please.


FAZAL HAMID KHAN KHEL
SUPERINTENDENT
CIRCLE HQS. PRISON MARDAN

12/29/2020

روزنامہ ایکسپریس پشاور

Daily Express News Story

صفحہ 04/12/2020

نوٹس غیر حاضری

آپ دادو ان جیل سنٹرل جیل مردان سے مندرجہ ذیل تاریخوں سے غیر حاضر ہیں۔ کو بذریعہ نوٹس ہذا آخری بار ہدایت کی جاتی ہے کہ
چندہ {15} ایام کے اندر اندر حاضری کی رپورٹ سنٹرل جیل مردان میں کریں اور اپنی غیر حاضری کی مشمولہ وجہ بتائیں بصورت دیگر آپ کے خلاف یکطرفہ
تاقوی کارروائی عمل میں لائی جائیگی جو کہ ملازمت سے برخواستگی پر منتج ہو سکتی ہے۔

37.122 مورخہ 19.10.2020 کے مطابق سنٹرل جیل پشاور سے سنٹرل جیل مردان تبدیل کیا گیا اور آپ کو سنٹرل جیل پشاور سے ریلوے ٹک ٹکٹ نمبر 1362 مورخہ
21-10-2020 کے اردن کے اندر اندر سنٹرل جیل مردان میں ڈیوٹی کیلئے رپورٹ کرنے کو کہا گیا لیکن آپ حاضر نہ ہوئے۔ آپ کو سرکل ہیڈ کوارٹر جیل مردان
نوٹس نمبر 1-2000 مورخہ 06-11-2020 کو بذریعہ رجسٹرڈ ڈاک گھر کے پتہ ہدایت کی گئی کہ آپ چندہ {15} ایام کے اندر اندر سنٹرل جیل مردان میں
حاضری کرے لیکن آپ پھر بھی حاضر نہ ہوئے۔

مردان کے آڈر نمبر 1675 مورخہ 21-09-2020 کے مطابق سٹرک جیل تیر کر سے سنٹرل جیل مردان تبدیل کیا گیا اور آپ کو ڈسٹرکٹ جیل تیر کرنے سے
ریلوے ٹک ٹکٹ نمبر 1414 مورخہ 25-09-2020 کے 5 یوم کے اندر اندر سنٹرل جیل مردان میں ڈیوٹی کیلئے رپورٹ کرنے کو کہا گیا لیکن آپ حاضر نہ ہوئے۔
آپ کو سرکل ہیڈ کوارٹر جیل مردان نوٹس نمبر 2004 مورخہ 06-11-2020 کو بذریعہ رجسٹرڈ ڈاک گھر کے پتہ ہدایت کی گئی کہ آپ چندہ {15} ایام کے
اندر اندر ڈسٹرکٹ جیل تیر کر میں حاضری کرے لیکن آپ پھر بھی حاضر نہ ہوئے۔

سسرکل ہیڈ کوارٹر جیل مردان

INF(P) 4607/20

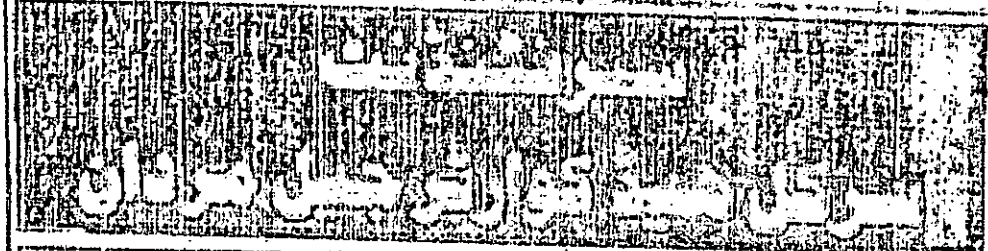
Take special care of special persons

حبيب اور ان کے متعلق ہونے والے واقعات سے متعلقہ افراد کی اس بات سے غیر مطمئن ہیں
میں نے اس بارے میں آگے بڑھنے کی ہمت نہیں کی ہے کہ چھ (15) ایام کے اندر اندر فاضل
کی برہنہ متعلقہ شہداء کو مل کر یہ اور ان غیر فاضل کی متعلقہ ہونے کا
حضور نے آپ کے خلاف کھڑے ہونے کا ارادہ کیا ہے اور اس کی عمل درآمد کی جو کہ
دارت سے ہونا چاہئے ہے۔

آج کل کے حالات اور صورتحال اور فاضل کی اس بارے میں معلومات سے متعلقہ ہونے
اور اس کے بارے میں کہ جہاں آئی ہے وہاں ہونے کے بارے میں 17/10/2020
19.10.2020 کے دوران متعلقہ شہداء سے متعلقہ شہداء کو مل کر کیا گیا
آپ کو متعلقہ شہداء سے ملنے کے بارے میں 13/6/2020 سے 21-10-2020 کے
دوران کے اندر اندر متعلقہ شہداء کو مل کر ہونے کے بارے میں آپ
میں سے ہونے کے بارے میں آپ کو مل کر ہونے کے بارے میں 2000-2000
2020-11-06 کو ہونے کے بارے میں آپ کو مل کر ہونے کے بارے میں
(15) ایام کے اندر اندر متعلقہ شہداء کو مل کر ہونے کے بارے میں آپ کو مل کر ہونے کے بارے میں

