


03.02.2023

Clerk of learned counsel for the appellant present.
Mr. Muhammad Jan, District Attorney for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to strike of lawyers. Adjourned. To come up for arguments on 22.03.2023 before the D.B.

(Fareeha Paul)
Member (E)



(Salah-ud-Din)
Member (J)

22.03.2023

Learned counsel for appellant present.

Mr. Fazal Shah Mohmand, Additional Advocate General for respondents present.

Learned Member Judicial (Mrs. Rozina Rehman) is on leave, therefore, case is adjourned to 01.06.2023 for arguments before D.B. Parcha Peshi given to the parties.


(Muhammad Akbar Khan)
Member (E)

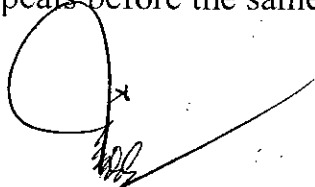
SCANNED
KPST
Peshawar

31.10.2022

Appellant alongwith his counsel present. Mr. Muhammad Jan, District Attorney for the respondents present.

Learned counsel for the appellant stated at the bar that another appeal of the appellant is fixed for arguments on 12.12.2022, therefore, the appeal in hand may also be fixed for argument on the said date. Adjourned. Office is directed to place both the appeals before the same D.B on 12.12.2022.

SCANNED
MPT
Peshawar



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

12.12.2022

Appellant is not present. Maaz Madani Advocate present on behalf of the appellant. Muhammad Jan learned District Attorney for the respondents present.

R

Learned counsel for the appellant requested for adjournment to submit wakalatnama in another Appeal No. 236/2018. As both the cases are inter-connected and would be argued at the same time, therefore, last chance is given with further direction to make sure the presence of appellant on the next date. To come up for arguments on 03.02.2023 before D.B.



(Fareeha Paul)
Member (E)




(Rozina Rehman)
Member (J)

03.01.2022

Counsel for the appellant and Mr. Noor Zaman, District Attorney alongwith Suleman, Senior Instructor for the respondents present.

Former requests for adjournment in order to further prepare the brief. Request accorded. To come up for arguments on 12.04.2022 before the D.B.



(Atiq-ur-Rehman Wazir)
Member(E)


Chairman

12.04.2022

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


Learned counsel for the appellant requested for adjournment. Last opportunity is granted. To come up for arguments before the D.B on 02.08.2022.


(Rozina Rehman)
Member (J)


Chairman

2-8-2022

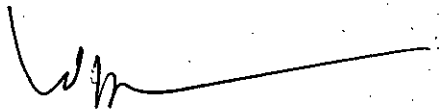
Proper DB not available the case is adjourned to 31-10-2022


Reader

25.03.2021

Appellant in person present. Mr. Kabirullah Khattak learned Addl. AG for respondents present.

Reply/comments on behalf of respondents not submitted. Learned Additional Advocate General is required to contact the respondents and facilitate the submission of reply/comments. Last opportunity is granted. To come up for reply/comments on 31.05.2021 before S.B.


(Atiq Ur Rehman Wazir)
Member (E)

31.05.2021

Appellant in person and Mr. Kabirullah Khattak, Addl. AG alongwith Atta Muhammad, Law Officer for the respondents present.

Respondents have furnished reply/comments. Placed on file. The appeal is assigned to D.B for arguments on 06.10.2021.


Chairman

06.10.2021

Appellant present in person and Mr. Kabirullah Khattak, Addl. AG alongwith Suleman, Senior Instructor for the respondents present.

Former requests for adjournment as his learned counsel is not in attendance. Request is accorded. To come up for arguments on 03.01.2022 before the D.B.

(Mian Muhammad)
Member(Executive)


Chairman

07.12.2020

Junior counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Representative of respondents is not in attendance, therefore, case is adjourned on the request of learned A.A.G with direction to submit reply/comments on 26.01.2021 before S.B.

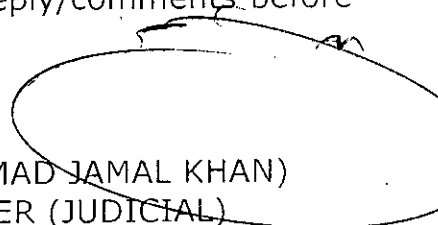


(Rozina Rehman)
Member (J)

26.01.2021

Counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Suleman, Senior Instructor, for the respondents are also present.

Written reply on behalf of respondents not submitted. Representative of the department is seeking further time for submission of written reply/comments. Adjourned to 25.03.2021 on which date file to come up for written reply/comments before S.B.



(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

05.10.2020

Counsel for the appellant present.

It is the argument of learned counsel that while passing the impugned office order dated 20.03.2020, the past conduct of the appellant, to the effect that he was previously discharged from service and his habit of absentia, was introduced for the first time. The said ground was not available in either of the show cause notices dated 29.01.2020 and 07.02.2020. Further, that total period of absence, attributable to the appellant, was only 23 days and the award of major penalty of dismissal from service was not commensurate with the alleged misconduct on his part. ~~at~~

Subject to all just exceptions, instant appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 07.12.2020 before S.B.

Appellant Deposited
Security & Process Fee
25/10/20


Chairman

07.12.2020

Junior counsel for appellant present



~~Chairman with learned counsel for appellant present.
Representation of respondents is not in attendance.
The case is referred to the committee of learned A.A.C
with directed to submit reply/comments on 25.01.2021
before S.B.~~

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 9619 /2020


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	25/08/2020	<p>The appeal of Mr. Akhtar Ali resubmitted today by Mr. Muhammad Maaz Madni 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>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>05/10/2020</u></p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

The appeal of Mr. Akhtar Ali son of Wali Muhammad Ex-Warder received today i.e. on 06.08.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Copy of departmental appeal is not attached with the appeal which may be placed on it.

No. 2336 /S.T,

Dt. 6/8 /2020



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Muhammad Maaz Madni Adv. Pesh.

R/Sir,

Departmental Appeal has
already been attached at Annex-J
Page - 16.

Re-Submitted please.


25/8/2020

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. 9619 /2020

AKHTAR ALI

V/S

IG PRISION
& OTHERS

INDEX

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Dated: 06-08-2020

Through:

APPELLANT

MUHAMMAD MAAZ MADNI
ADVOCATE

FLATE NO. 04, 2ND FLOOR,
JUMA KHAN PLAZA, NEAR FATA SECRETARIAT,
WARSAK ROAD, PESHAWAR

0345-9090737, 0314-9965666

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. 9619 /2020

MR. AKHTAR ALI s/o Wali Muhammad, Ex-Warder (BPS-07)
Mohallah Thana Cham, Tehsil Chota Lahore, District Swabi

.....APPELLANT

VERSUS

1. THE INSPECTOR GENERAL OF PRISON
Khyber Pakhtunkhwa, Peshawar.
2. THE SUPERINTENDENT,
Headquarters Prison, Peshawar.

..... RESPONDENTS

SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE
IMPUGNED ORDER DATED 20-03-2020 WHEREBY MAJOR
PENALTY OF REMOVAL FROM SERVICE HAS BEEN IMPOSED
UPON THE APPELLANT AND AGAINST NOT TAKING ANY
ACTION ON THE DEPARTMENTAL APPEAL DATED 09-04-
2020 OF THE APPELLANT WITHIN THE STATUTORY PERIOD
OF 90 DAYS

PRAYER:

That on acceptance of the instant service appeal the impugned removal order dated 20-03-2020 may very kindly be set aside and the appellant be reinstated into service with all consequential back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favour of the appellant.

Respectfully Sheweth:

FACTS:

Brief facts which give rise to the instant appeal are as under:-

1. That, the appellant is the Law abiding, peaceful & bonafide resident of District Swabi and was the employee of the respondent Department.

