

FORM OF ORDER SHEET

Court of _____

Appeal No. _____ 1621/2023

No. of order proceedings

Order or other proceeding with serial number _____

1 07/08/2023

The appeal of Mr. Shri. [Name] by Mr. Kaleem Ulat, Advocate, [Address] hearing before Single Bench at [Place] on 9-8-23

By _____



**BEFORE THE HON'BLE
SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR**

CHECK LIST

S. No.	Contents	Yes	No
1	This petition has been presented by:	✓	
2	Whether Counsel / Petitioner / Respondent / Deponent have signed the requisite documents?	✓	
3	Whether the enactment under which the case / petition is filed mentioned?	✓	
4	Whether the enactment under which the case / petition is filed is correct?	✓	
5	Whether affidavit is appended?	✓	
6	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
7	Whether petitioner/annexure are properly paged?	✓	
8	Whether annexures are certified?	✓	
9	Whether certificate regarding filing any earlier appeal/petition non the subject, furnished?	✓	
10	Whether annexure are legible?	✓	
11	Whether annexure are attested?	✓	
12	Whether Special Power of Attorney Filed?		
13	Whether Special Power of Attorney attested?		
14	Whether copy of application is delivered to A.G./D.A.G.?	✓	
15	Whether Appeal, Revision application is within time?	✓	
16	Whether value for the purpose of court fee and jurisdiction given in the relevant column of the opening sheet is correct?		
17	Whether Power of Attorney of the Counsel engaged is attested and signed by all petitioners/appellants/respondents?	✓	
18	Whether complete spare copy is filed in separate file cover?	✓	
19	Whether numbers of referred cases given/are correct?		
20	Whether petition being sent by post?		
21	Whether appeal/petition contains cuttings/overwriting?		
22	Whether appeal/revision/writ petition is competent?	✓	
23	Whether list of books has been provided at the end of the petition?		
24	Whether case related to this Court?	✓	
25	Whether case related to this Bench?	✓	
26	Whether petition drafted by a competent person?	✓	
27	Whether name of Jail in which appellant/petitioner/respondent is confined given?		
28	Whether copies of annexures are readable/clear?	✓	
29	Whether Court Fee stamps affixed?		
30	Whether Court Fee stamps annexed are sufficient?		
31	Whether certified copies of impugned order/decreed sheet before District Judge have been filed? / <i>Authorities</i>	✓	

32	Whether in view of Order 43 Rule 3 CPC / Rule 2(3) Chapter-4-1, Vol: V of High Court Rules & Orders, Notice along with copy of appeal/petition and annexures has been sent to respondents?		
33	Whether Judicial Officer whose orders are challenged mentioned at the bottom of the panel of respondents?		
34	Whether index filed?	✓	
35	Whether index is correct?	✓	
36	Whether copies of comments/reply/rejoinder provided to opposite party?		
37	Whether addresses of parties given are complete?	✓	
38	Whether addresses of parties are complete?	✓	
39	Whether list of LRs of petitioner filed?		
40	Whether copy of list of LRs of respondents as filed before Courts below or, if not, a certificate to this effect attached?		
41	Whether opening sheet filed?		
42	Whether opening sheet is correct / complete?		
43	Whether approved file cover used?>	✓	
44	Whether separate application filed for each prayer?		✓
45	Whether separate request has been made for interim relief in writ petition?		
46	Whether security of Rs. 10,000/- deposited with review petition?		
47	Whether review petition filed and certified by the Advocate who had argued the case resulting into order review of which is sought?		
48	Whether purpose of the document filed explained?	✓	
49	Whether respondents sued by name in the CoC?		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: Kaleem Ullah

Cell No: 0310-0099726

E-mail kaleem.adv1984@gmail.com

Signature 

Dated: 27th July, 2023

**BEFORE THE HONOURABLE
SERVICE TRIBUNAL, KP PESHAWAR**

Service Appeal No. 1621 /2023

Shah Hussain

(Appellant)


V E R S U S

Govt. of KPK through Secretary Home and others

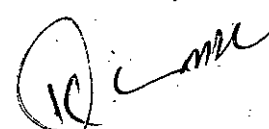
(Respondents)

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Appellant *Shah Hussain*

Through


Kaleem Ullah
Advocate High Court,
Peshawar

Dated: 27.07.2023

**BEFORE THE HONOURABLE
SERVICE TRIBUNAL, KP PESHAWAR**

Service Appeal No. 1621 /2023

Shah Hussain S/o Sultan Hussain (Warden) Central Prison,
Mardan R/o Mohallah Boki, Kot Ismail Zai, P.O. Garhi Kapura,
Tehsil & District Mardan

(Appellant)

V E R S U S

- 1) Govt. of KPK through Secretary Home, Civil Secretariat,
Peshawar
- 2) Inspector General of Prisons, Khyber Pakhtunkhwa,
Peshawar
- 3) Additional Inspector General of Prison Khyber
Pakhtunkhwa Peshawar
- 4) Superintendent Circle Hqs. Prison Mardan.
- 5) Superintendent Central Prison, Mardan
- 6) Superintended Sub-Jail, Mardan

(Respondents)

**Appeal Under Section 4 of the Khyber
Pakhtunkhwa Service Tribunal Act 1974,
against the partial order dated
03.07.2023 of the respondent No. 2**

(D)

**BEFORE THE HONOURABLE
SERVICE TRIBUNAL, KP PESHAWAR**

Service Appeal No. 1621 /2023

Shah Hussain S/o Sultan Hussain

(Warden) Central Prison, Mardan

R/o Mohallah Boki, Kot Ismail Zai, P.O. Garhi Kapura, Tehsil &
District Mardan

_____ (Appellant)

V E R S U S

- 1) Govt. of KPK through Secretary Home, Civil Secretariat,
Peshawar
- 2) Inspector General of Prisons, Khyber Pakhtunkhwa,
Peshawar
- 3) Superintendent Central Prison, Mardan
- 4) Superintended Sub-Jail, Mardan

_____ (Respondents)

**Appeal Under Section 4 of the Khyber
Pakhtunkhwa Service Tribunal Act 1974,
against the partial order dated
03.07.2023 of the respondent No. 2**

(2)

03.07.2023 of the respondent No. 2
whereby the departmental appeal was
partially allowed and the appellant was
reinstated to his service, however through
impugned order dated 03.07.2023 the
appellant was punished in the shape of
Reduction to lower stages for a period of
2 years.

