

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

In the matter of  
Service Appeal No.1059/2023  
Abdul Majid S/O Faqir Dad Ex-Warder District Jail Daggar, District Buner  
Presently village Rega Tehsil Gagri District Buner

.....(Appellant)

**VERSUS**

1. Superintendent Circle HQ Prison Haripur.
2. The Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
3. Superintendent District Jail Daggar District Buner.
4. Government of Khyber Pakhtunkhwa through Secretary Home and Tribal Affairs Department Peshawar.

.....(Respondents)

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**Deponent**

**BEFORE THE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA PESHAWAR**

**SERVICE APPEAL NO: 1059/2023**

**Abdul Majid S/O Faqir Dad Ex-Warder District Jail Daggar, District Buner  
presently village Rega Tehsil Gagri District Buner.**

.....**APPELLANT**

**VERSUS**

1. Superintendent Circle HQ Prison Haripur.
2. The Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar
3. Superintendent District Jail Daggar District Buner.
4. Government of Khyber Pakhtunkhwa through Secretary Home and Tribal Affairs Department Peshawar .....**RESPONDENTS**

**JOINT PARAWISE COMMENTS FOR & ON BEHALF OF RESPONDENT NO:1 to 4**

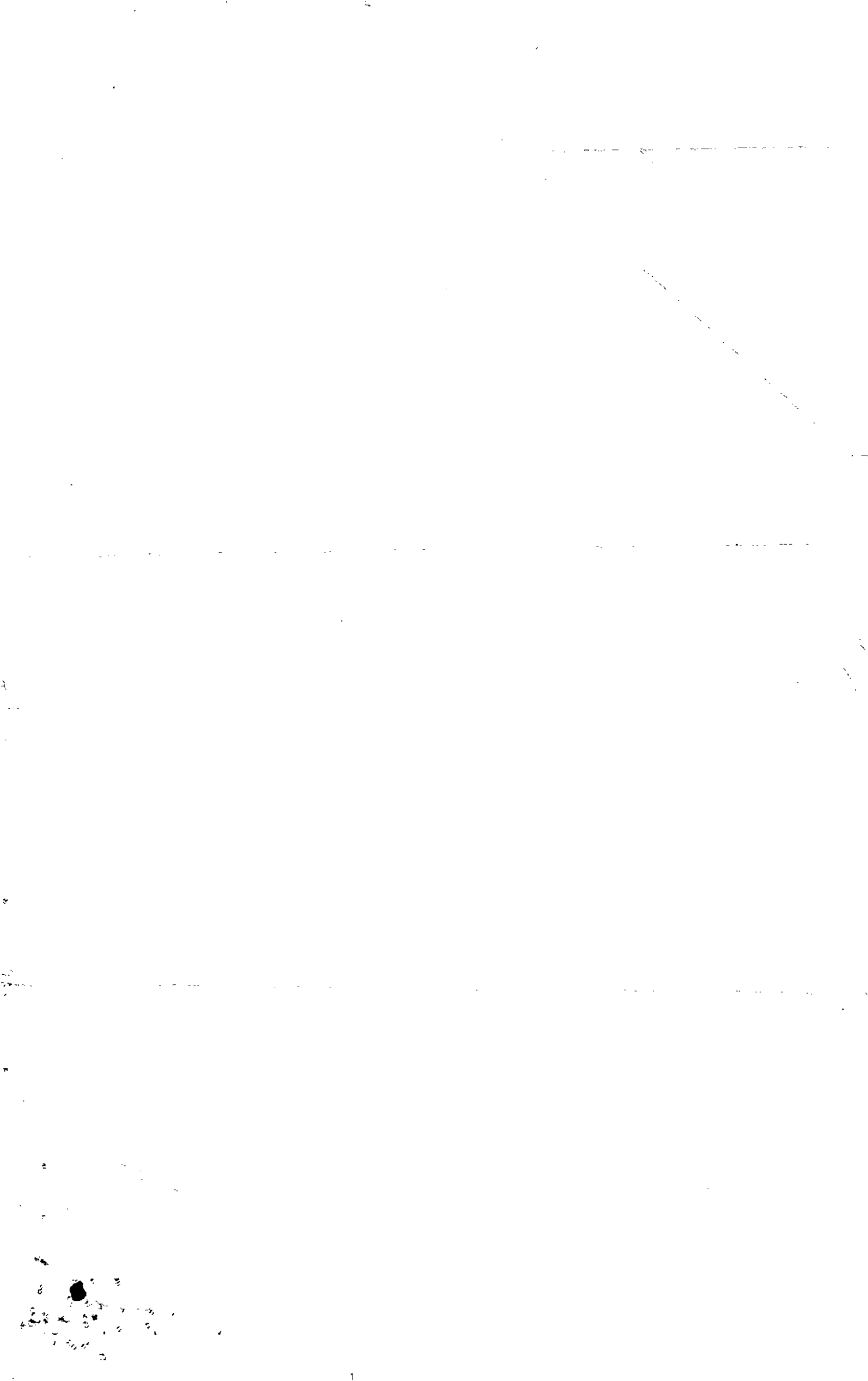
Respectfully Sheweth,

**Preliminary Objections:**

- That the appellant has got no cause of action/locus standi.
- That the instant appeal is badly time barred.
- That the appellant has concealed the material facts from this honorable tribunal, hence liable to be dismissed.
- That the appellant has not come to this honorable court with clean hands.
- That the appellant has filed the instant appeal just to pressurize the respondents.
- That the appellant has filed the instant appeal on malafide motives.
- That the instant appeal is against the prevailing law and rules.
- That the appellant is stopped by his own conduct to file this instant appeal.
- That the present appeal is not maintainable in the present form and also in the present circumstances of the case.

