


## FORM OF ORDER SHEET

Court of \_\_\_\_\_

Implementation Petition No. 620/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	
1	08.09.2023	<p>The implementation petition of Mr. Iftikhar Ahmad submitted today by Mr. Irfan Ullah Advocate. It is fixed for implementation report before Single Bench at Peshawar on <u>12-09-2023</u>. Original file be requisitioned. AAG has noted the next date.</p> <p>By the order of Chairman  REGISTRAR</p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL  
PESHAWAR.**

Iftikhar Ahmad

Versus

Inspector General of Prisons Peshawar and others.

**Application for hearing the above mentioned execution suit at Principle seat  
Peshawar.**


**Respectfully Submitted.**

1. That the applicant is resident of District Peshawar.
2. That the Principle respondent is also hereat Peshawar.
3. That the applicant is presently serving as Jail Warder at District Jail Swabi.
4. That the Service Tribunal has the Jurisdiction to entertain the above mentioned suit at Principle seat Peshawar.

**It is therefore humbly prayed that the above mentioned execution suit may  
be hear at the Principle Seat Peshawar.**

Applicant

Through

  
Irfan Ullah

&

Kalsoom Malik

Advocates Peshawar.

Dated. 08/09/2023.

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

*Execution petition no. 620/2023*

Iftikhar Ahmad

Vs.

Inspector General of Prisons, Khyber Pakhtunkhwa & others

**I N D E X**

S.No.	Description of Documents	Annex	Pages
1.	Application with Affidavit		1-2
2.	Application for Interim Relief		3
3.	Copy of Pay Slip		4
4.	Copy of Order dated 01.06.2022 in S.A No.1410/2017		5-9
5.	Wakalatnama		10

Through Applicant

Irfan Ullah

*(IP) ar*

&

Kalsoom Malik  
Advocates Peshawar

*[Signature]*

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHWAR.

Execution petition no. 620/2023

Application No. \_\_\_\_\_/2023

In service appeal No 1410/2017

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 7399

Dated 08/09/23

Iftikhar Ahmad s/o Akhtar Gul r/o Sepena Deri, District Peshawar.

Applicant

Versus

1. Inspector General of Prisons, KP, Peshawar.
2. Superintendent, Circle Headquarters Prisons, Mardan.
3. Superintendent, Circle Prison Mardan.
4. Superintendent, district jail Swat.

Respondents.

**APPLICATION FOR THE EXECUTION OF THE JUDGMENT DATED  
01/06/2022 PASSED BY THIS HON'BLE SERVICES TRIBUNAL.**

**Respectfully Submitted.**


1. That the applicant is law abiding citizen and serving as Jail Warder BPS 07 and resident of the above mentioned address.
2. That the above titled service appeal is decided by this Hon'ble services Tribunal on 01/06/2022 and set aside the order of the respondents. **(Copy of the order is attached)**
3. That the applicant submitted the stated order to respondents for necessary action in this regard.
4. That the Applicant visited time and again for necessary action but the respondents didn't take any action.
5. That the applicant asked for restoration of the reduction made of salary of the applicant but the respondents denied.
6. That the salary of BPS 07 is 25, 410 but still respondents release ~~19,040~~ 18,130 which is unlawful and illegal.

- 7. That applicant asked to restore the reduction made onwards from 22/07/2022 till date because the penalty was for five years but the denied.
- 8. That the respondents made delaying tactics and finally told the applicant that the respondents filed CPLA in Supreme Court.
- 9. That the applicant has not received any notice nor the respondents showed any Stay order of the Supreme Court.
- 10. That there is no other remedy except this execution suit against the respondents.
- 11. That this Service Tribunal has the Jurisdiction to entertain this suit.
- 12. That any other grounds may be raised at the time of arguments.


It is therefore humbly prayed that on the acceptance of this application, the respondents may be kindly directed to implement the order dated 01/06/2022 passed by this Hon'ble services Tribunal in Service Appeal No 1410/2017.

Applicant

Through

Irfan Ullah 

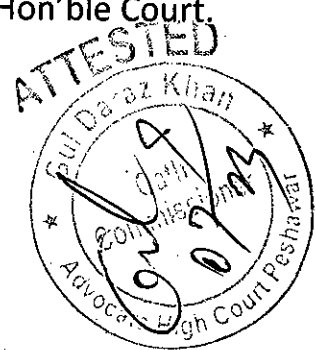
&


Kalsoom Malik  
Advocates Peshawar.  
Cell no 03085252979. 

Dated: 07.09.2023

**AFFIDAVIT.**

I, do hereby solemnly affirm and declare that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



  
**DEPONENT.**

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BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHWAR.