Prayer:

On acceptance of the instant appeal, the
order dated 03.07.2023 of respondent No. 2
and the impugned order dated 18.03.2023
may kindly be set aside and the appellant's
service position may kindly be restored and
thereby the pay to which the appellant
according to experience & seniority is
entitled may kindly be granted to the
appellant as well as the pay during the
period during which the appellant was
removed from service may also be restored
to the appellant and the seniority of the

appellant may kindly be restored with all back benefits.

Respectfully Sheweth,

Facts giving rise to the present appeal are as under:

- 1) That the appellant was appointed as Warder in respondent's department on 21.05.2012. (Copy of service certificate is attached as Annexure A)
- 2) That after his appointment, the appellant joined the respondent's department and performed his duties in great zeal and enthusiasm to the best of his ability and honesty.
- 3) That during the entire period of his service, no complaint has ever been reported against the appellant.
- 4) That on 22.12.2022 the appellant was posted at the disposal of the Superintendent Jail Saidu for duty purpose. (Copy of order dated 22.12.2022 is attached as Annexure B)
- 5) That the appellant felt severe body pain and visited the Saidu Hospital, Swat for his medical treatment where the doctor on duty recommended the appellant for 3

days complete bed rest. (Copy of medical prescription is attached as Annexure C)

- 6) That the appellant approached his highups and produced the medical prescriptions to their satisfaction, whereby the respondents received the medical documents from appellant and verbally directed the appellant to have bed rest.
- 7) That in the meanwhile on 26.12.2022 the paternal aunt of the appellant died, furthermore the appellant also felt sever body pain and cardiac problems, so the appellant again visited DHQ Hospital Mardan for his medical treatment where the appellant was provided basic medical treatment and was advised for 4 days bed rest. (Copy of medical prescription is attached as Annexure D)
- 8) That on 02.01.2023 the appellant showed his arrival at Central Prison Saidu, Swat, where the then posted Superintendent Jail namely Said Rahim Shah did not allow the appellant to resume his duties and asked the appellant to wait till the arrival of regular Superintendent Central Prison Saidu, Swat.
- 9) That on 10.01.2023 the regular Superintendent Central Prison Saidu, Swat took the charge and the appellant appeared before the regular Superintendent Central

Prison, Saidu, Swat along with all the relevant medical documents, however on 11.01.2023 the appellant was posted at disposal of the Superintendent Central Prison Mardan for further duty. It is important to mention here that on 26.12.2022 the respondent No. 3 transferred the appellant from Interment Center Malakand to Central Prison Mardan, however the official of Interment Center Malakand / highups relieved the appellant from duty on 11.01.2023 and directed the appellant to join his duty within 3 days at Central Prison Mardan. (Copy of orders dated 26.12.2022 and relieving order dated 11.01.2023 are attached as Annexure E)

- 10) That on 14.01.2023 the appellant made his arrival to the Central Prison, Mardan, where-after show cause notice was issued to the appellant for the period of absence i.e. from 24.12.2022 to 10.01.2023. (Copy of show cause notice is attached as Annexure F)
- 11) That the appellant verbally as well as through written reply submitted his stance to the Superintendent Central Prison, Mardan along with all the medical documents.
- 12) That the respondents without adopting legal and proper proceedings and without giving any opportunity of hearing to the appellant, proceeded against the

appellant and vide its impugned order dated 18.03.2023 the respondent No. 3 punished the appellant in term of "removal of service" and his absence was treated as leave without pay. (Copy of order dated 18.03.2023 is attached as Annexure G)

- 13) That feeling aggrieved from the above said impugned order dated 18.03.2023 the appellant preferred departmental appeal before the respondent No. 2 on 21.03.2023 and produced all the relevant document in the shape of medical certificates. (Copy of departmental appeal is attached as Annexure H)
- 14) That the respondent No. 2 through its official verified the medical documents submitted by the appellant to the respondent and found as authentic. (Copies of medical verification reports are attached as Annexure I)
- 15) That the respondent No. 2 accepting the partially departmental appeal of the appellant vide its order dated 03.07.2023 by reinstating the appellant on his duty, however the appellant was punished through said order dated 03.07.2023 in the following terms **"Reduction to lower stages in 2 lower stages for the period of 2 years further the absence period w.e.f. 24.12.2022 to 10.01.2023"** as well as intervening period i.e. from the date of removal form service to the

date of reinstatement in service was treated as leave without pay. (Copy of order dated 03.07.2023 is attached as Annexure J)

- 16) That impugned order of the respondent No. 2 is against law, facts and fundamental rights of the appellant.
- 17) That feeling aggrieved from the above said impugned orders, the appellant has no other efficacious, speedy remedy, hence to approach this hon'ble tribunal for redressal of his grievances, inter alia, on the following grounds.

GROUNDS

- a) That the impugned order is against the law facts material available on record, hence not tenable in the eyes of law.
- b) That the respondents have not treated appellant in accordance with law, rules, policy on subject and acted in violation of Article 4 and 25 of the Constitution of Islamic Republic of Pakistan and unlawfully issued impugned orders which are unjust, unfair and hence not sustainable in the eyes of law.
- c) That the discrimination has been made while issuing


the impugned orders by the respondents.

- d) That the impugned orders are against law and fundamental rights of the appellant, hence the same needs to be set aside and the actual service position of the appellant may kindly be restored according to his seniority and experience.
- e) That genuine reasons have been advanced by the appellant to the respondents for his absence from duty which were thoroughly verified by the respondents through its officials, however despite of the genuine reason the same was not considered.
- f) That any other grounds will be raised with permission during the course of arguments.

It is, therefore, humbly requested that on acceptance of the instant appeal, the order dated 03.07.2023 of respondent No. 2 and the impugned order dated 18.03.2023 may kindly be set aside and the appellant's service position may kindly be restored and thereby the pay to which the appellant according to experience & seniority is entitled may kindly be granted to the appellant as well as the pay during the period

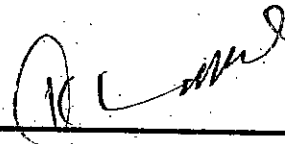
9

during which the appellant was removed from service may also be restored to the appellant and the seniority of the appellant may kindly be restored with all back benefits.

 SHAH HUSSAIN

Appellant

Through



Kaleem Ullah

Advocate High Court,

Peshawar

Dated: 13.12.2022

Note: No such service appeal on the same subject matter has earlier been filed before this honourable court.


ADVOCATE

(10)

**BEFORE THE HONOURABLE
SERVICE TRIBUNAL, KP PESHAWAR**

Service Appeal No. _____/2023

Shah Hussain

_____ (Appellant)

VERSUS

Govt. of KPK through Secretary Home and others

_____ (Respondents)

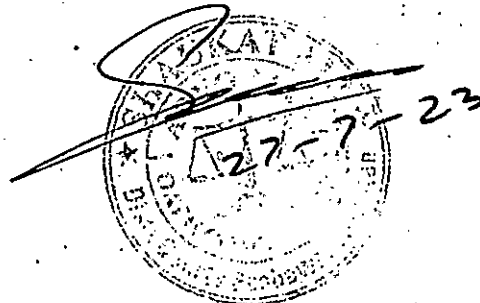
AFFIDAVIT

I, **Shah Hussain** S/o Sultan Hussain (Warden) Central Prison, Mardan R/o Mohallah Boki, Kot. Ismail Zai, P.O. Garhi Kapura, Tehsil & District Mardan, do hereby solemnly affirm and declare on Oath that the contents of instant "**SERVICE APPEAL**" are true and correct to the best of my knowledge and belief and nothing has been concealed from this honourable court.

16/01-5442892-1
Shah Hussain

DEPONENT

ATTESTED





(11)

OFFICE OF THE
SUPERINTENDENT
CENTRAL PRISON MARDAN
Phone/Fax: 0937-843114
E-Mail: mardanjail@gmail.com

CP Mardan CP Mardan CP Mardan CP Mardan CP Mardan CP Mardan CP Mardan CP Mardan CP Mardan CP Mardan CP Mardan CP Mardan CP Mardan CP Mardan CP Mardan CP Mardan CP Mardan CP Mardan CP Mardan CP Mardan CP Mardan CP Mardan

SERVICE CERTIFICATE

It is certified that Mr. Shah Hussain s/o Sultan Hussain NIC 16101-5442892-1 is permanent government employee serving as Warder (BPS-05) in the Khyber Pakhtunkhwa Prisons Department since 21-05-2012 and currently attached to Central Prison Mardan.

MS
21/1/18
SUPERINTENDENT
CENTRAL PRISON MARDAN
SUPERINTENDENT
Central Prison Mardan

Attested by
Advocate
Kaleem Ullah
KALEEM ULLAH
ADVOCATE
Peshawar High Court

OFFICE OF THE
SUPERINTENDENT
DISTRICT JAIL SWAT

Phone/Fax: 0922-23490 Email: swatjail@gmail.com

No. 366

Dated: 22/12/22

RELIEVING DOCKET/OFFICE ORDER

As per exigency of services, the following Watch & Ward Staff are hereby directed to report to the Centres noted against their names for further duties there immediately.

S.No.	Name of Warder	From	To
1	Kalim ul Allah (Warder)	District Jail Swat	Internment Center Paithom
2	Tausif ur Rahman (Warder)	Internment Center Paithom	District Jail Swat
3	Shah Hussain (Warder)	Internment Center Paithom	District Jail Swat

[Signature]
SUPERINTENDENT
DISTRICT JAIL SWAT

Angst No: _____

Copy of the above is forwarded to the Incharge, Internment Center Paithom Swat for information and further necessary action.

SUPERINTENDENT
DISTRICT JAIL SWAT

[Handwritten signature]
2

(13)

KALEEM ULLAH
ADVOCATE
Peshawar High Court



SAIDU GROUP OF TEACHING HOSPITALS SAIDU SHARIF SWAT

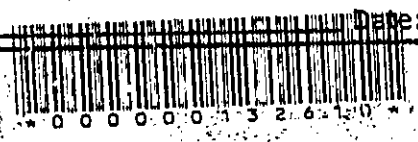
Ph. 0946-9240126-27 Email: mssthswat@yahoo.com

CASUALTY/TRAUMA UNIT

Rs:10/-

Printed By: Mubnshir

MIR No 132610
 Name: Shah Hussain S/D/W: _____
 Gender: Male Age: 31 Years Address: Mardan
 Yearly No: 132610/217 Department: Medical Casualty Date: 24-DEC-22 12:06 PM



Complaints:

CL
~~Left sided~~
 chest pain
 comp. present

Rx

- TAB: - Non-oculic - good
 V/S - (1)
 TAB: - Nil - (1)
 V/S - (1)
 - Es: - WINDAST - COP
 CHB - (1)
 - ECG: - HEMA - healthy
 none find

Self
 3/12/22
 days

Physical Examination:

Investigations:

ECG

Provisional Diagnosis:

MGV type

Follow up: _____ Doctor Name: _____ Signature: _____

MALEEM ULLAH
ADVOCATE
Peshawar High Court

114



SAIDU GROUP OF TEACHING HOSPITALS SAIDU SHARIF SWAT

Ph. 0946-9240126-27 Email: mssthswat@yahoo.com

CASUALTY/TRAUMA UNIT

Rs: 10/-

MR No: 161074 Printed By: Salmankhanc
Name: Shah Hussain S/D/W: S/O SULTAN HUSSAIN
Gender: Male Age: 31 Years Address: MARDAN
Yearly No: 161074 / 271 Department: Medical Casualty Date: 02-JAN-23
03:36 PM

Complaints:

Rx



Handwritten signature

My Pyelo

Physical Examination:

Investigations:

TS Lumen
171

TS Patency
171/11

Provisional Diagnosis:

Acute bed
rest for 02 days

Dr. Mohammad Iqbal
CMO
Saidu Teaching Hospital
District Swat

Follow up: _____ Doctor Name: _____ Signature: _____

(RL) mm

(15)

**OUT-PATIENTS DEPARTMENT
DISTRICT HEAD QUARTER
TEACHING HOSPITAL MARDAN** Rs. 10/-

NAME W. P. O. C.
YEARLY NO. 61
DATE 28-12-22

Investigation

chest p.

Pg. 1457 10

Mr. Nabil Singh

- Mr. Singh

- Mr. Nabil Singh

Mr. Nabil Singh
217

Adm. Board, Govt. J.M.

Govt. (C) Camp, dated 28/1/23

[Faint official stamp]

(16)

KALEEM ULLAH
ADVOCATE
Peshawar High Court

OUT-PATIENTS DEPARTMENT
DISTRICT HEAD QUARTER Rs. 10/-
TEACHING HOSPITAL MARDAN

NAME Shah Hussain
YEARLY NO. 187
DATE 4-1-23

Investigation

R-T

Cong. Zygote
will be my

5th. Raltu

2-2-2

M. Aspie
100

2-1-2

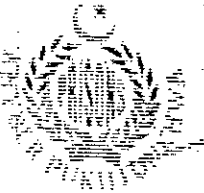
— R. Bedraat

0.6.9 2.9

Bed rest for three (3) days

Wong 1-1-23

1000 2573
1000 2573
1000 2573



(17)

OFFICE OF THE
SUPERINTENDENT
CIRCLE HQS. PRISON MARDAN
E-mail: mardanjail@gmail.com
Phone/Fax: 0937-843114
No. 5100/PB Dated: 26/12/2022.


OFFICE ORDER

Following posting/transfers is hereby ordered in the public interest:-

Sr	Name of Official	Designation	From	To
1	Naveed Khan S/O Khani Mula	Warder	DJ Malakand	DJ Timergara, against vice No. 14
2	Alamgir S/O Ali Saki	Warder	DJ Malakand	DJ Timergara, against vice No. 18
3	Tariq Ullah S/O Sherrin Khan	Warder	DJ Timergara	DJ Dir Upper, against vice No. 16
4	Muhammad Ayaz S/O Haidar Khan	Warder	CP Mardan	DJ Timergara, against vice No. 05
5	Muhammad Ibrar S/O Zafar Iqbal	Warder	DJ Timergara	CP Mardan, against vice No. 04
6	Mulceb Ullah S/O Bakht Sher Khan	Warder	CP Mardan	DJ Timergara, against vice No. 07
7	Muhammad Ayaz S/O Ahmad Khan	Warder	DJ Timergara	CP Mardan, against vice No. 06
8	Ali Ullah S/O Sahib Zada	Warder	CP Mardan	DJ Timergara, against vice No. 09
9	Muhammad Eulaiman S/O Amir Zada	Warder	DJ Timergara	CP Mardan, against vice No. 08
10	Imad Ullah Shah S/O Shah Ullah	Warder	DJ Timergara	CP Mardan, against vice No. 17
11	Hameed Gul S/O Asif Gul	Warder	DJ Malakand	CP Mardan, against vacant post

12. Order regarding transfer of Warder Hameed Gul S/O Asif Gul from Central Prison Mardan to For the purpose of duty attached to I/C Palthom and for the purpose of pay attached to I/ C Malakand, issued vide this office order No. 4376/PB dated 24.10.2022 is hereby withdraw /cancelled, against vacant post.
13. Order regarding transfer of Warder Amjad Ali Khan S/O Maidar Khan from Sub Jail Dir Upper to District Jail Chitral issued vide this office order No. 4266/PB dated 12.12.2022 is hereby cancelled, against vacant post.
14. Order regarding transfer of Warder Fawad Ali S/O Abdul Rauf from Sub Jail Malakand to District Jail Timergara issued vide this office order No. 4866/PB dated 12.12.2022 is hereby cancelled, against vice No.01.
15. Order regarding transfer of Warder Ijaz S/O Gul Karim from Sub Jail Malakand to District Jail Timergara issued vide this office order No. 4866/PB dated 12.12.2022 is hereby cancelled, against vice No.02.
16. Order regarding transfer of Warder Imdad Ali S/O Ijaz Ali Shah from Sub Jail Dir Upper to Central Prison Mardan issued vide this office order No. 4866/PB dated 12.12.2022 is hereby amended and he is posted to District Jail Timergara, against vice No.03.
17. Order regarding transfer of Warder Muhammad Sabir Khan S/O Shakoer Dada from District Jail Chitral to Central Prison Mardan issued vide this office order No. 4266/PB dated 12.12.2022 is hereby cancelled, against vacant post, vice No.10.
18. Order regarding transfer of Warder Zubair Khan S/O Shah Raza Khan from District Jail Timergara to Central Prison Mardan issued vide this office order No. 4699/PB dated 15.11.2022 is hereby cancelled, against vice No.10.

Note: 1- All officials shall be relieved of their duties immediately by making local arrangement under intimation to all concerned.
2- No TA/DA allowed to officials at Serial No. 04, 05, 06, 07 & 08 on this account.


SUPERINTENDENT
CIRCLE HQS. PRISON MARDAN

Encl No. 5101-11/- Dated. 26-12-2022.

Copy of the above is forwarded to:-

1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information with reference to his office letter No. 44048 dated. 12-12-2022, please.
2. Deputy Inspector General of Prisons, Regional Prisons office Mardan for information, please.
3. The I/O to Special Assistant to Chief Minister for Prisons Khyber Pakhtunkhwa, Peshawar.
4. The Superintendent Central Prison Mardan.
5. The Superintendent District Jail Timergara/Chitral.
6. The Superintendent Sub Jail Malakand/Dir Upper
7. In-Charge Internment Centre Malakand.
8. The District Accounts Officer concerned.

For information and necessary action please.


SUPERINTENDENT

(18)

OFFICE OF THE SUPERINTENDENT
SUB JAIL/ INTERNMENT CENTRE MALAKAND
Tel: 0932-452050 Fax: 0932-467050

No. 10 Dated 11-12/2023

Hateem Ullah
HATEEM ULLAH
ADVOCATE
Peshawar High Court

Subject: Attached to Internment Centre Malakand
RELIEVING DOCKET

Memo

Under the instructions contained in the Superintendent Circle HQ's Prison Mardan, Order No. 5100/PB, dated 26/12/2022. You are hereby relieved of your temporary duties at Internment Centre Paitham today on 11-01-2023 and directed to report the Superintendent Central Prison Mardan for further duty there.

You are allowed Three (3) days joining time.

Hateem Ullah
SUPERINTENDENT
INTERNMENT CENTRE/ SUB JAIL
MALAKAND

Endst No: _____

Copy of the above is forwarded to:

1. The Superintendent Circle Headquarter Prison Mardan for information with reference to his office Order No. quoted above please.
2. The Superintendent Central Prisons Mardan for information please.
3. The Superintendent District Jail Swat for information please.
4. The Incharge Internment Centre Paitham for information with the requested to relieve the warder concern to the Superintendent Central Prison Mardan.
5. The District Accounts Officer Malakand for information please.
6. The District Accounts Officer Mardan for information please.

Sd
SUPERINTENDENT
INTERNMENT CENTRE/ SUB JAIL
MALAKAND

19

10/1/23

No:

Dated:

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

You, ~~Warder Shah Hussain S/O Sultan Hussain~~ then attached to Interment Centre Malakand for pay purpose and for the purpose of duty attached with Interment Centre Paithom and now attached to Central Prison Mardan was relieved for temporary duty from Interment Centre Paithom to District Jail Swat on 24-12-2022 but you failed to report for duty and absented yourself from duties and Jail Premises without prior permission and sanction of leave from the competent authority and reported back for duties on 10-01-2023 after eighteen (18) days wilful absence, which constitute gross misconduct on your part.

I, Superintendent Headquarter Prison Mardan, as-competent authority, am satisfied by the report received vide letter No. 267/WE dated. 03.02.2023 of the Superintendent Sub Jail Malakand and **there is no need of holding any further inquiry.**

Now therefore, you the above named Warder are hereby called to show cause within seven (07) days of the receipt of this notice as to why you should not be **Removal from service** for your above stated act of misconduct.

In, case your reply does not reach to this office within the stipulated period, it shall be presumed that you have no defense to put in and in that case, ex-parte action shall be taken against you.

Also intimate this office whether you desired to be heard in person or not.

SUPERINTENDENT
CIRCLE HQS PRISON MARDAN

Endorsement No. 563-67 / . Dated. 15/02/2023.

Copy of the above is forwarded to:-

1. The Worthy Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information, please.
2. The Superintendent Central Prison Mardan for information with reference to his letter No. Referred to above and with that one copy of the Show Cause Notice duly signed and dated by the accused official as a token of its receipt may be return to this office for record, please.
3. The Superintendent Sub Jail Malakand with reference to his office No. referred to above.
4. The Superintendent District Jail Swat for information.
5. Above name Warder C/O Superintendent Central Prison Mardan.

SUPERINTENDENT
CIRCLE HQS PRISON MARDAN



20

KALEEM ULLAH
ADVOCATE
High Court

OFFICE OF THE SUPERINTENDENT CIRCLE HQS. PRISON MARDAN

No. _____/PB Dated: ___/03/2023, E-Mail: mardanjail@gmail.com, 0937-843114

OFFICE ORDER

WHEREAS, the accused official/Warder Shah Hussain S/O Sultan Hussain while attached to Interment Center Malakand for the purpose of pay and for the purpose of duty attached to Interment Center Paithom and now attached to Central Prison Mardan was proceeded against under Rule-3 read with 9 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges of his misconduct as mentioned in the Show Cause Notice No. 563-67 dated 15-02-2023 served upon him on his misconduct/wilful absence.

AND WHEREAS, the accused official/warder failed to furnish his written reply/defence to the competent authority within stipulated time period.

AND WHEREAS, the undersigned being competent authority granted him the opportunity of personal hearing on 10-03-2023 as provided for under rules ibid. The accused official completely failed to defend his case with documentary proof/evidence.

AND WHEREAS, the accused official/warder is habitual of absenting himself from line and duties without permission and sanction of leave and undisciplined, having lethargic duty attitude, which is crystal clear from his service book record, as the inquiry against the said accused official with Mr. Bakht Rawan Deputy Superintendent District Jail Timergara of Twenty Eight (28) days wilful absence from Sub Jail Malakand is also pending, the accused official absented himself Twenty Two (22) days from duties later on, his absence period converted into **Earned Leave** vide Superintendent HQ's Prison Haripur Order No. 2984 dated 29-10-2013, the accused official awarded the punishment of **Stoppage of One Annual Increment** and period of absentees of 19 days treated as leave without pay vide Superintendent HQ's Prison Mardan Order No. 1978-81 dated 29-06-2016, the accused official again absented himself Thirty One (31) days in which Twenty Four (24) days were treated leave on medical ground and remaining Seven (07) days were treated as leave without pay vide Superintendent HQ's Prison Mardan Order No. 2257-59 dated 23-07-2016, stoppage of 01 annual increment for one year and 15 days absent period treated as leave without pay vide Superintendent HQ's Prison Mardan Order No. 1690 dated 03-12-2019. Moreover, awarded major penalty of stoppage of 05 annual increments for 05 years for absentees vide Superintendent HQ's Prison Mardan Order No. 1684-89 dated 03-12-2019. Also, awarded the minor penalty of **"CENSURE"** vide Superintendent HQ's Prison Mardan Order No. 1703 dated 03-12-2019. Furthermore, awarded the minor penalty of **"CENSURE" and Stoppage of 06 annual Increment for 06 years** vide Superintendent HQ's Prison Mardan Order No. 1697 dated 03-12-2019. Stoppage of 01 increment due to his wilful absence of 07 days which were treated as leave without pay vide Superintendent HQ's Prison Mardan Order No. 969-73 dated 11-06-2020. awarded major penalty to the accused official **"Remove from Services"** due to misconduct/wilful absence of 41 days vide Superintendent HQ's Prison Mardan Order No. 975-79/PB dated 11-06-2020. Later on, **"re-instated into service"** upon acceptance of appeal to the Worthy Inspector General of Prisons Khyber Pakhtunkhwa, Peshawar and punishment of **Stoppage of 03 annual increments for 03 years** is modified and converted into withholding of 01 annual increment for 01 year vide office order No. 3494 dated 24-01-2020. Also, awarded the punishment of stoppage 03 annual increments for 03 years for his misbehave and quarrelled with line Muharrar vide Superintendent HQ's Prison Mardan Order No. 1847-50 dated 31-12-2019.

NOW THEREFORE, in exercise of powers conferred under Rule-14(5) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, being 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 after observing all legal procedural formalities, is hereby awarded the major penalty of **"Removal from service"** with immediate effect to the accused official/ Warder Shah Hussain S/O Sultan Hussain attached to Central Prison Mardan for his misconduct/ wilful absence, his absence period with effect from **24-12-2022 to 10-01-2023, eighteen (18) days**, he is not entitled for any remuneration under rule 19 of the Khyber Pakhtunkhwa Government Servant Revised Leave Rule 1981.

SUPERINTENDENT
CIRCLE HQS. PRISON MARDAN

Encl: No. 932-39 Dated: 18/03/2023
Copy of the above is forwarded to:-

1. The Worthy Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information, please.
2. The Superintendent Central Prison Mardan, for information and necessary action, please.
3. To the Superintendent District Jail Swat, for information.
4. The Superintendent Sub Jail Malakand for information with reference to his office letter No. 246/WE dated 01-02-2023.
5. The Incharge Interment Center Malakand/Paithom, for information.
6. The District Accounts Officer, Mardan for information and necessary action please.
7. Official concerned C/O Superintendent Central Prison Mardan.

SUPERINTENDENT
CIRCLE HQS. PRISON MARDAN

To,

The Honorable Inspector General,
Prison K.P Peshawar.

Subject: Appeal against the order of superintendent Circle HQS prison Mardan dated 18-03-2023 vide which the appellat was removed from service.
removed

Respected Sir,

Facts:

The appellat while attached to interment Center Malakand for the purpose of duty attached to interment Center Pathan and now attached to central prison Mardan was departmentally proceeded against for previous misconduct including absence from service w.e. from 24.12.2022 to 10.01.2023. After giving show cause notice the appellat was removed from his service through letter No.932-39 dated 18.03.2023 by worthy Superintendent aggrieved this appeal for re-instatement in service.

Grounds for Appeal:

1. That the order of Learned Superintendent of Jail Mardan is against Law and facts on record.
2. That the appellat has been removed from service without conducting any departmental inquiry.
3. That the appellat had not absented himself willingly from his duty.
4. That actually the appellat was transferred on 26.12.2022 from ICM Malakand to Mardan.
5. That on transfer appellat was not relieved from duty inspite of the fact that appellat was ill and was under treatment in Govt. Saidu Group of Teaching Hospital Saidu Sharif Swat. (Copy of Medical Certificate attached)
6. That on 26.12.2022 my Aunt who was in the place of my mother died.
7. That the appellat informed his superior about illness and death of Aunt and was allowed three days leave for her Funeral ceremony. (Death Certificate attached)

8. That in the mean time my illness aggravated and the appellant went to DHQ Hospital Mardan, where the appellant was advised for 4 days complete bed rest. (Medical certificate enclosed)
9. That after expiry of medical rest the appellant went to his point of duty at Swat.
10. That however the Superintendent of Jail had gone for training and the acting Superintendent of Jail namely Said Rahim Shah did not allow me to resume duty and asked for waiting till the arrival of Superintendent of Jail Swat.
11. That in the meantime Superintendent of Jail on 10.01.2023 took the charge and the appellant apprised him all the situation where upon warning was issued and the appellant remained on duty.
12. That on 11.01.2023 the appellant was relieved and after three days joining time the appellant made his report in Mardan on 14.01.2023 and the appellant remained on duty at Mardan Jail till his removal from service.
13. That the appellant has just been removed from service on previous some punishment which was awarded on departmental rivalry and the appellant has already suffered financially and mental agony for the said punishes and legally cannot be reasonable ground for removal.
14. That the appellant has got more than 10 years service in credit and has to support singly a large family including mother and father.

In view of the above it is humbly submitted that the impugned order of my removal from service may kindly be set aside and the appellant may kindly be re-instated in service in greater interest of justice. The appellant shall pray for your long and prosperity.

yours obediently,

Cell: 0345-9339917;
0336-0979874

21-03-2023
Wardenshan Hussain



23
Mardan Medical Complex,
Teaching Hospital Mardan

No. 2703 MMC

Dated: 18-05-2023

INVESTIGATOR
WWW.HIGH

To

ASSISTANT DIRECTOR,
INSPECTORATE GENERAL OF PRISONERS
KHYBER PAKHTUNKHWA PESHAWAR.

Sub: VERIFICATION/AUTHENTICATION.

Memo:

Reference to the office letter No.15491-WE, dated: 20/04/2023 on the subject cited above and to state that the Medical REST Certificate in respect of ~~Wazir Shah Hussain SO Sultan Hussain~~ returned duly verified and found correct as confirmed by concerned Department.

Hospital Director
MTI, MMC Mardan

OFFICE OF THE MEDICAL SUPERINTENDENT

SAIDU GROUP OF TEACHING HOSPITAL SAIDU SHARIF SWAT

Ph: 0946 9240126-27, Fax: 0946 9240177



24

Dated 15-05-2018

KALEEM ULLAH
ADVOCATE
Peshawar High Co

To Assistant Director,
Inspectorate General of Prisons,
Foyer Pakhtunkhwa Peshawar.

Subject: VERIFICATION OF MEDICAL REST CERTIFICATE IN R/O WARDER (BPS-07)
SHAH MUSSAIN S/O SULTAN MUSSAIN.

Reference your letter No 15-189/WF dated 20-04-2018 on the subject
noted above.

The OPD Slip having yearly No 161074 in respect of Mr. Shah Hussain
S/O Sultan Hussain Warden (BPS- 07) of your department, is duly certified and found
correct.

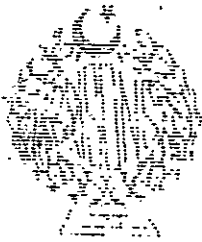
The medical certificate of period of 24-12-2017 to 26-12-2017 has not been
attached to this letter.

Submitted for information and further necessary action please

Handwritten signature/initials.

MEDICAL SUPERINTENDENT
S.G.T.H, Saidu Sharif

Handwritten signature/initials.



INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

☎ 091-9216134, 9216426 ☎ 091-9211224

<https://www.facebook.com/igprisons/>

prisons@peshawar.gov.pk

No. 17491

Dated. 17-06-2023

Handwritten notes:
17491
17491

Handwritten notes:
25
P.L. 17491

To

The Medical Superintendent,
Nasir Group of Teaching Hospitals,
Sardar Sharif Swat

Subject

VERIFICATION OF MEDICAL REST CERTIFICATES FOR THE PERIOD OF
24-12-2022 TO 26-12-2022.

M/s.

I am directed to refer to your letter No. 5222 dated 05-05-2023 and this office letter No. 15490 dated 20-04-2023 and to forward herewith a copy of medical rest certificate for the period mentioned above issued from Casualty/Trauma Unit of your hospital in favor of Mr. Shah Hussain S/o Sultan Hussain Waider (BPS 07) presently posted at Central Prison Mardan for verification.

The same may be returned at the earliest after doing the needful for further course of action by this office please.

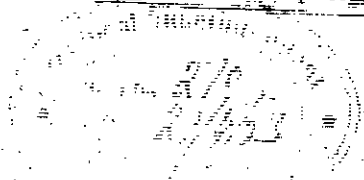
Handwritten signature: 17/06/2023
ASSISTANT DIRECTOR
INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

KALEEM ULLAH
ADVOCATE
Peshawar High Court

No. 15490

Dated 03/01/2023

The Medical Superintendent
District Headquarter Teaching Hospital
Mardan



Subject: VERIFICATION OF MEDICAL REST CERTIFICATES FOR THE PERIOD OF
29-12-2022 TO 01-01-2023 AND 04-01-2023 TO 06-01-2023

Memo: I am directed to refer to the subject and to forward herewith copies of medical rest certificates for the below noted periods issued from the doctor concerned at the outpatient Department of your hospital in favor of Mr. Shah Hussain S/o Sultan Hussain, Warder (BPS-07) presently posted at Central Prison Mardan for verification

- 1. 29-12-2022 TO 01-01-2023 (04 days)
- 2. 04-01-2023 TO 06-01-2023 (03 days)

The same may be returned at the earliest after doing the needful for further course of action by this office please.

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

1/0 ORP

For verification
Supt. pl.

[Handwritten mark]

Verified

ذات الترخيص
المرشد العام
المرشد العام



OFFICE OF THE MEDICAL SUPERINTENDENT
DISTRICT HEADQUARTERS HOSPITAL MARDAN
PH # 0937-9230148 FAX # 9230225
mailto:muhammad.170210147@gmail.com

No. 3038 MSTA Dated Mardan the 2 10/5/2023

(27)

To

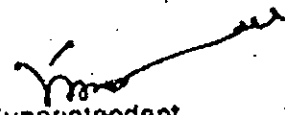
The Assistant Director
Inspectorate General of Prisons
Khyber Pakhtunkhwa Peshawar

Subject

VERIFICATION OF MEDICAL REST CERTIFICATES
FOR THE PERIOD OF 29.12.2022 TO 01.01.2023 AND
04.01.2023 TO 06.01.2023.

Memo

Reference your letter No 1490/WE dated 20/04/2023 on the subject noted above and it is stated that the requisite medical rest in respect of Mr. Shah Hussain S/O Sultan Hussain, Warder, duly verified by the Doctor concerned of this hospital is returned herewith in original for further necessary action as desired please.


Medical Superintendent,
D.H.Q Teaching Hospital,
Mardan.

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OFFICE OF THE MEDICAL SUPERINTENDENT

SAIDU GROUP OF TEACHING HOSPITAL SAIDU SHARIF SWAT
Ph: 0946-9240126-27, Fax: 0946-9240122



KALBEENULLAH
ADVOCATE
Peshawar High Court

No. 2506/5-3

Dated 06/06/2023

To:

The Assistant Director
Inspectorate General of Prisons,
Khyber Pakhtunkhwa, Peshawar


Subject:

VERIFICATION OF MEDICAL REST CERTIFICATE IN R/O WARDER SHAH
HUSSAIN S/O SULTAN HUSSAIN

Memo:

Reference your letter No 16931 dated 08-05-2023 on the subject noted
above.

The OPD Slip (Slip attached herewith) having yearly No. 132610/217 in
respect of Mr. Shah Hussain S/O Sultan Hussain Warder (RPS- 07) of your
department, is duly verified and found correct.


MEDICAL SUPERINTENDENT
S.G.T.H. Saidu Sharif, Swat



(29) *Alim*

OFFICE OF THE
INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

☎ 091-9210334, 9210406 ☎ 091-9213445

No. Estb/Ward/Orders/ 242271

Dated 23 - 07 - 2023

ORDER:

WHEREAS, Warder Shah Hussain S/O Sultan Hussain presently posted at Central Prison Mardan was awarded the major penalty of "Removal from Service and his absence period was treated as "Leave Without Pay" by the Superintendent Headquarters Prison Mardan vide his office order No. 931-39 dated 18-03-2023 due to his misconduct /willful absence from 24-12-2022 to 10-01-2023.

AND WHEREAS, the said Warder preferred his departmental appeal against the said penalty and requested for setting aside the same as well as reinstatement in service.

AND WHEREAS, he was afforded an opportunity of personal hearing on 11-04-2023. During the course of hearing, he explained his position and produced medical rest certificates/ medical reports for his absence period. Moreover, his appeal was examined in light of the available record of the case and it was observed that the competent authority has not fulfilled the legal procedure/ formalities in accordance with Rule-5 & 7 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. He had failed to produce his medical certificates to the competent authority within time. However, his medical rest certificates were sent to the quarter concerned for verification which have been verified as conveyed by MS, DHQ Teaching Hospital Mardan vide his letter No. 3028/MS/PA dated 02-05-2023, MS, SGTH Saidu Sharif vide letters No. 6222 dated 05-05-2023 and No. 8506 dated 06-06-2023 and Hospital Director MTI, MMC Mardan vide No. 2703 dated 18-05-2023. Hence plea of the appellant is partially justified. Thus, the penalty imposed by the competent authority is found very harsh.

NOW THEREFORE, having considered the charges, evidences/facts on record, the 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, appeal of the appellant is hereby accepted and decision of the Superintendent Headquarter Prison Mardan is hereby set aside. He is reinstated into Government Service with immediate effect. His major penalty of "Removal from Service" is hereby converted into "~~Reduction to two lower stages for a period of two years~~". The absence period w.e.f. 24-12-2022 to 10-01-2023 as well as his intervening period i.e. from the date of removal from service to the date of reinstatement in service is hereby treated as leave without pay.

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

ENDST; NO. 24228-31/

Copy of the above is forwarded to:

1. The Superintendent, Headquarters Prison Mardan for information and necessary action with reference to his letter No. 1022/PB dated 28-03-2023.
2. The Superintendent, Central Prison Mardan 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. The District Accounts Officer concerned for information.
4. The appellant concerned C/O Superintendent Central Prison Mardan for information and necessary action.

[Signature]
**DEPUTY DIRECTOR (ADMN)
INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA PESHAWAR**

وکالت نامہ

بعدالت جناب سرورس برہنہ وکیل KPK کیسٹ

موری
مقدمہ
دعوی
جرم

۵۰۲۳ سے منجانب ایڈووکیٹ ایس۔ اے۔ حسن

۱۹۲۳-۱۱-۱۳۴

۲۶/۱۱/۱۹۲۳

باعث تحرے آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطہ بیروی و جواب دہی وکل کارروائی، متعلقہ

آن مقام لہستانہ کیلئے صلح اللہ ایڈووکیٹ

مقرر کر کے اقرار کیا جاتا ہے کہ وکیل موصوف کو مقدمہ کی کل کارروائی کا مکمل اختیار حاصل ہوگا

نیز وکیل صاحب کو مرضی دعویٰ داخل کرنے، جواب دعویٰ، اپیل، نظر ثانی کا بھی اختیار حاصل ہو

گا نیز وکیل صاحب بصورت ڈگری برخلاف من اختیار دہندہ اپیل، نگرانی، نظر ثانی از عدالت ابتداء

تا عدالت انتہا یعنی سپریم کورٹ آف پاکستان دائر کر سکتا ہے وکیل موصوف بصورت عدم بیروی

کارروائی یکطرفہ یا ڈگری یکطرفہ مختلف درخواست دائر کر سکتا ہے اور وکیل موصوف میری جانب

سے مقدمہ میں بصورت ڈگری چیک یا نقد روپیہ کی صل میں وصولی کر سکے گا اور مزید یہ کہ وکیل

موصوف مقدمہ حذکرہ کی کل یا جزوی کارروائی کیلئے اپنی بجائے دیگر وکیل بھی اپنے ساتھ مقرر کر سکتا

ہے جس کو بھی وہ جملہ اختیار حاصل ہو گئے جو کہ وکیل موصوف کو حاصل ہیں مجھے اس صورت میں

تمام ساختہ پر داخہ منظور و قبول ہوگا لہذا میں نے وکالت نامہ ہذا تحریر کر کے اس پر دستخط انشان

انگشت ثبت کر دیا ہے تاکہ سند رہے۔

Accepted

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الرقوم ۲۶/۱۱/۱۹۲۳

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وہ ال کے لئے منظور ہے۔

بمقام

لشاه

شاه حسن