**OBJECTION ON FACTS:**

1. This para needs no comments.
2. Pertains to record hence needs no comments.
3. Incorrect and not admitted. That the petitioner had to follow the rules 1082 and 1083 of Khyber Pakhtunkhwa, prisons rule 2018. Copy attached as “Annex-A”.
4. Pertains to record hence needs no comments.



5. Incorrect and not admitted. That the petitioner was absented himself from duty since 07-05-2022, the Superintendent District Jail Buner served a notice at his home addressed with the direction to resume his duty and explain his position in written reply within 03 days vide letter No. 1045 dated 19-05-2022. Copy attached as "Annex-B". He resumed duty on 08-06-2022 after lapse of 31 days willful absence and submitted his resignation from service as intimated by Superintendent District Jail Buner vide letter No. 1225-WE dated 08-06-2022. Copy attached as "Annex-C".
6. Incorrect and not admitted. That the petitioner was absented himself from duty since 07-05-2022, while attached to District Jail Buner. He was repeatedly informed to resume his duty but instead of resuming duty he submitted his resignation alongwith affidavit. Copy of resignation letter alongwith affidavit is attached as "Annex-D". The competent authority in exercise of power conferred U/R 3 and 9 of Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rule, 2011 amended in 2021 to resume his duty within 15 days, after lapse of stipulated time the petitioner neither resume duty nor any intimation was received from him, therefore as required U/R of 9 of ibid rules notice was published in daily newspaper (Daily Mashraq) Peshawar dated 31-08-2022 by directing him to resume his duty within 15 days of publication of notice, he didn't resume his duty nor submit any oral or written defence/justification for his wilfull absence. Therefore in exercise of power conferred U/R 9 of ibid rule the competent authority award him major penalty of "Removal from Service". Copy of impugned order is attached as "Annex-E".
7. The answer has been given in para above.

### **OBJECTION ON GROUNDS:**

- A. Incorrect and not admitted. That the impugned order dated 19-09-2022 of the respondent No. 01 is according to rules and procedure, the detail answer has been given in para 6 of the fact above. Moreover, the appellant preferred departmental appeal which was examined by competent authority after affording the opportunity of personal hearing on 02-03-2023. Copy attached as "Annex-F". The appeal was filled on 13-02-2023 and is time barred by 03 months and 26 days. Copy of departmental appeal is attached as "Annex-G".
- B. Incorrect and not admitted. That the appellant wilfully absented himself from duty and line w.e.f 07-05-2022 to 19-09-2022. He was proceeded U/R 3 and 9 of the Khyber Pakhtunkhwa, Government Servants (Efficiency and Discipline) Rules, 2011 amended in 2021. Copy attached as "Annex-H".
- C. Incorrect and not admitted. That the appellant wilfully absented himself from duty and line w.e.f 07-05-2022 to 19-09-2022. He was intimated time and again to resume his duty but instead to resuming his duty he submitted resignation from service.
- D. Incorrect and not admitted. The answer has been given in para 6 of the facts above.

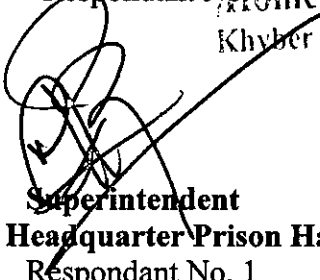
- E. Incorrect and not admitted. The appellant instead of joining duty has straight away submitted resignation from Job which need no further inquiry, moreover during personal hearing in the course of departmental appeal the appellant does not give satisfactory answer for his resignation from duty. The competent authority in exercise of power conferred U/R 3 and 9 of Khyber Pakhtunkhwa, Government Servants (Efficiency and Discipline) Rules, 2011 amended in 2021 awarded him major penalty of "Removal from Service".
- F. This para needs no comments.
- G. Incorrect and not admitted. The answer has been given in para 6 of the facts above.
- H. Incorrect and not admitted. The impugned order was issued on 19-09-2022 while the appellant preferred departmental appeal on 13-02-2023 which is time barred by 03 months and 26 days.
- I. This para needs no comments.
- J. This para needs no comments.

### **PRAYER :**

It is humbly prayed that on acceptance of the above submission of joint parawise comments on behalf of respondents No. 1 to 4, the appeal of the appellant may graciously be dismissed being devoid of merit and against the law.

