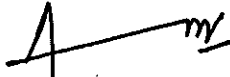


FORM OF ORDER SHEET

Court of _____

Appeal No. 1065/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/05/2023	The appeal of Mr. Samar Khan resubmitted today by Mr. Baseer Ahmad Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____
		By the order of Chairman  For REGISTRAR

The appeal of Mr. Samar Khan Ex-Warder BPS-7 Central Prison Peshawar received today i.e. on 26.04.2023 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Check list is not attached with the appeal.
- 2- Appeal has not been flagged/marked with annexures marks.
- 3- Copies of charge sheet, statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal which may be placed on it.
- 4- All the annexures of the appeal are illegible which may be replaced by legible/better one.

No. 1335 /S.T.

Dt. 5/5 /2023.

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Baseer Ahmad Shah Adv.
High Court Peshawar.

Resubmitted after removal of all objections.

obj: No. 1 has been removed.

obj: No. 2 has been removed.

obj: No. 3 The copies of documents mentioned in objection No: 03 was not provide by our client to us therefore we are unable to submit the same.

obj: No. 4 All the annexures of appeal are clearly legible, except medical Chits which could not be convert to better copy the original medical receipts are available and when the Hon'ble tribunal deems it necessary the original medical Chits will be provide to the Hon'ble tribunal.

BASEER AHMAD SHAH
ADVOCATE HIGH COURT

Dated: 9-5-2023

Shah
Basen

5

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No 1065 /2023

Samar Khan.....Appellant

V E R S U S

Inspector General & Other.....Respondents

I N D E X

S.No	Description of Documents	Annexure	Pages
1.	Service appeal with affidavit		1-3
2.	Application for condonation of delay		4
3.	Copies of medical certificates	A	5-23
4.	Copy of fitness certificate	B	24-25
5.	Copy of order dated 18-03-2022	C	26
6.	Copy of departmental appeal	D	27-28
7.	Vakalat Nama		29

Dated: _____

Through

Appellant

Baseer Ahmad Shah

&

Ibad Ur Rehman

ADVOCATES,
PESHAWAR.

OFFICE:-

Cantonment Plaza Flat# 3/B

Khyber Bazar Peshawar.

Cell# 03150195187

Email:- ibad4565@gmail.com

(i)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. 1065/2023

Samar Khan, Ex Warder BPS (7), Central Prison Peshawar.

.....Appellant

V E R S U S

1. Inspector General Prisons Khyber Pakhtunkhwa Peshawar.
2. Superintendent Headquarters Prison Peshawar

.....Respondents

**APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT
1974 AGAINST THE ORDER DATED 18-03-2022
WHEREBY, THE APPELLANT HAS BEEN REMOVED FROM
SERVICE AND AGAINST WHICH DEPARTMENTAL APPEAL
OF THE APPELLANT HAS NOT BEEN RESPONDED SO
FAR DESPITE THE LAPSE OF MORE THAN THE
STATUTORY PERIOD OF NINETY DAYS.**

PRAYER:-

On acceptance of this appeal the impugned Order dated 18-03-2022 may kindly be set aside and the appellant may kindly be ordered to be reinstated in service with all back benefits.

Respectfully Submitted:-

1. That the appellant was enlisted as Constable Warder BPS (7) in Central prison Peshawar in the year 2019 and since enlistment performed his duties with honesty and full devotion and to the entire satisfaction of his high ups.
2. That in the year 2021, the appellant fell ill and was thus allowed one week leave, the appellant was unable to have performed his duties, therefore visited the medical officer who advised him bed rest. **(Copies of medical certificates is enclosed as Annexure A).**
3. That the appellant duly informed, respondents by sending his medical certificates through warder namely Abdul Jalil and Anas Afridi.
4. That the appellant remained under treatment till his fitness certificate issued on 28-01-2023. **(Copy of fitness certificate is enclosed as Annexure B).**

- (2)
5. That in the mean while the appellant obtained copy of order dated 18-03-2022 through his own efforts on 5-01-2023, whereby the appellant was removed from service. **(Copy of order dated 18-03-2022 is enclosed as Annexure C).**
 6. That the appellant preferred departmental appeal on 10-01-2023 which has not been responded so far despite lapse of statutory period of ninety days. **(Copy of departmental appeal is enclosed as Annexure D).**
 7. That the impugned Orders dated 18-03-2022, is against the law, facts and principles of justice on grounds inter alia as follows:-

GROUND S:-

- A. That the impugned Order 18-03-2022 is illegal, unlawful and void ab-initio.
- B. That mandatory provisions of law and rules have been badly violated by the respondents and the appellant has not been treated according to law and rules.
- C. That no evidence was collected in support of the allegations thus the charges never stood established against the appellant.
- D. That the impugned Order is void being passed in utter violation of law and rules on the subject.
- E. That no proper inquiry was conducted in the matter to have found out the true facts and circumstances. No one was examined neither in support of the allegations nor in presence of the appellant nor was he ever afforded opportunity of cross examination.
- F. That even otherwise, no notice was sent on home address of the appellant as required under Rule 9 of E&D rules 2011.
- G. That the version/plea of the appellant was never considered and the impugned order as such too is liable to be set aside.
- H. That even otherwise the absence from duty was not willful and deliberate rather the same was because of serious health problem which circumstances were compelling in nature and were beyond the control of the appellant as well.

- 6
- I. That the appellant was not afforded opportunity of personal hearing.
 - J. That no proceedings as required in case of absence were taken, thus too the impugned orders is liable to be set aside.
 - K. That the appellant has about 5 years of service with unblemished service record.
 - L. That the appellant seeks the permission of this honorable tribunal for further/additional grounds at the time of arguments.

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

Any other relief deemed appropriate and not specifically asked for, may also be granted in favor of the appellant.

Dated 20-04-2023

Through

Appellant

BASEER AHMAD SHAH

&

IBAD UR REHMAN

ADVOCATES,
PESHAWAR

LIST OF BOOKS

1. Constitution 1973
2. Other books as per need

CERTIFICATE:

Certified that as per instructions of my client, no other Service Appeal on the same subject and between the same parties has been filed previously or concurrently before this honorable Tribunal

ADVOCATE

AFFIDAVIT

I, Samar Khan, Ex Constable warder BPS (7), central prison peshawar, do hereby solemnly affirm and declare on oath that the contents of this **Appeal**, are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

DEPONENT

(4)

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No _____/2023

Samar Khan.....**Appellant**

V E R S U S

Inspector General and others.....**Respondents**

Application for condonation of delay if any

Respectfully Submitted:-

1. That the accompanying appeal is being filed today in which no date of hearing has been fixed so far.
2. That the grounds of appeal may be considered as integral Part of this application.
3. That in the meanwhile the appellant obtained copy of order dated 18-03-2022 through his own effort on 05-01-2023 whereby appellant was removed from service.since the impugned order is void ab-initio and even otherwise the departmental as well as service appeals are well within time from the date of knowledge as such lis are to be decided on merit instead of technicalities.
4. That the law as well as the dictums of the superior Courts also favors decisions of cases on merit.

It is therefore prayed that on acceptance of this application, the delay if any in filing of appeal may kindly be condoned.

Dated:-20-04-2023

Through

Appellant

BASEER AHMAD SHAN

ADVOCATE, PESHAWAR

AFFIDAVIT

I, Samar khan, EX Constable warder BPS(7) central Prison Peshawar do hereby solemnly affirm and declare on oath that the contents of this **Application**, are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

DEPONENT

(4)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No _____/2023

Samar Khan.....Appellant

V E R S U S

Inspector General & Other.....Respondents

I N D E X

S.No	Description of Documents	Annexure	Pages
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6.	Copy of departmental appeal	D	27-28
7.	Vakalat Nama		29

Date: _____

Through

Appellant

Baseer Ahmad Shah

&

Ibad Ur Rehman

ADVOCATES,
PESHAWAR.

OFFICE:-

Cantonment Plaza Flat# 3/B

Khyber Bazar Peshawar.

Cell# 03150195187

Email:- ibad4565@gmail.com

Anexube - A

(5)

AMAR KILAN 30 MALE
 CLERK OPD PESHAWAR
 Hospital No. 14544-21 13-09-2021

Ref. to Med OPD (K)
 Rx
 - Tab Cipmaxin
 136
 96

Ten. Nazim Nazim (K) 1+1
 - Tab Kamistate
 O.S. 1+1
 - Cammasol
 O.S. 1+1
 Alibi Redox
 22 days

DR. MEENA KHAN NAZIM
 MBBS, FCPS (P), MRCPS (P)
 Peshawar Hospital, Peshawar
 P.O. Box 1000, Peshawar

6

DEPARTMENT OF RADIOLOGY
SERVICES HOSPITAL PESHAWAR

Name: Samar Khan Sex: M Age: Years
US Required: Abd & Pelv Address: Peshawar
Date: Monday, September 13, 2021

ULTRASOUND ABDOMEN AND PELVIS:

Liver has normal size and uniform texture. No focal hepatic lesions.

CBD and portal vein measure within normal limits.

The gall bladder appears normal.

Spleen is normal in size with no focal defects.

Pancreas has normal texture and outline.

Both kidneys are normal in size, having adequate amount of cortex. There is no evidence of hydronephrosis on either side. A calculus 6.7 mm in size can be seen at lower pole of left kidney.

No evidence of free or loculated intraperitoneal fluid. No para-aortic lymph node enlargement.

The configuration of urinary bladder is normal.

CONCLUSION: - Please see comments.


RADIOLOGIST

10 HOSPITAL, DOGRA, BATH
Ultrasound Unit

7

Name: Mr. Khanna Age/Gender: years/ male
Rept: 09/2022 Ref. By:

ULTRASOUND ABDOMEN

... margins ... normal caliber

GALLBLADDER

... and shape ... fluid collection is seen.

SPLEEN

... echotexture ...

... and shape ... No mass ...

ADRENALS

... are ...

RENALS

... is seen at the lower pole and 03 mm concretion at the upper

BLADDER

... mass ...

IMPRESSION

Left renal 05 mm lower pole calculus with 03 mm upper pole concretion. No obstructive changes.

Dr. ...
Ultrasound Physician

[Signature]
Ultrasound Physician

Facility Name

Chitwan

OP No.

8

/Husband's Name

5/11/11

Monthly OPD Serial No.

Provisional Diagnosis:

Date

Clinical Findings / Investigations Treatment Received Test Findings

*NP / UG of 2nd
limb*

Left hand Calc

2nd 2nd 2nd

no visible

the number of



9

DHIS-02(I)

Sancho

OUT DOOR PATIENT TICKET

District: _____ CRP No: 7745

Facility Name: _____

Name: _____ Age: _____ Sex: _____

Father's/Husband's Name: _____

Monthly OPD Serial No: _____

Provisional Diagnosis: _____

Date: _____ Clinical Findings / Investigations / Treatment / Referred / Test Findings

1. Cap Contours lung (1)
 2. No JVD
 3. JVP not raised (2)
 4. 92/60
 5. JVP depressed (23)
 6. 120/80
 7. JVP not raised (2)

PETC - JVP not raised (2)

~~10~~

11

DHS-01(F)

Serial To:

OUTDOOR PATIENT TICKET

District _____ CRP No. 11050

Facility Name [Handwritten]

Name _____ Age _____ Sex _____

Father's/Husband's Name _____

Monthly OPD Serial No. [Handwritten]

Provisional Diagnosis: Fein

Date

Clinical Findings / Investigations / Treatment / Referral / Test Findings

Complete in 2 days

Trigo! ACS +ve

P. 40 Jib. ...

[Handwritten]

[Handwritten]

[Handwritten]

Dr. Aziz Dillash
Medical Specialist
THQ Hospital Dera

230

12

DHIS-02(F)

Sent To: _____

OUT DOOR PATIENT TICKET

District _____ CRP No: 20/0

Facility Name UCC

Name _____ Age: _____ Sex: _____

Father's /Husband's Name _____

Monthly OPD Serial No. 5/10/15

Provisional Diagnosis: NSI-APD/GAD/Dep.

THO Hospital "Qira Bicket Bara"	Date	Clinical Findings / Investigations / Treatment / Referred / Test Findings
* * *	05 OCT 2021	<p>Denggi + ...</p> <p>Cap. Contours W (M)</p> <p>lie d... (M)</p> <p>Tab. Prothradin 25mg (30)</p> <p>Complete test for 05 days</p> <p>Tab. Pexnew 5mg (28)</p> <p>Tab. Chemical (P)</p>
<p>Adw</p> <p>NSI</p> <p>DLGM</p> <p>MP.</p> <p>P.T.O</p>	<p>OPT SILIP</p>	<p>NSI</p> <p>DLGM</p> <p>MP.</p> <p>P.T.O</p>

(13)


- Tab. Sorbox - 7 - (30)

Hand 30

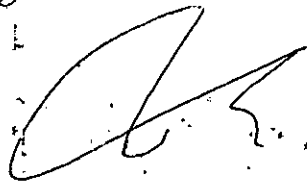
- Tab. Dicloran - (20)
50

1-80+1



 Rosochy

2+2
Handwritten text



Sent To: _____

OUT DOOR PATIENT TICKET

14

District _____

ERP No: 3016

Facility Name: 06/6

Name: _____ Age: _____ Sex: _____

Father's /Husband's Name: _____

Monthly OPD Serial No. _____

Provisional Diagnosis: _____

Date _____ Clinical Findings / Investigations / Treatment / Referred / Test Findings

THQ Hospital Doga Bicket Bara
OPD SILIP
07 OCT 2021

J.S. Penum
22.11.20

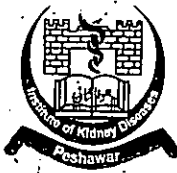
B. Ahmed
24.11.20

J. Sult
22.11.20

A.S. W
22.11.20



15



**Institute of Kidney Diseases
Hayatabad Peshawar
Emergency Department**

RS-210

Patient Copy

R

Office Copy

Y

No: _____

Name: _____ Age _____ Sex _____

Department _____ Address _____

Hospital Yearly No: _____ Dated _____

History

[Faint handwritten notes in the History section]

Clinical Examination

[Faint handwritten notes in the Clinical Examination section]

Advised

Doctor on Duty Stamp



**Institute of Kidney Diseases
Hayatabad Peshawar
Emergency Department**

16

RS. 20

No: 509
Team A

Patient Copy
Office Copy

R
Y

Name: _____ Age _____ Sex _____

Department MR No. 4051221 Address _____

Hospital Yearly No: _____ Dated _____

Samar Khan 20 Years

History Emergency KHYBER AG
Visit No-1 01-12-21 C

*Burning Micturition
per bilateral
cyst
Urinary hesitancy*

Clinical Examination

Advised

Doctor on Duty Stamp

17

ULTRASOUND REPORT

GENITO- URINARY SYSTEM

Kidneys

Bilateral renal few calculi are seen , largest 7.5mm on left and 2-3mm on right side.

Both kidneys have normal sizes, echogenicity, parenchymal thickness and CMD.

No evidence of mass or hydronephrosis.

Urinary bladder

Is empty.

HEPATO-BILIARY SYSTEM

Liver, gallbladder, spleen and pancreas are normal sonomorphologically.

GENERAL ABDOMEN

No ascites, pleural effusion & lymphadenopathy noted. Major vessels are normal.

No definite gut pathology noted. Normal diaphragmatic excursion.

Impression:

- **Bilateral renal calculi.**

18

Department of Radiology
Institute of Kidney Disease,
Peshawar.

Patient Name: **Samar Khan, 32Yrs**
Dated: **07/December/2022**

KUB ULTRASOUND REPORT

Kidneys

Left kidney shows 5mm calculus in lower pole and 3.8mm concretion in lower pole.

Both kidneys are normal in sizes, echogenicity & normal cortical thickness with well-differentiated corticomedullary junction.

No evidence of mass or hydronephrosis.

Urinary bladder
is empty.

Impression:

- Left renal calculus + concretion.


Dr Saira Kamal Trainee Registrar Radiology, IKD

12:48:30

Samuel Klein

(19)

(20)

16-12-22

Tas Laid (21)

SKAB Ciba

yr

Belgian

(31)
Ser. No:

DHIS-02(F)

OUT DOOR PATIENT TICKET

(20)

District _____ CRP No: 1660

Facility Name _____

Name _____ Age: _____ Sex: _____

Father's / Husband's Name _____

Monthly OPD Serial No. _____

Provisional Diagnosis: _____

SURGEON
DR. MOHAMMAD HAYAT KILAN
MBBS, MCPS, FCPS, (Pak)
District Surgical Specialist
THQ Hospital, Bara, Dist. K. 22, 207

Date

Clinical Findings / Investigations / Treatment

Co pain in eye blue.

7 Cefixime 20

7 Spudix 20

7 Diclox 50 20

7 Amp deoxi 500

11 - 11

OPD SLIP
30 DEC 2022
THQ Hospital Dogra Bicket Bara

Signature
11/12/22



SERVICES HOSPITAL PESHAWAR
GOVERNMENT OF KPK
OPD REGISTRATION

RS-101

21

Name SAMAR KHAN Age 30 Sex MALE
 Department GENERAL OPD Address PESHAWAR
 Hospital Yearly No. 5094-23 Dated 06-01-2023

History RI- Ref to Surgical OPD
15m

Clinical Examination LOW vision
1-5
Sep Low acuity
2-2-2

Provisional Diagnosis Sep RI Deficiency
1-5 (V)

Investigations RI 1-5 (V)
1-5

D B P

Doctor on Duty _____ Doctor's Signature _____

22

DHIS-02(F)

Sent To:

OUT DOOR PATIENT TICKET

District _____ CRP No: PPB 8

Facility Name UIC

Name _____ Age: _____ Sex: _____

Father's / Husband's Name _____

Monthly OPD Serial No. 161

Provisional Diagnosis: _____

THQ Hospital Dogra Bicket Bara

28 JAN 2023

OPD SLIP

Clinical Findings / Investigations / Treatment / Referred / Test Findings

Ref to Medical
OPD.

40. Dyspepsia - 3 months

Asdy Cap. Colour
... ..

161

(23)

1 ab - Secundot for
دو قوسان اول و دو

1 ab - Zentel
دو قوسان اول و دو
ف. ل. ت. ت. ت. ت. ت.

1150

1 ab - Pax news
10mg
1/2
ف. ل. ت. ت. ت. ت. ت.
(63)

1 ab - Libraw
ف. ل. ت. ت. ت. ت. ت.
ف. ل. ت. ت. ت. ت. ت.
ف. ل. ت. ت. ت. ت. ت.
ف. ل. ت. ت. ت. ت. ت.

Anex. B

24

DHIS-02(F)

Sent To: **OUT DOOR PATIENT TICKET**

District: U.P. CRP No: PPPI

Facility Name: U.P.

Name: _____ Age: _____ Sex: _____

Father's/Husband's Name: PLB

Monthly OPD Serial No. _____

Provisional Diagnosis: Fitness certificate

Date	Clinical Findings / Investigations / Treatment / Referral / Test Findings
<div style="border: 1px solid black; padding: 5px; text-align: center;"> <p>THQ Hospital Dogra Bicket Barz</p> <p>***</p> <p>28 JAN 2023</p> <p>***</p> <p>OPD SLIP</p> </div>	<p>To whom it may concern!</p> <p>It is certified that Mr. ^{Ehan} Samir has been suffering from anxiety and sever depression and he has been under my treatment for the same. He was unable at that time to do his routine duties. Now after P.T.O</p>

the completion of treatment,
he is mentally and physically
fit to perform his duties.
He may be allowed to
perform his duties as
per routine

28/1/2023
2023

Dr. Aziz Ullah
Medical Specialist
HQ Hospital Dogra

طریق مناسب آئی ہیں تاکہ عمارت خیرہ چھتواہ منزل شمار

درویشی گھرانہ بہالی ملرزٹ ٹرسٹ 927526

رسول =

پوم آڈیٹر 137377 رقم 22/03/18 پوم پورہ

D. NO 974

صائب علی

گزارشیں رسیدوں کے ساتھ
۵۱۰

۵۱۱
۵۱۲

۵۱۳
۵۱۴

۵۱۵
۵۱۶

۵۱۷
۵۱۸

۵۱۹
۵۲۰

۵۲۱
۵۲۲

خدمت جناب آئی جی صاحب جیل خانہ جات ضلع راجھڑی، پشاور

درخواست بھراہ بھالی مارزمت سنٹیل 927526

لوہہ آرڈر نمبر 137377 مورخہ 18.03.2022 پوسٹ نمبر 1803

جناب عالی

گزارشی حکم سنٹیل مرکب غمرب اور پال بکے در تنگھی سے غمرب خاندا سے متعلق رہنمائی اسی سلسلے میں آپ صاحبان کیساتھ طور 31.01.2023

پر پیش ہوئی تھی۔ ارج تک مسائل کو آپ صاحبان کے طرف سے فیصلے کی انتظا سے مسائل آپ صاحبان سے بھالی کی ارضید رکھتا ہے

بحولہ 10.01.2023 کی ایک درخواست جو کہ اپیل کے شکل میں تبادلی تھی۔ مگر ارج تک کوئی فیصلہ نہیں آیا۔

بہر اہم کلم آپ صاحبان کے مسائل کے بارے میں جو بھی فیصلہ کیا ہو تو صبر با

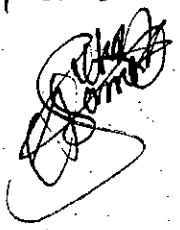
ہم کے ریشن کے شکل میں دیگر حکم فرماویں

بندہ تاحیات دعا گو رہتا

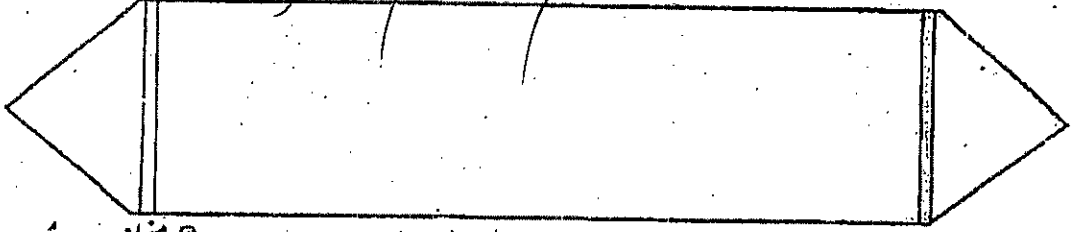
28-3-2023

ایک ایسا بندہ جس کا نام تہر خان ولد سید وزیر خان

سنٹیل جیل 03422525826



بعدالت جناب سید وسیم بیگم



مورخہ _____
 مقدمہ _____
 دعویٰ _____
 رقم _____

باعث تحریر آئندہ

مقدمہ نمبر جج عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکیل کارروائی متعلقہ
 آج مقام _____ کیلئے _____

مقررہ کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
 وکیل برصاحب کو رضی نامہ کرنے کے لئے و تقرر ثالثیت و فیصلہ برحلف دیئے جناب دہی اور اقبال دعویٰ اور
 باسورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زراں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
 نیز دائر کرنے اپیل نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
 کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقرر کا اختیار
 ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا سہایت
 یہ داخلہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا۔
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے کہ پیروی
 مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

Accepted
 Affidavit

المرتوم _____ ماہ _____ 20 _____
 البس _____ واہ العی _____
 کے لئے منظور ہے۔

Handwritten signatures and names at the bottom of the page.