میں نے اس بارے میں آگے بڑھنے کی ہمت نہیں کی ہے کہ چھ (15) ایام کے اندر اندر فاضل
کی برہنہ متعلقہ شہداء کو مل کر یہ اور ان غیر فاضل کی متعلقہ ہونے کا

حضور نے آپ کے خلاف کھڑے ہونے کا ارادہ کیا ہے اور اس کی عمل درآمد کی جو کہ
دارت سے ہونا چاہئے ہے۔
10/11/2020 سے 21/09/2020 کے دوران متعلقہ شہداء سے متعلقہ ہونے
میں نے اس بارے میں آگے بڑھنے کی ہمت نہیں کی ہے کہ چھ (15) ایام کے اندر اندر فاضل
کی برہنہ متعلقہ شہداء کو مل کر یہ اور ان غیر فاضل کی متعلقہ ہونے کا
حضور نے آپ کے خلاف کھڑے ہونے کا ارادہ کیا ہے اور اس کی عمل درآمد کی جو کہ
دارت سے ہونا چاہئے ہے۔
10/11/2020 سے 20/11/2020 کے دوران متعلقہ شہداء سے متعلقہ ہونے کے بارے میں
میں نے اس بارے میں آگے بڑھنے کی ہمت نہیں کی ہے کہ چھ (15) ایام کے اندر اندر فاضل
کی برہنہ متعلقہ شہداء کو مل کر یہ اور ان غیر فاضل کی متعلقہ ہونے کا
حضور نے آپ کے خلاف کھڑے ہونے کا ارادہ کیا ہے اور اس کی عمل درآمد کی جو کہ
دارت سے ہونا چاہئے ہے۔



افزائش سے متعلقہ شہداء کو مل کر ہونے کے بارے میں آپ کو مل کر ہونے کے بارے میں
07/11/2020

OFFICE OF THE SUPERINTENDENT CIRCLE HQS PRISON MARDAN

No. RS/17/1/PB Dated. 31/12/2020. E-Mail: mardan@gnaf.com

0937-843114

OFFICE ORDER

WHEREAS, the accused official Mr Kamal Jalal S/O Said Jalal 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 24-10-2020, and a notice at his home address was served upon him vide this Headquarters No. 2001/PB dated 06-11-2020.

AND WHEREAS, due to no response from him, another notice was published in the leading newspapers of the Province, "Daily Express" Peshawar on 04-12-2020 and "Daily Mashriq" Peshawar on 07-12-2020 as provided under the rules ibid.

AND WHEREAS, the accused official failed to resume duties till date as reported by the Central Prison Mardan his report dated 30.12.2020.

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. Kamal Jalal S/O Said Jalal attached to Central Prison Mardan for his misconduct/wilful absence WEF 24-10-2020. 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

Encl: No. 2/17-30 / Dated. 31/12/2020.

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 and necessary action, please.
3. The District Accounts Officer, Mardan for information and necessary action, please.
4. Mr. Kamal Jalal S/O Said Jalal R/O Faqir Ghari Fazal, Terri Payan, Tehsil & District Peshawar for information please.

FAZAL HAMEED KHAN KHEL
SUPERINTENDENT
CIRCLE HQS. PRISON MARDAN

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جناب عالی! جیل خانہ جات خیبر پختونخوا، پشاور

جناب عالی!

اپنیل برائے ملازمت پر بحالی۔

F - (16)

منوڈ ناٹ گڈ ایشن کی جاتی ہے کہ میں سائیکل کمان جلال ولد سید جلال جیل خانہ جات میں پچھلے سولہ سال سے ملازم ہوں۔
میں نے اپنا میڈیکل ریکارڈ سنٹرل جیل میں 37122 مورخہ 30/03/2020 میں جمع کروایا ہے۔ اور حال ہی میں سنٹرل جیل پشاور سے میرا تبادلہ مردان جیل ہو گیا، (آرڈر نمبر: 37122 مورخہ 30/03/2020)۔
اس دوران سائیکل شدید بیمار تھا اور جیل میں حاضری سے قاصر تھا، اسی لیے سائیکل نے اپنا میڈیکل ریکارڈ سنٹرل جیل میں جمع کروایا ہے۔
میں نے TCS نام سرٹیفیکیشن سنٹرل جیل مردان کو بھیجا تھا (میڈیکل کی کاپی لف ہے)۔ سرٹیفیکیشن سنٹرل جیل میں جمع کروایا ہے۔
میں نے 25/11/2020 مورخہ 31/12/2020 کو رجسٹر کروایا، حالانکہ اس دوران سائیکل کو کون کونسا کام
حاضری پر مردان جیل میں ملازم تھا اور اس کے دوران 25/11/2020 مورخہ 31/12/2020 کو رجسٹر کروایا، حالانکہ اس دوران سائیکل کو کون کونسا کام
میں نے اس سے مطلع کیا تھا، مگر اس کے باوجود اس کی طرف سے کوئی کارروائی نہیں کی گئی ہے، جو کہ سائیکل کے ساتھ سراسر نا انصافی ہے، جیل حکام سے یہ
کوئی کوئی نہیں سمجھا، اور نہ ہی فون پر اس سلسلہ میں اطلاع دی گئی۔ متعلقہ آرڈر مجھے آج مورخہ 30/03/2021
موصول ہوا۔