2. That the respondents issued an advertisement for filling up vacant posts of Warder (BPS-05) falling under the control of Respondent No. 2. That the appellant being eligible in all respect applied on the prescribed form issued through Pakistan Testing Service and accordingly was issued with Roll Number.

Copy of the roll number is attached as ANNEXURE A.

3. That appellant appeared in the test as per venue assigned in the roll number slip became successful and as such was called for appearing before the interview penal on 10-04-2019 vide respondent no. 2 letter dated 29-03-2019.

Copy of the letter dated 29.03.2019 is attached as ANNEXURE B.

4. That the appellant appeared before the interview penal on 10-04-2019 became successful and accordingly was issued with the appointment order dated 07-10-2019 and is shown at serial no. 33 of the appointment order.

Copy of appointment order dated 07-10-2019 is attached as ANNEXURE C.

5. That appellant was asked to submit affidavit regarding appointment on merit and where after the appellant was medical examined by the concerned Medical Officer and is found fit for government job.

Copy of Affidavit & Medical Certificate is attached as ANNEXURE D & E.

6. That appellant submitted his arrival report and started performing his quite efficiently, whole heartedly and upto the entire satisfacation of his high ups.

7. That the appellant received show cause notice dated 29-01-2020 with 07 days absent followed by another Show cause notice dated 07-02-2020 in which absence period of different occasion was enhanced from 07 days to 23 days along with this statement of allegation dated 18-02-2020 was also received to the appellant which the appellant is shown absent for 45 days which was properly replied by the appellant well in time by denying all the allegations.

Copy of the show cause notices & reply of allegation is attached as ANNEXURE F & G.

8. That astonishingly the appellant was served with Final Show Cause notice vide dated 09-03-2020 which was also replied by the appellant well in time, copy of which is not available with the appellant.

Copy of the Final Show Cause Notice is attached as ANNEXURE H.

9. That the appellant was served with the impugned removal order dated 20-03-2020, whereby major penalty of Removal from Service has been imposed upon the appellant. The appellant feeling aggrieved from the impugned order dated 20-03-2020 filed Departmental Appeal dated 09-04-2020 through registered post.

Copy of the Impugned Order & Departmental Appeal, Register post is attached as ANNEXURE I, J & K.

10. That the appellant having no other efficacious, adequate and alternate remedy but to approach this Honourable Tribunal on the following grounds amongst others:

G R O U N D S:-


- A. That the impugned removal order dated 20-03-2020 of the respondents issued to the appellant is against the Law, Rules, Fact & material available on record hence not tenable in the eye of Law and is liable to be set aside.
- B. That the appellant has not been treated by the respondents in accordance with Law and Rules on the subject noted above and as such the respondents are clearly violating Article 4 and 25 of the constitution of Islamic Republic of Pakistan 1973.
- C. That the respondents have not acted in accordance with Law and the rules governing on the subject matter by issuing the impugned removal order dated 20-03-2020.
- D. That no charge sheet what so ever been served upon the appellant while issuing the impugned removal order dated 20-03-2020.
- E. That no proper regular inquiry has been conducted by the respondents while issuing the impugned removal order dated 20-03-2020 which is pre-requisite as per various judgments of the apex Court for imposing a major penalty.

- F. That the Apex Court has also held that while issuing major penalty even against a temporary employee regular inquiry is necessary to be conducted.
- G. That, issuing of the impugned removal order is nothing but just to harass the appellant and to accommodate their blue-eyed person.
- H. That, the impugned removal order dated 20-03-2020 is neither been passed in the public interest nor in the exigencies of service.
- I. That the respondent while passing impugned action of removal from service vide dated 20-03-2020 was initiated and taken to its logical conclusion under a misconception of law and under a wrong law hence it had vitiated entire proceedings, which could not be sustained under the law and is liable to be struck down.
- J. That the act of the respondents by passing the impugned removal order date 20-03-2020 and is clear violation of Article- 38 (e) of the Constitution of Islamic republic of Pakistan which states that: "to reduce disparity in the income and earning of the individual including the persons in Service of Pakistan".
- K. That the impugned removal order dated 20-03-2020 has been issued with dubious allegation which as vitiates the entire proceeding as per various verdicts issued from Apex Court.
- L. That any other grounds will be raised at the time of arguments with prior permission of this Honourable Tribunal.

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

Dated: 06-08-2020

Appellant


AKHTAR ALI

Through

MUHAMMAD MAAZ MADNI

Advocate,

High Court, Peshawar.


6/8

5

ANNEXURE- A

9/22/2018

Roll Number Slip

Print this page

PTS

Pakistan Testing Service

Important Notice : In case of written test, candidate must fill CNIC No, Roll No, Book Color on Bubble Sheet properly or else his/her paper will stand cancel.

Candidate Name: Akhtar Ali
 Father's Name: Wali Muhammad
 CNIC #: 1620179571967
 Domicile (District / Province): Swabi/ KPK

*order 7 October
 original 25 October
 1st duty on
 4 Nov 2019
 Monday*

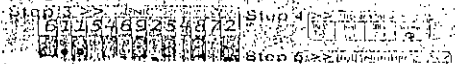
Test Information

Test Name	Post Name	Test Center	Roll No	Test Date	Time
KPK PRISONS DEPARTMENT (KPK-PDHQ) (219)	Male Warder (BPS - 05)	Govt Of College Of Commerce and Manegment Sciences No. 2, Zando Dhare, Swabi road, Mardan	12644703430	Sunday, September 30, 2018	12:00 PM - 2:00 AM

Instructions

- Please read instructions carefully and follow the guidelines given by invigilators at all stages of the test.
- Candidates should reach at least 15 minutes earlier to test start time.
- You are required to bring this ROLL NO SLIP along with your Original National Identity Card NADRA/Matric Certificate containing your photograph. Without identity proof, entrance will be not permissible in test center.
- Candidate's candidature could be determined on the basis of applicants' personal data, domicile & qualification published in advertisement.
- Bring Ball-Point (Black or Blue) & clipboard to use & appear in written test.
- Note: If Question Book color is not selected, CNIC or roll numbers are not filled properly in bubble sheet, your candidature will be cancelled. And do not fold or staple the computerized bubble sheets.
- Do not copy anything from question paper & do not bring any sort of helping material.
- Make sure that if any other person attempts to take the test, exam or interview in your place, both you and such person will be liable to prosecution. And details relating to the situation will be forwarded to the relevant employer and appropriate authority.
- In case of any bogus/ false information or criminal record, selection shall stand withdrawn/cancelled immediately and candidate will not be entitled to appear in test.
- Organization, Department or Universities has rights to do background verification of educational & professional data, before or after interview.
- Organization has right to alter/cancel the test, test center, venue, date, time, post, position and/or distribution of advertised vacancies.
- Mobile phones, Cameras, other electronic gadgets, knife, guns or arms are stickily prohibited in test center.
- Fines will be charged Rs.100- for depositing mobile phones, gadgets, baggage or other items.
- For more information visit PTS website www.pts.org.pk for information and test result.

How to fill bubble sheet (Answer Sheet)



ATTESTED
 to be true copy
 Advoc...

(6)



O.P.S.S

OFFICE OF THE
SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR
No: 691 P/B Dt: 29/03/2019

ANNEXURE - B

To: ✓
MR. AKHTAR ALI S/O WALI MUHAMMAD
Address: Mohalalh Thana Chani, Tehsil Chota Lahore, Distt: Swabi

Subject: INTERVIEW FOR THE POST OF JAIL WARDER (BPS-05) (MALE)

Reference your physical & screening test through PTS for the subject post.

You are hereby informed through the notice in hand to appear before the undersigned for interview for the post of Jail Warder (BPS-05) (Male) on 10-04-2019 (Wednesday) at 10:00 AM alongwith the following original documents:-

- 1- Original educational/ Academic documents
 - 2- Original domicile
 - 3- Original CNIC
- No T.A will be allowed.

