


FORM OF ORDER SHEET

Court of _____

Appeal No. 1178/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	25/05/2023	<p>The appeal of Mr. Nazak Khan presented today by Mr. Tauqir Ahmad Advocate. It is fixed for preliminary hearing before touring Single Bench at A.Abad on</p> <p>By the order of Chairman,</p> <p> REGISTRAR</p>

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

Service Appeal No. 1178 /2023

Nazak Khan son of Haleem Ullah, resident of Baber Colony, Garhi Habibullah, Tehsil Balakot, District Mansehra, Ex-Warder (BPS-7) at District Jail Mansehra.

...APPELLANT

VERSUS

Inspector General of Prisons, Khyber Pakhtunkhwa, PTC Colony, Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

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4.	Copy of application to respondent No. 5	14-15	"C"
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8.	Copy of application to respondent No. 1	19	"G"
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10.	Wakalatnama	22	

...APPELLANT

Dated: 24/5 /2023

Through

(TAUQIR AHMED)

Advocate High Court, Abbottabad

1st

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1178 /2023

Nazak Khan son of Haleem Ullah, resident of Baber Colony, Garhi Habibullah, Tehsil Balakot, District Mansehra, Ex-Warder (BPS-7) at District Jail Mansehra.

...APPELLANT

VERSUS

1. Inspector General of Prisons, Khyber Pakhtunkhwa, PTC Colony, Peshawar.
2. Additional Inspector General of Prisons Khyber Pakhtunkhwa, Peshawar.
3. Deputy Inspector General of Prisons Regional Prisons Office Hazara Haripur.
4. Superintendent Circle H.Q Prison Haripur.
5. Superintendent District Jail, Mansehra.

...RESPONDENTS

**SERVICE APPEAL UNDER SECTION 4 OF
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
ACT 1974 AGAINST THE IMPUGNED ORDER
DATED 30.01.2023 PASSED BY RESPONDENT NO.
4/ SUPERINTENDENT CIRCLE H.Q PRISONS
HARIPUR, VIDE WHICH APPELLANT WAS
REMOVED FROM SERVICE AND SAME ORDER OF
REMOVAL FROM SERVICE WAS UPHOLD BY
RESPONDENT NO. 3 VIDE ORDER NO. 392 DATED
28.03.2023 AND FURTHER APPEAL FILED BY THE
APPELLANT TO RESPONDENT NO. 1 WAS**

REJECTED BY RESPONDENT NO. 1 VIDE ORDER
ENDST. NO. WARD/ORDERS/15560 DATED
20.04.2023 WHICH WAS COMMUNICATED TO THE
APPELLANT ON 27.04.2023 WHICH ORDER OF
REMOVAL FROM SERVICE OF APPELLANT IS
ILLEGAL, AGAINST THE LAW AND FACT OF THE
CASE WITHOUT GIVING ANY OPPORTUNITY OF
HEARING TO THE APPELLANT DURING INQUIRY
HENCE LIABLE TO BE SET-ASIDE.

PRAYER: IT IS, THEREFORE, MOST HUMBLY
PRAYED THAT ON ACCEPTANCE OF THE
INSTANT SERVICE APPEAL, THE ORDERS OF
REMOVAL FROM SERVICE OF APPELLANT
DATED 30.01.2023 PASSED BY RESPONDENT
NO. 4 ALONG WITH DECISIONS/ORDERS PASSED
ON APPEALS/REPRESENTATIONS BY THE
RESPONDENTS DATED 28/03/2023 AND 20/04/2023
BE SET-ASIDE AND APPELLANT BE REINSTATED
IN THE SERVICE WITH ALL BACK BENEFITS.
ANY OTHER RELIEF WHICH THIS HONOURABLE
TRIBUNAL DEEMS FIT AND PROPER IN THE
CIRCUMSTANCES OF THE CASE MAY ALSO BE
GRANTED TO THE APPELLANT.

Appellant respectfully sheweth as follows;-

1. That the appellant belongs to the far-flung area of District Manshira and is the only bread earning source of his family after the paralysis (brain stroke) of his father.
2. That appellant was appointed in the prison department on 16.05.2021 as Warder BPS-07 and was posted at District Jail Manshira. Copy of appointment letter is attached as Annexure "A".
3. That the appellant served diligently in respondents department.
4. That on 30.11.2022 appellant took permission for leave of one day from respondent No. 5 and proceeds to home due to illness of his father.
5. That on the following day when a day leave of appellant was about to finish, suddenly due to brain stroke, the father of appellant got paralyzed. Copy of medical history sheet of appellant's father is attached as Annexure "B".
6. That on 02.12.2022 appellant telephonically informed to Moharir of the District Jail Manshira and also sent applications to respondent No. 5 on

02.12.2022 and later on 11.12.2022. Copies of applications to respondent No. 5 are attached as Annexure "C".

7. That through order No. 440 dated 30.01.2023 the appellant was removed from service by the respondent No. 4 without giving any opportunity of personal hearing and show cause. Copy of order dated 30.01.2023 is attached as Annexure "D".
8. That within time, appellant impugned his removal from service order through departmental appeal to respondent No. 3. Copy of departmental appeal to DIG is attached as Annexure "E".
9. That through order dated 28.03.2023, appeal/representation of the appellant was also regretted by the respondent No. 3. Copy of order dated 28.03.2023 is attached as Annexure "F".
10. That appellant being highly aggrieved approached to the respondent No. 1 against the order of removal from service through application/representation. Copy of application to respondent No. 1 is attached as Annexure "G".

11. That through order No. 15560 dated 20.04.2023 respondents No. 1 and 2 rejected the appeal/ representation of appellant, which order of rejection of appeal from respondent No. 2 was received by the appellant on 27.04.2023. Copy of decision/ order dated 20.04.2023 and 27.04.2023 are attached as Annexure "F" & "I".
12. That appellant feeling highly aggrieved by the removal from service through order dated 30.01.2023 and subsequent orders by the respondents impugns the same, inter-alia on the following grounds;-

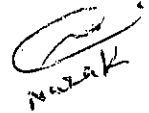
GROUND:-

- a. That order dated 30.01.2023 of removal from service of appellant is illegal, perverse and against the norms of justice and is liable to be set-aside.
- b. That before removing the appellant from service no proper inquiry was initiated and in slipshod manner appellant was removed from service without sending any show cause notice to the appellant.

- c. That golden principle of Audi-Alterm-Patrem was ignored.
- d. That the mode and manner of conducting of inquiry under E&D Rules 2011 were ignored.
- e. That the state of condition of appellant was ignored when his father was suddenly paralyzed and appellant timely made telephonic calls and applications to the respondent No. 5 and same were ignored and appellant was awarded major penalty of removal from service considering his absence as "willful".
- f. That the appeals/ representation were not considered by the respondents and respondent was not properly served and heard by the respondents in his service appeals/ representation and Article 10-A of the Constitution was violated.

- g. That the other points will be raised at the time of arguments/ hearing with the permission of this Honourable Tribunal.


It is, therefore, most humbly prayed that on acceptance of the instant service appeal, the orders of removal from service of appellant dated 30.01.2023 passed by respondent No. 4 along with decisions/orders passed on appeals/representations by the respondents dated 28/03/2023 and 30/04/2023 be set-aside and appellant be reinstated in the service with all back benefits. Any other relief which this Honourable Tribunal deems fit and proper in the circumstances of the case may also be granted to the appellant.


Muzak

...APPELLANT

Dated: 24/5 /2023

Through

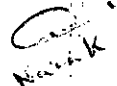


(TAUQIR AHMED)

Advocate High Court, Abbottabad

VERIFICATION:-

Verified on oath that the contents of forgoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.


Muzak

...APPELLANT

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

Service Appeal No. _____/2022

Nazak Khan son of Haleem Ullah, resident of Baber Colony, Garhi
Habibullah, Tehsil Balakot, District Mansehra, Ex-Warder (BPS-7) at
District Jail Mansehra.

...APPELLANT

VERSUS


Inspector General of Prisons, Khyber Pakhtunkhwa, PTC Colony, Peshawar
& others.

...RESPONDENTS

SERVICE APPEAL

AFFIDAVIT

I, Nazak Khan son of Haleem Ullah, resident of Baber Colony, Garhi
Habibullah, Tehsil Balakot, District Mansehra, Ex-Warder (BPS-7) at
District Jail Mansehra, do hereby solemnly affirm and declare on oath that
the contents of forgoing appeal are true and correct to the best of my
knowledge and belief and nothing has been concealed therein from this
Honourable Court.




DEPONENT



Annexure 'A'

9

OFFICE OF THE SUPERINTENDENT
CIRCLE (EASTERN) HQs PRISON HARIPUR
No. 47-1-Dated 05-05-2021
Phone/Fax: 0995-920066

OFFER OF APPOINTMENT:

Upon recommendation of the Departmental Selection Committee, following candidates are hereby appointed against the post of **Warder (BPS-07)** in the Khyber Pakhtunkhwa Prisons Department in Basic Pay Scale (07)/Rs. (10990-610-29290) plus other usual admissible allowances on the following terms and conditions:-

S.No	Name	Father Name	District	Place of Posting
27.	USAMA SHAFIQ	SHAFIQ UR REHMAN	Mansehra	District Jail Mansehra
28.	AHSAN KHAN	MUHAMMAD RIAZ	Mansehra	District Jail Mansehra
29.	NAZAK KHAN	HALEEM ULLAH	Mansehra	District Jail Mansehra
30.	AHTESHAM	AURANZEB	Mansehra	District Jail Mansehra
31.	ZAIN UL ABIDIN	MUHAMMAD ILYAS	Mansehra	District Jail Mansehra
32.	ADIL	ANWAWR ZEB	Mansehra	District Jail Mansehra
33.	MUHAMMAD SAJJAD	MUHAMMAD FAROOQ	Mansehra	District Jail Mansehra
34.	WASEEM BASHIR	MUHAMMAD BASHIR	Mansehra	District Jail Mansehra

1. Their appointment will take effect from the date of joining duty at their place of posting.
2. Their appointment is purely temporary and their services are liable to be terminated at any time on 15 days' notice without assigning any reasons.
3. No TA/DA will be admissible to him for joining first appointment.
4. In case they wish to resign at any time they will give one month notice OR in lieu thereof one month's pay will be forfeited from him subject to the discretion of the Competent Authority in public interest and will leave the service after acceptance of their resignation.
5. Their appointment is subject to medical fitness for Government Service.
6. They will be eligible for continuance on the post if their work and conduct remained satisfactory during the period of their temporary appointment provided the vacancy against which they have been appointed continues.
7. They will be on probation for a period of one year extendable upto another year. During probation period their services will be terminated if their work and conduct is not found satisfactory OR the vacancy ceases to exist.
8. They will be liable to serve anywhere in the Prisons Department Khyber Pakhtunkhwa.
9. For all other purposes such as Pay, T.A and Medical Attendance etc; they will be governed by such rules as may be issued by the Government for the category of Government Servants of the Prison Department to which they will belong.
10. They will be governed by the Khyber Pakhtunkhwa Government Servants (Conduct) Rules 1987, the Khyber Pakhtunkhwa Civil Servants (Appeal) Rules 1986, the Khyber Pakhtunkhwa Civil Servants Act 1973, the Civil Servants (Appointment, Promotion and Transfer) Rules 1989, the Khyber Pakhtunkhwa (E&D) Rules, 2011 the Khyber Pakhtunkhwa Prison Department Service Rules and all other rules/regulations framed or to be framed by the Government from time to time.
11. Their services are liable to termination/reversion at any stage if their Academic Certificates/Degrees (if any), CNIC, Domicile etc; are found fake, their services will be considered as terminated automatically and FIR will be lodged against him.
12. Their salary will be released after making proper verification of their antecedents/character roll, Domicile, and Academic Qualification Certificates/Degrees etc; from the quarter concerned by the Jail on their first posting. Moreover, if any verification charges are involved on their accounts, the same will be paid by the appointee.
13. If they accept the appointment on the above cited terms and conditions, they should report to Superintendent, District Jail Mansehra within 30 (Thirty) days of the receipt of their offer of appointment at their own expense. In case they fail to join duty within the same period, the offer of appointment will be treated as cancelled/withdrawn.

SUPERINTENDENT
CIRCLE HQs PRISON HARIPUR

Endorsement No. 48-59-1

Copy of the above is forwarded to:-

1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information please.
2. The SO(P & R) / Member Home & TAs Department Khyber Pakhtunkhwa Peshawar.
3. The Superintendent District Jail Mansehra for information. On arrival of the above named officials an undertaking should be taken on judicial stamp paper from them to the effect that they have accepted all the terms and conditions contained in the offer of their appointment and submitted to this office for record. The condition No. 12 may be fulfilled before releasing their salary within shortest possible time.
4. The District Accounts Officer Mansehra for information & further necessary action please.
5. Appointees concerned.

SUPERINTENDENT
CIRCLE HQs PRISON HARIPUR



Annexure 'B' (10)

AYUB TEACHING HOSPITAL, ABBOTTABAD

Accident & Emergency Service Department

Serial No. 32

Book No.

S. No.

Patient ID: ACE21145894

Ab No. 2

Patient Name:

Year

Mon

Patient Age:

Patient Sex:

Date: 10 DEC 2012

Invoice #: KD421143482
Patient Date & Time:

Patient Mode:

Receipt #: 370409547

OPD:

Address:

IDP Status:

Amount:

CVA - C/C - RT side weakness
HTN (+) →
DM (-)

BP = 100/60
Pulse = 90/c

R # 8

one side weakness From 1 day
C/C
Ⓡ Ⓛ
1/5 5/5
4/5 5/5

gag intact
B/L Planter up going
Ischemic stroke ???

- Advice
- CT Plain Brain ✓
 - ECG
 - RBS
 - Urea / creat.

Refer to medicine ward

21

- Catheter
- Dopamine
- BCB

- Tab. Dasprin 320mg
ایک روزانہ — ۱۴ دن

Tab. Loprin 75mg
ایک روزانہ — ۱۴ دن

- Tab. Lipigel 20mg
ایک روزانہ — ۱۴ دن

- Tab. Neurobion
ایک روزانہ — ۱۴ دن

- Tab. Riseda 40mg
ایک دن — ۱۴ دن

D. Rashed



SAFFA PHYSIOTHERAPY & PAIN MANAGEMENT

M. Haseeb (P.T)
DIP (Pak Army)
ADV (PT) AFIRM
Ex Physio Pak Army
0334-5063765
0304-4406764

Dr. M. Azeem Khan (P.T)
Asst Pro-Fims (Manshra
DPT(B.K.U), MSC(H&PE)S.U.I.
DIP(PT)Pim
0334-5541120 / 0315-526532

Malik Ikram Market Circular Road Haripur

<p>Date: 18-12-2022</p> <p>Name: Haddem ulleto</p> <p>Age: 62y / M</p> <p>Contact: -</p> <p>Occupation: -</p> <p>History: old torn of R Lateral CR.</p>	<p>Symptomatic: Area:</p> <div style="text-align: right;"> </div> <p style="text-align: center;">VAS: Intensity of pain</p> <p style="text-align: center;">1.....2.....3.....4.....5.....6.....7.....8.....9.....10</p>
<p>Imaging & Other Investigations:</p>	<p>Diagnosis: R hernia</p>
<p>Observation: R hernia</p>	<p>Treatment:</p> <ul style="list-style-type: none"> > Stretch > Heat > Massage > Strengthening > Walking bands > etc
<p>Examination: ROM:</p> <p>Muscles Testing:</p> <p>Pain Mechanism:</p> <p>Special Tests:</p>	

Timing: 10am to 4pm

No

Rs 10/-

OUT PATIENT DEPARTMENT

NAME Haleemullah

YEARLY NO 270

DATE 09-04-23

DISEASE _____

B.P
140
90

Aphasia
Rt sided weakness

Adv
CT scan
Brain (done)

Ref to
DHO Muzaffar
for further
management

Dr. Masoom Sajjad
MBBS, FCPS (C) Medicine
Medical Officer
No



AYUB TEACHING HOSPITAL, ABBOTTABAD
Accident & Emergency Service Department

13

Book No.

S. No. **003**

Serial # 225270

Patient : ACE23062830
 Father Husband : LATIF ULLAH
 Invoice # : K04230972008

Haleem Ullah

60 Year / Male

Date : 04-APR-23 14:32:38

Receipt # K04230343325

HTN (+), DM (+), IHD (+)
 CVA (+)

Referred: from Garhi Habib Ullah.

C/O:- Aphasia
 Rt sided weakness

BP 159/115
 pulse 94/min
 SpO2 92%

Refer to room 10

RECEIVED

Adv

- CT brain (plain)
- ECG

CT SCAN
 Radiology Department
 Ayub Teaching Hospital
 Complex Abbottabad

2 x 400 leduplex
 2 x 1000 in, 2
 Tab: Osmate-D
 6 x 1000 in, 2

حضرت صاحب سیرت النبی صلی اللہ علیہ وسلم ڈسٹرکٹ جیل مالٹیرہ
(14)
جناب عالی! "ع" Annexure

عقد بائڈنگز آرٹس ہیکل سائل کے لیے زیر مابہ اپنی
ڈیٹی سرانجام دے رہا ہے عرض ہیکل سائل کے والد
کو مبالغہ کا دورہ پڑ گیا ہے۔ جسکی وجہ سے سائل
اپنی ڈیوٹی سرانجام دینے کے لیے لائن حاضر ہوس
سے تمام ہے۔ والد کی دیکھ بھال کرنے والا کوئی نہیں
ہیڈا گز آرٹس ہیکل سائل کو (7) دن کی رخصت
مناہت فرما رہی۔

آپ کی عین خواہش معافی

العامرین

آپ کا بھائی، سائل: نازک خان وارڈر

ڈسٹرکٹ جیل مالٹیرہ (XPK)

تاریخ: 02.12.2022

جناب عالی! جناب صاحب ڈیپارٹمنٹ جیل مانسہرہ

خود ماہانہ گزارش صحت سائل کے والد کی بیماری کی
وجہ سے اس ڈیپارٹمنٹ کی سرانجام دینے اور اس کی حالت دھونے
سے کام لے رہے۔ گزارش صحت سائل کو (10) دن کی صحت
عنایت فرمائی تاکہ سائل اپنے والد کا بہتر علاج
کروا سکے۔ سائل کی فرد واحد نوکری میں ہے اور سائل کے
علاوہ گھر پر کوئی موجود نہیں جو والد کی دیکھ بھال کرے
اس لیے عین نوازش ہوگی
العارضہ

آئیگا فرمان بردار وارڈر : نازک خان ڈیپارٹمنٹ جیل مانسہرہ

تاریخ : 11.12.2022



OFFICE OF THE SUPERINTENDENT
CIRCLE HQs PRISON HARIPUR

No. 440- / -

Dated 30-01-2023

16
Annexure D

ORDER

WHEREAS, Mr. Nazak Khan Warder (BPS-07) posted at District Jail Mansehra absented/deserted himself from duty with effect from 01-12-2022 till date without prior permission of the competent authority as reported by Superintendent District Jail Mansehra vide letter No. 2929/WE dated 27-12-2022. A notice was served on him at his home address vide Superintendent District Jail Mansehra office letter No. 2769 dated 08-12-2022 with the direction to resume duties immediately failing which disciplinary action would be initiated against him under the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011.

AND WHEREAS, after expiry of more than 15 days period, the said Warder neither resumed duty nor any intimation was received from him. Therefore, as required under Rule-9 of ibid rules, a notice was published in a daily newspaper i.e Mashriq Peshawar dated 09-01-2023 by directing him to resume duty within 15 days of publication of the notice. But after the lapse of the stipulated period given in the notice he neither resumed his duty nor any response was received from his end as confirmed by Superintendent District Jail Mansehra vide his letter No. 429 dated 26-01-2023.

NOW THEREFORE, in exercise of powers conferred under Rule-9 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, the undersigned being competent authority, hereby awards major penalty of "Removal from Service" to Mr. Nazak Khan Warder (BPS-07) posted at District Jail Mansehra from the date of his willful absence i.e 01-12-2022.

SUPERINTENDENT
CIRCLE H.Q. PRISON HARIPUR

ENDST; NO. 441-44 / -

Copy of the above is forwarded to:-

1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information please.
2. The Superintendent, District Jail Mansehra for information and necessary action with reference to his letter No. 429 dated 26-01-2023.
3. The District Accounts Officer Mansehra for information.
4. Mr. Nazak Khan S/O Sami Ullah, R/O Babar Colony Garhi Habib Ullah, Tehsil Balakot & District Mansehra for information.

SUPERINTENDENT
CIRCLE H.Q. PRISON HARIPUR

To

17
Annexure "E"

DIG

Prison Department Central Jail Haripur

KPK

Respected Sir.

It is to bring in your notice that I Mr. Nazik Khan dated 17, May 2021 was appointed as constable BPS-07 in Prison Department Mansehra and left for home on my vacations on 30th Nov 2022. During my leave my father suddenly got stroke due to which I was unable to come back on time.

On 19th Dec 2022 I contacted MM Prison department Mansehra and inform him about my circumstances and he replied that you are transfer from Prison Department Mansehra to Prison Department Huripuar and, your Transfer letter has been send to your home address.

But in reality I don't receive any transfer letter or dismiss order Notes. Again an 31 Jan 2023 I visited Prison Department Mansehra for the sake of letting know that why I don't get any letter and they told me that I am being fired by authorities for not reporting on time. It is very humbly requested you that Permanent me to join again as I am the only one source of income for my family for you positive response. Looking forward for positive response

Mr. Nazik Khan S/O Haleem Ullah

CNIC No. 13501-3219864-9

Contact No.0344-5433992



(18)

Arzallidme "F"

OFFICE OF THE DEPUTY INSPECTOR GENERAL OF (PRISONS)

R.P.O. ABBOTTABAD AT HARIPUR

PHONE#0995-920053

FAX# 0995-920054

E-Mail# digabbottabad@gmail.com

No 392 dated 28 / 03 /2023

To,

Mr. Nazik Khan S/O Haleem Khan,
Babar Colony Garhi Habib Ullah,
Mansehra.

Subject:

APPLICATION.

Memo,

Reference your application to this office.

You are intimated that in exercise of powers conferred under Rule-9 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rule 2011, you were awarded major penalty of "Removal from Service" vide Superintendent Headquarter Prisons Haripur office order No.440 dated 30-01-2023 being competent authority after attaining all legal and codal formalities.

DEPUTY INSPECTOR GENERAL OF PRISONS
REGIONAL PRISONS OFFICE HAZARA AT HARIPUR

Endst No _____ /-

Copy of the above is forwarded to the Superintendent H.Q Prisons Haripur for information w/r to the No 1334-we dated 27-3-2023.

DEPUTY INSPECTOR GENERAL OF PRISONS
REGIONAL PRISONS OFFICE HAZARA AT HARIPUR

19

Annexure "G"

To

IG

Prison Department Central Jail Peshawar

KPK

Respected Sir.

It is to bring in your notice that I Mr. Nazik Khan dated 17, May 2021 was appointed as constable BPS-07 in Prison Department Mansehra and left for home on my vacations on 30th Nov 2022. During my leave my father suddenly got stroke due to which I was unable to come back on time.

On 19th Dec 2022 I contacted MM Prison department Mansehra and inform him about my circumstances and he replied that you are transfer from Prison Department Mansehra to Prison Department Huripuar and, your Transfer letter has been send to your home address.

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Mr. Nazik Khan S/O Haleem Ullah

CNIC No. 13501-3219864-9

Contact No.0344-5433992



ORDER:

WHEREAS, Ex-Warder Nazik Khan S/o Haleem Ullah, attached to District Jail Mansehra was awarded the major penalty of "Removal from Service" by Superintendent HQs Prison Haripur vide order No. 440 dated 30-01-2023 due to his willful absence w.e.f. 01-12-2022 till the date of his removal from service on 30-01-2023.

AND WHEREAS, the said Ex-Warder preferred his departmental appeal for setting aside the penalty awarded to him and also requested for reinstatement in service.

AND WHEREAS, he was afforded an opportunity of personal hearing on 11-04-2023. His appeal was examined in light of the available record of the case and it was observed that the penalty was awarded to him by the competent authority on his willful absence after observing all legal and codal formalities as required under Government Servants (Efficiency & Discipline) Rules, 2011. During the course of hearing, the appellant failed to justify his innocence.

NOW THEREFORE, having considered the charges, evidences/facts on record, explanation of the accused official, 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.

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

ENDST: NO. 15567 - 71 /-

Copy of the above is forwarded to the:

1. Deputy Inspector General of Prisons Regional Prison Office Abbottabad at Haripur for information.
2. Superintendent, Headquarters Prison Haripur for information and necessary action with reference to his letter No. 1213/WE dated 17-03-2023.
3. Superintendent District Jail Mansehra for information and necessary action. He is directed to inform the appellant accordingly and to make necessary entry in his Service Book under proper attestation.
4. Mr. Nazik Khan S/o Haleem Ullah (Ex-Warder) C/o Superintendent District Jail Mansehra for information.
5. PS to Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information.

PB

[Signature]
26/04/2023



**DEPUTY DIRECTOR
INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR**



REGISTERED

To

(21) Annexure "I"
OFFICE OF THE SUPERINTENDENT
CIRCLE HQs PRISON HARIPUR

No. _____/1-

Dated 27-04-2023

The Superintendent,
District Jail Mansehra.

Subject:-
Memo:

SERVICE BOOK IN RESPECT OF MR.NAZIK KHAN EX-WARDER

Kindly refer to your letter No.903-WE dated 15-03-2023 on the subject.

Enclosed please find herewith Service Book (in original)in respect of Mr.Nazik Khan
Ex-warder received with your letter under reference.

Please acknowledge its receipt.

ENDST;NO. 1837-38 WE

SUPERINTENDENT
CIRCLE H.Q. PRISON HARIPUR.

Copy of the above is forwarded to :-

1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information with reference office order No,15566 dated 20-04-2023.
2. Mr.Nazik Khan (Ex-warder) S/O Haleem Khan R/O Baber Colony Garhi Habib Ullah Tehsil Balakot District Mansehra Contact# 0344-5433992 for information. His departmental appeal has been considered and rejected by the appellate authority (I.G) vide I.G.Prisons office order No.15566 dated 20-04-2023 (copy enclosed).

SUPERINTENDENT
CIRCLE H.Q. PRISON HARIPUR.

کورٹ فیس

وکالت نامہ

بھارت سر وی۔ بی۔ جی۔ ایچ۔ ایچ۔ اینڈ۔ آر۔ کپال
 عنوان: نازک خان نام IG جیل خانہ جاتی گلشن
 مناب: ایچ۔ ایچ۔ اینڈ۔ آر۔ کپال
 لوجسٹکس: ایچ۔ ایچ۔ اینڈ۔ آر۔ کپال
 باعث تحریر تاکہ

مقدمہ مندرجہ میں اپنی طرف سے دائر کی جاتی ہوئی درخواست میں کارروائی متعلقہ آس مقام

سر وی۔ بی۔ جی۔ ایچ۔ ایچ۔ اینڈ۔ آر۔ کپال

کو مکمل مقرر کر کے قرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا مکمل اختیار ہوگا نیز مکمل صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ بر حلف و سچہ اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دخل کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کی کل یا کسی جزوی کارروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے مقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساتھ پر داخلہ نامہ کو منظور و قبول ہوگا۔ دوران مقدمہ جو فرچہ و ہرجانہ الحوائج مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔ نیز ہتھیار تم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی نئی مقام دہرہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ بیروی مقدمہ دہرہ کریں اور اگر مختار مقرر کردہ میں کوئی جزو چاہا ہو تو وکیل صاحب موصوف مقدمہ کی بیروی کے پابند ہوں گے۔ نیز درخواست براد استوارت ناٹس سینہ مجلسی کے دائر کرنے اور اس کے بیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

الرقوم: 24/S/2023

بمقام: ایچ۔ ایچ۔ اینڈ۔ آر۔ کپال

الغیب الغیب

Accepted & Attested by me

نازک خان (سر وی۔ بی۔ جی۔ ایچ۔ ایچ۔ اینڈ۔ آر۔ کپال)

Handwritten signature