مندرجہ بالا حقائق کو مد نظر رکھتے ہوئے سائیکل آپ صاحبان سے اپیل کرتا ہے کہ سائیکل کی ملازمت
رکھنے ہوئے مردان پر بحال کیا جائے اور نہ کوئی اور جتنی کمیٹی تشکیل دی جائے، اور سائیکل کو بذات خود پیشکش کی جائے۔

میں توجہ خواہش ہوگی۔

العارض مورخہ 31-3-2021

آپ کا تابع دار وارڈ
کمال جلال ولد سید جلال

فون نمبر: 0313-9020618

6891
31/3/2021

(Signature)

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خدمت جناب آئی جی، جیل خانہ جات خلیفہ پختون خواہ

جناب عالی!

قربان گزارش کیجائی ہے کہ میں سائل کمال ولد سید جلال

جیل خانہ جات میں پچھلے سولہ سال سے بطور وائرڈ لوئی سرانچا کرتے رہا ہوں۔ اور

حال ہی میں جیل ٹیڈا کے سائل جیل مردان جیل ہو گیا۔ (17 دسمبر 2020ء 37/22 فورڈ، 19/10/2020)

اس دوران سائل شہادت دیا۔ اور جیل میں مافری سے مافری تھا، اس لئے سائل نے

اینٹی ایکٹو ایجنٹوں کے ساتھ جیل مردان کے سائل کو غیر مافری لپرس سے بحوالہ آرڈر

نمبر: 2517 فورڈ، 31/12/2020 کو درخواست کر دیا، حالانکہ اس دوران سائل کو نہ کوئی

شوکاٹ ملا اور نہ کوئی ٹوٹس بوجھا، اور نہ ہی فون لپراس سلسلہ میں اطلاع دی گئی۔

متعلقہ آرڈر کے تحت فورڈ: 30/03/2021 میں اس سے فون لپراس

مندیہ بالا حقائق کو مد نظر رکھتے ہوئے سائل آپ صاحبان سے اپیل

کرتا ہے کہ سائل شہادت اور بیہادی کو مد نظر رکھتے ہوئے سروس لپراس کیا جائے اور

مذکورہ سائل کو ملکہ ایکل میں شہادت کیا جائے، اور سائل کو نجات دہندہ سروس کا موقع دیا جائے

میں نوازش ہوگی۔

فورڈ، 31-3-2021

الصادق:

ایکٹائیج وارڈ

کمال جلال ولد سید جلال

فون نمبر: 0313-9020618



OFFICE OF THE
INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

☎ 91-9210334, 2210406 ☎ 91-9213445

No. Esib/Mail/Orders/ 10-10996-1

Dated 08-04-2021

ORDER

WHEREAS, Ex-Warder Kamal Jalal S/O Said Jalal while attached to Central Prison Mardan was awarded the major penalty of "Removal from service" by Superintendent HQs Prison Mardan vide his office order No. 2516 dated 31-12-2020 due to his misconduct and willful absence from duty. Moreover, no remuneration allowed to him for his absence period w.e.f 24-10-2020 to 31-12-2020.

AND WHEREAS, the said Warder preferred his departmental appeal for setting-aside the penalty awarded to him, which was examined in light of the available record of the case and it was observed that his appeal is time-barred and penalty awarded to him by the competent authority due to his misconduct/willful absence w.e.f 24-10-2020 to 31-12-2020 after observing all legal and codal formalities as required under the E&D Rules 2011.

NOW THEREFORE, keeping in view the facts on record, the provision of rules in vogue and in exercise of powers conferred under Rule-17 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 read with Rule-05 of Khyber Pakhtunkhwa Service Appeal Rules 1986, the decision of the competent authority is upheld and appeal of the appellant is hereby rejected being time-barred and without any substance.

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

ENDST; NO. 10996-28 /

Copy of the above is forwarded to-

1. The Superintendent, Headquarters Prison Mardan for information and necessary action with reference to his order referred to above.
2. The Superintendent Central Prison Mardan for information and necessary action. He is directed to inform the appellant accordingly and to make necessary entry in his Service Book under proper attestation.
3. Ex-Warder Kamal Jalal S/O Said Jalal R/o Faqeer Garhi Fazal P/O Faqeer Kalay Tehsil & District Peshawar (0313-9020618) for information.

D.No. 1274
10/04/2021

[Handwritten signature]
10-4-21

ASSISTANT DIRECTOR
INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

[Handwritten signature]
27/04/2021