INCHARGE F.B.BRANCH FC
SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR



ATTESTED
to 1

OFFER OF APPOINTMENT

Upon recommendation of the Departmental Selection Committee, the below noted candidates of Zone-2 are hereby appointed against the post of **Warders (BPS-05)** in the Khyber Pakhtunkhwa Prisons Department in Basic Pay Scale Rs: (10260-500-25290) plus other usual admissible allowances on the following terms and conditions:-

S#	Name	Father Name	Domicile District	Place of Posting
1.	Taimur Hassan	Abdul Ghafar	Swabi	Central Prison Peshawar
2.	Mansoor Jan	Jamshed Khan	Charsadda	Central Prison Peshawar
3.	Muhammad Azam	Bahadar Khan	Charsadda	Central Prison Peshawar
4.	Mukhtiar Ali	Hazrat Shah	Swabi	Central Prison Peshawar
5.	Maqsood Ullah	Sharif Gul	Charsadda	Central Prison Peshawar
6.	Sharif Khan	Gul Shah	Swabi	Central Prison Peshawar
7.	Muhammad Bilal	Mir Akbar Khan	Charsadda	Central Prison Peshawar
8.	Hayat Khan	Sultanjan Khan	Charsadda	Central Prison Peshawar
9.	Bakhtayar Hussain	Masal Khan	Charsadda	Central Prison Peshawar
10.	Ashfaq Ahmad	Fida Muhammad	Nowshera	Central Prison Peshawar
11.	Kashan Ali	Sardar Ali	Charsadda	Central Prison Peshawar
12.	Taif Khan	Muhammad Fazil	Charsadda	Central Prison Peshawar
13.	Tauseef Jan	Wakeel Khan	Charsadda	Central Prison Peshawar
14.	Muhammad Zubair Khan	Momin Khan	Charsadda	Central Prison Peshawar
15.	Firad Ali	Gul Raziq	Charsadda	Central Prison Peshawar
16.	Shahfahad	Abdur Rasheed	Swabi	Central Prison Peshawar
17.	Fazle Wahid	Abdul Karim	Charsadda	Central Prison Peshawar
18.	Abdul Qader	Azam Khan	Charsadda	Central Prison Peshawar
19.	Muhammad Umar	Noor Alam Khan	Nowshera	Central Prison Peshawar
20.	Khizar Hayat	Amanat Khan	Nowshera	Central Prison Peshawar
21.	Yaseen Khan	Taj Wali Khan	Swabi	Central Prison Peshawar
22.	Muhammad Asif	Ajab Khan Afridi	Nowshera	Central Prison Peshawar
23.	Iftehar Khan	Bahramand	Charsadda	Central Prison Peshawar
24.	Khawar Shed Alam	Saeed Sattar	Swabi	Central Prison Peshawar
25.	Waleed Ali Shan	Fazil Shah	Nowshera	Central Prison Peshawar
26.	Fazli Subhan	Jalat Khan	Charsadda	Central Prison Peshawar
27.	Muhammad Sajid	Rehman Ullah	Swabi	Central Prison Peshawar
28.	Inziam Ul Haq	Raad Ali Khan	Swabi	Central Prison Peshawar
29.	Muhammad Numan	Rehan	Swabi	Central Prison Peshawar
30.	Mubbasir Khan	Sajjad Ali	Swabi	Central Prison Peshawar
31.	Sajid Ali	Shahroom Khan	Charsadda	Central Prison Peshawar
32.	Jawad Ullah	Wali Ullah	Swabi	Central Prison Peshawar
33.	Akhtar Ali	Wali Muhammad	Swabi	Central Prison Peshawar
34.	Hilal Ahmed	zafar ali	Charsadda	Central Prison Peshawar
35.	Ijaz Muhammad	Niaz Gul	Nowshera	Central Prison Peshawar
36.	Imran Ahmad	Zulam Khan	Charsadda	Central Prison Peshawar
37.	Taufeeq Khan	Khista Gul	Charsadda	Central Prison Peshawar
38.	Amir Hamza	Khan Bahadar	Charsadda	Central Prison Peshawar
39.	Akhlaq Ahmad	Rahat Gul	Charsadda	Central Prison Peshawar
40.	Syed Lugman Ali	Syed Bukhari Shah	Charsadda	Central Prison Peshawar
41.	Jawad Ali	Abdul Haleem	Charsadda	Central Prison Peshawar
42.	Rashid Ali	Ghulam Rasool	Peshawar	Central Prison Peshawar
43.	Inziam Ul Haq	Sangeen Khan	Charsadda	Central Prison Peshawar
44.	Arshad Khan	Mehmood Shah	Charsadda	Central Prison Peshawar
45.	Muhammad Saleem	Nobat Khan	Nowshera	Central Prison Peshawar
46.	Salman Khan	Khan Wali	Swabi	Central Prison Peshawar
47.	Hidayatullah	Tahmeedullah	Charsadda	Central Prison Peshawar
48.	Arshad Ali	Farshad	Charsadda	Central Prison Peshawar
49.	Amir Suhail	Sher Rahman	Swabi	Central Prison Peshawar
50.	Ihtisham Ul Haq	Jehangir Khan	Charsadda	Central Prison Peshawar
51.	Hussain Badshah	Khan Badshah	Nowshera	Central Prison Peshawar
52.	Abdullah	Yousaf Jan	Charsadda	Central Prison Peshawar
53.	Nasir Ali	Sherin Zada	Swabi	Central Prison Peshawar

NO TRUE COPY
DATE

Next page...

8

OFFICE OF THE
SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR
No: _____ P/B Dt: 07/10/2019

S#	Name	Father Name	Domicile District	Place of Posting
54.	Muhamma Siddique	Akhtor Munir	Charsadda	Central Prison Peshawar
55.	Khushed Ahmad	Aqil Khan	Nowshera	Central Prison Peshawar
56.	Adnan Khan	Waris Khan	Charsadda	Central Prison Peshawar
57.	Shahzad	Sana Ullah	Charsadda	Central Prison Peshawar
58.	Muhamma Salman	Dost Muhammad	Charsadda	Central Prison Peshawar
59.	Muhamma Imran	Bakht Rawan	Charsadda	Central Prison Peshawar
60.	Waleed Ahmad	Nihar	Swabi	Central Prison Peshawar
61.	Luaman Said	Nabi Said	Swabi	Central Prison Peshawar
62.	Kashif Ali	Ibrahim Khan	Charsadda	Central Prison Peshawar
63.	Musa Khan	Niamat Khan	Peshawar	Central Prison Peshawar
64.	Hadayat Ullah	Khar Rauf	Charsadda	Central Prison Peshawar
65.	Raham Jan	Ahmad Jan	Swabi	Central Prison Peshawar
66.	Kashif Khan	Rahat Gul	Charsadda	Central Prison Peshawar

TERMS & CONDITIONS

- 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 them 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 them 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 of 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 Prisons 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&O) 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 will be 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 FR will be lodged against them.
- 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 of their first posting. Moreover, if any verification charges are involved on this account, the same will be paid by the appointees.
- 13- If they accept the appointment on the above cited terms and conditions, they should report to the Superintendent Central Prison Peshawar within 30 (Thirty) days of the receipt of this 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.