  
**Secretary Home & Tribal Affairs Department**  
**Khyber Pakhtunkhwa, Peshawar**

**Respondant No. 4**  
**Home Secretary,**  
**Khyber Pakhtunkhwa**

  
**Superintendent**  
**Circle Headquarter Prison Haripur**  
**Respondant No. 1**

  
**Inspector General Of Prisons**  
**Khyber Pakhtunkhwa, Peshawar**

**Respondant No. 2**

  
**Superintendent**  
**District Jail Daggar**  
**Respondant No. 3**

**BEFORE THE SERVICE TRIBUNAL KHYBER  
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**SERVICE APPEAL NO: 1059/2023**

**Abdul Majid S/O Faqir Dad Ex-Warder District Jail Daggar, District Buner  
presently village Rega Tehsil Gagri District Buner.**

.....APPELLANT

**VERSUS**

1. Superintendent Circle HQ Prison Haripur.
2. The Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar
3. Superintendent District Jail Daggar District Buner.
4. Government of Khyber Pakhtunkhwa through Secretary Home and Tribal Affairs to Peshawar.....RESPONDENTS

**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENTS NO. 1 to 4.**

We the undersigned respondents do hereby solemnly affirm and declare that the contents of the Joint para-wise Comments in the above cited appeal are true and correct to the best of our knowledge and belief and that no material facts have been concealed from this Honourable Service Tribunal. *It is further stated on oath that in this appeal, the undersigned respondents have neither been placed ex-parte nor their defense has been struck off/lost.*

**Secretary Home & Tribal Affairs Department  
Khyber Pakhtunkhwa, Peshawar  
Home Secretary,  
Respondant No. 4  
Khyber Pakhtunkhwa**

**Inspector General Of Prisons  
Khyber Pakhtunkhwa, Peshawar  
Respondant No. 2**

**Superintendent  
Circle Headquarter Prison Haripur  
Respondant No. 1**

**Superintendent  
District Jail Daggar  
Respondant No. 3**



08 SEP 2023



**GOVERNMENT OF THE KHYBER PAKHTUNKHWA  
HOME AND TRIBAL AFFAIRS DEPARTMENT.**

**NOTIFICATION**

*Peshawar, dated the 14<sup>th</sup> March 2018.*

**No.SO(P&R)HD/3-3/2018.**-In exercise of the powers conferred by section 59 of the Prisons Act, 1894 (IX of 1894) and in supersession of rules issued in this behalf, the Government of the Khyber Pakhtunkhwa is pleased to make the following rules, namely:

**THE KHYBER PAKHTUNKHWA  
PRISONS RULES, 2018.**

**Chapter-1  
General Provision**

1. **Short title and commencement.**---(1) These rules may be called the Khyber Pakhtunkhwa Prisons Rules, 2018.

(2) It shall come into force at once.

2. **Definitions.**---(1) In these rules, unless otherwise prescribed the following expressions shall have the meaning hereby respectively assigned to them, that is to say-

- (a) "Act" means the Prisons Act, 1894 (Act IX of 1894);
- (b) "Additional Inspector General" means Additional Inspector General of Prisons appointed by Government under these rules;
- (c) "Assistant Superintendent" means Assistant Superintendent of the Prisons and includes Senior Assistant Superintendent or Senior Lady Assistant Superintendent appointed by Government;
- (d) "Central Prison" means a Central Prison declared as such by Government;
- (e) "Chief Warder" means Chief Warder either male or female, as the case may be, in respective ward in a Prison;
- (f) "Code" means the Code of Criminal Procedure, 1898 (V of 1898);

*Address  
sent*



BF

**1082. Leave to Subordinate Officers.**---(1) No subordinate officer shall, at any time, without the permission of the Deputy Superintendent, if such officer is subordinate to him, and, in any other case, of the Superintendent, be absent from the prison premises, whether by day or night.

(2) The Deputy Superintendent shall not, without the sanction of the Superintendent, grant leave of absence to any subordinate officer, or permit any such officer to remain absent, for any period exceeding four hours at any one time.

(3) Whenever any leave is granted by the Deputy Superintendent to any subordinate officer he shall, at the time the leave is granted, record the fact, and the period of leave in his report book.

(4) Every subordinate officer shall immediately on return from leave report the fact to the Deputy Superintendent, who shall forthwith record his arrival in his report book.

(5) The Deputy Superintendent shall similarly record in his report book, all leave granted by the Superintendent and all reports made of return from leave.

(6) Fifteen (15) days recreation leave shall be granted to every employee of Department once in a calendar year on rotation basis.

**1083. Absence caused by illness or other unavoidable cause.**---Whenever any subordinate officer is at any time prevented by sudden illness or other unavoidable cause, from attending the prison or performing his duties he shall forth-with give notice to the Superintendent along with his reasons for absence. The Superintendent shall then make suitable arrangements for the due performance of his duties.

**1084. Acquaintance with these rules and directions.**---It shall be the duty of every prison officer to make himself thoroughly acquainted with the duties of his office and these rules and directions. He shall discharge his duties with zeal, efficiency, honesty, alacrity and regularity.

**1085. Note Book.**---Every subordinate officer shall keep a notebook with him in which he shall record every order given to him by his superior officers.

## نوٹس غیر حاضری

آپ عبدالماجد ولد فقیر گل وارڈر (بی پی ایس 07) رہائشی سواڑی، ریگا، بونیر، ڈسٹرکٹ جیل بونیر سے مورخہ 07-05-2022 سے تاحال غیر حاضر ہیں۔ آپ کے گھر کے پتہ پر سپرنٹنڈنٹ ڈسٹرکٹ جیل بونیر کی جانب سے غیر حاضری نوٹس بھی جاری کیا گیا ہے، جس کا آپ نے کوئی جواب نہیں دیا۔

آپ کو اشتہار ہذا کے ذریعہ مطلع کیا جاتا ہے۔ کہ اس اشتہار کی اشاعت کے پندرہ دن کے اندر سپرنٹنڈنٹ ڈسٹرکٹ جیل بونیر کے دفتر میں حاضر ہو کر اپنی غیر حاضری کی معقول وجہ بیان کریں۔

بصورت دیگر آپ کے خلاف،

Khyber Pakhtunkhwa (Efficiency and Discipline) Rules 2011

ترمیم شدہ 2021 کے تحت یکطرفہ کارروائی کی جائے گی۔

الستہ  
سپرٹنڈنٹ  
جیل بونیر

سرکل ہیڈ کوارٹرز جیل ہری پور

Address  
sent



OFFICE OF THE  
SUPERINTENDENT  
DISTRICT JAIL BUNER AT DAGGAR  
No. 1065 dt 19/05/2022  
Phone: 019-82712, E-mail: bunerjail@gov.pk

To,

Warder Abdul Majid z/o Faqir Gul,  
Attached to District Jail Buner,  
Swari, Rega, District Buner.

Subject:- ABSENCE NOTICE.

Memo,

You, Warder Abdul Majid z/o Faqir Gul have wilfully absented yourself from duty since 07-05-2022 till dated without any prior approval from the competent authorities.

This act on your part is gross negligence in the performance of duties and liable to be proceed against Khyber Pakhtunkhwa Government Civil Servanta (Efficiency & Discipline) Rules 2011.

You are therefore directed to make sure your presence for duty at earliest and explain your position in written reply within three (03) days of the receipt of this Explanation that why disciplinary action shall not be taken against you?


If you failed to justify your position, the case will be taken up to the high-ups for initiation of disciplinary action against you.


SUPERINTENDENT  
DISTRICT JAIL BUNER AT DAGGAR

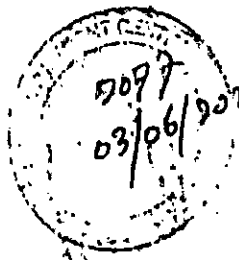
Endst: No. 1050


Copy of the above is forwarded to the Superintendent Circle Headquarter Prison Haripur for Information, please.

  
SUPERINTENDENT  
DISTRICT JAIL BUNER AT DAGGAR

  
PB

  
Addes



  
Subject  
03/06/2022



OFFICE OF THE  
SUPERINTENDENT  
DISTRICT JAIL BUNER AT DAGGAR  
No. 1225-WE dt 08/06/2022  
Phone: 0920-322712, E-mail: bunerjail@gma.com

135 53

To,

The Superintendent,  
Circle Headquarter Prison Haripur.

Subject:- RESIGNATION IN RESPECT OF WARDER ABDUL MAJID S/O FAQEER GUL.

Respected Sir,

It is to enclose and forward herewith resignation submitted by Warder Abdul Majid s/o Faqeer Gul attached to this jail along with affidavit to the effect that he has some domestic issues due to which he cannot continue his duties.

Moreover, the said warder absented himself from duty from 07-05-2022. His pay was also stopped by this office w.e.f May 2022. The said warder was informed through dispatch to make sure his presence for duty with immediate effect vide this office letter No. 1049 dated 19-05-2022. Upon arrival from 31 days absence on 08-06-2022, he has submitted the subject resignation.

His resignation and affidavit to the effect is forwarded to your good office for further necessary action as per rules, please.

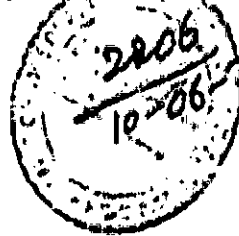
*[Signature]*  
SUPERINTENDENT  
DISTRICT JAIL BUNER

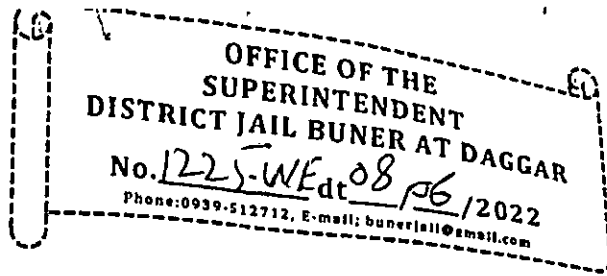
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Copy of the above is forwarded to the Worthy Inspector General of Prisons Khyber Pakhtunkhwa, Peshawar for information, please.

*[Handwritten signatures and initials]*  
10/06/2022

SUPERINTENDENT  
DISTRICT JAIL BUNER





To,

The Superintendent,  
Circle Headquarter Prison Haripur.

Subject:- RESIGNATION IN RESPECT OF WARDER ABDUL MAJID S/O FAQEER GUL.

Respected Sir,

It is to enclose and forward herewith resignation submitted by **Warder Abdul Majid s/o Faqeer Gul** attached to this jail along with affidavit to the effect that he has some domestic issues due to which he cannot continue his duties.

Moreover, the said warder absented himself from duty from 07-05-2022. His pay was also stopped by this office w.e.f May 2022. The said warder was informed through dispatch to make sure his presence for duty with immediate effect vide this office letter No. 1049 dated 19-05-2022. Upon arrival from 31 days absentia on 08-06-2022, he has submitted the subject resignation.

His resignation and affidavit to the effect is forwarded to your good office for further necessary action as per rules, please.

*Adhered*

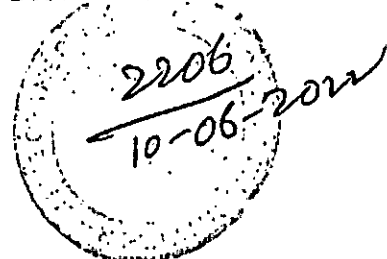
*[Signature]*  
SUPERINTENDENT  
DISTRICT JAIL BUNER

Endst: No. \_\_\_\_\_

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

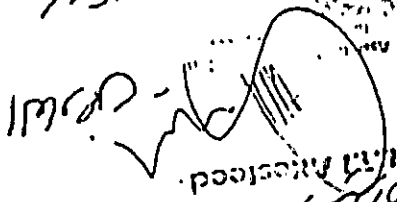
*[Signature]*  
*[Signature]*  
10/06/2022

SUPERINTENDENT  
DISTRICT JAIL BUNER



08-06-2022  
0335-9547955  
15101-05223311

Handwritten notes in Urdu, including a date and a phone number.



Forwarded to the Director, for registration along with the change of action, Punjab 08/06/2022.

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Handwritten text below the signature, possibly a date or reference.

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Mudali

ATTESTED  
Mudali  
15/06/2020  
15101-052 2334-1

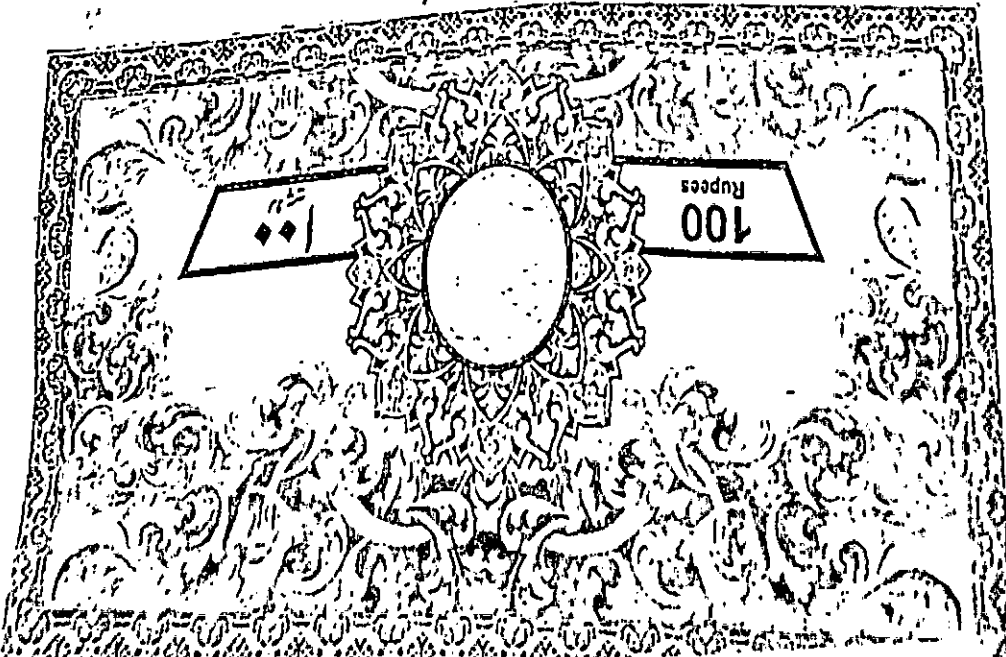
15101-052 2334-1

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08/06/2020

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Regd 1



OFFICE OF THE SUPERINTENDENT  
CIRCLE (EASTERN) HQs PRISON HARIPUR

No. 6357 - 1-WE

Dated 17/08/2022 - 1-

Phone/Fax: 0995-920066

To

The Director Information,  
Khyber Pakhtunkhwa, Peshawar.

Subject:- DUTY NOTICE IN R/O WARDER (BPS-07) ABDUL MAJID S/O  
FAQEER GUL ATTACHED TO DISTRICT JAIL BUNER AT  
DAGGAR.

Memo:

Enclosed please find herewith duty assumption Notices in respect of Abdul Majid S/O Faer Gul Warder (BPS-07) attached to District Jail Buner at Daggar in Urdu for Publication in 02 leading Newspapers as per Government Policy. It is further certified that the funds under Head "AO-3970" Advertisement Charges are available to meet the expenditure on this account.

Adhes  
[Signature]

Endst: No. 6358 - 60 /

[Signature]  
SUPERINTENDENT  
CIRCLE H.Q. PRISON HARIPUR

Copy of the above is forwarded to:-

- 1) The Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
- 2) The Superintendent District Jail Buner at Daggar w/r to the No. 1694 dated. 11-08-2022 for information please.
- 3) The Private Secretary to Special Assistant to Chief Minister for Prisons Khyber Pakhtunkhwa Peshawar for information please.

[Signature]  
SUPERINTENDENT  
CIRCLE H.Q. PRISON HARIPUR





57  
29  
OFFICE OF THE SUPERINTENDENT  
CIRCLE HQs PRISON HARIPUR  
No. 6881- /-  
Dated 19-09-2022 /-  
Phone/Fax: 0995-920066

**OFFICE ORDER:**

WHEREAS, accused warder (BPS-07) Abdul Majid S/O Faqir Gul ( as detailed below) attached to District Jail Buner was proceeded against, under Rules-3 & 9 of Khyber Pakhtunkhwa Government Servants ( Efficiency & Discipline ) Rules, 2011 amended in 2021:

S#	NAME	Design	Absence Period	Report of Sudd: DJ Buner	Punishment Awarded
01	Abdul Majid S/O Faqir Gul	Warder	From 07-05-2022 to till date i.e 19-09-2022	No.1694/WE dated. 11-08-2022	Removal From Service ( Ex-Parte)

AND WHEREAS, after expiry of 15 days ( Fifteen) the above mentioned warder neither resume his duty nor any intimation was received from him, therefore as required under Rule-09 of ibid rules, a notice was published in daily newspaper " Daily Mashraq Peshawar: dated. 31-08-2022 by directing him to resume duty within fifteen (15) days ( till 05-09-2022) of publication of the notice. In response of published notice he didn't resume his duty as per directions nor submit any oral or written defense/ justification of his misconduct and absence.

AND WHEREAS, the accused warder failed to offer any plausible defense against his willful absence as mentioned above and since his conduct is highly unsatisfactory which is willful absence from duty, his willful absence from duty for the above mentioned period stands established.

NOW THEREFORE, in exercise of powers conferred under Rule-9 of Khyber Pakhtunkhwa Government Servants ( Efficiency & Discipline ) Rule 2011 amended in 2021, undersigned being competent, hereby awards Major penalty as mentioned above.

*Alles*  
*Emb*  
SUPERINTENDENT  
CIRCLE H.Q. PRISON HARIPUR

Endst: No: 6882-86 /

Copy of the above is forwarded to:-

- 1) The Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar for information please.
- 2) The Superintendent DJ Buner w/r to the No. 1694/WE dated. 11-08-2022 for information, and making necessary entries in the Service Books of Warder Concerned please
- 3) The DAO Buner for information and necessary action please.
- 4) The Private Secretary to Special Assistant to Chief Minister for Prisons Khyber Pakhtunkhwa Peshawar for information please
- 5) Warder Concerned at home address c/o Superintendent DJ Buner.

SUPERINTENDENT  
CIRCLE H.Q. PRISON HARIPUR

53-158

TO,

Inspector General of prison KPK at Peshawar through  
Superintendent circle HQ prison Haripur.

**DEPARTMENTAL APPEAL AGAINST IMPUGNED ORDER DATED 19/9/2022.**

1. That the Appellant was appointed as warder and was posted in District jail Buner at Daggar vide order of appointment dated 5/5/21 and was serving the department with full zeal and zest to the entire satisfaction of his superiors. (Appointment order attached).
2. That at the end of November 2021, the appellant became ill and was in very dismal condition hence he visited several medical doctors and after detail investigation by them he was diagnosed for psychological disorder and depression and at that stage he was unable to efficiently perform his duties hence he filled an application for leave and was also performing his duties despite the facts that he was not properly able to perform his duties.
3. That in the end of April 2022 his illness became more severe and due to his illness and tranquilizers he could not perform his duties so he filled an application for leave in the very start of May 2022. (some medical documents and application for leave attached).
4. That few days before the doctor of the appellant opined that he has gained his health and can perform his duties. (opinion of the doctor attached).
5. That after the above opinion of the doctor the appellant went for performing his duties to the district jail Buner at Daggar but was told by the concerned that he was no more in service hence he demanded his dismissal order but he was not given any order hence he filled an application for joining his duties but the same was not taken hence he sent the afore said application and application for providing the impugned dismissal order through the post office.
6. That the appellant have now received the impugned removal order which is not according to law hence this appeal.

*Handwritten initials/signature*

*Supdt  
15/04/2023*

*Attest  
[Signature]*



- 7. That no charge sheet and statement of allegation were issued to the appellant. Moreover neither any opportunity of personal hearing was given to him nor was any inquiry conducted in the case on which score alone the impugned removal order is illegal and unwarranted under the law.
- 8. That the superintendent circle HQ prison Haripur has not fulfilled the legal requirement as mentioned in KP Government servant efficiency and discipline rules 2011 and have illegally removed the appellant by violating the rules of natural justice.
- 9. That the appellant has not willfully ignored his duties rather under compelling situation of his illness could not perform his duties which factum was in the Knowledge of the superintendent jail Daggar and in that respect applications had also been given for leave.

It is therefore kindly prayed that, on acceptance of this appeal the impugned order dated 19/9/2022 may kindly be set aside and the appellant may kindly be re-instated in service with all back benefits.

Dated: 13/2/2023

Appellant

Abdul Majid s/o faqir Gulor  
 Ex warde district jail daggar  
 District Buner.

Abdul Majid s/o faqir Gulor

Ex warde district jail daggar

District Buner

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OFFICE OF THE SUPERINTENDENT  
CIRCLE HQs PRISON HARIPUR

No. 777

Dated 21-02-2023



MOST IMMEDIATE/REGISTERED

To

Mr. Abdul Majid Ex-warder,  
S/O Faqir Gul,  
Village Rega P/O Swari,  
Tehsil Gagra District Buner.  
Contact# 0995-92006/0335-9547955.

Subject:- DEPARTMENTAL APPEAL

Memo:

Reference to this office letter No. 752 dated 20/02/2023 on the subject.

Your personal hearing has been rescheduled and now will be held on 02-03-2023  
(Thursday) at 11.00 AM.

You are therefore directed to attend the office of the Addli; Inspector General of Prisons  
Khyber Pakhtunkhwa Peshawar for personal hearing in connection to your departmental appeal.

*ok*  
SUPERINTENDENT  
CIRCLE H.Q. PRISON HARIPUR

Endst: No:

778-80

Copy of the above is forwarded to:

1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information w/r to his letter No.8282-83 dated 21-02-2023 please.
2. Mr.Tariq Sheikh Law Officer attached to Central Prison Haripur for information w/r to above.
3. The Superintendent District Jail Buner for information . He is directed to send the original Service Book of the above named Ex-warder immediately to this office for further necessary action.

*ok*  
SUPERINTENDENT  
CIRCLE H.Q. PRISON HARIPUR

*Adler*  
*[Signature]*

OFFICE OF THE  
INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR

☎ 091-9210334, 9210406 📠 091-9213445

NO. Estb/Ward/Orders/ 10990

Dated 09 - 03 - 2023

ORDER:

WHEREAS, Ex-Warder Abdul Majid S/o Faqir Gul, attached to District Jail Buner at Dagger was awarded the major penalty of "Removal from Service" by Superintendent HQs Prison Haripur vide order No. 6881 dated 19-09-2022 due to his willful absence w.e.f. 07-05-2022 till the date of his removal from service on 19-09-2022.

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

AND WHEREAS, he was afforded an opportunity of personal hearing on 02-08-2023. His appeal was examined in light of the available record of the case and it was observed that the penalty was awarded to him by the competent authority on his willful absence after observing all legal and codal formalities as required under Government Servants (Efficiency & Discipline) Rules, 2011. Moreover, the appeal was filed on 13-02-2023 and is time barred by 03 months and 26 days. During the course of hearing, the appellant failed to justify his innocence.

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

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

ENDST: NO. 10991-951

Copy of the above is forwarded to the:

- 1 Deputy Inspector General of Prisons Regional Prison Office Haripur for information.
- 2 Superintendent, Headquarters Prison Haripur for information and necessary action with reference to his letter No. 712/WE dated 16-02-2023.
- 3 Superintendent District Jail Buner at Dagger for information and necessary action. He is directed to inform the appellant accordingly and to make necessary entry in his Service Book under proper attestation.
- 4 Mr. Abdul Majid S/o Faqir Gul (Ex-Warder) C/o Superintendent District Jail Buner at Dagger for information.
- 5 PS o Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information.

1063  
13/02/2023

DEPUTY DIRECTOR  
INSPECTORATE GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR

*Attended*

*PB*

*[Signature]*  
13/03/2023

# KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, FRIDAY, 16<sup>TH</sup> SEPTEMBER, 2021.

GOVERNMENT OF THE KHYBER PAKHTUNKHWA  
ESTABLISHMENT AND ADMINISTRATION DEPARTMENT

## NOTIFICATION

Peshawar dated the 16<sup>th</sup> September, 2011.

**No.SO(REG-VI)E&AD/2-6/2010.** In exercise of the powers conferred by section 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No.XVIII of 1973), the Chief Minister of the Khyber Pakhtunkhwa is pleased to make the following rules, namely:

1. **Short title, application and commencement.**----(1) These rules may be called the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.  
(2) These shall apply to every person who is a member of the civil service of the Province or is the holder of a civil post in connection with the affairs of the Province and shall also apply to or in relation to a person in temporary employment in the civil service or post in connection with affairs of the Province.  
(3) These shall come into force at once.
2. **Definitions.**---(1) In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say-
  - (a) "accused" means a person in Government service against whom action is initiated under these rules;
  - (b) "appellate authority" means the authority next above the competent authority to which an appeal lies against the orders of the competent authority;
  - (c) "appointing authority" means an authority declared or notified as such by an order of Government under the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No.XVIII of 1973) and the rules made there under or an authority as notified under the specific laws/rules of Government;
  - (d) "charges" means allegations framed against the accused pertaining to acts of omission or commission cognizable under these rules;
  - (e) "Chief Minister" means the Chief Minister of the Khyber Pakhtunkhwa;
  - (f) "competent authority" means-

**(See notification No. SO(REG-VI)E&AD/2-6/2010 DATED 16-09-2011)**



OFFICE OF THE SUPERINTENDENT  
CIRCLE HQs PRISON HARIPUR

No. 752 /-

Dated 20/02/2023

63 62

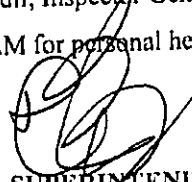
MOST IMMEDIATE/REGISTERED

To

Mr. Abdul Majid Ex-warder,  
S/O Faqir Gul,  
Village Rega P/O Swari,  
Tehsil Gagra District Buner.  
Contact# 0995-92006/0335-9547955.

Subject:- DEPARTMENTAL APPEAL  
Memo:

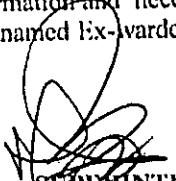
You are directed to attend the office of the Addl; Inspector General of Prisons Khyber Pakhtunkhwa Peshawar on 23-02-2023 (Thursday) at 11.00 AM for personal hearing in connection to your departmental appeal.

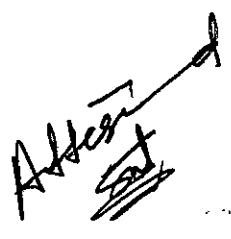
  
SUPERINTENDENT  
CIRCLE H.Q. PRISON HARIPUR

Endst: No: 753-155 /

Copy of the above is forwarded to:

1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information w/r to his letter No.7510 dated 16-02-2023 please.
2. Mr. Tariq Sheikh Law Officer attached to Central Prison Haripur for information. He is hereby nominated as a representative of this HQs to attend the office of Addl; Inspector General of Prisons Khyber Pakhtunkhwa Peshawar on the date and time mentioned above in the instant case and produced the relevant record as desired.
3. The Superintendent District Jail Buner for information and necessary action. He is directed to send the original Service Book of the above named Ex-warder immediately to this office through special messenger.

  
SUPERINTENDENT  
CIRCLE H.Q. PRISON HARIPUR



## AN EXTRACT COPY OF RULE-03 & 09 OF E&D RULES-2011

3. Grounds for proceedings.--- A Government servant shall be liable to be proceeded against under these rules, if he is-
- (a) inefficient or has ceased to be efficient for any reason; or
  - (b) guilty of misconduct; or
  - (c) guilty of corruption; or
  - (d) guilty of habitually absenting himself from duty without prior approval of leave; or
  - (e) engaged or is reasonably believed to be engaged in subversive activities, or is reasonably believed to be associated with others engaged in subversive activities, or is guilty of disclosure of official secrets to any un-authorized person, and his retention in service is prejudicial to national security; or
  - (f)- entered into voluntary return or plea bargaining under any law for the time being in force and has returned the assets or gains acquired through corruption or corrupt practices voluntarily.
9. Procedure in case of willful absence.--- Notwithstanding anything to the contrary contained in these rules, in case of willful absence from duty by a Government servant for seven or more days, a notice shall be issued by the competent authority through registered acknowledgement on his home address directing him to resume duty within fifteen days of issuance of the notice. If the same is received back as undelivered or no response is received from the absentee within stipulated time, a notice shall be published in at least two leading newspapers directing him to resume duty within fifteen days of the publication of that notice, failing which an ex-parte decision shall be taken against the absentee. One expiry of the stipulated period given in the notice, major penalty of removal from service may be imposed upon such Government servant.



INSPECTORATE GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR

051-9210334, 9210406 091-9213445  
<https://www.facebook.com/kpkprisons>  
prisonsig@gmail.com

No. 1CC - 7510 /-  
Dated. 16 - 02 - 2023 /-

BY FAX

To,

The Superintendent,  
Circle Headquarters Prisons Haripur

Subject: DEPARTMENTAL APPEAL  
Memo;

I am directed to refer to your order No. 6881 dated 19-09-2022 on the subject and to convey that Ex-Warder Abdul Majid S/o Faqir Gul may be directed to appear before the Addl: Inspector General of Prisons Khyber Pakhtunkhwa Peshawar on **23-02-2023 (Thursday)** at **11:00 AM** for personal hearing in the instant case. Also depute a well conversant officer alongwith Service Book as well as original record of the case to attend this office on the date and time fixed above please.

*[Signature]*  
16/02/2023  
ASSISTANT DIRECTOR  
INSPECTORATE GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR

Endst; No. \_\_\_\_\_ /.

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

ASSISTANT DIRECTOR  
INSPECTORATE GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR

*[Signature]*  
PB  
Addl: IG  
Supdt.





OFFICE OF THE  
INSPECTORATE GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR  
☎ 091-9210334, 9210406 📠 091-9213445

No. \_\_\_\_\_

Dated \_\_\_\_\_

## **AUTHORITY LETTER**

Mr.Sulaiman, Law Officer(BPS-17) attached to the office of Inspector General of Prisons Khyber Pakhtunkhwa Peshawar is hereby authorized to make affidavit, to file comments/reply/report and to attend the Lower Courts, Ombudsperson, Khyber Pakhtunkhwa Service Tribunal, Peshawar High Court Peshawar, Supreme Court of Pakistan Islamabad, Federal Shariat Court, meeting of scrutiny committee at Law Department and also to attend the office of Advocate General Khyber Pakhtunkhwa at Peshawar on each and every date of hearing, on behalf of the Inspector General of Prisons Khyber Pakhtunkhwa .

  
**INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR**