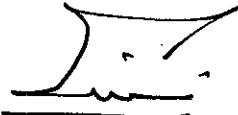


27th July 2022

Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not prepared the brief of the instant appeal. Adjourned. To come up for arguments on 20.09.2022 before the D.B.



(Salah-Ud-Din)
Member (J)




(Kalim Arshad Khan)
Chairman

20.09.2022

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

Learned counsel for the appellant requested for adjournment on the ground that he has not gone through the record. Adjourned. Adjourned. To come up for arguments on 30.11.2022 before the D.B.



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

Deleted from list to come up on 23-2-23

SCANNED
KPST
Peshawar



23.02.2023

Bench is incomplete, therefore, the case is adjourned to.

24.05.2023 for the same as before.

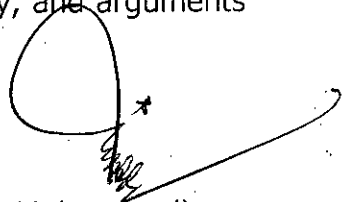


Reader

19.05.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG alongwith Mr. Kamal Junior Clerk for the respondents present.

Written reply/comments on behalf of respondents submitted which is placed on file. Copy of the same is handed over to the learned counsel for the appellant. Adjourned. To come up for rejoinder if any, and arguments on 28.06.2022 before D.B.


(Mian Muhammad)
Member (E)

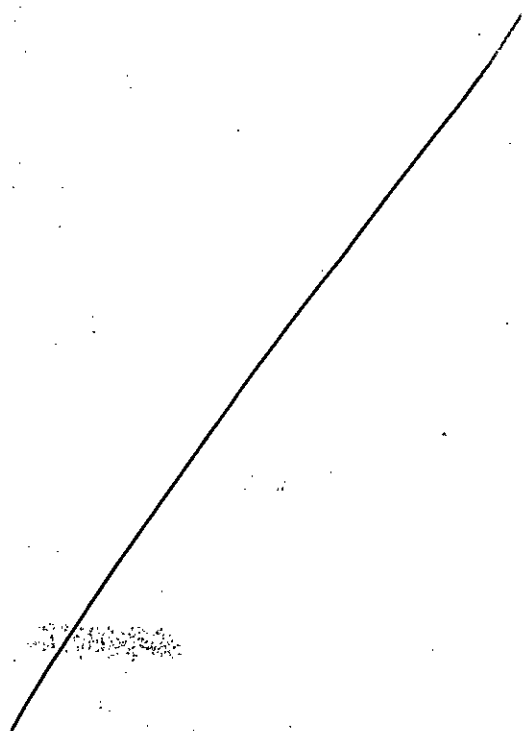
28.06.2022

Appellant alongwith his counsel present. Mr. Riaz Khan Paindakheil, Assistant Advocate General for respondents present.

Learned counsel for the appellant sought adjournment on the ground that he has not prepared the brief of the case. Adjourned. To come up for arguments on 27.07.2022 before the D.B.


(Rozina Rehman)
Member (J)


(Salah Ud Din)
Member (J)



15.10.2021

Appellant present through counsel. Preliminary arguments heard. Record perused.

Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notice be issued to respondents for submission of written reply/comments in office within 10 days of the receipt of notices, positively. If the 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 14.01.2022 before D.B.

Appellant Deposited
Security & Process Fee

15/10/21

(Rozina Rehman)
Member (J)

14.01.2022

Appellant in person present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Atta Muhammad, Law Officer for the respondents present.

Representative of respondents requested for time to furnish reply/comments. Granted. To come up for reply/comments before the S.B on 02.03.2022 before the D.B.

2-3-2022

Due to retirement of (Atiq-Ur-Rehman Wazir)
Member (E)

The Honorable chairman the case is adjourned to come up for the same as before on 19-5-2022

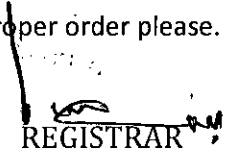

Reader

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7310 /2021

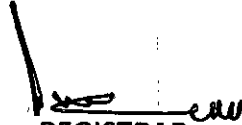
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	28/08/2021	<p>The appeal of Mr. Shabir Ahmad resubmitted today by Mr. Syed Noman Ali Bukhari Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>2-</p> <p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>15/10/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Shabir Ahmad Ex-Warder Sub-Jail Parachinar received today i.e. on 06.08.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures of the appeal may be attested.
- 2- Check list is not attached with the appeal.
- 3- Annexures-B, C and E of the appeal are illegible which may be replaced by legible/better one.

No. 1543 /S.T,


Dt. 06/08 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Syed Noman Ali Bukhari Adv. Pesh.

Six

- ① objection Remand.
- ② objection Remand.
- ③ objection Remand.


23/8/21

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

73/0
APPEAL NO. _____/2021

SHABIR AHMAD

V/S

Prison Deptt:

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of Appeal	-----	1-7
2.	Copy of medical prescription	A	08-18
3.	Copy of show cause	B	19
4.	Copy of impugned order	C	20
5.	Copy of departmental appeal	D	21-23
6.	Copy of rejection order	E	24
7.	Vakalat nama	-----	25

Ali
APPELLANT
SHABIR AHMAD

THROUGH:

Ali
(SYED NOMAN ALI BUKHARI)
ADVOCATE, HIGH COURT.

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

1

APPEAL NO. _____/2021

Mr. Shabir Ahmad Ex-Wader
Sub-Jail Parachinar.

(Appellant)

VERSUS

1. The inspector General of Prison Khyber Pakhtunkhwa, Peshawar.
2. The Deputy inspector General of Prison Khyber Pakhtunkhwa, Peshawar.
3. The Superintendent Central H/QS Prison D.I KHAN.

(Respondents)

.....

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974 AGAINST THE ODER DATED 24.05.2020 WHEREBY THE APPELLANT WAS REMOVED FROM THE SERVICE AND AGAINST THE REJECTION ORDER DATED 09.07.2021 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT WAS REJECTED WITHOUT SHOWING ANY REASON.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 24.05.2020 and 09.07.2021 MAY PLEASE BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED IN TO SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT, MAY ALSO, BE AWARDED IN FAVOR OF APPELLANT.

(2)

RESPECTFULLY SHEWETH:

1. That the appellant joined the Prison Deptt as warder and performed duties with full zeal and zest since appointment.
2. That the appellant filed application for one month leave for the treatment of his mother being paralyzed and appellant was only a male member to look after his mother because appellant father was died, so in reply appellant was informed that the 7 days leave was granted and after expiry of leave appellant joined the duty, so absentia of the appellant was not willful but on the ground of illness of mother which is beyond the control of the appellant. **Copy of medical prescription is attached as annexure-A.**
3. That after joining duties appellant was if again absented himself from duties the deptt should follow procedure of rule-9 provided under E&D rules 2011, but appellant was straight away removed from service vide order dated 25.04.2021 without following procedure of **Rule-9 of E&D rules 2-011** and also without following procedure under **Rule- 5 of the E & D Rules 2011**. Although show cause notice was issued but never served upon the appellant, the same was handed over to appellant with the impugned order which was malafide on the part of the deptt. The appellant filed departmental appeal which was also rejected without showing any reason vides impugned order dated 09-07-2021. **(Copy of show cause notice impugned order, and departmental appeal are attached as Annexure-B, C & D).**
4. That now the appellant come to this august Tribunal on the following grounds amongst others.

GROUND:

- A) That the orders dated 25.04.2021 and 09.07.2021 are against the law, facts, norms of justice and material on record, therefore not tenable and liable to be set aside.
- B) That the appellant has been condemned unheard in violation of Article 10-A of the Constitution of Islamic republic of Pakistan and in violation of maxim "Audi Alterum Partum" and has not been treated according to law and rules. That according to reported judgment cited as **2019 CLC 1750** stated that Audi Alterum Partum" shall be read as part and parcel of the every statute. The same principle held in the Superior Court judgments cited as **2016 SCMR 943, 2010 SCMR**

1554 and 2020 PLC(cs) 67, where in clearly stated that the penalty awarded in violation of maxim "Audi Alterum Partum" is not sustainable in the eye of law.

C) That the appellant; mother is seriously ill, therefore cannot attend duties, so absentia of the appellant was not willful but on the ground of illness of mother which is beyond the control of the appellant. So, according to superior Court Judgment cited as 2008 SCMR 214 availing leave on medical grounds without permission could not be considered an act of gross misconduct entailing major penalty, the major penalty in this case on the basis of absentia on medical ground is so harsh and not commensurate with guilt. So the impugned order is liable to be set-aside.

D) That impugned order was based on willful absence, so, for the willful absence procedure is provided in Rule 9 of the E&D rule 2011, which is so much crystal clear. The authority before imposing major penalty also violates the procedure of Rule-9. So the impugned order is defected in eye of law.

E) That no show cause notice was issued before taking adverse action which is violation of rule *Rule-5(a) Read with Rules -7* in case inquiry was not necessary and *Rule-14(b) of the E&D Rules 2011*, in case where regular inquiry is necessary. Which were totally ignored before taking adverse action. The same principle held in the Superior Court judgments cited as 1987 SCMR 1562, 2019 PLC cs 811, 2008 PLC cs 921 and 209 SCMR 605. Further it is added that inquiry report was also not provided to the appellant which was also violation of Rule *14(c) of the E&D rules 2011*, so the impugned order was passed in violation of law and rules and norms of justice. The same principle held in the Superior Court judgments cited as 1981 PLD SC 176 and 1987 SCMR 1562.

F) That it is, pertinent to mention here that if inquiry was not necessary the competent authority should follow the rule *5(a) of the E&D rules 2011* and dispense with the inquiry with reasons but the same was also violated, so the impugned order was in violation of law and rules so not tenable in the eye of law.

G) That no proper regular inquiry was conducted before imposing major penalty. Moreover, if any fact finding inquiry was conducted but the

appellant was not associated with the same, neither the statement recorded in presence of appellant nor was the chance of cross examination provided to the appellant which is violation of **Rule-10 (b) and Rule 11 (1) of the E&D Rules 2011**, which were totally ignored before imposing punishment which is illegal and against the law, rules and natural justice. The same principle held in the Superior Court judgments cited as 2010 SCMR 1554, 2016 SCMR 108, 2009 PLC (cs) 19, 2008 SCMR 1369, 2009 SCMR 412, 2007 PLC cs 247 and 2008 PLC cs 1107.

H) That according to Federal Shariyat court Judgment cited as **PLD 1989 FSC 39** the show cause notice is must before taking any adverse action, non-issuance of show cause notice is against the injunction of Islam. Hence the impugned order is liable to be set-aside.

D) That the show cause is the demand of natural justice before taking adverse action and also necessary for fair trial and also necessary in light of injunction of Quran and Sunnah but show cause was not served to the appellant (show cause given to the appellant but with the impugned order) which is malafide on the part of the deptt. So, fair trail denied to the appellant which is also violation of Article 10-A of the constitution. Further it is added that according to reported judgment cited as **1997 PLD page 617** stated that every action against natural justice treated to be void and unlawfully order. Hence impugned order is liable to be set-aside. The natural justice should be considered as part and parcel according to superior court judgment cited as 2017 PLD 173 and 1990 PLC cs 727.

J) That no charge sheet was issued to the appellant on the allegation appellant was dismissed from service which is violation of **Rule-10(b) of the E&D Rules 2011** and if inquiry was conducted any in absence of charge sheet that is to be treated as fact finding inquiry and awarded major penalty on fact finding inquiry is against the law, rules and norms of justice, because in case of imposing major penalty proper regular inquiry and proper procedure has to be conducted under **Rule-5, 10, 11 & 14 of the E&D Rules 2011** but in case of the appellant same was violated which is also violation of Supreme Court judgment Cited as 2008 SCMR 609 wherein clearly stated that inquiry conducted in absence of charge sheet is void-ab-initio and also violation of this tribunal judgment in appeal no: 905/2016 decided on 20.02.2018. In Supreme court judgment cited as 2004

(5)


SCMR 294, 2008 PLC cs 1107, 2008 PLC cs 1065 wherein clearly state that the major penalty cannot be imposed on the basis of fact finding inquiry.

- K) That the opportunity of personal hearing and personal defense was not provided to the appellant which was violation of **Rule 7(d)** in case inquiry was not necessary and **14(5) of the E&D rules 2011** in case where inquiry is necessary.
- L) That the appellant seeks permission to advance others grounds 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.


APPELLANT
SHABIR AHMAD

THROUGH:


(SYED NOMAN ALI BUKHARI)
ADVOCATE, HIGH COURT

6

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2021

SHABIR AHMAD

V/S

Prison Deptt:


CERTIFICATE:

It is certified that no other service appeal earlier has been filed between the present parties in this Tribunal, except the present one.


DEPONENT

LIT OF BOOKS:

1. Constitution of the Islamic Republic of Pakistan, 1973.
2. The ESTA CODE.
3. Any other case law as per need.


(SYED NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT

7

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2021

SHABIR AHMAD

V/S

Prison Deptt:

AFFIDAVIT

I, SHABIR AHMAD, (Appellant) do hereby affirm that the contents of this service appeal are true and correct, and nothing has been concealed from this honorable Tribunal.

DEPONENT


SHABIR AHMAD

ADVANCED NEUROLOGY CENTER

A 8-9, Mohmand Medical Center, Dabgari Gardens, Peshawar

Ph: 091-2565380

NCS / EMG Report

Name: Kaptana BiBi
 Address: Hangoo
 0334-8303059

Patient ID: 061420
 Date of Birth: 1/12/1955
 Gender: Female
 Date of Exam: 12/14/2020 5:28 PM

Referring Physician: Prof. Muhammad Subhan
 Examining Physician: Prof. Muhammad Subhan

Motor Nerve Conduction:

Nerve and Site	Latency	Amplitude	Segment	Latency Difference	Distance	Conduction Velocity
----------------	---------	-----------	---------	--------------------	----------	---------------------

Peroneal.L

Ankle	5.0 ms	4.0 mV	Extensor digitorum brevis-Ankle	5.0 ms	mm	m/s
Fibula (head)	11.8 ms	3.9 mV	Ankle-Fibula (head)	6.8 ms	300 mm	44 m/s

Tibial.L

Ankle	5.7 ms	4.9 mV	Abductor hallucis-Ankle	5.7 ms	mm	m/s
Popliteal fossa	13.5 ms	4.9 mV	Ankle-Popliteal fossa	7.8 ms	360 mm	46 m/s

Median.L

Wrist	4.8 ms	7.1 mV	Abductor pollicis brevis-Wrist	4.8 ms	mm	m/s
Elbow	8.6 ms	6.0 mV	Wrist-Elbow	3.8 ms	200 mm	53 m/s

Ulnar.L

Wrist	3.3 ms	6.5 mV	Abductor digiti minimi (manus)-Wrist	3.3 ms	mm	m/s
Below elbow	6.4 ms	6.3 mV	Wrist-Below elbow	3.1 ms	220 mm	71 m/s

Median.R

Wrist	5.5 ms	8.1 mV	Abductor pollicis brevis-Wrist	5.5 ms	mm	m/s
Elbow	8.8 ms	7.9 mV	Wrist-Elbow	3.3 ms	200 mm	61 m/s

Ulnar.R

Wrist	3.3 ms	7.8 mV	Abductor digiti minimi (manus)-Wrist	3.3 ms	mm	m/s
Below elbow	7.0 ms	9.2 mV	Wrist-Below elbow	3.7 ms	220 mm	59 m/s

F-Wave Studies

Nerve	M-Latency	F-Latency
Tibial.L	13.5	51.6
Median.L	8.6	26.7
Ulnar.L	3.3	26.1
Median.R	8.8	26.5
Ulnar.R	7.0	26.3

Sensory Nerve Conduction:

Nerve and Site	Onset Latency	Peak Latency	Amplitude	Segment	Latency Difference	Distance	Conduction Velocity
Sural.L							
Lower leg	2.6 ms	3.3 ms	13 μ V	Ankle-Lower leg	2.6 ms	mm	m/s
Median.L							
Wrist (Median)	2.7 ms	3.2 ms	7 μ V		ms	mm	m/s
	ms	ms	μ V	Wrist (Median)-Wrist (Ulnar)	1.8 ms	mm	m/s
Ulnar.L							
Wrist (Ulnar)	0.8 ms	1.4 ms	26 μ V		ms	mm	m/s
Median.R							
Wrist (Median)	2.8 ms	3.4 ms	15 μ V		ms	mm	m/s
	ms	ms	μ V	Wrist (Median)-Wrist (Ulnar)	1.9 ms	mm	m/s
Ulnar.R							
Wrist (Ulnar)	0.9 ms	1.5 ms	34 μ V		ms	mm	m/s

Needle EMG Examination:

Muscle	Insertional				Spontaneous Activity				Volitional MUAPs				Max Volitional Activity	
	Normal	Fibs	+Wave	Fasc.	Duration	Amplitude	Stability	Poly	Config	Recruitment	Amplitude	Pattern	Effort	
Tibialis anterior L	Normal	None	None	None	Normal	Normal	None	None	Normal	Normal	Full	Sub Max.		
Gastrocnemius L	Normal	None	None	None	Normal	Normal	None	None	Normal	Normal	Reduced	Sub Max.		
Vastus lateralis L	Normal	None	None	None	Normal	Normal	None	None	Normal	Normal	Reduced	Sub Max.		
1st dorsal interosseous L	Normal	None	None	None	Normal	Normal	None	None	Normal	Normal	Reduced	Sub Max.		
Biceps brachii L	Normal	None	None	None	Normal	Normal	None	None	Normal	Normal	Reduced	Sub Max.		

Conclusions

This study does not show electrophysiologic evidence of anterior horn cell disease. However there are incidental findings of:

- Bilateral median neuropathy (moderate to severe) at the wrist (Carpal Tunnel Syndrome)

Clinical correlation is suggested.

Dr. Muhammad Subhan
 MBBS (Pesh), FCPS
 Neurologist and Neurophysiologist
 Professor
 Peshawar Medical College

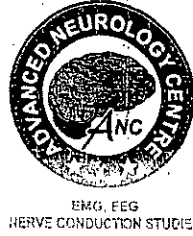
Professor

Dr. Muhammad Subhan

MBBS(Pesh), FCPS

NEUROLOGIST & NEUROPHYSIOLOGIST

Peshawar Medical College



10

پروفیسر

ڈاکٹر محمد سبحان

ایم۔ بی۔ بی۔ ایس۔ (پشاور)، ایف۔ سی۔ بی۔ ایس۔
نیورولوجسٹ اینڈ نیوروفزیالوجسٹ
پشاور میڈیکل کالج

Handwritten notes in Urdu at the top left.

Handwritten signature/initials.

Handwritten signature/initials.

Handwritten notes including 'Dear Vinu in front of', 'Finger numbness', 'Dry mouth', and dates '14-12-21', '17-3-27', '11/8/76'. Includes 'not mid of same' and 'CFS'.

Garbora 757

(262)

Zargat 207

Handwritten notes in Urdu.

Sun MAT

Handwritten notes in Urdu.

(46)

Alband 207

Handwritten notes in Urdu.

اپنٹمنٹ کیلئے اس نمبر پر فون کریں
0332-9065765
0313-9056818
091-2565380

کلینک A-8-9 ہمند میڈیکل سنٹر ڈگری گارڈن پشاور

Professor

Dr. Muhammad Subhan

MBBS (Pesh), FCPS

NEUROLOGIST & NEUROPHYSIOLOGIST

Peshawar Medical College



EMG, EEG
NERVE CONDUCTION STUDIES

پروفیسر
ڈاکٹر محمد سبحان

ایم بی بی ایس (پشاور) ایف سی پی ایس
نیورولوجسٹ اینڈ نیوروفزیالوجسٹ
پشاور میڈیکل کالج

Kaplang

کپلنگ

سینٹر

Stroke ?

14/12/20

NCV and CFS

med hx

Zugap 50%

CFS

دیسٹال

Cifanew 10%

باری

آپسٹریٹ

سی

آپسٹریٹ

Wrist splint
بند کرنے کے لیے

سی

سر دھکنے کے لیے

آئندہ معائنہ کے بعد

تعطیل بروز ہفتہ اتوار

091-2565380
0332-9065765
0313-9056818

ٹیکسٹ کیلئے اس نمبر پر فون کریں

کلینک A-8-9 مہمند میڈیکل سنٹر ڈبگری گارڈن پشاور



Neurosurgeon

DR. ALI HAIDER

MBBS, MS, PhD

Fellowship: Neurovascular Surgery (USA)

Fellowship: Micro-Neurosurgery (Japan)

Fellowship: Skull Base Surgery (Germany)

Physio

Assistant Professor

Dept. Neurosurgery

Lady Reading Hospital Peshawar.

12

مڈیکل ڈائریکٹر
محمد روز میموریل ویلفیئر ہسپتال ملاکنڈ روڈ تخت بھائی

Chairman: 61

Life & Hope Foundation

Clinic: Room # 202, Pak Medical Center & Hospital Khyber Bazar Peshawar.

Pt Name

کستانہ بی بی

Age

Date 1-12-20

- Old stroke

Tab Ascard

- Hemi

75

- BP - 150/100

Tab R6-choline

- CT - 11

75

Cap Grindex

75

Tab Newron

75

Tab Lapranx

75

Tab Latizole

107

Tab Eziday

257

ماہر امراض: دماغ، حرام مغز، ریڑھ کی ہڈی، فالج، مرگی، سردرد، کمر درد

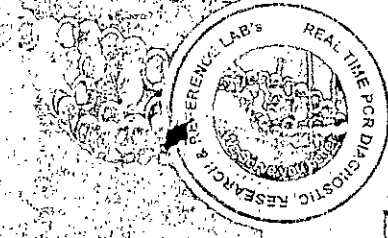
نیوروسرجن ڈاکٹر علی حیدر

0336-5321748, 0314-9125109. Haider_nvs@yahoo.com / www.life-hope.pk

Lapranx 0.25,05mg

Epilax 200mg

Dr

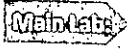


NTN # 3348294-2

HRA Reg. No. 04501

REAL TIME PCR DIAGNOSTIC, RESEARCH

& REFERENCE LABORATORIES



Ground Floor, G-30, Auqaf Plaza, Dabgari Garden, Peshawar. Tel: 091-2563765, Cell: 0303-7770520
Email: realtimepcr797@gmail.com, Fb: realtimepcr, Web: realtimepcr.pk/

Patient Name	M/O Abubakar	Age	42 Yrs	Sex	Female
Consultant Prof:	Dr Ali Haider	Lab No		3099-12-2020	
Specimen	Blood	Time		Date	
Investigation Required	RBS, Calcium, Urea, Ceat	12:42:39 PM		1-Dec-20	

TEST REPORT

TEST	RESULT	UNIT	NORMAL VALUES
RBS	85	mg/dl	80-170
Calcium	9.2	mg/dl	8.1 - 10.5
UREA	31	mg/dl	10-50
S.CREATININE	0.8	mg/dl	0.5-1.5

Branch Lab:
MF-92, First Floor, Pak Medical Centre, Karachi Market, Khyber Bazar, Peshawar. Tel: 091-2564213, 0311-9980066, 0311-5446652

EXECUTIVE

Associate Professor
Dr. Sajid Ali
(M.C. Molecular Virology)

CONSULTANTS

- Professor of Hematology
Dr. Muhammad Riazuddin Ghauri
M.Phil (Haematology)
Head of Pathology Department
NMC/QHAMC
- Assistan Professor
Dr. Shabir Ahmed
MBBS, M.Phil (Pathology)
MPH (KMU-IPHSS)
MCPS Family Medicine
Chemical Pathologist
- Dr Nourin Mehmood
BS Bio-Tech
M. Phil Bio-Tech
Ph.D Bio-Tech

TECHNICAL STAFF

Mansoor Rehman
(MLT) KMC

BRANCH LAB

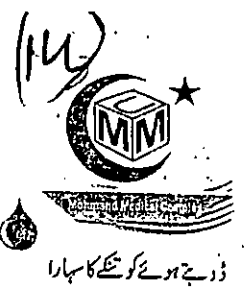
MF-92, First Floor, Pak Medical Centre, Karachi Market, Khyber Bazar, Peshawar. Tel: 091-2564213, Mob: 0311-9980066

Mohmand

MEDICAL LABORATORY & BLOOD BANK

Our Performance Is Quality Control Standard Of Health Care Solutions.

Not For Medico Legal Cases



Name: W/O MUSLIM BADSHA PRN: 21-12591 Lab ID: 191,026
Gender: FEMALE Sampling Date: 11-03-2021 06:01PM
Age: 65. Years Result Date: 11-03-2021 06:37PM
Ref. by: Dr. Muhammad Subhan Specimen: BLOOD
Investigation: Glucose (R)

TEST	RESULT	NORMAL RANGE
Glucose (R)	108 mg/dL	70 - 150

Electronically verified report needs no signature

Professor (Head)
Dr. Malik Zeb Khan
MBBS (Gold Medalist)
DCP (Pak), M.Phil (Pb)
Clinical Pathologist/Hematologist

Mohmand Medical Complex, Dabgari Garden, Peshawar
Phone: #091-2581426, Email: mmcpw@gmail.com

Dr. M. Ishaq Bangash

M.B.B.S, D.T.C.D, M.P.H
Ex:-Agency Surgeon Orakzai Agency
Ex:- District Health Officer Hangu



No 1786-N

Clinical Record

Name: Captana Bibi Age: Wt: Date: 11 February 2021

BP 160/90mmhg

Investigations

S#	Treatments	Duration	Instructions	Dose
1	Broxol Expect: Syp:	2 بوتل	صبح شام کھانے کے بعد	دو جمچ
2	Combivair 400mg Cap:	جاری	صبح شام سپرے کریں	ایک کیپول
3	Moncit 10mg Tab:	28 دن	رات کو کھانے کے بعد	ایک گولی
4	Quibron-T/SR Tab:	جاری	صبح شام کھانے کے بعد	ایک گولی
5	Vantin 100 mg Tab:	5 دن	صبح شام کھانے کے بعد	ایک گولی
6	Rapicort 5mg tab:	7 دن صرف	صبح اور شام کھانے کے بعد	دو گولیاں
7	Eziday 25mg Tab:	جاری	ناشتے کے بعد	ایک گولی
8	Ascard 75mg Tab:	جاری	رات کو کھانے کے بعد	ایک گولی

Final Diagnosis

HTN+Br.Asthma
Carpal Tunnel Syndrome

ڈاکٹر محمد اسحاق بنگش

Not Valid for Court of Law and Abroad

0333-9604935 / 0336-9395867
0925-621821 / 0335-5866160

Member Of Chest Society Of Pakistan
Physician T.B And Chest Specialist
Clinic: Main Road Hangu

Dr. Yaseen Shah
MBBS (SMC),
MCPS (Pulmonology)

Medical & Chest Specialist
Gastroenterologist



ڈاکٹر ایم یاسین شاہ

ایم بی بی ایس (ایس ایم سی)
ایم سی پی ایس (پلمونالوجی)
میڈیکل اینڈ چیسٹ سپیشلسٹ
گیسٹرو انٹریولوجسٹ

Patient's Name: Shabir Ahmad Age: 50 Sex: F Date: 28/11/21

complaints
Cough
Dyspnea
Weight loss

670 CVA
Hampshire

Investigations

CT Brain
PFT
IRBC

Angiogram
Pulsec - sachet
Betnesol
Lombax - 200 mg
Vancomin
D. Dress

Not Valid For Court of Law

باب المدینہ میڈیکل اینڈ سرجیکل سنٹر
620676
6767439

24 گھنٹے میڈیکل اوپن ڈی، سرجیکل ایمرجنسی اور ہر قسم کے آپریشن کی سہولت موجود ہیں

ITTEHAD

MEDICAL LABORATORY

Near D.H.Q Hospital Hangu
Tel#: 0925-620866



Technical Staff
Technologist
Farman Asad
Lab. Assitt:
Saif Sohial Afridi

Name: Kiftana

Age: 00 Yrs

Sex: Female

Test Request: Blood Glucose.

Referred by: Dr. Fida-Mohammad (Medical Specialist)

Date: July 10, 2019

Test

Result

Normal Value

Blood Glucose ®

117 mg/dl

F: 70-----110 mg/dl

R: 70-----160 mg/dl

Note: Now Available HBSAg & HCV by Elisa 3rd Generation

Not valid for court of legal purpose.

Electronically Report Verified Required No Signature.

0925-620866: ہنگو ہسپتال نزد رسول ہنگو فون: **ایٹھاد میڈیکل لیبارٹری**

NEURO SURGERY AND SPINE CLINIC

Assistant Professor Neuro Surgeon

Dr. Mevat Shah

M.B.B.S.
F.C.P.S Neuro Surgery
M.C.P.S General Surgery



اسٹنٹ پروفیسر نیوروسرجن
ڈاکٹر میوات شاہ (جی کے ایم سی)
ایم بی بی ایس
ایف سی سی بی ایس نیوروسرجری

Pt. Name Kalvona Age _____ Sex F Date 01.08

Clinical Record

Rx MRI; Cervical
Spine

Swadlow
Nack Pain
2nd Bone, 1
rel
Hoffman

14y

Del...
C6/7 2+2+2
C7/8 2+2
C8/T1 2

B.P. 120/80

COP - Nipped
C6/7 1+1

Temp _____

Del. Cervical
C6/7, C7/8

معائنہ پروزا الوار

0309-6242007
0336-9396051
0332-9565497

کلینک: الشفاء میڈیکل اینڈ سرجیکل سنٹر ٹل روڈ ہنگو فون: 0925-622890

13

FINAL SHOW CAUSE NOTICE

I, Binyamin Khan Superintendent Headquarter person D.I Khan, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2001, do hereby serve you warder (BPS -07) Shabir Ahmed attached to sub jail Hangu for pay purpose and for duty purpose attached to Sub Jail Parachinar as follow:

1. (i) That consequent upon inquiry conducted against you by the inquiry officer under Khyber Pakhtunkhwa Peshawar Govt Servants Efficiency and Disciplinary Rule 2011.
(ii) On going through the findings and the material on record and other connected papers including your defence. I am satisfied that you have committed the following acts / omissions specified in rule-3 of the said rules;
You warder (BPS-07) warder Ahmed attached to sub jail Hangu for pay purpose and for duty purpose attached to sub jail Parachinar were relieved from Sub Jail Hangu on 22-02-2021 and were directed to resume duty at Sub Jail Parachinar on 23-02-2021 thus absented yourself with effect from 23-02-2021 to 05-03-2021 you again absented yourself from duty as well as jail premises of sub jail Parachinar without any permission w.e.f 16-03-2021 to 27-03-2021. Moreover, you did not bother to appear before the inquiry officer although he called you again and again. Again you were granted 02 days casual leave w.e.f 13-04-2021 to 14-04-2021 for personal bearing before the inquiry officer but not only you did not appear before the inquiry officer but also did not resume your duty at sub jail Parachinar and absented yourself.
2. As a result thereof I, as competent authority, have tentatively decided to impose upon you the penalty of **REMOVAL FROM SERVICE** under rule 4 of the said rules.
3. You are therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
4. If no reply on this notice is received within seven days or no more than fifteen days of its delivery, it shall be assumed that you have no defence to put in and in that case as ex-Parte action shall be taken against you.
5. You can appear for personal hearing before the undersigned on 17/05/2021 if you wish to.

Endorsement No, 15-24-26 dated 04-05-2021 2021.

Copy of the above is forwarded to:-

1. Inspector General of prisons Khyber Pakhtunkhwa Peshawar for information please.
2. Superintendent sub jail Parachinar for information, a copy of show cause notice duly signed / dated by the accused warder may please be returned to this headquarter as a token of receipt and office record.
3. Warder (BPS -07) Shabir Ahmed attached to sub jail Parachinar for duty purpose and for pay purpose attached to Sub jail Hangu.

FINAL SHOW CAUSE NOTICE

B Annex-II
19

Barakzai Khwaib, Superintendent Headquarter Prison D.I.Khan.

Under the Kaybe Pakhtankhwa Government Servants (Efficiency & Discipline) Rules 2011, do hereby serve you as a Warder (BPS-07) Shabir Ahmed attached to Sub Jail Parachinar as per the attached order for pay purpose and for duty purpose attached to Sub Jail Parachinar as per the attached order.

But consequent upon inquiry conducted against you by the inquiry officer Barakzai Khwaib Pakhtankhwa Peshawar Govt Servants Efficiency and Disciplinary Rule 2011, you are going through the findings and the material on record and other connected papers including your defence. I am satisfied that you have committed the following acts / violations specified in rule-3 of the said rules:

You as a Warder (BPS-07) Warder Shabir Ahmed attached to Sub Jail Hangu for pay purpose and for duty purpose attached to Sub Jail Parachinar were relieved from Sub Jail Hangu on 22.02.2021 and were due to resume duty at Sub Jail Parachinar on 23.02.2021 but you absented yourself and reported for duty at Sub Jail Parachinar on 05.03.2021 thus absented yourself with effect from 23.02.2021 to 05.03.2021. You again absented yourself from duty as per the attached order.

You were ordered to appear before the inquiry officer on 23.02.2021 but you did not appear before the inquiry officer. You were also ordered to appear before the inquiry officer on 05.03.2021 but you did not appear before the inquiry officer.

You were also ordered to appear before the inquiry officer on 12.03.2021 but you did not appear before the inquiry officer. You were also ordered to appear before the inquiry officer on 19.03.2021 but you did not appear before the inquiry officer.

You were also ordered to appear before the inquiry officer on 26.03.2021 but you did not appear before the inquiry officer. You were also ordered to appear before the inquiry officer on 02.04.2021 but you did not appear before the inquiry officer.

HEADQUARTERS
HEADQUARTER PRISON, D.I. KHAN

If you have any information please inform the Superintendent, Barakzai Khwaib, Headquarter Prison, D.I. Khan.

This notice is being served to you through the attached order duly signed by the Superintendent, Barakzai Khwaib, Headquarter Prison, D.I. Khan.

This notice is being served to you through the attached order duly signed by the Superintendent, Barakzai Khwaib, Headquarter Prison, D.I. Khan.

This notice is being served to you through the attached order duly signed by the Superintendent, Barakzai Khwaib, Headquarter Prison, D.I. Khan.

HEADQUARTERS
HEADQUARTER PRISON, D.I. KHAN

OFFICE ORDER

Whereas, the accused Mr. Shabir Ahmed warder attached to sub Jail Hangu for pay purpose and for duty purpose attached to sub Jail Parachinar was proceeded against under Rule-3 (b)(d) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges that he was relieved from sub jail Hangu on 22.02.2021 and was due to resume duty at sub jail Parachinar on 23.02.2021 but he absented himself and reported for duty at sub jail Parachinar on 06.03.2021 thus absented himself with effect from 23.02.2021 to 05.03.2021. He again absented himself from duty as well as jail premises of sub jail Parachinar without any permission w.e.f 16.03.2021 to 27.03.2021. Moreover, he did not bother to appear before the inquiry officer although the inquiry officer called him again and again. Again he was granted 02 days casual leave w.e.f 13.04.2021 to 14.04.2021 to appear for personal hearing before the inquiry officer but not only he did not appear before the inquiry officer but also did not resume his duty at sub jail Parachinar and absented himself w.e.f 15.04.2021 to 16.05.2021

AND WHEREAS, he did not furnish any reply.

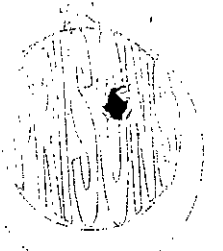
AND WHEREAS, the undersigned being competent authority granted him the opportunity of personal hearing on 17.05.2021 as provided for under rules ibid. the accused official completely failed to defend his case with documentary proof. Evidence.

NOW therefor, in exercise of powers conferred under Rule-14(5) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, having considered the charges, evidence on record, the explanation of the accused official and after affording the opportunity of personal hearing, the undersigned being competent authority, hereby award Ma or penalty of "REMOVAL FROM SERVICE" to Mr. Shabir Ahmed warder attached to sub Jail Parachinar for duty purpose and for pay purpose Attached to sub jail Hangu for his wilful absence the period of his absence w.e.f 23.02.2021 to 05.03.2021 and period of absence w.e.f 16.03.2021 to 27.03.2021 and period of absence w.e.f 15.04.2021 to 16.05.2021 is hereby treated as leave without pay.

Endorsement No. _____ /

Copy of the above is forwarded to:-

1. The inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information please.
2. The Superintendent sub jail Hangu. Necessary entry may please be made in the service book of official concerned under proper attestation.
3. The superintendent sub jail Parachinar for information and necessary action.
4. DAO Hangu.
5. Warder Shabir Ahmed attached to sub jail Parachinar.



KPK
OFFICE ORDER

OFFICE OF THE SUPERINENDENT
PRISONS-CIRCLE HEAD QUARTER D.I.KHAN
No. _____ / PB Date _____
PH&FAX No. 0966-9280299
cpdikhan1@gmail.com

20
13

WHEREAS, the accused Mr. Shabit Ahmed warder attached to Sub Jail Hangu for pay purpose and for duty purpose attached to Sub Jail Parachinar was proceeded against under Rule-14(5) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges that he was relieved from Sub Jail Hangu on 22.02.2021 and was due to resume duty at Sub Jail Parachinar on 23.02.2021 but he absented himself and reported for duty at Sub Jail Parachinar on 06.03.2021 thus absented himself with effect from 23.02.2021 to 05.03.2021. He again absented himself from duty as well as jail premises of Sub Jail Parachinar without any permission w.e.f 16.03.2021 to 27.03.2021. Moreover, he did not bother to appear before the Inquiry Officer although the inquiry officer called him again and again. Again he was granted 02 days casual leave w.e.f 13.04.2021 to 14.04.2021 to appear for personal hearing before the Inquiry officer but not only he did not appear before the inquiry officer but also did not resume his duty at Sub Jail Parachinar and absented himself w.e.f 15.04.2021 to 16.05.2021.

AND WHEREAS, he did not furnish any reply.

AND WHEREAS, the undersigned being competent authority granted him the opportunity of personal hearing on 17.05.2021 as provided for under rules ibid. The accused official completely failed to defend his case with documentary proof/evidence.

NOW therefore, in exercise of powers conferred under Rule-14(5) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, having considered the charges, evidence on record, the explanation of the accused official and after affording the opportunity of personal hearing, the undersigned being competent authority, hereby award Major penalty of "**REMOVAL FROM SERVICE**" to Mr. Shabit Ahmed warder attached to Sub Jail Parachinar for duty purpose and for pay purpose attached to Sub Jail Hangu for his willful absence. The period of his absence w.e.f 23.02.2021 to 05.03.2021 and period of absence w.e.f 16.03.2021 to 27.03.2021 and period of absence w.e.f 15.04.2021 to 16.05.2021 is hereby treated as Leave Without pay.

SUPERINTENDENT
CIRCLE H/QS PRISON DIKHAN

11 + 12
13

Endorsement No. _____

Copy of the above is forwarded to :-

1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information please
2. The Superintendent Sub Jail Hangu. Necessary entry may please be made in the Service Book of official concerned under proper attestation
3. The superintendent Sub Jail Parachinar for information and necessary action.
4. DAO Hangu
5. Warden Shabit Ahmed attached to Sub Jail Parachinar.

10255
11/5/21

SUPERINTENDENT
CIRCLE H/QS PRISON DIKHAN

Q P

To

The Inspector General,
Inspectorate General of Prisons,
Khyber Pakhtunkhwa, Peshawar.

SUBJECT: DEPARTMENTAL APPEAL UNDER RULE-17 OF THE KHYBER PAKHTUNKHWA GOVT. SERVANTS (EFFICIENCY & DISCIPLINE) RULES, 2011 AGAINST THE IMPUGNED ORDER DATED 24-5-2021

It is submitted with great reverence that the Superintendent, Mandi Jarter Jail, Dikhan, being competent authority vide impugned Office Order No. 1890/P dated 24-5-2021 (Annex-I), whereby major penalty of removal from service has been imposed upon me on the allegations of absence from duty and not resuming duty in Sub Jail, Parachinar, for the period, mentioned therein without issuing of charge sheets/statement of allegations or show cause notice, is illegal/unlawful, unjustified, void by force and liable to be set aside on the following grounds/reasons:-

- i- R/Sir, as is evident from record no explanation regarding so-called absentees from duty for the period w.e. from 23-2-2021 to 05-03-2021 and 16-3-2021 to 27-3-2021 has been called from the undersigned.
- ii- As far as allegation for not resuming duty in Sub Jail, Parachinar is concerned, it is submitted that the same is baseless and is not based on fact. However, it is fact that my father has since been died. As such due to severe tension, some body parts of my mother have become paralysed, therefore, for her proper treatment I submitted an application for one month leave to the Assistant Superintendent, Sub Jail Parachinar through his Orderly. In reply I have been informed that 07 days leave has been granted. Moreover, on expiry of the said leave, I appeared for duty where I have been verbally

D.NO.
11466
9/6/21

informed that the Superintendent, Headquarter Jail, DIKhan has called me for personal hearing in connection with willful absence. However, when I came to know that disciplinary proceedings have been initiated against me. I asked my senior colleagues to provide copy (s) of the charge sheet or inquiry report, if any, they informed that only show cause notice is available in the record but without permission of the Asstt: Superintendent, Sub Jail, Parachinar they are unable to provide copy of the same. Anyhow, with the help of my colleagues, I managed screen shot of the final show cause notice (Annex-II).

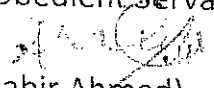
- iii- Accordingly I appeared for personal hearing before the competent authority. I brought to the notice of the authority that Sir, I am totally unaware from the whole episode. The C.A did not ask any question from me in this regard. However, in my presence, Mirza Sb told something in his ear. Then he said that OK you can go and wait for official letter. Resultantly the impugned Office Order dated 24-5-2021 received me due to which I have been deep shocked because neither charge sheet/statement of allegations nor show cause notice has been served upon me as provided under E&D Rules, 2011.
- iv- In the case of willful absence, rule-9 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 says that **"Notwithstanding anything to the contrary contained in these rules, in case of willful absence from duty by a government servant for seven or more days, a notice shall be issued by the competent authority through registered acknowledgement on his home address directing him to resume duty within fifteen days of issuance of the notice. If the same is received back as undelivered or no response is received from the absentee within stipulated time, a notice shall be published in at least two leading news papers directing him to resume duty within fifteen days of**

the publication of that notice, failing which an ex-parte decision shall be taken against the absentee. On expiry of the stipulated period given in the notice, major penalty of removal from service may be imposed upon such government servant."

v- R/Sir, being a Govt. servant I always obeyed orders of my superiors and performed my official duty with the entire satisfaction of the higher-ups.

vi- But in the instant case I have been kept in darkness by not serving charge sheet/statement of allegations or show cause notice upon me for self-defense. So the one sided major penalty of removal from service is an engineered and pre-planned idea which is based on malafide intention. Moreover, I have submitted an application to the Asstt: Superintendent, Sub Jail, Parachinar with copy to the Superintendent, Headquarter Jail DIKhan for providing attested copies of the leave application (s), charge sheet, inquiry report and show cause notice, if any, under RTI Act, 2013 which are still awaited.

In light of the facts, narrated above, it is, therefore, humbly prayed that on accepting of the instant departmental appeal, the impugned office order dated 24-5-2021 may be set aside and restore me in service with all back benefits in the best public interest please.

Yours Obedient Servant

(Shabir Ahmed)
Ex-Warder, Sub Jail,
Parachinar.

Dated 7-6-2021

ORDER:

Better copy

E

Whereas, warder shabir ahmad s/o Muslim Badshah while attached as sub jail Hangu for pay purpose and for duty purpose to sub jail Parachinar was awarded the major penalty of "removal from service" and "the period of his absence w.e.f 23-02-2021 to 05-03-2021, 16-03-2021 to 27-03-2021 and 15-04-2021 to 16-05-2021 treated as leave without pay" by the Superintendent Headquarters D.I Khan vide his office order No. 1891-94 dated 24-05-2021 due to his wilful absence the period quoted above.

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 the charges levelled against the appellant were proved. Moreover, his past service record is also adverse and speak that his habitual offender.

AND WHEREAS, he was afforded an opportunity of personal hearing on 08-07-2021. During the course of hearing, he explained his position and his reply was found unjustified and unsatisfactory.

NOW THEREFORE, keeping in view the facts on record, the power rules in vogue and in exercise of powers conferred under Rule-7 of the Govt Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 and under 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 without any substance.

Endorsement No, _____/-dated 04-05-2021 2021.

Copy of the above is forwarded to:-

1. The Superintendent headquarters Prison D.I Khan for information and necessary action with reference to his letter no. 2491/WE dated 24-06-2021.
2. Superintendent sub jail Orakzai at Hangu for information and necessary action he is directed to inform the appellant accordingly and also make necessary entry he is service Book under proper attestation.
3. Superintendent sub jail Parachinar (Kurram) for information.
4. The District Accounts officer concerned for information and necessary action.
5. Appellant concerned C/O Superintendent Sub Jail Orakzai at Hangu for information.



OFFICE OF THE
INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

9210334, 9210406

091-9210334

No. Estb/Ward-Orders/ 91946

Dated: 09-07-2021

ORDER:

WHEREAS, Warder Shabir Ahmad S/o Muslim Badshah while attached to Sub Jail Hangu for pay purpose and for duty purpose to Sub Jail Parachinar was awarded the major penalty of "Removal from Service" and "the period of his absence w.e.f 23-02-2021 to 05-03-2021, 16-03-2021 to 27-03-2021 and 15-04-2021 to 15-05-2021 treated as leave without pay" by the Superintendent Headquarters Prison, D.I Khan vide his office order No. 1891-94 dated 24-05-2021 due to his willful absence during the period quoted above.

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 the charges leveled against the appellant were proved. Moreover, his past service record is also adverse and speak that he is habitual offender.

AND WHEREAS, he was afforded an opportunity of personal hearing on 08-07-2021. During the course of hearing, he explained his position and his plea was found unjustified and unsatisfactory.

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 and 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 without any substance.

INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA, PESHAWAR.

Endst; No. 91946-S-38

Copy of the above is forwarded to:-

1. The Superintendent Headquarters Prison, D.I Khan for information and necessary action with reference to his letter No. 2491/WE dated 24-06-2021.
2. Superintendent Sub Jail Orakzai at Hangu for information and necessary action. He is directed to inform the appellant accordingly and also make necessary entry in his Service Book under proper attestation.
3. Superintendent Sub Jail Parachinar (Kurman) for information.
4. The District Accounts officer concerned for information and necessary action.
5. Appellant concerned C/O Superintendent Sub Jail Orakzai at Hangu for information.

ASSISTANT DIRECTOR
INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR.

09/07/2021

VAKALATNAMA

NO. _____/20

IN THE COURT OF KP SERVICE TRIBUNAL PESHAWAR

~~to~~ Shabir Ahmad

Appellant
Petitioner
Plaintiff

VERSUS

Prison Dept.

Respondent(s)
Defendants (s)

I/WE Shabir Ahmad

do hereby appoint and constitute the **SYED NOMAN ALI BUKHARI Advocate High Court** for the aforesaid Appellant(s), Petitioner(S), Plaintiff(s) / Respondent(s), Defendant(s), Opposite Party to commence and prosecute / to appear and defend this action / appeal / petition / reference on my / our behalf and all proceedings that may be taken in respect of any application connected with the same including proceeding in taxation and application for review, to draw and deposit money, to file and take documents, to accept the process of the court, to appoint and instruct council, to represent the aforesaid Appellant, Petitioner(S), Plaintiff(s) / Respondent(s), Defendant(s), Opposite Party agree(s) ratify all the acts done by the aforesaid.

DATE _____/20

Al

(CLIENT)

ACCEPTED

7/10

**SYED NOMAN ALI BUKHARI
ADVOCATE HIGH COURT**

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

In the matter of
Service Appeal No. 7310/2021
Shabir Ahmed Ex- Warder Sub Jail Parachinar (**Appellant**)

VERSUS

1. The Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
3. The Superintendent, Circle Head Quarter Prison D.I.Khan..... (**Respondents**)

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4-	Inquiry Report	B	8
5-	Final Show Cause Notice	C	9
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7-	Departmental Appeal dated 10/06/2021	E	11-17
8-	Worthy IG Prison Office Order Dated 09/07/2021 passed on Departmental appeal	F	18


Deponent

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No. 7310/2021

Shabir Ahmed Ex- Warder Sub Jail Parachinar.

..... (Appellant)

VERSUS

1. The Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
3. The Superintendent, Circle Head Quarter Prison D.I.Khan.

..... (Respondents)

Subject: JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS No.1 To 3 ARE AS UNDER

Respectfully Sheweth;

Preliminary objections

1. That the Present service appeal is incompetent in its present form.
2. That the appellant has got no locus standi to file the instant appeal.
3. That the appellant has estopped by his own conduct to file appeal.
4. That the appellant has not come to this Honourable Service Tribunal with clean hands.
5. That the present appeal is bad for mis- joinder and non-joinder of necessary parties.
6. That the present appeal is badly Time-barred.

Factual Objections

1. That the appellant was appointed as Warder in Prisons Department Khyber Pakhtunkhwa on 17.05.2013, however, he never performed duty with zeal and zest as evident from the record that there are 15 red entries in his service book (**attached as Annexure-A**)
2. That no application for leave was received from appellant. He was relieved from Sub Jail Hangu for further duty at Sub Jail Parachinar on 22.02.2021 and was due to resume duty at Sub Jail Parachinar on 23.02.2021 but he absented himself and reported for duty on 06.03.2021 thus absented himself w.e.f 23.02.2021 to 05.03.2021 and then again absented himself w.e.f 16.03.2021 to 27.03.2021. Hence the appellant violated mandatory provision of Rule 1082/1096 of Khyber Pakhtunkhwa Prison Rules 2018. (**Rule is attached as Annexure-B**).

3. That disciplinary action was initiated against the appellant. The administration of Sub Jail Parachinar granted 02 days leave w.e.f 13.04.2021 to 14.04.2021 to the appellant in order to appear before the inquiry officer but the appellant, instead of appearing before the inquiry officer, again absented himself from duty. The inquiry officer submitted report that the appellant is not serious towards his duties and therefore he may be awarded major penalty of removal from service. He was served with final show cause notice with personal hearing date fixed for 17.05.2021. The appellant appeared before the competent authority on due date but did not submit any reply (**Disciplinary action including Inquiry Report and order of competent authority is attached as Annexure C-E**).

4. Need no comments.

GROUNDS

A. That the orders of **REMOVAL FROM SERVICE** passed by the Superintendent Circle Head Quarter Prison D.I Khan (respondent No.03) dated 25.05.2021 and orders of Inspector General of Prison Khyber Pakhtunkhwa Peshawar (Respondent No.01) dated 09.07.2021 are lawful, legal and after fulfilment of codal formalities as laid down in **Efficiency & Discipline Rules 2011**.

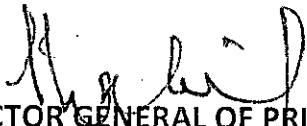
B. That legal proceedings have been carried out against the appellant. The appellant has been awarded full opportunity of personal hearing. First he was given full opportunity of personal hearing before the respondent No.03 on 17.05.2021 and then before the respondent No.01 on 08.07.2021.


C. That the appellant had wilfully absented himself without any cogent reason. The appellant had neither applied for any kind of leave nor submitted any reason for his absence. Moreover, the documents attached by the applicant with the appeal regarding the illness of his mother are dated prior to his absence period. He is unable to justify his unlawful leave as he remained absented from official duties without prior permission of the competent authority.

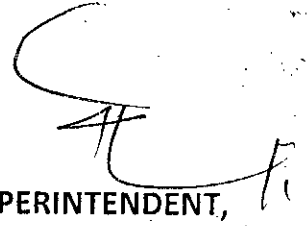
- D. That proper disciplinary action was initiated against the appellant and inquiry was carried out by the inquiry officer. Final show cause notice was also served upon the appellant attached as annexure-F, however, the appellant appeared before the competent authority but did not submit any reply in his defence.
- E. That the appellant was served with final show cause notice by the respondent No.03 after receiving report from inquiry officer.
- F. That proper inquiry was conducted against appellant.
- G. As of Para D, E & F.
- H. That proper disciplinary action was initiated against the appellant and inquiry was carried out by the inquiry officer.
- I. As of Para-H
- J. As of Para of D, E and H.
- K. That the appellant has been awarded full opportunity of personal hearing. First he was given full opportunity of personal hearing before the respondent No.03 on 17.05.2021 and then before the respondent No.01 on 08.07.2021.
- L. That the respondents would also seek permission to raise additional grounds at the time of arguments from this Honourable Service Tribunal.

Prayer

It is therefore most humbly prayed that on the acceptance of this Joint Para wise comments on behalf of Respondents 1 to 3 the appeal of the appellant may kindly be dismissed being devoid of merit and law.


INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA
PESHAWAR
(RESPONDENT NO. 01)


ADDITIONAL INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA,
PESHAWAR
(RESPONDENT NO. 02)


SUPERINTENDENT,
CIRCLE HEAD QUARTER,
PRISONS, DIKHAN.
(RESPONDENT NO. 03)

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Appeal No. 7310/2021

Shabir Ahmed Ex- Warder Sub Jail Parachinar.

..... (Appellant)

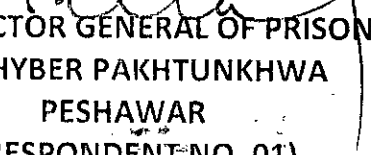
VERSUS


1. The Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
3. The Superintendent, Circle Head Quarter Prison D.I.Khan.

..... (Respondents)

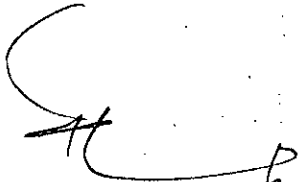
COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 1 2& 3

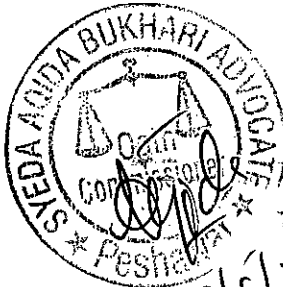
We the following respondents do hereby solemnly affirm and declare that the contents of Para-wise Comments are true and correct to the best of our knowledge and belief and nothing have been concealed from this Honorable Service Tribunal.


INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA
PESHAWAR
(RESPONDENT NO. 01)


ADDITIONAL INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA,
PESHAWAR
(RESPONDENT NO. 02)

ATTESTED


SUPERINTENDENT,
CIRCLE HEAD QUARTER,
PRISONS, DIKHAN.
(RESPONDENT NO. 03)



18/5/22



OFFICE
SUPERINTENDENT
SUB JAIL

No. 1032 D

To

The Superintendent,
Circle Headquarter Prison, D.I. Khan.

Subject: DISCIPLINARY ACTION.

R/Sir,

It is submitted that warder Shabir Ahmad temporary attached to this jail, was relieved from sub jail Hangu on 22/02/2021 but he has reported arrival here on 06/03/2021, now he is again absented himself from duty as well as from jail premises without taking any prior permission from the competent authority w.e.f 16/03/2021 till date.

So it is requested that strict disciplinary action may be taken against above named warder.

PS
For strict action
[Signature]
28/3/21

[Signature]
SUPERINTENDENT
SUB JAIL PARACHINAR



OFFICE OF THE SUPERINENDENT
PRISONS CIRCLE HEAD QUARTER D.I.KHAN
No. 1145 / PB Date 29-03-2021
PH&FAX \No. 0966-9280299
cpdikhan1@gmail.com

P.B

DISCIPLINARY ACTION

I, Muhammad Binyamin Khan Superintendent Headquarter Prison DIKhan as competent authority, am of the opinion that **Warder Shabir Ahmed** attached to Sub Jail Hangu for pay purpose and for duty purpose attached to Sub Jail Parachinar has rendered him liable to be proceeded against him committed the following acts of misconduct within the meaning of Section 3 of the Khyber Pakhtunkhwa (Efficiency & Discipline) Rule 2011.

STATEMENT OF ALLEGATIONS.

1. **Warder Shabir Ahmed** attached to Sub Jail Hangu for pay purpose and for duty purpose attached to Sub Jail Parachinar was relieved from Sub Jail Hangu on 22.02.2021 and was due to resume duty at Sub Jail Parachinar on 23.02.2021 but he absented himself and reported for duty at Sub Jail Parachinar on 06.03.2021 thus absented with effect from 23.02.2021 to 05.03.2021. He again absented himself from duty as well as jail premises without any permission w.e.f 16.03.2021 to 27.03.2021.
2. Mr. Ijaz Ahmed Assistant Superintendent Jail attached to Central Prison D.I.Khan is hereby appointed as Inquiry Officer.
3. The Inquiry Officer shall in accordance with the provisions of the Ordinance provide a reasonable opportunity of hearing to the accused, record his findings and make within fifteen days of receipt of this order, recommendation as to punishment or other appropriate action against the accused official.
4. The accused official and a well conversant representative of the department shall join the proceedings at the date, time place fixed by the Inquiry Officer.

SUPERINTENDENT
CIRCLE H/QS PRISON DIKHAN

Endst: No. 1145-47 dated: 29 / 03 / 2021

Copy of the above is forwarded to the:-

1. Mr. Ijaz Ahmed Assistant Superintendent Jail attached to Central Prison DIKhan Inquiry Officer for initiating proceedings against the above named warders under the meaning of Section 3 of the Khyber Pakhtunkhwa (Efficiency & Discipline) Rule 2011.
2. **Warder Shabir Ahmed** attached to Sub Jail Hangu for pay purpose and for duty purpose attached to Sub Jail Parachinar with the directions to appear before the Inquiry Officer for the purpose of inquiry proceedings.
3. Superintendent Sub Jail Parachinar for information with reference to his memo; No 1032 dated 25.03.2021 and with the request to produce the relevant record before the Inquiry Officer and assist him during the inquiry proceedings. One copy of the same duly signed and dated by above named officials may be returned to this office as a token of receipt.

SUPERINTENDENT
CIRCLE H/QS PRISON DIKHAN

OFFICE OF THE
SUPERINTENDENT
SUB JAIL PARACHINAR
No. 1065 Dated:

26 / 04 / 2021

To,

The Superintendent.
Circle Headquarter Prison, D.I.Khan.


Subject: DISCIPLINARY ACTION.

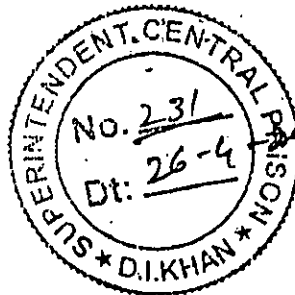
R/Sir,

It is submitted that warder Shabir attached to this jail, was granted 02 days leave w.e.f 13-04-2021 to 14-04-2021 for personal hearing before inquiry officer, but he did't appear before the inquiry officer nor back to jail till date. He did't take any preior permission from the competent authority.

So it is requested that strict disciplinary action may be taken against above named warder.

BS/PB
for mla as requested
25/4/21


SUPERINTENDENT
SUB JAIL PARACHINAR



The Superintendent,
Circle Headquarter Prisons DIKhan.

Subject:- INQUIRY REPORT

R/Sir;

* I have been appointed as inquiry officer against **Warder Shabir Ahmed** Vide Superintendent Headquarter Prisons DIKhan Endst Nos.1145-47 dated 29.03.2021 to conduct inquiry for the allegations leveled against him by Superintendent Sub Jail Parachinar. The aforesaid official was directed to appear before the undersigned for personal hearing on 08.04.2021 through Superintendent Sub Jail Parachinar but he remained absent. Once again he was given next date for personal hearing on 13.04.2021 at Central Prison DIKhan and he was informed through Superintendent Sub Jail Parachinar however the said warder once again did not bother to appear before the Inquiry Officer or submit any sought of reply.

On 26.04.2021 Superintendent Sub Jail Parachinar reported that warder shabir Ahmed was granted two days casual leave w.e.f 13-04-2021 to 14-04-2021 for personal hearing before the Inquiry Officer at Central Prison DIKhan but he didn't appeared before the Inquiry Officer nor reported back to Sub Jail Parachinar for duty till 26.04.2021.

RECOMMENDATIONS:-

After conducting the inquiry from different sources and keeping in view his non serious attitude towards duty, I recommend he maybe awarded "**major penalty**".

DS/PB/1/0
Removed / Sanction terminated
27/4/21

Ijaz Ahmed
IJAZ AHMED
ASSISTANT SUPERINTENDENT
CENTRAL PRISON DIKHAN.
(INQUIRY OFFICER)

FINAL SHOW CAUSE NOTICE

I, Binyamin Khan Superintendent Headquarter Prison

competent authority, under the Khyber Pakhtunkhwa Government Servants (Discipline) Rules 2011, do hereby serve you Warder (BPS-07) Shabir Ahmed Sub Jail Hangu for pay purpose and for duty purpose attached to Sub Jail Parachinar as follow;

1. (i) that consequent upon inquiry conducted against you by the inquiry officer under Khyber Pakhtunkhwa Peshawar Govt Servants Efficiency and Disciplinary Rule 2011.
- (ii) On going through the findings and the material on record and other connected papers including your defence. I am satisfied that you have committed the following acts / omissions specified in rule-3 of the said rules;

You Warder (BPS-07) Warder Shabir Ahmed attached to Sub Jail Hangu for pay purpose and for duty purpose attached to Sub Jail Parachinar were relieved from Sub Jail Hangu on 22.02.2021 and were due to resume duty at Sub Jail Parachinar on 23.02.2021 but you absented yourself and reported for duty at Sub Jail Parachinar on 06.03.2021 thus absented yourself with effect from 23.02.2021 to 05.03.2021. You again absented yourself from duty as well as jail premises of Sub Jail Parachinar without any permission w.e.f 16.03.2021 to 27.03.2021. Moreover, you did not bother to appear before the Inquiry Officer although he called you again and again. Again you were granted 02 days casual leave w.e.f 13.04.2021 to 14.04.2021 for personal hearing before the Inquiry officer but not only you did not appear before the inquiry officer but also did not resume your duty at Sub Jail Parachinar and absented yourself.

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

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

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

5. You can appear for personal hearing before the undersigned on 17-05-2021, if you wish to.

SUPERINTENDENT
CIRCLE H/QS PRISON DIKHAN

Endst No. 1574-26 dated 04/05/2021

Copy of the above is forwarded to :-

1. Inspector General Of Prisons Khyber Pakhtunkhwa Peshawar for information please.
2. Superintendent Sub Jail Parachinar for information, a copy of show cause notice duly signed / dated by the accused warder may please be returned to this Headquarter as a token of receipt and office record.
3. Warder (BPS-07) Shabir Ahmed attached to Sub Jail Parachinar for duty purpose and for pay purpose attached to Sub Jail Hangu

SUPERINTENDENT
CIRCLE H/QS PRISON DIKHAN

Handwritten notes:
157/10
Return w/o
reply.
Shabir
Ahmed
Sameer
Tahir
g/o
code
7/17/21



OFFICE OF THE SUPERINTENDENT
PRISONS CIRCLE HEAD QUARTERS
No. 1890 / PB Date 24-1
PH&FAX \No. 0966-9281
cpdikhan1@gmail.co

WHEREAS, the accused Mr. Shabir Ahmed warder attached to Sub Jail Hangu for pay purpose and for duty purpose attached to Sub Jail Parachinar was proceeded against under Rule-3(b)(d) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges that he was relieved from Sub Jail Hangu on 22.02.2021 and was due to resume duty at Sub Jail Parachinar on 23.02.2021 but he absented himself and reported for duty at Sub Jail Parachinar on 06.03.2021 thus absented himself with effect from 23.02.2021 to 05.03.2021. He again absented himself from duty as well as jail premises of Sub Jail Parachinar without any permission w.e.f 16.03.2021 to 27.03.2021. Moreover, he did not bother to appear before the Inquiry Officer although the inquiry officer called him again and again. Again he was granted 02 days casual leave w.e.f 13.04.2021 to 14.04.2021 to appear for personal hearing before the Inquiry officer but not only he did not appear before the inquiry officer but also did not resume his duty at Sub Jail Parachinar and absented himself w.e.f 15.04.2021 to 16.05.2021.

AND WHEREAS, he did not furnish any reply.

AND WHEREAS, the undersigned being competent authority granted him the opportunity of personal hearing on 17.05.2021 as provided for under rules ibid. The accused official completely failed to defend his case with documentary proof/evidence.

NOW therefore, in exercise of powers conferred under Rule-14(5) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, having considered the charges, evidence on record, the explanation of the accused official and after affording the opportunity of personal hearing, the undersigned being competent authority, hereby award Major penalty of "**REMOVAL FROM SERVICE**" to Mr. Shabir Ahmed warder attached to Sub Jail Parachinar for duty purpose and for pay purpose attached to Sub Jail Hangu for his willful absence. The period of his absence w.e.f 23.02.2021 to 05.03.2021 and period of absence w.e.f 16.03.2021 to 27.03.2021 and period of absence w.e.f 15.04.2021 to 16.05.2021 is hereby treated as **Leave Without pay**.

Endorsement No. 1891-94

SUPERINTENDENT
CIRCLE HQS PRISON DIKHAN

Copy of the above is forwarded to :-

1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information please.
2. The Superintendent Sub Jail Hangu. Necessary entry may please be made in the Service Book of official concerned under proper attestation.
3. The superintendent Sub Jail Parachinar for information and necessary action.
4. DAO Hangu.
5. Warder Shabir Ahmed attached to Sub Jail Parachinar.

SUPERINTENDENT
CIRCLE HQS PRISON DIKHAN



INSPECTORATE GENERAL OF
KHYBER PAKHTUNKHWA PE

091- 9210334, 9210406

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

No. 17459

Dated. 10-06-2021

To,

The Superintendent,
Circle Headquarters Prison D.I Khan.

Subject:- **DEPARTMENTAL APPEAL**

Memo:

I am directed to refer to the subject and to forward herewith a copy of appeal submitted by Ex-Warder **Shabir Ahmad** attached to Sub Jail Hangu for pay purpose and for duty purpose attached to Sub Jail Parachinaron the captioned subject (self-explanatory).

Please look into the matter and furnish your necessary views/comments along with history of his service on the below noted format for further necessary action by this office:-

S.No.	Name & Parentage	Rank	Date of Birth	Date of appointment.	Detail Of Postings	Penalty if any awarded
-------	------------------	------	---------------	----------------------	--------------------	------------------------

[Signature]
ASSISTANT DIRECTOR
INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

[Signature] 10/6/2021



OFFICE OF THE SUPERINTENDENT
SUB JAIL ORAKZAI AT HANGU
NO. 262 DATED 22/06/2021

Email: Subjailorakzaihangu@gmail.com

To

The Superintendent Circle Headquarter Prisons,
D.I. KHAN,

Subject: **INFORMATION REGARDING MR. SHABIR AHMAD (WARDER)**
BPS-07.

Kindly refer to your Whatsapp conversation dated: 22-06-2021 on the subject cited above.

R/Sir,

It is submitted for your kind information that the required information in regard of Mr. Shabir Ahmad as per service book has been compiled on the below noted format:

S.No	Name & Parentage	Rank	Date of Birth	Date of Appointment
1	Shabir Ahmad S/o Muslim Badshah	Warder	15/03/1994	17/05/2013

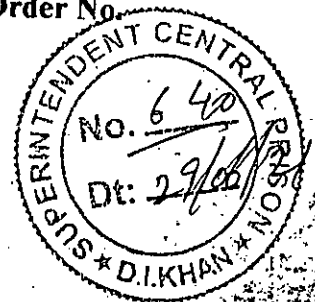
Detail of Postings:

Appointment at District Jail Karak on 17/05/2013.

From	To
District Jail Karak on 05/04/2014	Central Prison Bannu
Central Prison Bannu on 03/08/2015	HSP MARDAN
HSP MARDAN on 03/11/2017	Central Prison Haripur
Central Prison Haripur 20/07/2018	District Jail Kohat
District Jail Kohat on 12/10/2019	Sub Jail Orakzai (Hangu)
Sub Jail Orakzai (Hangu) on 22/02/2021	Sub Jail Parachinar (for temporary duties).

Penalties awarded to Mr. Shabir as per Service Book:

1. Absence period w.e from 09/10/2015 (F.N) to 11/10/2015 (F.N) 2 days.
2. Absence period 10/12/2015 (F.N) to 13/02/2015 (F.N). 4 days.
• Treated as leave without pay vide Spdt. Circle HQ Prison Mardan. Order No. 1101-03 dated; 29/02/2016.
3. Absent period w.e from 28/09/2015 (F.N) to 04/10/2015 (F.N). 6 days.
• Treated as leave without pay vide Spdt. Circle HQ Prison Mardan. Order No. 1101-03 dated; 29/02/2016.
4. Absent period w.e from 02/04/2016 (F.N) to 08/04/2016 (F.N). 6 days.





OFFICE OF THE SUPERINTENDENT
SUB JAIL ORAKZAI AT HANGU
NO. 262 DATED 22/06/2018

Email: Subjailorakzaihangu@gmail.com

- Treated as leave without pay vide Spdt. Circle HQ Prison Mardan Order No. 3618 dated; 06/06/2016.
- On 09/08/2016 awarded the Penalty of "CENSURE" given to Mr. Shabir from Spdt. HQ Prison Mardan vide Order No. 2111-13 dated; 13/07/2016.
5. Absent Period w.e from 05/07/2016 to 13/07/2016. 7 Days.
- Treated as leave without pay vide Spdt. Circle HQ Prison Mardan Order No. 2371-75 dated; 09/08/2016.
6. Absent Period w.e from 14/09/2016 (F.N) to 20/10/2016 (F.N). 6 Days.
- Treated as leave without pay and minor penalty of "Censure" vide Spdt. HQ Prison Mardan, Order NO. 23775-78 dated; 07/12/2016.
7. Absent Period w.e from 19/11/2016 (F.N) to 20/11/2016 (F.N). 2 Days.
- Treated as leave without pay and awarded penalty of "Censure" vide Spdt. HQ Prison Mardan, Order NO. 3770-73 dated; 07/12/2016.
8. Absent Period w.e from 27/12/2016 (F.N) to 31/12/2016 (F.N). 4 Days.
- Treated as leave without pay and one increment stopped for one year vide Spdt. HQ Prison Mardan, Order NO. 317-20 dated; 24/01/2017.
- Suspend Order No. 1435-38 dated; 26/04/2017, involvement in disciplinary case.
9. Absent Period w.e from 08/04/2017 (F.N) to 15/04/2017 (F.N). 7 Days.
- Treated as leave without pay vide Spdt. HQ Prison Mardan, Order NO. 2629-30 dated; 03/05/2017.
- Mr. Shabir has been brought on lower stage upto five year in his present time pay scale due to negligence in the performance of duty and the amount of damage of rifle be recovered from his pay for repair of the rifle vide Spdt. HQ Prison Mardan, Order No. 1796-1800 dated; 06/06/2017.
10. Absent Period w.e from 06/06/2017 (F.N) 2 Days.
- Treated as leave without pay vide Spdt. HQ Prison Mardan, Order NO. 8631-32 dated; 28/07/2017.
11. Absent Period w.e from 07/09/2017 to 11/09/2017 (F.N). 4 days.
- Treated as leave without pay and one increment has been stopped for two years vide Spdt. HQ Prison Mardan, Order NO. 2969-72 dated; 05/09/2017.
- On 13/03/2018 awarded the Penalty of "CENSURE" given to Mr. Shabir from Spdt. HQ Prison Haripur vide Order No. 592 dated; 13/03/2018.
- On 19/07/2018 awarded the minor Penalty of "CENSURE" given to Mr. Shabir from Spdt. HQ Prison Haripur vide Order No. 1460 dated; 19/07/2018.

SUPERINTENDENT
SUB JAIL ORAKZAI AT HANGU



OFFICE OF THE SUPERINENDENT
PRISONS CIRCLE HEAD QUARTER D.I.KHAN
No. 2491/WF/HQ Date 24-06-2021
PH&FAX No. 0966-9280299
cpdikhan1@gmail.com

To,
The Inspector General Of Prisons,
Khyber Pakhtunkhwa Peshawar.

Subject: DEPARTMENTAL APPEAL.

Respected Sir,

Kindly refer to your memo No. 17459-we dated 10.06.2021.

It is submitted that the superintendent Sub Jail Parachinar reported vide No. 1032 dated 25.03.2021 that warder Shabbir Ahmed was relieved by the superintendent Sub Jail Hāngu/Orakzai on 22.02.2021 for further temporary duties at Sub Jail Parachinar and he was due to report for duty at Sub Jail Parachinar on 23.02.2021 but he absented himself and reported for duty at Sub Jail Parachinar on 06.03.2021 and then again he absented himself w.e.f 16.03.2021 to 27.03.2021. Therefore, disciplinary action vide this office No. 1145 dated 29.03.2020 was initiated against the said warder and Mr. Ijaz Ahmed Assistant Superintendent Jail attached to Central Prison DIKhan was nominated as inquiry officer.

The inquiry officer reported that he called warder Shabbir Ahmed for personal hearing on 08.04.2021 through superintendent Sub Jail Parachinar but he did not appear before the inquiry officer nor submitted any reply. The inquiry officer again called the said warder for personal hearing on 13.04.2021 but again the said warder neither appeared before the inquiry officer nor submitted any reply.

The superintendent Sub Jail Parachinar again reported vide No. 1065 dated 26.04.2021 that warder Shabir Ahmed was granted 02 days casual leave w.e.f 13.04.2021 to 14.04.2021 to appear before the inquiry officer at Central Prison DIKhan and he was due to resume duty on 15.04.2021 but he again absented himself from duty.

Final Showcause Notice No. 1574-76 dated 04.05.2021 was served upon him with personal hearing date fixed for 17.05.2021. The said warder appeared before the undersigned on 17.05.2021 for personal hearing, however, he did not submit any reply and he had no cogent reason for his willful absence.

Such like irresponsible attitude on part of the appellant is intolerable and does not deserve to be treated leniently, hence his appeal may be rejected having no solid grounds.

S. No	Name and parentage	Rank	Date of birth	Date of appointment	Detail of postings	Penalty if any
01	Shabir Ahmad S/o Muslim Badshah	Warder	15/03/1994	17/05/2013	Given in table-A	Given in table-B



Table-A

OFFICE OF THE SUPERINENDENT
PRISONS CIRCLE HEAD QUARTER D.I.KHAN
No. _____ / HQ Date _____
PH&FAX \No. 0966-9280299
cpdikhan1@gmail.com

Appointment at District Jail Karak on 17/05/2013.

From	To
District Jail Karak on 05/04/2014	Central Prison Bannu
Central Prison Bannu on 03/08/2015	HSP Mardan
HSP Mardan on 03/11/2017	Central Prison Haripur
Central Prison Haripur 20/07/2018	District Jail Kohat
District Jail Kohat on 12/10/2019	Sub Jail Orakzai (Hangu)
Sub Jail Orakzai (Hangu) on 22/02/2021	Sub Jail Parachinar (for temporary duties)

Table-B

S. No	Detail of penalties awarded
01	Absence period 10/12/2015 (F.N) to 13/02/2015 (F.N). 4 days. Treated as leave without pay vide Spdt. Circle HQ Prison Mardan. Order No. 1101-03 dated; 29/02/2016.
02	Absent period w.e from 28/09/2015 (F.N) to 04/10/2015 (F.N). 6 days treated as leave without pay vide Spdt. Circle HQ Prison Mardan. Order No. 1101-03 dated; 29/02/2016.
03	Absent period w.e from 02/04/2016 (F.N) to 08/04/2016 (F.N). 6 days treated as leave without pay vide Spdt. Circle HQ Prison Mardan. Order No. 3618 dated; 06/06/2016.
04	On 09/08/2016 awarded the Penalty of "CENSURE" given to Mr. Shabir from Spdt. HQ Prison Mardan vide Order No. 2111-13 dated; 13/07/2016.
05	Absent Period w.e from 05/07/2016 to 13/07/2016. 7 Days treated as leave without pay vide Spdt. Circle HQ Prison Mardan. Order No. 2371-75 dated; 09/08/2016.
06	Absent Period w.e from 14/09/2016 (F.N) to 20/10/2016 (F.N). 6 Days treated as leave without pay and minor penalty of "Censure" vide Spdt. HQ Prison Mardan, Order NO. 23775-78 dated; 07/12/2016.
07	Absent Period w.e from 19/11/2016 (F.N) to 20/11/2016 (F.N). 2 Days treated as leave without pay and awarded penalty of "Censure" vide Spdt. HQ Prison Mardan, Order NO. 3770-73 dated; 07/12/2016.
08	Absent Period w.e from 27/12/2016 (F.N) to 31/12/2016 (F.N). 4 Days treated as leave without pay and one increment stopped for one year vide Spdt. HQ Prison Mardan, Order NO. 317-20 dated; 24/01/2017.
09	Absent Period w.e from 08/04/2017 (F.N) to 15/04/2017 (F.N). 7 Days treated as leave without pay vide Spdt. HQ Prison Mardan, Order NO. 2629-30 dated; 03/05/2017.
10	Mr. Shabir has been brought on lower stage upto five year in his present time pay scale due to negligence in the performance of duty and the amount of damage of rifle be recovered from his pay for repair of the rifle vide Spdt. HQ Prison Mardan, Order No. 1796-1800 dated; 06/06/2017.
11	Absent Period w.e from 06/06/2017 (F.N). 2 Days treated as leave without pay vide Spdt. HQ Prison Mardan, Order NO. 8631-32 dated; 28/07/2017.
12	Absent Period w.e from 07/09/2017 to 11/09/2017 (F.N). 4 days treated as leave without pay and one increment has been stopped for two years vide Spdt. HQ Prison Mardan, Order NO. 2969-72 dated; 05/09/2017.
13	On 13/03/2018 awarded the Penalty of "CENSURE" given to Mr. Shabir from Spdt. HQ Prison Haripur vide Order No. 592 dated; 13/03/2018.
14	On 19/07/2018 awarded the minor Penalty of "CENSURE" given to Mr. Shabir from Spdt. HQ Prison Haripur vide Order No. 1460 dated; 19/07/2018.
15	Awarded major penalty of Removal From Service vide Head Quarter Prison D.I.Khan No. 1890 dated 24.05.2021

SUPERINTENDENT
CIRCLE HQS PRISON DIKHAN



INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

091- 9210334, 9210406

091- 9213445

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

No. 11-20044

Dated. 01-07-2021

BY FAX

To,

The Superintendent,
Headquarter Prisons D.I.Khan.

Subject:- **DEPARTMENTAL APPEAL**
Memo;

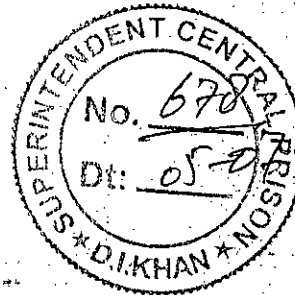
I am directed to refer to your office letter No. 2491/WE dated 24-06-2021 on the subject and to convey that **Ex-Warder Shabir Ahmad S/O Muslim Badshah** may be directed to appear before the worthy Inspector General of Prisons Khyber Pakhtunkhwa Peshawar on **08-07-2021** at **11:00 AM** for personal hearing in the instant case. Also depute a well conversant officer alongwith Service Book and original record of the case to attend this office on the date and time fixed above please.

[Signature]
ASSISTANT DIRECTOR (E)
INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

Endst; No. _____

Copy of the above is forwarded to PA to Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information.

[Signature]
ASSISTANT DIRECTOR (E)
INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR





OFFICE OF THE SUPERINENDENT
PRISONS CIRCLE HEAD QUARTER D.I.KHAN
No. 3228 / HQ Date 05/07/2021
PH&FAX \No. 0966-9280299
cpdikhan1@gmail.com

To,

Mr. Ijaz Ahmed,
Assistant Superintendent Jail,
Attached to Central Prison DIKhan.

Subject: DEPARTMENTAL APPEAL.

Memo,

Reference Worthy Inspector General Of Prisons Khyber Pakhtunkhwa
Peshawar No. 20044 dated 01.07.2021.

You are hereby deputed to attend the office of Worthy Inspector General Of
Prisons Khyber Pakhtunkhwa Peshawar in connection to personal hearing of Ex-Warder
Shabir Ahmed s/o Muslim Badshah on 08.07.2021 at 11:00 AM.

SUPERINTENDENT
CIRCLE H/QS PRISON DIKHAN

Endst 3229 Dated _____

Copy of the above is forwarded to the Inspector General Of Prisons
Khyber Pakhtunkhwa Peshawar for information w/r to above please.

SUPERINTENDENT
CIRCLE H/QS PRISON DIKHAN



Handwritten signature and date: 9/17/21

OFFICE OF THE
INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

91-9210334, 9210406 09

No. Estb/Ward-/Orders/ 91945

Dated 09-07-2021

ORDER:

WHEREAS, Warder Shabir Ahmad S/o Muslim Badshah while attached to Sub Jail Hangu for pay purpose and for duty purpose to Sub Jail Parachinar was awarded the major penalty of **"Removal from Service"** and "the period of his absence w.e.f 23-02-2021 to 05-03-2021, 16-03-2021 to 27-03-2021 and 15-04-2021 to 16-05-2021 treated as leave without pay" by the Superintendent Headquarters Prison D.I Khan vide his office order No. 1891-94 dated 24-05-2021 due to his willful absence for the period quoted above.

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 the charges leveled against the appellant were proved. Moreover, his past service record is also adverse and speak that he is habitual offender

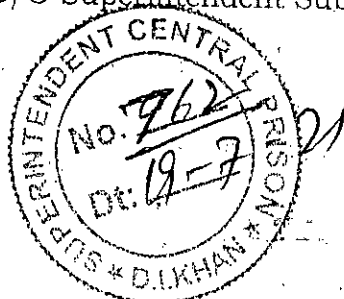
AND WHEREAS, he was afforded an opportunity of personal hearing on 08-07-2021. During the course of hearing, he explained his position and his plea was found unjustified and unsatisfactory.

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

INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA, PESHAWAR.

Endst; No. 91946-50,
Copy of the above is forwarded to:-

1. The Superintendent Headquarters Prison D.I Khan for information and necessary action with reference to his letter No. 2491/WE dated 24-06-2021.
2. Superintendent Sub Jail Orakzai at Hangu for information and necessary action. He is directed to inform the appellant accordingly and also make necessary entry in his Service Book under proper attestation.
3. Superintendent Sub Jail Parachinar (Kurram) for information.
4. The District Accounts officer concerned for information and necessary action.
5. Appellant concerned C/O Superintendent Sub Jail Orakzai at Hangu for information.



Handwritten signature and date: 9/17/2021
ASSISTANT DIRECTOR
INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

Handwritten initials and date: AH 08/7/21