Sd/-
SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR

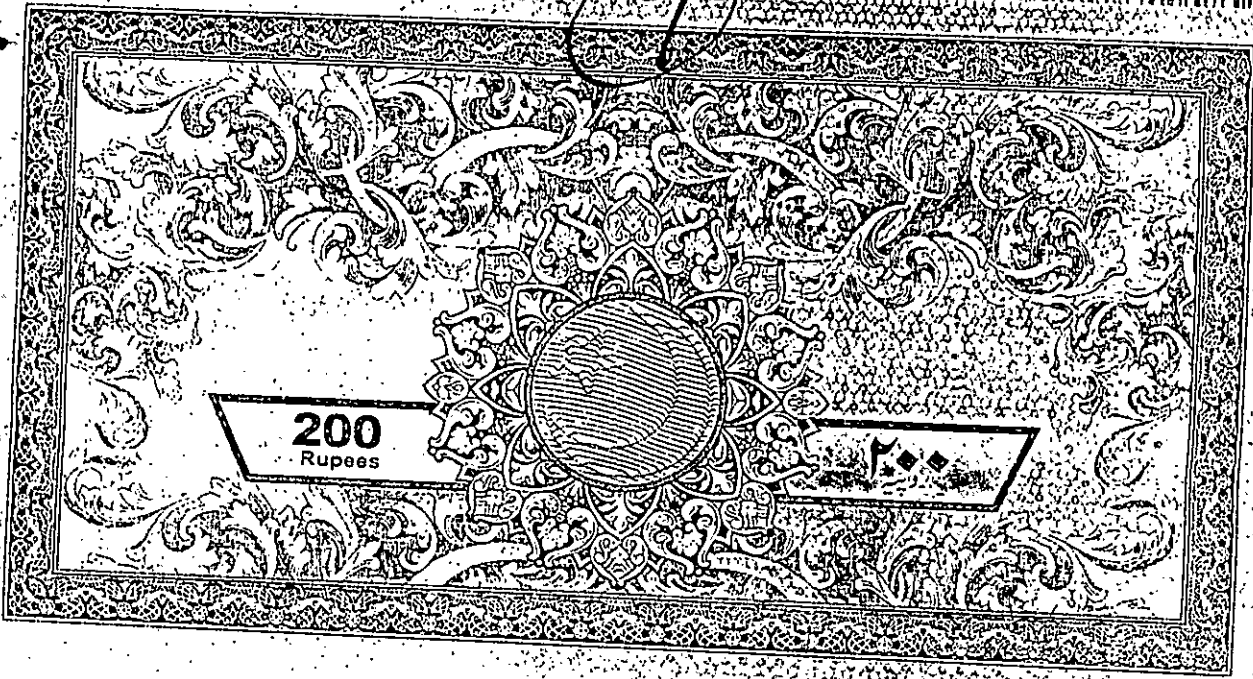
Endorsement No: 1359-62

- 1- Copy of the above is forwarded to:-
- 2- The Superintendent Circle Headquarters Prison Peshawar.
- 2- The Superintendent Central Prison Peshawar for information. On arrival of the above named appointees, an undertaking should be taken on judicial stamp paper from them to the effect that they have accepted all terms and conditions contained in the offer of their appointment and submitted to Headquarters office for record. The condition No. 12 may be fulfilled before releasing their salaries within shortest possible time.
- 3- The District Account Officer Peshawar for information & further necessary action.
- 4- Appointees concerned.

[Signature]
SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR
E-mail: hqprisonpeshawar@gmail.com

ATTESTED
to be true copy
Advocate *[Signature]*

9



ANNEXURE - D

بیانِ صلح

مذکورہ نامی ولد صاحبزادہ محمد سعید صاحب

بیان میں مرکز خاندانہ جمعہ جیل خانہ کت میں بطور

داررہ BRES میں ازادگی صلح

۱۰-۱۶-۱۹۸۰ء کو سرکاری طور پر

میں صلح کا صلح نامہ لکھا گیا ہے

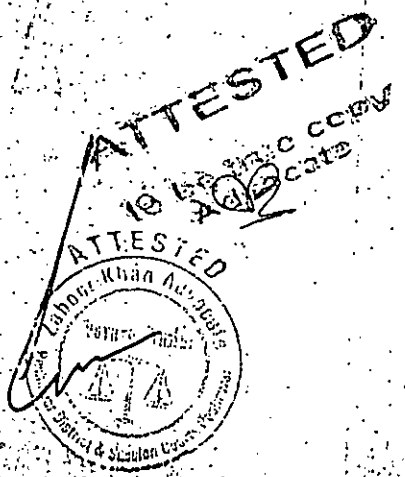
اور یہ صلح نامہ سرکاری طور پر

میں لکھا گیا ہے اور یہ صلح نامہ سرکاری

طور پر لکھا گیا ہے

یہ صلح نامہ سرکاری طور پر

میں لکھا گیا ہے



25 OCT 2018

7/15/18

1620/17957(195-)

Handwritten signature and initials.

Handwritten text.

Handwritten text: 05132829680

10

MEDICAL CERTIFICATE

ANNEXURE-E

Name of official AKHTAR ALI
 Caste or race Yousafzi
 Father's name WALI Muhammael
 Residence Tes Lahov village Chota Lahov
District Swabi
 Date of birth 05-05-1994
 Exact height by measurement 5-9 inch
 Personal mark of identification _____
 Signature of the official [Signature]
 Signature of head of office _____

Seal of office

[Signature]
 SUPERINTENDENT
 HEADQUARTERS PRISON PESHAWAR

I do hereby certify that I have examined Mr. AKHTAR ALI a candidate
 for employment in the Office of the Prison Department
 and cannot discover that he had any disease communicable or other constitutional affection or bodily
 infirmity except nil

I do not consider this as disqualification for employment in the office of the Asst. Commr.
 His age according to his own statement 25 year and by appearance about
 year 25

[Signature]
 MEDICAL SUPERINTENDENT,
 CIVIL HOSPITAL, Peshawar
 P. W. of C. Services Hospital
 Peshawar

25/10/19

LEFT HAND THUMB AND FINGER IMPRESSIONS

ATTESTED

to be true copy
Advocate

11

SHOW CAUSE NOTICE UNDER RULE-5(1) READ WITH RULE-7 OF THE
KHYBER PAKHTUNKHWA GOVERNMENT SERVANTS (EFFICIENCY &
DISCIPLINEY) RULES, 2011.

ANNEXURE - F/

You, Warder (BPS-07) Akhtar Ali attached to Central Prison Peshawar willfully absented yourself from your allotted duties as well as your jail premises without prior permission of the Competent Authority w.e.f 16-01-2020 and resumed on 24-01-2020 after 07 days willful absence, which constitutes gross misconduct.

I, Superintendent Headquarters Prison Peshawar as Competent Authority, am satisfied by the report received through the Superintendent Central Prison Peshawar vide his No. 1176/WE dated 27-01-2020 and there is no need of holding any further inquiry.

Now therefore, you the above accused Warder are hereby called to show cause within 07 days of the receipt of this notice as to why you should not be dismissed from service for above stated act of misconduct.

In case, your reply does not reach this office within stipulated period, ex-parte action shall be taken against you.

Sd
SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR

Endorsement No: 331-32/- dated: 28/01/2020

Copy of the above is forwarded to the: -

- 1- Superintendent Central Prison Peshawar with reference to his report quoted above.
- 2- Warder Akhtar Ali C/o Superintendent Central Prison Peshawar.

Shahid
SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR
E-mail: hqprisonpeshawar@gmail.com

ATTACHED
to be the copy
Arvoelle

SHOW CAUSE NOTICE UNDER RULE-5(1) READ WITH RULE-7 OF THE KHYBER PAKHTUNKHWA GOVERNMENT SERVANTS (EFFICIENCY & DISCIPLINE) RULES, 2011.


You, **Warder (BPS-07) Akhtar Ali** attached to Central Prison Peshawar have willfully absented yourself of your allotted duties as well as jail premises without prior permission of the competent authority and reported back as per below detail, which constitutes gross misconduct on your part: -

S#	Date of absence.	Till	Period of absence
1-	02-01-2020	10-01-2020	08 days
2-	16-01-2020	24-01-2020	07 days
3-	27-01-2020	03-02-2020	08 days

I, Superintendent Headquarters Prison Peshawar as Competent Authority; am satisfied by the report received through the Superintendent Central Prison Peshawar vide his No. 1593/WE dated 04-02-2020 and there is no need of holding any further inquiry.