Iftikhar Ahmad

Versus

Inspector General of Prisons

**INTERIM RELIEF TO THE EFFECT THAT TO DIRECT THE RESPONDENTS TO RESTORE THE REDUCTION MADE ONWARDS 22/07/2022 TILL DATE AND RESTRAIN THE RESPONDENTS FROM REDUCTION.**

**Respectfully Submitted.**

1. That the main suit is filed before this Hon'ble services Tribunal and no date of hearing has been fixed.
2. That the respondents imposed penalty "reduction to lower stage up to for five years" on applicant i.e from 21/07/2017 to 22/07/2022.
3. That onwards 22/07/2022 the respondents made reduction till date. (Copy of the pay slip is attached) .
4. That the applicant asked for restoration of reduction made onwards 22/07/2022 till date but the respondents denied.

It is therefore humbly requested that you may kindly direct the respondents to restore the reduction made onwards 22/07/2022 till date and restrain the respondents from reduction in future.

Applicant

Through

Irfan Ullah

&

Kalsoom Malik  
Advocates Peshawar.  
Cell no 03085252979.

Dated: 07.09.2023

(4)

# Sponsored Content

**Government of Khyber Pakhtunkhwa**  
District Accounts Office Swabi  
Monthly Salary Statement (August-2022)



**Personal Information of Mr AFTIKHAR AHMAD d/w/s of AKHTAR GULL**

Personnel Number: 00685735      CNIC: 1730114266719      NTN:  
Date of Birth: 01.03.1983      Entry into Govt. Service: 25.05.2012      Length of Service: 10 Years 03 Months 008 Days

**Employment Category: Active Permanent**

Designation: WARDER      80004455-GOVERNMENT OF KHYBER PAKH  
DDO Code: SU4016-Lock Ups Swabi  
Payroll Section: 002      GPF Section: 005      Cash Center:  
GPF A/C No: JM685735P67V06 GPF Interest applied      **GPF Balance:** 138,765.00 (provisional)  
Vendor Number: -  
**Pay and Allowances:**      Pay scale: BPS For - 2022      Pay Scale Type: Civil      BPS: 07      Pay Stage: 2

Wage type		Amount	Wage type		Amount
0001	Basic Pay	18,130.00	1001	House Rent Allowance 45%	2,384.00
1210	Convey Allowance 2005	1,932.00	1300	Medical Allowance	1,500.00
1547	Ration Allowance	1,000.00	1567	Washing Allowance	150.00
1646	Constabulary R Allowance	300.00	1931	Prison Allowance(2009)	9,220.00
2148	15% Adhoc Relief All-2013	283.00	2199	Adhoc Relief Allow @ 10%	183.00
2315	Special Allowance 2021	3,500.00	2347	Adhoc Rel Al 15% 22(PS17)	1,832.00

**Deductions - General**

Wage type		Amount	Wage type		Amount
3007	GPF Subscription	-1,010.00	3501	Benevolent Fund	-1,200.00
4004	R. Benefits & Death Comp:	-450.00			0.00

**Deductions - Loans and Advances**

Loan	Description	Principal amount	Deduction	Balance
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**Deductions - Income Tax**

Payable: 0.00      Recovered till AUG-2022: 0.00      Exempted: 0.00      Recoverable: 0.00

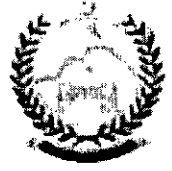
**Gross Pay (Rs.): 40,414.00      Deductions: (Rs.): -2,660.00      Net Pay: (Rs.): 37,754.00**

Payee Name: AFTIKHAR AHMAD  
Account Number: 1003161  
Bank Details: MCB BANK LIMITED, 240957 UNIVERSITY TOWN UNIVERSITY TOWN,

Leaves:      Opening Balance:      Availed:      Earned:      Balance:

Permanent Address:  
City: BANNU      Domicile: NW - Khyber Pakhtunkhwa      Housing Status: No Official  
Temp. Address:  
City:      Email: khankhan23yahoo@gmail.com

**Government of Khyber Pakhtunkhwa**  
**District Accounts Office Swabi**  
**Monthly Salary Statement (August-2023)**



**Personal Information of Mr SAQIB SHAH d/w/s of HAJI SHAH**

Personnel Number: 00683097 CNIC: 1620265294187 , NTN:  
 Date of Birth: 01.01.1982 Entry into Govt. Service: 15.05.2012 Length of Service: 11 Years 03 Months 018 Days

**Employment Category: Active Temporary**

Designation: 80004455-GOVERNMENT OF KHYBER PAKH

DDO Code: SU4016-Lock Ups Swabi

Payroll Section: 002

GPF Section: 003

Cash Center:

GPF A/C No:

Interest Applied: Yes

GPF Balance: ,

96,596.00

Vendor Number: 30534016 - HIDAYAT UR RAHMAN

**Pay and Allowances:**

Pay scale: BPS For - 2022

Pay Scale Type: Civil BPS: 07

Pay Stage: 10

Wage type		Amount	Wage type		Amount
0001	Basic Pay	25,410.00	1001	House Rent Allowance 45%	2,384.00
1210	Convey Allowance 2005	1,932.00	1300	Medical Allowance	1,500.00
1547	Ration Allowance	1,000.00	1567	Washing Allowance	150.00
1646	Constabulary R Allowance	300.00	1931	Prison Allowance(2009)	9,220.00
2148	15% Adhoc Relief All-2013	309.00	2199	Adhoc Relief Allow @10%	209.00
2315	Special Allowance 2021	3,500.00	2347	Adhoc Rel Al 15% 22(PS17)	2,472.00
2378	Adhoc Relief All 2023 35%	8,893.00			0.00

**Deductions - General**

Wage type		Amount	Wage type		Amount
3007	GPF Subscription	-1,500.00	3501	Benevolent Fund	-1,200.00
3609	Income Tax	-157.00	4004	R. Benefits & Death Comp:	-450.00

**Deductions - Loans and Advances**

Loan	Description	Principal amount	Deduction	Balance
6505	GPF Loan Principal Instal	120,000.00	-3,500.00	81,500.00

**Deductions - Income Tax**

Payable: 1,883.80 Recovered till August-2023: 314.00 Exempted: 0.00 Recoverable: 1,569.80

**Gross Pay (Rs.): 57,279.00 Deductions: (Rs.): -6,807.00 Net Pay: (Rs.): 50,472.00**

Payee Name: SAQIB SHAH  
 Account Number: 222629799  
 Bank Details: UNITED BANK LIMITED, 210323 SAWABI SAWABI.

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: City: MANSEHRA Domicile: Housing Status: No Official  
 Temp. Address: City: Email:



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BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL



PESHAWAR

Appeal No. 14110/2017

Iftikhar Ahmad, Warder attached to Central Prison Mardan.

... APPELLANT

VERSUS

1456  
27-12-2017

- 1. Inspector General of Prisons, KPK, Peshawar.
- 2. Superintendent, Circle Headquarters Prison, Mardan.
- 3. Superintendent, Circle Prison Mardan.
- 4. Superintendent, District Jail Swat.

... RESPONDENTS

APPEAL UNDER SECTION 4 OF THE KHYBER  
PAKHTUNKHWA SERVICES TRIBUNAL ACT 1974  
AGAINST THE ORIGINAL IMPUGNED ORDER NO.  
2287-94, DATED 21/07/2017 WHEREBY THE  
"REDUCTION TO LOWER STAGE UP TO FIVE  
YEARS" IN HIS PRESENT TIME AND PAY SCALE HAS  
BEEN IMPOSED UPON THE APPELLANT VIDE  
ANNEXURE "A" AND THEREAFTER HIS  
DEPARTMENTAL APPEAL DATED 16/08/2017 AT  
ANNEXURE "F" HAS BEEN REJECTED VIDE FINAL  
IMPUGNED ORDER DATED 27/9/2017 AT  
ANNEXURE "G" COMMUNICATED TO THE  
APPELLANT ON 03/12/2017

27/12/17

ATTESTED  
 EXAMINER  
 Khyber Pakhtunkhwa  
 Services Tribunal  
 Peshawar  
 27/12/17

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 1410/2017

Date of Institution ... 27.12.2017  
Date of Decision ... 01.06.2022



Iftikhar Ahmad, Warder attached to Central Prison Mardan.  
... (Appellant)

VERSUS

Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar and  
three others.

... (Respondents)

Aslam Khan Khattak,  
Advocate ... For appellant.

Kabir Ullah Khattak,  
Additional Advocate General ... For respondents.

Rozina Rehman ... Member (J)  
Fareeha Paul ... Member (E)

JUDGMENT

ROZINA REHMAN, MEMBER (J): The appellant has invoked the  
jurisdiction of this Tribunal through above titled appeal with the prayer  
as copied below:

"On acceptance of appeal the impugned orders may  
be set aside and the appellant's present time and pay  
scale may be restored to his original condition with all  
consequential benefits."

2. Brief facts of the case are that appellant was appointed as  
Warder on 25.05.2012. During service, he was departmentally  
proceeded against alongwith his four colleagues and vide order  
dated 21.07.2017, major penalty of reduction to lower stage up to

ATTACHED

EXAMINED  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar  
27/9/22

five years in the present time scale was imposed upon appellant. He filed departmental appeal, which was rejected, hence, the present service appeal.

3. We have heard Aslam Khan Khattak Advocate learned counsel for appellant and Kabir Ullah Khattak, learned Additional Advocate General for respondents and have gone through the record and the proceedings of the case in minute particulars.

4. Aslam Khan Khattak Advocate learned counsel appearing on behalf of appellant, inter-alia, submitted that the impugned orders are against law, and facts. He submitted that the appellant was condemned unheard as he was not provided any opportunity of cross-examination; that no show cause notice was served upon him and copy of the inquiry report was also not supplied as such the whole proceedings taken against him suffer from legal infirmities. Learned counsel further submitted that Warder Kareem Ullah was dismissed from service but was reinstated in service. Similarly, Warder Daryar Khan was exonerated from charges but the present appellant was awarded major penalty.

5. Conversely, learned AAG contended that the impugned orders of the competent authority and of the appellate authority are in accordance with law and laid down procedure and that appellant was rightly awarded the major punishment for his gross misconduct by extending unauthorized cooperation of supplying money etc. to the internees.

6. After hearing the learned counsel for parties and going through the record of this case with their assistance and after perusing the

ATTORNEY  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar  
7/9/23

precedent cases cited before us, we are of the opinion that appellant was proceeded against departmentally and in this regard, charge sheet alongwith statement of allegations were properly issued and served upon appellant. He was charged for having committed the following acts/omissions:

“As per report of Superintendent District Jail, Swat, a surprise search was conducted by Army authorities and Prison staff on 26.03.2017 in interment centre, Fizagat. During search, two numbers mobile phone sets and one sim card were recovered inside the internees sector. The concerned internees revealed that these cell phones were provided to them by Warders Mr. Kaleem Ullah, Mr. Daryar Khan, Iftikhar Ahmad, Afzal Sher and Mr. Nasir Ullah.”

For the purpose of scrutinizing the conduct of appellant with reference to the above allegations, Zahid Khan Deputy Superintendent Jail, District Jail, Timergara was appointed as Inquiry Officer against the accused Warders. The Inquiry Report was not available on file and at the same time it was never handed over/supplied to the appellant in accordance with law. Today, a copy was produced, wherein, five Warders were departmentally proceeded against. Four were recommended for major punishment of removal from service whereas one Daryar Khan Warder was exonerated. The present appellant Iftikhar Ahmad though recommended for major punishment of removal from service, was awarded major punishment of reduction to lower stage up to five years in his present time and pay scale. As per charge sheet and statement of allegations, the allegations were that

**ATTESTED**

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

while attached to District Jail, Swat/Interment Centre Fizagat, appellant and four others allegedly extended unauthorized communication facilities i.e. two numbers mobile phone sets and one sim card to internees. Now, during inquiry proceedings, neither the statement of internees were recorded nor any other witness in order to show as to who (Warder) had provided two mobile sets and one sim card. The entire inquiry report is silent in respect of the description of the mobile sets and number of the sim card. No Call Data Record is available which could show proper connection in between the internee from Interment Centre to their relatives. Similarly, record is silent in respect of the statement of those internees or staff members in whose presence the alleged recovery was made. The disciplinary proceedings so conducted are also in a hotchpotch manner. Non-supply of copy of the inquiry report to the appellant has caused miscarriage of justice as in such a situation, the appellant was not in a position to properly defend himself in respect of the allegations leveled against him.

7. For what has been discussed above, the impugned orders are set aside and this appeal is allowed as prayed for. Parties are left to bear their own costs. File be consigned to the record room.

**ANNOUNCED.**  
01.06.2022




**Certified to be true copy**

**EX-AMINER**  
**Khyber Pakhtunkhwa**  
**Service Tribunal**  
**Peshawar**

**Date of Presentation of Application** 07/9/23  
**Number of Words** page 5  
**Copying Fee** 25/-  
**Urgent** 5/-  
**Total** 30/-  
**Name of Copyist** Shahid  
**Date of Completion** 07/9/23  
**Date of Delivery of Copy** 07/9/23

(Rozina Rehman)  
Member (J)

(Fareeha Paul)  
Member (E)

قیمت 50 روپے	6248	پشاور بار ایسوسی ایشن، خیبر پختونخواہ
Dr. Faran Allah	ایڈوکیٹ:	  
22-5127/	بار کونسل ایسوسی ایشن نمبر:	
0308-5252979	رابطہ نمبر:	

بعدالت جناب: سرورس ٹرانسپیل پشاور

مخاطب:	دعویٰ:
اقتنی، احمد	علت نمبر:
بنام	مورخہ:
سپر پٹنٹ جیل سٹریٹ	جرم:
	تھانہ:

**باعث تحریر آنکہ**

امتیاز احمد و مراد صاحب  
ملکہ سفید صحری سٹریٹ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ آن مقام Peshawar کیلئے Dr. Faran Allah Adv. کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زرین پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کی طرفہ یا اپیل کی برائگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کر کے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساتھ پر دائرہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانب التوا لے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابندی ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سدر ہے

7/19/20

العبد کواہد العبد

مقام Peshawar کے لئے منظور ہے۔

Email: 107fanz194@gmail.com  
03085252979

Accepted by  
Dr. Faran Allah  
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