Now therefore, you the above accused Warder are hereby called to show cause within 07 days of the receipt of this notice as to why you should not be dismissed from service for above stated act of misconduct.


In case, yours reply does not reach this office within stipulated period, ex-parte action shall be taken against you.


SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR

Endorsement No: 440-4/1 - dated: 07/02/2020

Copy of the above is forwarded to the: -

- 1- Superintendent Central Prison Peshawar with reference to his report quoted above.
- 2- Warder Akhtar Ali C/o Superintendent Central Prison Peshawar.


SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR
E-mail: hqprisonpeshawar@gmail.com

ATTESTED
to be true copy
Associate

13

ANNEXURE-G

To: The Superintendent,
Headquarters Prison, Peshawar.

Subject: REPLY TO STATEMENT OF ALLEGATION.

R/sir,

Most respectfully it is stated that I am a permanent resident of District Swabi I am appointed as Warder (BPS-07) under your kind control and took over the charge of his post on 10-04-2019. I have performed my duties quite efficiently, whole heartedly and upto the entire satisfaction of my high ups. I am the elder one in my family and the responsibility is upon my shoulder.

I have been served with statement of allegations dated 18.02.2020 whereby I have been shown absent from duties for 45 days on different dates. It is submitted that I was facing with some domestic problems at my home due to which I am shown as absent from duty on many occasion I attended my duty well in time on all the occasion but at one time I attended my duty station but was not left for resuming duty as I stayed for 7 days at my duty station. My absent was not willful but due to the reason that there was some domestic problems and I was facing through mental distress.

It is, therefore, most kindly requested that my absent was not willful but caused due to my domestic problems, I will be careful in future in the performance of my duties and seeking leniency from the high ups in my matter.

I shall be very thankful to you for this kindness.

Dated: 25-02-2020

Sincerely Yours,

Akhtar Ali,

Warder (BPS-07)
Headquarter Prison,
Peshawar

CNIC No. 16201-7957196-7
0313-2829680

ATTESTED
To be true copy
Advocate

No. 838-38

14

dated 09/03/2020

FINAL SHOW CAUSE NOTICE

ANNEXURE-H

I, **Khalid Abbas**, Superintendent Headquarters Prison Peshawar as Competent Authority under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, do hereby serve you, **Warder Akhtar Ali** attached to Central Prison Peshawar as follows:-

(i) That consequent upon the completion of inquiry conducted against you by the Inquiry Officer for which you were given opportunity of hearing vide this Headquarters communication No. 612-14 dated 18-02-2020.

(ii) On going through the findings and recommendations and other connected papers including your defense, after detailed inquiry conducted by the Inquiry Officer vide above cited communication, it was concluded that *"In light of the detailed inquiry, it is crystal clear that the said accused Warder is not interested in uniform services and not fit for further uniform services in light of his current attitude towards his duties, hence may be dealt with iron hands."*

2- As a result thereof, I, as Competent Authority have tentatively decided to impose upon the major penalty of **"Removal from Service"** under section 3 of the said ordinance.

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

4- If no reply to this notice is received within 07 days of its delivery in the normal course of circumstances, it shall be presumed that you have no defense to put it and in that case ex-parte action will be taken against you.

5- An extract of the inquiry report is attached.

Khalid Abbas
9.3.2020
SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR
E-mail: hqprisonpeshawar@gmail.com

ATTACHED

to be true copy
Advocate

15

OFFICE OF THE
SUPERINTENDENT

HEADQUARTERS PRISON PESHAWAR

No: _____ P/B Dt: 20/03/2019

ANNEXURE - I

OFFICE ORDER

WHEREAS, the accused Warder (BPS-07)/ probationer Akhtar Ali S/o attached to Central Prison Peshawar was charge sheeted within the meaning of Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges of his misconduct contained in Charge Sheet served upon him vide this Headquarters endorsement No. 611 dated 18-02-2020 wherein Mr. Badshah Said Sr. Asstt. Superintendent Central Prison Peshawar was appointed as Inquiry Officer.

AND WHEREAS, the Inquiry Officer conducted inquiry against the accused Warder/ probationer in the light of his written defense and other available record and submitted report to this Headquarters vide No. 3193 dated 05-03-2020.

AND WHEREAS, the accused Warder/ probationer was served with final show-cause notice bearing No. 838-39 dated 09-03-2020 in light of Rule-14(4) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rule, 2011, whose reply was submitted by the accused Warder on 10-03-2020, which was found unsatisfactory.

AND WHEREAS, in light of Rule-15 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rule, 2011, the accused Warder/ probationer was afforded reasonable opportunity of personal hearing for 18-03-2020 vide this HQs memo No. 925 dated 16-03-2020. The accused Warder/ probationer failed to satisfy the Competent Authority during the personal hearing. He was previously discharged from the Police services on his habit of absentia & the same fact he had concealed from the Selection Committee at the time of his interview.

NOW THEREFORE, in exercise of powers conferred under Rule-14(5) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, keeping in view the inquiry report, unsatisfactory reply to the Show-Cause Notices, and personal hearing, the accused Warder/ probationer is hereby awarded the major penalty of **Dismissal from service** with immediate effect.

Sd/
SUPERINTENDENT

HEADQUARTERS PRISON PESHAWAR

Endorsement No: 991-951

Copy of the above is forwarded to the:-

- 1- Superintendent Central Prison Peshawar.
- 2- Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 3- Mr. Badshah Said, Sr. Assistant Superintendent Central Prison Peshawar (Inquiry Officer).
- 4- Head Clerk (Pay Branch) Central Prison Peshawar.
- 5- Official concerned.

U. Khalid
SUPERINTENDENT

HEADQUARTERS PRISON PESHAWAR

ATTESTED
to be true copy
Advocate

خدمت جناب انسٹیٹوٹ جنرل صاحبہ جناب حیات جسرہ خٹو کو

(16) ANNEXURE - J

جناب عالی

میں نے کچھ دن پہلے ایک درخواست بذریعہ لوٹ آپ صاحبان کو

بھجی ہے۔ چونکہ ہمیں یہ لٹر 20-03-2020 کو موصول ہوا۔ اسلئے اس کی نقل

دوبارہ بھیج رہے ہیں۔ برائے مہربانی سائل کو دوبارہ اپنی صفائی کا موقع دیا جائے

اور Dismissed from Service پر نظر ثانی کر کے سائل کو اپنے ڈیوٹی پر دوبارہ کال


کیا جائے۔ استدعا ہے کہ آپ مجھے دوبارہ سننے کا موقع دے اور اس کیلئے آپ

خود انکو آری کمیٹی بنائیں۔ میں تاحیات آپ کا مشکور رہوں گا۔

الغرض

اختر علی ولد ولی محمد سکھو ٹالا سپور ضلع صوابی ضلعہ قمانہ دم

مورخہ : 09-04-2020



دستخط۔

CNIC NO = 16201-7957196-7

Contact No = 0313-2829680
0346-3709806

ATTESTED
10 B... COPY
Advocate

17

ANNEXURE-K

No. 724

For Insurance Notices, see reverse.
Stamps affixed except in case of
any letters of more than
the initial weight specified in the
Post Office Guide or on which an
acknowledgement is due.

R. 50
P.

Received & registered
addressed to Neel Jindan

Post-Stamp

Write here "letter", "postcard", "packet" or "parcel".
Initials of receiving Officer with the word "insured" before it when necessary.

Insured
00091620158

Insured for Rs. 100 (in figures) 100 (in words)

Weight 100 Grams

Name and address of sender Neel Jindan

ATTESTED
to be true copy
Advocate
[Signature]

(POWER OF ATTORNEY)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2020

AKHTA ALI

VS

Govt. of KP& Others

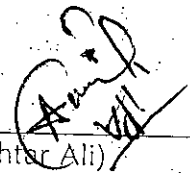
I, MR. Akhtar Ali do hereby nominated and appointed MUHAMMAD MAAZ MADNI, Advocate, High Court, Peshawar, to be counsel in the above matter for me/us and on my/our behalf as agreed to appear, plead, act and answer in the above court or any appellate court or any court to which the business is transferred in the above matter as and is agreed to sign and file petition, appeals, statements, accounts, exhibits, compromises or other documents whatsoever, in connection with the said matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc and to apply for and issue summons and other writs or subpoena and to apply for and get issued any arrest, attachment or other execution, warrants or order and to conduct any proceedings that may arise there out; and to apply for and receive payment of any or all sums or submit the above matter to arbitration, and to employ an other legal practitioner authorizing him to exercise the power and authorities hereby conferred on the advocate whenever he may think fit to do so.

AND to do all acts legally necessary to manage and conduct the said case in all respects whether herein specified or not, as may be proper and expedient.


AND I/WE hereby agree to ratify and confirm all lawful acts done on my/our behalf; under or by virtue of these present or of the usual practice in such matter. PROVIDED always that I/WE undertake at the time of calling of the case by the court I/MY authorized agent shall inform the advocate and make him appear in the court, if the case may be dismissed in default, it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us.

IN WITNESS WHERE OF I/We hereunto set MY/OUR hand to these presents, the contents of which have been explained to and understood by ME/US this 06th day of August 2020.

EXECUTANT


(Akhtar Ali)

Accepted subject to the terms regarding fees:


MUHAMMAD MAAZ MADNI, 6/8
ADVOCATE HIGH COURT,
PESHAWAR
BC No. (BC-11-1460)
CNIC No. 17101-9263898-1

OFFICE: KHATTAK LAW ASSOCIATES;
Juma Khan Plaza, Warsak Road, Peshawar.
Contact#: 0333-9313113, 0345-9090737

BEFORE THE HONORABLE SERVICE TRIBUNAL.
PESHAWAR.

In the matter of
Service Appeal No.9619/2020
Akhtar Ali (Ex- Warder) Central Prison Peshawar

.....Appellant.

VERSUS

Inspector General of Prisons Khyber Pakhtunkhwa and one other

.....Respondents.

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S.NO.	DESCRIPTION OF DOCUMENTS	Annex	Page No.
1-	Para-wise Comments	-	1-3
2-	Affidavit	-	4
3-	Show Cause Notices	A	5-7
4-	Statement of allegations and charge sheet	B	8-9
5-	Dismissal from Service Order dated 20-03-2020	C	10
6-	Inquiry Report dated 05-03-2020	D	11
7-	Departmental Appeal dated 09-04-2020	E	12
8-	Order passed in Departmental Appeal by Competent Authority dated 07-08-2020	F	13


DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

In Service Appeal No. 9619/2020

Akhtar Ali S/O Wali Muhammad, Ex-Warder, Central Prison Peshawar,
R/o Thana Cham, Tehsil Chota Lahore, District Swabi..... **Appellant.**

VERSUS

- 1- **Inspector General of Prisons,**
Khyber Pakhtunkhwa Peshawar.
- 2- **Superintendent,**
Circle Headquarters Prison Peshawar..... **Respondents.**

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO 1 & 2

Preliminary Objections

- i. That the appellant has got no cause of action.
- ii. That the present appeal is not maintainable in its present form.
- iii. That the appellant is estopped by his own conduct to bring the present appeal.
- iv. That the appellant has got no locus standi.
- v. That the present appeal is bad for mis joinder and non-joinder of necessary parties.
- vi. That the appeal of the appellant is badly time barred.

FACTUAL OBJECTION:-

1. Pertains to record.
2. Correct to the extent of Advertisement. Hence the remaining para pertains to record.
3. Pertains to record.
4. Admitted to the extent of appointment order.
5. Pertains to record.
6. Correct to the extent that the appellant accepted all the terms and conditions of his offer of appointment but his claim is unacceptable that his performance was upto the mark and entire satisfaction of his high-ups as his conduct towards his duties was very poor from the very beginning and proved himself undesirable official during probation period. The appellant was habitual and used to remain absent from his allotted duties for weeks as his own sweet accord without prior intimation to the high-ups, which brought the current situation to him.
7. Admitted: The appellant was issued show-cause notices for being willful absence from duties dated 10-01-2020 (08 days of absence), dated 29-01-2020 (07 days absence) and dated 07-02-2020 (16 days of absence) (Annex-A). Reply to the show-cause notices.

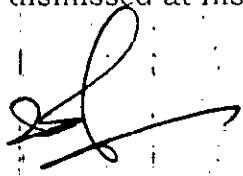
- submitted by the appellant was unsatisfactory. Therefore, Charge Sheet / Statement of Allegation was served upon the appellant (**Annex-B**). The appellant provided the opportunity of personal hearing by the Inquiry Officer to prove himself innocent but failed.
8. Correct. The appellant was served with Final Show Cause notice in order to provide him final opportunity to prove himself innocent but failed. As per recommendation of the inquiry officer, personal hearing and unsatisfactory replies to the Show Cause Notices the competent authority awarded major penalty of Dismissal from Service to the accused Warder/ probationer (**Annex-C**).
9. Irresponsible attitude toward his duties during probationary period, clearly revealed that the appellant was not interested in his job, therefore, after observing all legal and codal formalities, the penalty of Dismissal from Service awarded to him which is totally justifiable and in accordance with law and rules. (**Annex D & E**) Moreover as concern to his departmental appeal the same was rejected on the basis of allegation as leveled against the appellant was proved.
10. Having no solid grounds, it is humbly prayed that appeal submitted by the above appellant may be rejected at his own cost.

OBJECTION ON GROUNDS:

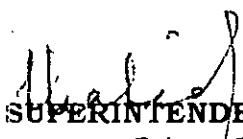
- A. Incorrect. Order dated 20-03-2020 issued by the respondents is totally in accordance with law, rules in light of facts.
- B. Incorrect in light of Para (7), (8) & (9) above.
- C. Incorrect. As elaborated in Para (B) above.
- D. Incorrect. The appellant was served with direct show-cause notice as the charges were already proved against him. Therefore, his plea carries no weight.
- E. Incorrect. The appellant was afforded ample opportunities to prove himself innocent, but failed and proved himself guilty of gross misconduct, which brought the current situation to him.
- F. Incorrect. All the legal and codal formalities were fulfilled during the entire course of inquiry and not even a single flap was disgraced.
- G. Incorrect, misleading. Irresponsible and poor attitude of the appellant towards his duties during probationary period brought the situation to him to be declared as undesirable and liability for the Department. Therefore the blame of the appellant may be dismissed having being concocted and culpability.

- H. Not admitted. As already elaborated in Para (7), (8), (9) and (G) above.
- I. Not admitted. As elaborated in Para (7), (8), (9) and (G) above.
- J. Not admitted, misleading. As elaborated in Para (7), (8), (9) and (C) above.
- K. Not admitted. As elaborated in Para (7), (8), (9) and (G) above.
- L. Any other grounds raised at the time of arguments will be clarified by the Respondents to the entire satisfaction.

In the light of above, it is humbly prayed that the above appeal may be dismissed at his own cost please.



INSPECTOR GENERAL OF PRISONS
 Khyber Pakhtunkhwa Peshawar
 (Respondent No. 1)



SUPERINTENDENT
 Headquarters Prison Peshawar
 (Respondent No. 2)

4

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL PESHAWAR

In the matter of

Service Appeal No. 9619/ 2020

Akhtar Ali S/o Wali Ex Warder,

attached to Central Prison Peshawar----- Appellant

VERSUS

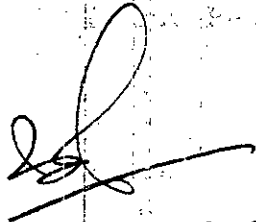
1- **Inspector General of Prisons,**
Khyber Pakhtunkhwa, Peshawar.

2- **Superintendent,**
Circle Headquarters Prison Peshawar----- Respondents

COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENTS

No. 1 & 2.

We, the undersigned respondents do hereby solemnly affirm and declare that the contents of the para-wise comments in the above cited appeal are true and correct to the best of our knowledge and belief that no material/ facts have been kept concealed from this Honorable Service Tribunal.



Inspector General of Prisons
Khyber Pakhtunkhwa
Peshawar
(Respondent No. 1)



Superintendent,
Headquarters Prison
Peshawar
(Respondent No. 2)

**SHOW CAUSE NOTICE UNDER RULE-5(1) READ WITH RULE-7 OF
HYDER PAKHTUNKHWA GOVERNMENT SERVANTS (EFFICIENCY
(DISCIPLINE) RULES, 2011.**

You, the following Warders (BPS-07) attached to Central Prison Peshawar willfully absented yourself from your allotted duties as well as premises without prior permission of the Competent Authority as per detail which constitutes gross misconduct:-

Sr	Name of Warder	Date of absence	Resuming date	Absence
1	Akhtar Ali	19-12-2019	29-12-2019	11 days
2	Waleed Ahmad	21-12-2019	29-12-2019	09 days

I, Superintendent Headquarters Prison Peshawar as Competent Authority, am satisfied by the report received through the Superintendent Central Prison Peshawar vide his No. 63/WE dated 01-01-2020 and there is no holding any further inquiry.

Now therefore, you the above accused Warders are hereby shown cause within 07 days of the receipt of this notice as to why you should not be dismissed from service for above stated act of misconduct.

In case, your replies do not reach this office within stipulated time, ex-parte action shall be taken against you.

M. Ali
SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR

Endorsement No: 137-38 /- dated: 10/01/2020

- Copy of the above is forwarded to the:-
- 1- Superintendent Central Prison Peshawar with reference to the above quoted above.
 - 2- Warder Akhtar Ali
 - 3- Warder Waleed Ahmad
- } C/o Superintendent Central Prison Peshawar

M. Ali
SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR
E-mail: hcprisonpeshawar@peshawar.gov.pk


SHOW CAUSE NOTICE UNDER RULE-5(1) READ WITH RULE-7 OF THE
PUNJAB PAKHTUNKHWA GOVERNMENT SERVANTS (EFFICIENCY &
DISCIPLINE) RULES, 2011.

You, Warder (BPS-07) Akhtar Ali attached to Central Prison Peshawar
willfully absented yourself from your allotted duties as well as your jail premises
without prior permission of the Competent Authority w.e.f 16-01-2020 and
resumed on 24-01-2020 after 07 days willful absence, which constitutes gross
misconduct.

I, Superintendent Headquarters Prison Peshawar as Competent
Authority, am satisfied by the report received through the Superintendent Central
Prison Peshawar vide his No. 1176/WE dated 27-01-2020 and there is no need of
holding any further inquiry.

Now therefore, you the above accused Warder are hereby called upon to
show cause within 07 days of the receipt of this notice as to why you should not
be dismissed from service for above-stated act of misconduct.


In case, your reply does not reach this office within stipulated time, an
ex-parte action shall be taken against you.


SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR
C/M

Endorsement No: 331-32 /- dated: 28 /01/2020

Copy of the above is forwarded to the: -

- 1- Superintendent Central Prison Peshawar with reference to his report
quoted above.
- 2- Warder Akhtar Ali C/c Superintendent Central Prison Peshawar.


SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR
E-mail: hcprisonpeshawar@gmail.com
C/M

HOW CAUSE NOTICE UNDER RULE-5(I) READ WITH RULE-7 OF THE
 PUNISHMENT (EFFICIENCY AND DISCIPLINE) RULES, 2011.

You, Warden (BPS-07) Akhtar Ali attached to Central Prison Peshawar have willfully absented yourself of your allotted duties as well as your duties without prior permission of the competent authority and reported as per below detail, which constitutes gross misconduct on your part -

Date of absence	Till	Period of absence
02-01-2020	10-01-2020	08 days
16-01-2020	24-01-2020	07 days
27-01-2020	03-02-2020	08 days

I, Superintendent Headquarters Prison Peshawar as Competent Authority, am satisfied by the report received through the Superintendent Central Prison Peshawar vide his No. 1593/WB dated 04-02-2020 and there is no need of holding any further inquiry.

Now therefore, you the above accused Warden are hereby called to show cause within 07 days of the receipt of this notice as to why you should not be dismissed from service for above stated act of misconduct.

In case, your reply does not reach this office within stipulated period, ex-parte action shall be taken against you.

SUPERINTENDENT
 HEADQUARTERS PRISON PESHAWAR

Endorsement No: 440-41/- dated: 02/02/2020

- 1- Superintendent Central Prison Peshawar with reference to his No. 1593/WB dated 04-02-2020
- 2- Warden Akhtar Ali C/o Superintendent Central Prison Peshawar

SUPERINTENDENT
 HEADQUARTERS PRISON PESHAWAR

F-mail: hqprisonpeshawar@gmail.com

OFFICE OF THE
SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR
No: 611 P/B Dt: 18/02/2020
E-mail: iqjprisonpeshawar@gmail.com

DISCIPLINARY ACTION

I, Khalid Abbas, Superintendent, Headquarters Prison Peshawar as Competent Authority am of the opinion that Warder (BPS-07) Akhtar Ali attached to Central Prison Peshawar has rendered himself liable to be proceeded against as he committed the following act/ omission within the meaning of rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011:

STATEMENT OF ALLEGATIONS:-

As per report of the Superintendent Central Prison Peshawar dated 18-02-2020, Warder Akhtar Ali attached to Central Prison Peshawar willfully absented himself from his allotted duties as well as jail premises without prior permission of the Competent Authority as per below detail, which constitutes gross misconduct:-

S#	From	To	Period of absence
1	06-12-2019	10-12-2019	03 days
2	11-12-2019	16-12-2019	02 days
3	19-12-2019	30-12-2019	10 days
4	02-01-2020	10-01-2020	08 days
5	16-01-2020	24-01-2020	07 days
6	27-01-2020	03-02-2020	07 days
7	10-02-2020	18-02-2020	08 days
Total absence			45 days

2. Mr. Badshah Said, Sr. Assistant Superintendent Central Prison Peshawar is hereby appointed as Inquiry Officer against the accused Warder with reference to the above allegations, under rule 10(1)(a) of the ibid rules.

3. The Inquiry Officer shall in accordance with the provision of the ibid rules provide the reasonable opportunity of hearing to the accused, record its findings, within fifteen days of the receipt of this order, recommendations as to punishment or other appropriate action against the Warder accused (under suspension).

4. The accused Warder shall join the proceedings on the date, time and place fixed by the Inquiry Officer.

SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR

Endorsement No: 612-147

Copy of the above is forwarded to the:-

1. Mr. Badshah Said, Sr. Assistant Superintendent Central Prison Peshawar (Inquiry Officer) for initiating proceedings against the above named accused Warder (Under suspension) under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.
2. Warder (BPS-07) Akhtar Ali, C/o Superintendent Central Prison Peshawar with the direction to appear before the inquiry Officer for the purpose of inquiry on the date, time & place fixed.
3. Superintendent Central Prison Peshawar with reference to his report quoted above.

SUPERINTENDENT

CHARGE SHEET

I, **Khalid Abbas**, Superintendent Headquarters Prison Peshawar Competent Authority hereby charge you, **Warder (EPS-07) Akhtar Ali** attached to Central Prison Peshawar as follows:-

As per report of the Superintendent Central Prison Peshawar dated 13-02-2020 you (**Warder Akhtar Ali**) attached to Central Prison Peshawar willfully absented from your allotted duties as well as jail premises without prior permission of Competent Authority as per below detail, which constitutes gross misconduct:-

S#	From	To	Period of absence
1	06-12-2019	10-12-2019	04 days
2	14-12-2019	16-12-2019	02 days
3	19-12-2019	30-12-2019	10 days
4	02-01-2020	10-01-2020	08 days
5	16-01-2020	21-01-2020	05 days
6	27-01-2020	03-02-2020	07 days
7	10-02-2020	18-02-2020	08 days
Total absence			54 days

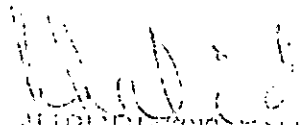
2- By reasons of the above, you appear to be guilty of misconduct under rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 and have rendered yourself liable to all or any of the penalties specified in the rules cited.

3- You are therefore required to submit your written defense within 07 days of the receipt of this Charge Sheet to the Inquiry Officer.

4- Your written defense, if any, should reach to the Inquiry Officer/Committee within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.

5- Intimate whether you desire to be heard in person.

6- Statement of Allegations is enclosed.


SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR
 E-mail: suprisonpeshawar@gmail.com

OFFICE OF THE
SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR
No: 990 P/B Dt: 20/03/2020

OFFICE ORDER

WHEREAS, the accused Warder (BPS-07)/ probationer Akhtar Ali S/o attached to Central Prison Peshawar was charge sheeted within the meaning of Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges of his misconduct of conduct in Charge Sheet served upon him vide this Headquarters Endorsement No. 611 dated 15-03-2020, wherein Mr. Badshah Said Sr. Asstt. Superintendent Central Prison Peshawar was appointed as Inquiry Officer.

AND WHEREAS, the Inquiry Officer conducted inquiry against the accused Warder/ probationer in the light of his written defense and other available record and submitted report to the Headquarters vide No. 3193 dated 05-03-2020.

AND WHEREAS, the accused Warder/ probationer was served with final show-cause notice bearing No. 838-39 dated 09-03-2020 in light of Rule-14(4) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rule, 2011, whose reply was submitted by the accused Warder/ probationer on 10-03-2020, which was found unsatisfactory.

AND WHEREAS, in light of Rule-15 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rule, 2011, the accused Warder/ probationer was afforded an opportunity of personal hearing for 16-03-2020 vide this HQs. memo No. 925 dated 16-03-2020. The accused Warder/ probationer failed to satisfy the Competent Authority during the personal hearing. He was previously discharged from the Police services on his habit of absence & the same fact was concealed from the Selection Committee at the time of his interview.

NOW THEREFORE, in exercise of powers conferred under Rule-14(5) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, keeping in view the inclusion of unsatisfactory reply to the Show-Cause Notices, and personal hearing, the accused Warder/ probationer is hereby awarded the major penalty of Dismissal from service with immediate effect.

M. Badshah Said
SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR

Endorsement No: 491-95

- Copy of the above is forwarded to the -
- 1- Superintendent, Central Prison Peshawar.
 - 2- Accountant General, Khyber Pakhtunkhwa, Peshawar
 - 3- Mr. Badshah Said, Sr. Assistant Superintendent Central Prison Peshawar (Inquiry Officer)
 - 4- Head Clerk (P/B Branch) Central Prison Peshawar
 - 5- Official concerned

M. Badshah Said
SUPERINTENDENT

No:

3193

Date: 05-03-2020

To

The Superintendent
Headquarters Prison Peshawar.

Subject:
Memo:

INQUIRY REPORT

Kindly refer to your office endorsement No: 612-14 dated 18-02-2020.

It is submitted that inquiry against Warder Akhtar Ali attached to CP Peshawar has been entrusted to the undersigned vide above cited communication.

In compliance to the orders of your good-self, the accused Warder was called on 24-02-2020 to probe the factuality from each angle in light of the documentary proof and report received against him.

During the course of inquiry, the accused Warder stated that he was facing some domestic problems at home due to which he was shown as absent from duty on many occasions, but he has attended his duties well in time on all the occasions. His this statement is not understood and totally opposes the report against him, which also show his wriggled attitude.

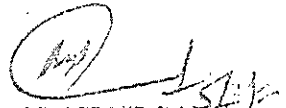
Furthermore, reportedly the said accused Warder has already been discharged from Police services on account of absence vide Deputy Commandant, Frontier Reserve Police, KPK Peshawar vide No. #16-20/PA dated 05-04-2017. (Photocopy attached).

FINDINGS

In light above all, it is crystal clear that the said accused Warder is not interested in uniform services and not fit for further uniform services in light of his current attitude towards his duties.

CONCLUSION

It is therefore requested that keeping in view his attitude towards duties, it is crystal clear that having no interest in job may be dealt with iron hands please.


(EADSHAH SAH)
Sr. Assit: Supdt
Inquiry Officer
CP Peshawar

ذریعہ: جوابی ایئر لٹر، جنرل سٹاف، ایئر سروس، پاکستان

(16)

تجاویز

میں نے کچھ دن پہلے ایک درخواست بذریعہ پوسٹ آپ کو ارسال کی تھی۔

میں نے یہ کہہ دیا کہ میں یہ ایئر لٹر 20-05-2020 کو حاصل کیا۔ اس لیے آپ کو مطلع کیا جا رہا ہے۔

دوبارہ بھیج رہے ہیں۔ برائے ہر مہربانی اس سال کو دوبارہ اسی ایئر لٹر کا موقع دیا جائے۔

Dismissal from ^{Service} پر نظر ثانی کر کے اس سال کو ایسے ڈیوٹی پر دوبارہ مقرر

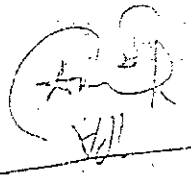
کیے جائیں۔ استدعا ہے کہ آپ مجھے دوبارہ سننے کا موقع دے اور اس کیلئے آپ

ذرا کھواتری کیسٹی بنائیں۔ میں ناچاہتا ہوں کہ آپ کا مشکور رہوں گا۔

الحارص

حضرت علی ولد ولی محمد سکنہ چھوٹا لاہور ضلع صوابی قلعہ کھانا، م

تاریخ: 09-04-2020

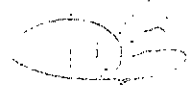


دستخط

CNIC NO = 16201-7957196-7

Contact No = 0313-2829680

10346-5709806



OFFICE OF THE
INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

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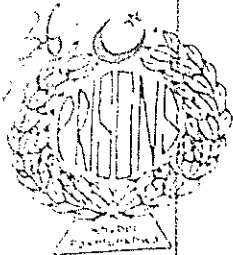
091-9213444

No.Estb/Ward-/Orders/

27975-1

Dated

07-08-2020



ORDER:

WHEREAS, Ex-Warder Akhtar Ali S/o Wali Muhammad while working at Central Prison Peshawar was awarded the major penalty of "dismissal from service" by the Superintendent Headquarters Prison Peshawar vide his office order No. 2279 dated 20-03-2019.

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 not proved.

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

ADDITIONAL INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA, PESHAWAR

Endst; No.

27276-78

Copy of the above is forwarded to:-

1. The Superintendent, Headquarters Prison Peshawar for information and necessary action with reference to his letter No.2279 dated 14-07-2020.
2. The Superintendent Central Prison Peshawar for information.
3. The appellant concerned C/O Superintendent Headquarter Prison Peshawar for information.

ASSISTANT DIRECTOR

INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR