


16.01.2023

Junior to counsel for the appellant present. Naseerud Din Shah learned Assistant Advocate General for the respondents present.

Miss Fareeha Paul, learned Member (Executive) is on leave today, therefore, case is adjourned to 25.04.2023 for arguments before the D.B.

  
(Rozina Rehman)  
Member (J)


25<sup>th</sup> April, 2023

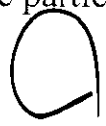
25<sup>th</sup> April has been declared as public holiday on account of Eid-Ul-Fitr, therefore, the case is adjourned. To come up for the same on 07.07.2023.

  
Reader

7<sup>th</sup> July, 2023

1. Junior to counsel for the appellant present. Mr. Asif Masood Ali Shah learned Deputy District Attorney for the respondents present.
2. Junior to counsel for the appellant requested for adjournment as senior counsel is not available today. Adjourned. To come up for arguments on 31.10.2023 before D.B. P.P given to the parties.

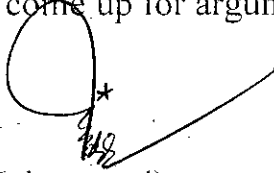
  
(Rashida Bano)  
Member (J)

  
(Kalim Arshad Khan)  
Chairman

12.10.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments before the D.B on 21.11.2022.



(Mian Muhammad)  
Member (E)

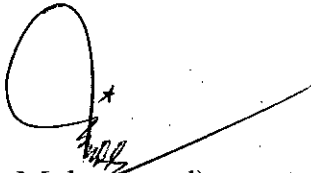


(Salah-Ud-Din)  
Member (J)

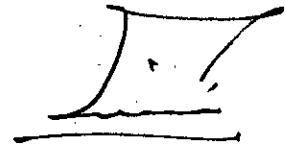
21.11.2022

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

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to strike of lawyers. Adjourned. To come up for arguments on 16.01.2023 before the D.B.



(Mian Muhammad)  
Member (E)



(Salah-Ud-Din)  
Member (J)

SCANNED  
K.P.S.T  
Peshawar

30-3-2022

Proper DB not available the case is adjourned to come up for the same as before on 6-7-2022

*Ali*  
Reader

06.07.2022

*Counsel was informed telephonically for the date fixed 12/10/22. Due to non-availability of postal tickets notice was not served upon them*

Nemo for the appellant. Ms. Lubna Bibi, Law Officer alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present and submitted para-wise comments, which are placed on file.

Previous date was changed on Reader Note, therefore, notice for prosecution of the appeal be issued to the appellant as well as his counsel through registered post and to come up for arguments on 12.10.2022 before the D.B.

(Mian Muhammad)  
Member (E)

(Salah-ud-Din)  
Member (J)

*[A long diagonal line drawn across the page]*

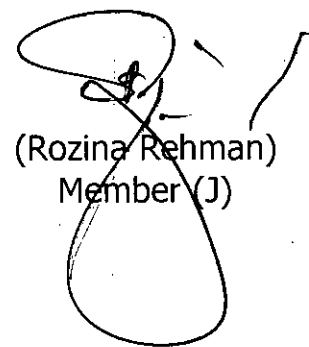
17.09.2021

Counsel for the appellant present. Preliminary arguments heard. Record perused.

Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notice be issued to respondents for submission of written reply/comments in office within 10 days of the receipt of notices, positively. If the reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 11.01.2022 before D.B.

Appellant Deposited  
Security & Process Fee

12/9/21




(Rozina Rehman)  
Member (J)

11.01.2022

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

Reply/comments on behalf of respondent are still awaited. Representative of respondents sought time for submission of reply/comments. Last opportunity is granted to respondent to furnish reply/comments on or before next date, failing which their right to submit reply/comments shall be deemed as struck off by virtue of this order. To come up for arguments before the D.B on 30.03.2022.





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

Form- A

FORM OF ORDER SHEET

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

Case No.- 7702 /2021


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	05/08/2021	<p>The appeal of Mr. Kamran Khan resubmitted today by Malak Sajid Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR.</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>17/09/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Kamran Khan son of Hakeem Khan Ex-Warder Constable Prisons received today i.e. on 02.08.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Certificate be given to the effect that the appellant has not been filed any service appeal earlier on the subject matter before this Tribunal.
- 3- Annexure-E of the appeal is missing.

No. 1517 /S.T,

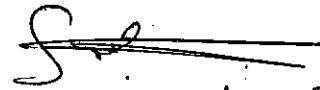
Dt. 03/08 /2021

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Malik Sajid Khan Adv. Pesh.

objection removed

Resubmitted Today

  
4-8-2021

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

Service Appeal No. \_\_\_\_\_/2021

Kamran Khan S/O Hakeem Khan Ex-Warder Constable  
(Prisons) R/O House No.45988, Mohallah Timargarhi, P/O  
Ramdas Bana Mari, Tehsil and District, Peshawar.

.....Appellant

**VERSUS**

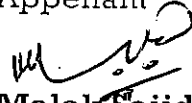
Inspector General of Prisons Khyber Pakhtunkhwa, Peshawar  
& Another.....Respondents

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3.	Copy of the appointment documents	A	10-
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5.	Copy of the impugned order dated:28.01.2020 of the removal from service	C	21-22
6.	Copy of the impugned order dated 15.06.2021	D	23-
7.	Copy of previous Medical Detail of the appellant	E	24-27
8.	Wakalatnama		28

Through

Appellant

  
Malak Sajid Khan  
Advocate, High Court.  
Cell No.0333-9175170

Dated:29.07.2021

①

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

Service Appeal No. \_\_\_\_\_/2021

Kamran Khan S/O Hakeem Khan Ex-Warder Constable  
(Prisons) R/O House No.45988, Mohallah Timargarhi, P/O  
Ramdas Bana Mari, Tehsil and District, Peshawar.

.....Appellant

**VERSUS**

1) Inspector General of Prisons Khyber Pakhtunkhwa,  
Peshawar.

2) Superintendent, Headquarters Prison, Mardan.

.....Respondents

APPEAL U/S 4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT,  
1974, AGAINST THE IMPUGNED AND  
UNJUSTIFIABLE OFFICE ORDER NO.177-81  
DATED: 28.01.2020 WHEREBY THE  
APPELLANT HAS BEEN REMOVED FROM  
SERVICE ON THE BASIS OF WILLFUL  
ABSENCE W.E.F 21.10.2019 TO 28.01.2020  
AS WELL AS FURTHER IMPUGNED ORDER  
DATED:15.06.2021 (INTIMATED TO THE  
APPELLANT A FEW DAYS AGO) DESPITE  
THE FACT THE APPELLANT WAS  
INDULGED IN THE LIFE THREATENING  
AND DILAPIDATED HEATH DISEASES I.E  
SEVERE BACK BONE PROBLEM WITH



TUBER CLASSIS (T.B) BESIDES SEVERE PANDEMIC ISSUE OF COVID-19 HAS REALLY AFFECTED THE APPELLANT'S FATHER BEING CLEARED FROM THE MEDICAL PRESCRIPTIONS DETAIL OF PROMINENT DOCTOR.

MOREOVER, THE APPELLANT WAS THE ONLY PERSON WHO WAS SUPPORTING HIS FAMILY IN ORDER TO MEET THE BOTH ENDS AND AFTER THE SEVERE INCIDENT VIA BACK BONE PROBLEM THE APPELLANT WAS UNABLE TO EVEN MOVE AND TO PROCEED THE OFFICE FOR THE EMPLOYMENT BUT IT IS AN ADMITTED FACT THAT TELEPHONICALLY AS WELL AS THE FAMILY MEMBERS/ RELATIVES DO INFORMED THE RESPONDENTS' DEPARTMENT FOR THE UNFORTUNATE INCIDENT AND ILLNESS.

**PRAYER:**

*It is, therefore, most convivially and courteously prayed that on the basis of expounded subjects and facts the impugned order dated 28.01.2020 and 15.06.2021 of the respondents may kindly be set aside being illegal, unlawful, coram-non-judice, against the principle of humanity and accordingly the appellant may kindly be re-instated into his service with all back benefits for the best administration of justice and fair play.*

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**Respectfully Submitted;**

- 1) That the appellant hails from a venerable family and was appointed on 03.05.2009 as warder constable in the respondents' Department since the inception of the appointment, remain a soft and sober gentleman, being obedient to his officers, ever tried his level best to keep the moral of the Department high. Due to the pain stacking and sedulous hardworking experience for a more than a decade (12 years service), the appellant was having unblemished service career. **(Copy of the appointment documents are annexed as Annexure "A")**.
- 2) That the stroke of misfortune hit the appellant, when in the ongoing pandemic issue of Covid-19, the father of the appellant was indulged in the life threatening diseases and the appellant was the only person who could look after his beloved father and unfortunately in that span of time i.e 21.10.2019 to 24.10.2019, the appellant was unable to proceed to the office/prison for the performance of his duty. Infact the respondent was duly informed from the ibid disease of the appellant's father. The strained mental position of the appellant and his family was further aggravated when the appellant was severely injured due to the Motorbike incident and unfortunately due to the back bone problem also indulged in Lumber spine disease resultantly the appellant was unable to even move and due to that disease the appellant has spent almost 15 months on bed rest. So much so, the severe Tuber classis disease has also affected the appellant. **(Copy of the Medical detail of the appellant and his father is annexed as Annexure "B")**.
- 3) That it is rudimentary to bring into kindly knowledge of this Hon'ble Tribunal that during the ibid period of disease,

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infact the appellant's family members have duly and timely informed the respondents' department regarding the illness.

- 4) That after the recovery from the aforesaid diseases, when the appellant was about to join his service, the respondents' department has intimated about the impugned order of removal from service, which has really shocked and traumatized the appellant and his family. **(Copy of the impugned order dated:28.01.2020 of the removal from service is annexed as Annexure "C")**.
- 5) That just after the receiving the impugned order in the year 2021, the appellant has left no other option but to file series of Departmental Appeals/mercy petition to the competent authority and unfortunately vides the further impugned office order dated:15.06.2021 (intimated to the appellant a few days ago) whereby the Departmental Appeal of the appellant has also been rejected on the sole ground of limitation. **(Copy of the impugned order dated 15.06.2021 is annexed as Annexure "D")**.
- 6) That infact the absence from service was not willful but due to the ibid long standing diseases and infact it was out of the domain of the appellant to attend the office.
- 7) That it is also important aspect of the matter is that neither any intimation, show Cause Notice, Inquiry Report of whatsoever has been served/intimated upon the appellant but unfortunately with a single stroke of pen has crippled the twelve years service of the appellant by removing from service.
- 8) That it is also imperative to mention here that the apex Court in plethora of judgments hold that the absence from service could not be treated as punishment but

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unfortunately the respondents has passed the illegal, unlawful and unconstitutional order by infringing the vested right of the appellant as enshrined in the mother law of the land.

- 9) That the long standing and life threatening diseases of the appellant is also cleared from this previous history of Medical Treatment, whereby the appellant was previously too the serious patient of T.B. (**Copy of previous Medical Detail of the appellant is annexed as Annexure "E"**).
- 10) That as expounded above the absence from service was not deliberate rather it was a forceful coercion as the appellant was not in a position to attend his official duty due to the mentioned dilapidated health condition.
- 11) That law demands that **JUSTICE MAY NOT ONLY BE DONE BUT IT SHOULD MANIFESTLY BE SEEMS TO BE DONE**, and if the instant appeal is not allowed, the appellant will not only suffer irreparable losses, but his fundamental right will also be infringed.
- 12) That the mentioned facts may kindly be considered as Grounds for the instant service appeal and any other point not specifically mention may be raised at the time of arguments for the best assistance of this Hon'ble Court.

#### **PRAYER**

*It is, therefore, most convivially and courteously prayed that on the basis of expounded subjects and facts, the impugned order dated 28.01.2020 and 15.06.2021 of the respondents may kindly be set aside being illegal, unlawful, coram-non-judice, against the principle of*

(6)

*humanity and accordingly the appellant  
may kindly be re-instated into his service  
with all back benefits for the best  
administration of justice and fair play.*

Any other relief deemed appropriate in the circumstances  
of the case may kindly also be granted in favour of appellant.

Appellant

Through



**Malak Sajid Khan**  
Advocate, High Court.  
Through Law Associates  
Off: 37<sup>th</sup>, 2<sup>nd</sup> Floor,  
Malik Tower, Peshawar  
Cell No.0346-9192561

Dated:29.07.2021

(7)

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

C.M No. \_\_\_\_\_/2021

In

Service Appeal No. \_\_\_\_\_/2021

Kamran Khan S/O Hakeem Khan Ex-Warder Constable  
(Prisons) R/O House No.45988, Mohallah Timargarhi, P/O  
Ramdas Bana Mari, Tehsil and District, Peshawar.

.....Appellant

**VERSUS**

Inspector General of Prisons Khyber Pakhtunkhwa, Peshawar  
& Another.....Respondents

**APPLICATION FOR THE CONDONATION OF  
DELAY AS THE APPELLANT/PETITIONER WAS  
INDULGED IN DILAPIDATED HEALTH  
CONDITION OF HAVING LUMBER SPINE  
DISEASE DUE TO MOTORBIKE ACCIDENT AND  
RESULTANTLY WERE LYING ON BED FOR LONG  
TIME BEING CLEARED FROM THE ATTACHED  
MEDICAL DOCUMENTS THE DETAIL OF AILING  
IS FURTHER CLEARED FROM PARA NO.02 OF  
THE MAIN APPEAL.**

**PRAYER:**

*By acceptance of this application on the basis of expounded  
subjects, facts and circumstances, the delay in filing of the  
appeal if any may kindly be condoned, in the interest of  
justice and fair play.*

Respectfully Sheweth: -

8

1. That the appellant has filed an appeal in which no date has been fixed.
2. That as expounded in the subject and also cleared from Para No.02 of the main appeal, via Medical Documents, the appellant was indulged in a life threatening disease
3. That the delay in filing of the appeal is not intentional or deliberate rather due to above reason.
4. That if the delay is not condoned, the petitioner will suffer an irreparable loss and injury.

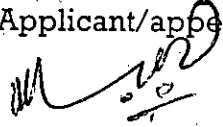
**PRAYER**

*It is therefore most humbly prayed that by acceptance of this application on the basis of expounded subjects, facts and circumstances, the delay in filing of the appeal if any may kindly be condoned, in the interest of justice and fair play.*

Dated:- 30.07.2021

Through

Applicant/appellant

  
Malak Sajid Khan  
Advocate High Court  
Peshawar  
Cell No.0333-9175170

(4)

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

Service Appeal No. \_\_\_\_\_/2021

Kamran Khan S/O Hakeem Khan Ex-Warder Constable  
(Prisons) R/O House No.45988, Mohallah Timargarhi, P/O  
Ramdas Bana Mari, Tehsil and District, Peshawar.

.....Appellant

**VERSUS**

Inspector General of Prisons Khyber Pakhtunkhwa, Peshawar  
& Another.....Respondents

**AFFIDAVIT**

I, Kamran Khan S/O Hakeem Khan Ex-Warder  
Constable (Prisons) R/O House No.45988, Mohallah  
Timargarhi, P/O Ramdas Bana Mari, Tehsil and District,  
Peshawar, do hereby solemnly affirm and declares that the  
contents of instant appeal are true and correct to the best of my  
knowledge and belief and nothing has been kept concealed from  
this Hon'ble Court.

*M. J. J.*

*along with application for condonation of delay*

*[Signature]*

Deponent  
CNIC# 17301-0612084-3  
Cell#0333-9146985

29 JUL 2021

**ATTESTED**







Ph: 091-9210544 Fax: 091-9210182

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OFFICE OF THE  
SUPERINTENDENT

HEADQUARTERS PRISON PESHAWAR

NO. 215 /PB-dt: 21/5/2009

"A"  
Annexure

To

Mr. Kamran Khan S/O Hakeem Khan  
H.# 49958 Mohallah Temer Garhi Village Bhana Mari, P.O Ramdas, Peshawar.

Subject: APPOINTMENT AS WARDER (BPS-05).

Memo:

Reference your test/ interview for the subject post:

You are hereby offered the post of temporary Warder in BPS-05 (2780-135-6830) and other usual allowances as admissible under the rules subject to the following conditions: -

- 1- You are liable to serve anywhere in the Jails of NWFP.
- 2- Your appointment is purely temporary and your services ~~can be terminated at any time without~~ assigning any reasons during probationary period.
- 3- For all other purposes such as pay, T.A & Medical attendance etc you will be governed by the rules applicable to the Government Servants of your category.
- 4- The terms and conditions of your appointment as Warder will be those as laid down in the Warders Service Rules 1960 NWFP, Prisons Department (Recruitment, Promotion and Transfer) rules 1980 and all other rules and regulations prescribed in this respect in the Prisons Act/Pakistan Prison Rules and any other rules which may be applicable to Government Servants or the rules which may be promulgated by the Government from time to time in this behalf.
- 5- Your appointment will be subject to your Medical fitness and passing of Warders Basic Training Course.
- 6- No TA/ DA will be admissible to you on joining your first appointment. ~~prior notice or in lieu thereof, one month pay shall be forfeited from you.~~
- 8- Your appointment is subject to fulfillment of all the conditions laid down in the service rules.
- 9- You will be on probation for a period of two years extendable to one more year.
- 10- Your services shall be liable to termination without any notice if your work and conduct is found unsatisfactory during probationary period or if you fail to qualify Warders Basic Training Course.
- 11- If you accept the appointment on the above terms and conditions then you may report to the Superintendent Central Prison Haripur on 13-05-2009 to undergo Warders Basic Training Course at Warders Training School Haripur.
- 12- On your report for training, it will be taken for granted that you have accepted all the above terms and conditions and if you fail to report on 13-05-2009 for training at Central Prison Haripur, it will be presumed that you have declined to accept the offer, hence this offer of appointment shall stand cancelled.
- 13- You are directed to attend this office immediately for your Medical Examination at Police & Services Hospital Peshawar.

(MASUD-UR-RAHMAN)  
SUPERINTENDENT

HEADQUARTERS PRISON PESHAWAR

Endorsement No: 216-181

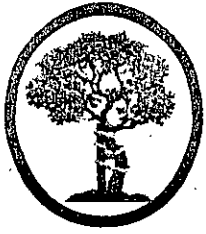
Copy forwarded to: -

- 1- The Superintendent Central Prison Haripur. He is requested to send arrival report of the Trainee to the concerned Superintendent Jail alongwith his Service Book duly completed in all respects under intimation to this Headquarters.
- 2- The Superintendent District Jail Timergara. The above named Warder is attached with his jail for the purpose of pay and allowances during training period.
- 3- The District Accounts Officer Timergara.

(MASUD-UR-RAHMAN)  
SUPERINTENDENT

HEADQUARTERS PRISON PESHAWAR  
Ph: No.091-9210544 Fax: No. 091-9210182

<Musawer/>



M.B.B.S, D. Trauma  
F.A.M.S (Ortho)  
F.V.M.A.FACH ARZT (Ortho)

Retd. Professor & Head  
Department of Orthopaedic &  
Traumatology,  
PGMI/Lady Reading Hospital,  
Peshawar.

Clinic: Al-Ibrahimi Hospital  
& Trust, 2nd Floor,  
Room No. 211-212,  
Dabgari Garden Peshawar.  
Contact #: 0300-5930306

"B"  
Arizma

# PROF. DR. S. AMJAD HUSSAIN

Date 20-3-20

Kantun Khan

Post RTA

Sever pain in  
Back unable to sit  
Properly having  
Sever spasm  
UTI with  
Frank hematuria

R  
Tab Noridals 1-1-1  
0.25 1000

- Na acid citrate  
20 1000 2 2

- Tab Framed plus  
2 1000 2

- Tab magoral  
20 1000 2

Advised rest in Bed  
for 20 days

*[Signature]*  
20/3/2020

Advised  
S.W.D x 20 days

*[Handwritten signature]*

چشمی اور جراحی ہسپتال، پشاور

Not Valid For  
Medico legal

کلینک: کمرہ نمبر 211-212،  
ابراہیمی ہسپتال اینڈ ٹرسٹ، بیکینڈ فلور، ڈبگری گارڈن پشاور  
رابطہ نمبر: 0300-5930306



M.B.B.S, D. Trauma  
F.A.M.S (Ortho)  
F.V.M.A.FACH ARZT (Ortho)

Retd. Professor & Head  
Department of Orthopaedic &  
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Peshawar.

Clinic: Al-Ibrahimi Hospital  
& Trust, 2nd Floor,  
Room No. 211-212,  
Dabgari Garden Peshawar.  
Contact #: 0300-5930306

(12)

# PROF. DR. S. AMJAD HUSSAIN

Kamran Khan

Date 20-4-20

Back ache &  
fever and  
Temp  
Abscess Back  
& Spine  
cough weight  
loss & Sputum  
TB??

روزانه ۱۰ دانه  
۱۰ دانه

R,  
Tad Nazkil  
1-1

دوئی بائی کے لئے  
10 (C) P. S  
30/4/2020

Tad Procon 500  
2x 500

Tad Penicillin  
2x 1000

- Tad Surbex 2  
2x 500

Admitted next for  
25 day

Signature  
30/4/2020

Handwritten signature

چھٹی بروز پندرہ، ہفتہ، اتوار

Not Valid For  
Medico legal

کلینک: کمرہ نمبر 211-212  
ابراہیمی ہسپتال اینڈ ٹرسٹ، یکینڈ فلور، ڈبگری گارڈن پشاور  
رابطہ نمبر: 0300-5930306

13



M.B.B.S, D. Trauma  
F.A.M.S (Ortho)  
F.V.M.A.FACH ARZT (Ortho)

Retd. Professor & Head  
Department of Orthopaedic &  
Traumatology,  
PGM/Lady Reading Hospital,  
Peshawar.

Clinic: Al-Ibrahimi Hospital  
& Trust, 2nd Floor,  
Room No. 211-212,  
Dabgari Garden Peshawar.  
Contact #: 0300-5930306

# PROF. DR. S. AMJAD HUSSAIN

Kamran Khan

Date 20-2-20

RTA @  
Seven Back ache  
unable to  
move @ power is  
Sensation cannot  
be examined due to  
Seven Pain @  
Bruises on Back

Inj volved 9/11 15 days  
Inj muscul 9/11 15 days  
4 Pain seven then  
Tendral is chips

Advised Rest for  
20 days

*S. Amjad Hussain*  
20/2/2020

*Handwritten signature*

چھٹی بروز جمعہ، ہفتہ، اتوار

Not Valid For  
Medico legal

کلینک: کمرہ نمبر 211-212،  
ابراہیمی ہسپتال اینڈ ٹرسٹ، سیکنڈ فلور، ڈبگاری گارڈن پشاور  
رابطہ نمبر: 0300-5930306

Medical & Gastroenterologist  
**Dr. Muhammad Asif**  
M.B.B.S, R.M.P, M.P.H  
M.C.P.S, F.C.P.S  
Registrar



میڈیکل اینڈ گیسٹرو انٹرا ویجسٹ  
**ڈاکٹر محمد آصف**  
ایم بی بی ایس آر ایم پی ایم پی ایچ  
ایم سی ایس پی ایس ایف سی پی ایس  
رجسٹرار

Pt's Name Kamran Khan Age 32y Sex ..... Date 20/11/2020

Clinical Record

Rx

dry

Loose

Stool

Tab. Mynim 8  
② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩ ⑪ ⑫ ⑬ ⑭ ⑮ ⑯ ⑰ ⑱ ⑲ ⑳ ㉑ ㉒ ㉓ ㉔ ㉕ ㉖ ㉗ ㉘ ㉙ ㉚ ㉛ ㉜ ㉝ ㉞ ㉟ ㊱ ㊲ ㊳ ㊴ ㊵ ㊶ ㊷ ㊸ ㊹ ㊺ ㊻ ㊼ ㊽ ㊾ ㊿  
Tab. Vith 6  
Mynim 8  
2+2+2

Signature

Medical & Gastroenterologist  
**Dr. Muhammad Asif**  
M.B.B.S, R.M.P, M.P.H  
M.C.P.S, F.C.P.S  
Registrar



157

میڈیکل اینڈ گیسٹرو انٹرا ویجٹ  
**ڈاکٹر محمد آصف**  
ایم بی بی ایس آر ایم پی ایم پی ایچ  
ایم سی ایس ایف ایس ایف ایس ایف ایس  
رجسٹرار

Pt's Name Camran Khan Age 324 Sex \_\_\_\_\_ Date 10/8/2020

Clinical Record

Rx

Gogh,

SOP

Wash/Wash

Tah, Magsim - P.  
Tah, Vith - 6  
Nizal  
Tah, Gynodax, C  
did

محمد

Medical & Gastroenterologist  
**Dr. Muhammad Asif**  
M.B.B.S, R.M.P, M.P.H  
M.C.P.S, F.C.P.S  
Registrar



161

میڈیکل اینڈ گیسٹرو انٹرو ویجسٹ  
**ڈاکٹر محمد آصف**  
ایم. بی. بی. ایس. آر. ایم. بی. ایم. بی. ایس. ایچ  
ایم. سی. بی. ایس. ایف. سی. بی. ایس.  
رجسٹرار

Pt's Name Kamran Khan Age 324 Sex \_\_\_\_\_ Date 3/5/2020

Clinical Record

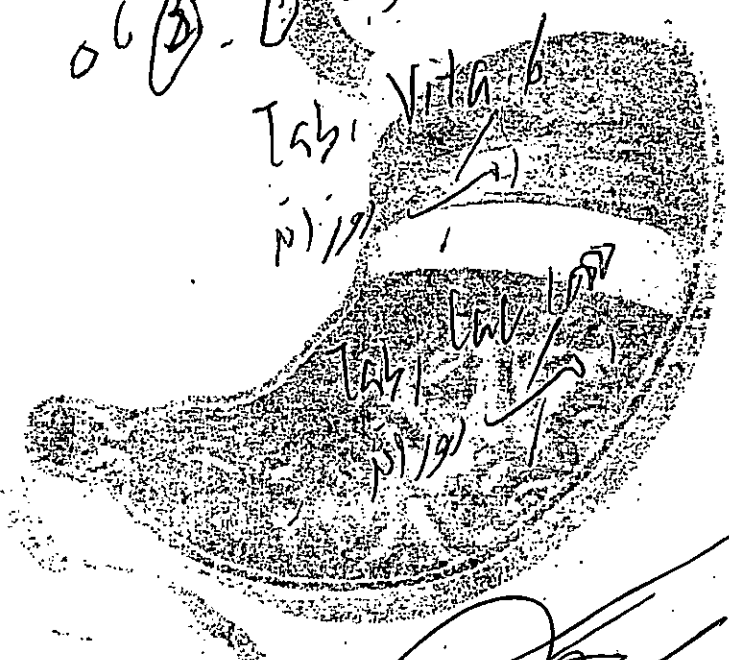
Rx

PTB  
^

Cough

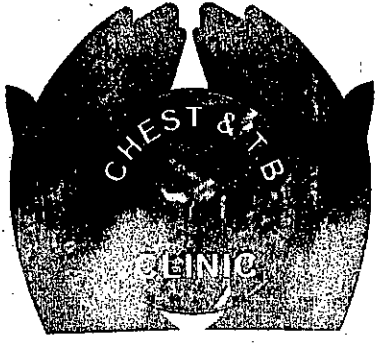
SAB

Tsh, Thyroxin P. 100mcg  
Vitamin B  
Nizol



Signature

Signature



17

پروفیسر

# ڈاکٹر مختیار زمان آفریدی

ایم آر سی پی (برطانیہ) ایف سی پی ایس (چیسٹ)

ایم سی پی ایس - ڈی ٹی سی ڈی - ڈی آئی ایم (لندن)

انچارج چیسٹ یونٹ، خیبر پونجک ہسپتال پشاور

Name

کاروان

Age 24

Sex M

Date

20/12/11

## CLINICAL RECORD

on resp. fr PEB since

1/6/11 -

feeling well

- cough/sput

- wheezing

- SOB

Spinal

rest -  
fracture - v/p

4/11  
3/11  
2/11

پروفیسر

Spinal  
COPD

WT - 62 kg

Stop Asth

- Pa vitamin  
003 a/

کلینک: گزنگائیڈ ہاؤس، نزد مشن ہسپتال ڈبگری گارڈن پشاور۔ ایڈوانس نمبر کے لیے 091-2590039 پر رابطہ کریں۔ تعطیل بروز ہفتہ اتوار





18

پروفیسر

ڈاکٹر مختیار زمان آفریدی

ایم آر سی پی (برطانیہ) ایف سی پی ایس (چیسٹ)  
ایم سی پی ایس - ڈی ٹی سی ڈی - ڈی آئی ایم - (لندن)  
انچارج چیسٹ یونٹ، خیبر پختونخوا ہسپتال پشاور

Name

کا مریز

Age 24 Sex M Date 30/6/11

CLINICAL RECORD

Kamran Khan of SS-ve  
PBB - m rct. since 1/6/11

Spontaneous  
PBB - m rct. since 1/6/11  
PBB - m rct. since 1/6/11

WT - 54 kg

Spontaneous  
PBB

Spontaneous  
PBB

at. gain. 6.

at.

at.

at.

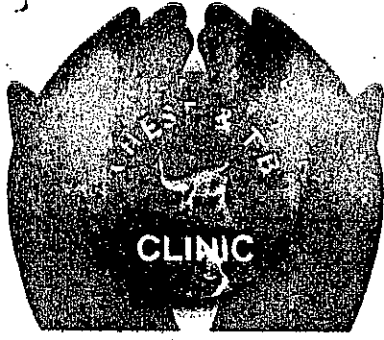
مکمل

- P. myri. P. rct. ✓  
3.5 x 1.5 x 1.5

P. rct. ✓  
1.5 x 1.5

triple c. Gn  
0.5 log α 1

مکمل



(191)

پروفیسر  
ڈاکٹر مختیار زمان آفریدی

ایم آر سی پی (برطانیہ) ایف سی پی ایس (چیسٹ)  
ایم سی پی ایس۔ ڈی ٹی سی ڈی۔ ڈی آئی ایم۔ (لندن)

انچارج چیسٹ ہونٹ، خیبر پٹنک ہسپتال پشاور

Name

کا

Age 24y Sex M Date 1/6/2011

CLINICAL RECORD

fbc / E / sputum / ca / urea / creat / resp

Case  
Pulmonary

(sputum for AFB) neg

14b  
10.5

Temp 102f  
Pulse 120/m  
BP 80/50  
w + 4 p/m

Tougher Swales 4/12  
- SOB  
- wheeze  
- tachyp  
- or w  
- sleep ok  
- malnutrition

Sp  
w/ant  
- by in  
ast  
- crackle

1/2  
3

8/11  
10/11  
12/11

4.  
- Ps myxoid p free  
S. b. x 1000 x 1000 x 1000

- Ps VITA 6  
Urbal

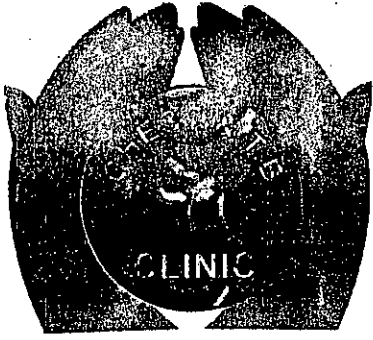
- Pas Trihemian  
6/5/3 al

- Pas motilin  
220 (MCC) 1.1/1.1

Pas C/E = 80  
w 4 = 4.

Handwritten signature

Handwritten mark



20

پروفیسر

# ڈاکٹر مختیار زمان آفریدی

ایم آر سی پی (برطانیہ) ایف سی پی ایس (چیسٹ)  
ایم سی پی ایس - ٹی سی ڈی - ڈی آئی ایم (لندن)  
انچارج چیسٹ یونٹ، خیبر ٹیچنگ ہسپتال پشاور

Name جی 126 Age 24 Sex M Date 11/06/2011

## CLINICAL RECORD

Spine 5-8  
Cerv 3-8

Temp 98.2  
Pulse 96/m.  
BP 100/70  
wt 60kg

Palpable wll  
Grapho steno  
oligoneuro  
hyporeflexia  
ancl

on app on li  
1/6/11  
hi 175

-raj flunk 1/6/11

Continue rep

جی 126



213

C

9

OFFICE OF THE SUPERINTENDENT CIRCLE HQS. PRISON MARDAN

No. \_\_\_\_\_ / PB Dated. 28/01/2020. E-Mail;-mardanjail@gmail.com 0937-843114  
OFFICE ORDER.

**WHEREAS**, the accused official Mr Kamran s/o Hakim Khan 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 wilful absence WEF 21-10-2019, and a notice at his home address was served upon him vide this Headquarters No. 1725/PB dated 05-12-2019.

**AND WHEREAS**, due to no response from him, another notice was published in the leading newspapers of the Province, "Daily Express" Peshawar on 10-01-2020 and "Daily Aaj" Peshawar on 11-01-2020 as provided under the rules ibid.

**AND WHEREAS**, the accused official failed to resume duties till date as reported by the Superintendent Central Prison Mardan his report dated 28.01.2020.

**NOW THEREFORE**, in exercise of the powers conferred under Rule-9 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, the undersigned being competent authority after observing all legal procedural formalities, hereby award the major penalty of "**Removal from service**" with immediate effect to Mr. Kamran s/o Hakim Khan attached to Central Prison Mardan for his misconduct/wilful absence WEF 21-10-2019 to 28-01-2020. He is not entitled for any remuneration for the absence period under rule 19 of the Khyber Pakhtunkhwa Government Servant Revised Leave Rules 1981.

SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

Endst: No. 177-87 / Dated. 28/01/2020.

Copy of the above is forwarded to:-

1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information please.
2. The Superintendent Central Prison Mardan.
3. The Superintendent District Jail Timergara.
4. The District Accounts Officer, Mardan.


For information and necessary action please.

5. Mr. Kamran S/O Hakim Khan R/O House No.45998 Mohallah Timergari; PO Ramdaas, Bhana Mari, Tehsil & District Peshawar for information please.

SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

*Handwritten notes:*  
Kamran  
s/o  
Hakim Khan  
R/O  
House No. 45998  
Mohallah Timergari  
PO  
Ramdaas  
Bhana Mari  
Tehsil & District  
Peshawar

To,



The inspector General Prison Khyber Pakhtunkhwa  
Peshawar

REPRESENTATION IN RESPECT TO RE-INSTA TE THE APPELLANT INTO HIS SERVICE KEEPING IN VIEW DUE TO THE SEVERE DISEASE OF TUBER CLASSIS AND LUMBER SPINE THE APPELLANT WAS UNABLE TO MOVE AND REMAINED ON THE BED FOR A LONG PERIOD, MOREOVER THE CORONA I.E COVID-19 PANDEMIC DISEASE HAS ALSO SERIOUSLY AFFECTED THE WHOLE FAMILY/FATHER AND THAT WAS ALSO THE REASON OF ABSENCE FROM THE SERVICE THE DETAIL OF MEDICAL DOCUMENTS IS ATTACHED.

Respected Sir,

The appellant has served your goodself department for more than 12 years without having any departmental issue. Due to the aforesaid diseases, the appellant was unable to attend his office/duty but on each and every day the family members have informed the colleagues/competent authority from the unfortunate incident and from extremely severe diseases. Unfortunately the undersigned, when recovered from the ailment, was astonished to know that the appellant has been removed from service vide the attached impugned letter and just after the information the appellant has previously too moved similar nature of appeal but no heed has been given to that. And now through the instant Departmental Appeal very humbly request your good self to kindly re-instate the appellant into service with all back benefits and the impugned order dated 28.01.2020 which has been passed without any inquiry and show cause notice, which is mandatory as per law. The appellant being the only person who could accomplish the daily pursuits of the family. Hence very humbly requested that do mercy upon the appellant and may kindly be re-instated into service.

Yours truly



Kamran Khan

S/O Hakeem Khan

Ex-Warder Constable (Prisons)

R/O House No.45988,

Mohallah Timargarhi,

P/O Ramdas Bana Mari,

Tehsil and District, Peshawar.

Dated:-15.04.2021



23

OFFICE OF THE  
INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR

91-9210334, 9210406

091-9213445

No. Estb/Ward-/Orders/ 178171-

Dated 15-06-2021-

**ORDER**

WHEREAS, **Warder Kamran S/O Hakeem Khan** while attached to Central Prison Mardan was awarded the major penalty of "**Removal from Service**" by Superintendent HQs Prison Mardan vide his office order No. 177-81 dated 28-01-2020 due to his willful absence from duty w.e.f 21-10-2019 to 28-01-2020.

**AND WHEREAS**, the said **Warder** preferred his departmental appeal for setting-aside the penalty awarded to him, which was examined in light of the available record of the case and it was observed that his appeal is time-barred and penalty awarded to him by the competent authority due to his willful absence from duty w.e.f 21-10-2019 to 28-01-2020 after observing all legal and codal formalities as required under the E&D Rules 2011.

**NOW THEREFORE**, keeping in view the facts on record, 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 time-barred and without any substance.

INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA, PESHAWAR.

ENDST; NO. 17818-2011.

Copy of the above is forwarded to-

1. The Superintendent, Headquarters Prison Mardan for information and necessary action with reference to his order referred to above.
2. The Superintendent Central Prison Mardan 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.
3. Ex-Warder Kamran S/O Hakeem Khan R/O House No.45988 Mohallah Timargarhi P/O Ramdas Bhana Mari Tehsil and District Peshawar for information.

ASSISTANT DIRECTOR  
INSPECTORATE GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR

*Handwritten notes:*  
Mr. Farid Sy  
malak Sy  
Mazhar Sy  
Mazhar Sy  
Mazhar Sy

29

15

# ECHOCARDIOGRAPHY REPORT

Address: Abaseen Hospital 3<sup>rd</sup> Floor, Dabgari Garden Peshawar City phone 0300-5865987

Name: Haji Hakim

Age: 65 Yrs

Date: May 27, 2021

Address: Peshawar

Sex: Male

ADULT				DOPPLER		
#	PARAMETER	Dimension (cm)	Adult	GRADIENT	Peak mmHg	Mean mmHg
1.	Left Ventricular Diameter (end diastole)	3.9	3.5-5.7	Mitral valve		
2.	Left Ventricular Diameter (end systole)	2.5		Tricuspid Valve		
3.	Right Ventricular Diameter	1.9	0.9-2.6	Aortic valve		
4.	Interventricular septal thickness (diastole)	1.2	0.6-1.1	Pulmonary valve		
5.	Left ventricular posterior wall thickness (diastole)	1.2	0.6-1.1	VSD gradient		
6.	Aortic root diameter	2.5	2.0-3.7	<b>REGURGITATION</b>		
7.	Left atrial dimension	2.8	1.9-4.0	Mitral valve		
8.	Fractional shortening	34%	30-44%	Tricuspid valve		
9.	Ejection fraction	63%		Aortic valve		+1
10.	Mitral valve area		cm <sup>2</sup>	Pulmonary Valve		
11.	VSD size		cm	<b>HAEMODYNAMICS (mmHg)</b>		
				RVSP		
				Pulmonary artery		
				Systemic BP		
				Doppler Mitral valve area		cm <sup>2</sup>

### 2D COMMENTS:

- LA is normal in size.
- LV is normal in size with preserved systolic function.
- RV is normal in size with preserved function.
- Aortic valve is sclerotic.
- No definite segmental wall motion abnormalities seen.
- IVS/PW are increased in thickness.
- No definite ASD/VSD seen.
- No LA or LV clot seen.
- No pericardial effusion seen.

### DOPPLER COMMENT:

- E/A ratio is reversed.
- AR documented.

### CONCLUSION:

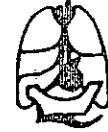
- ❖ Preserved LV systolic function.
- ❖ LV diastolic dysfunction (Grade-1).
- ❖ Mild AR.
- ❖ Mild concentric LVH.

*Handwritten signatures and notes:*  
 malak Sajid  
 nawaz  
 Haji Hakim

*Signature:* Dr. Sher Bahadar Khan  
 MBBS, MCPS (Medicine), FCPS (Cardiology)  
 Fellowship in Interventional Cardiology (IJN)  
 Associate Professor, Cardiology Department,  
 Lady Reading Hospital, Peshawar.

Date: 07-05-21 No: .....

HCC Reg No: 02283  
PMDC No: 2363-N



PRESENTING COMPLAINTS:

Chest  
SOP

سینه

DR. SHAUKAT ALI  
M.B.B.S, M.D., D.T.C.D. (Pb) D.T.D.E. JAPAN  
PHYSICIAN, CHEST AND TB SPECIALIST

Handwritten notes in Urdu, possibly describing symptoms or patient history.

CLINICAL ASSESSMENT

Temp..... 36.5

BP.....

Pulse.....

Wt.....

R.S.....

C.V.S.....

P.F.....

کلینک: نیو غیاث آباد، تیرگرہی، رامداس چوک پشاور، ۱  
بروز جمعہ کلینک بند رہیگا۔

Handwritten notes in Urdu, including 'Pul Med' and 'Medicine', with a circular stamp containing the number '10' and a signature.

Handwritten notes in Urdu, including 'Pul Med' and '22'.



Dr. Sher Bahadar Khan  
(Interventional Cardiologist)  
M.B.B.S, M.C.P.S (Medicine), F.C.P.S (Cardiology)  
Fellowship Interventional Cardiology (IJN)

26

27 MAY 2021

Associate Professor:  
Department of Cardiology,  
Medical Teaching Institute,  
Lady Reading Hospital Peshawar.

حاجی  
حکیم صاحب

CLINIC:  
C-10 Abaseen Hospital,  
Dabgari Garden, Peshawar.  
Appointment: 0300-5865987

chest pain / SOB on lying ~~and~~ → an end-off!

ETT

135/77

98

T. vadal 6.25  
5 - 1/2 - 1/2  
Sangobin

T. Sangiolon  
1 - 1/2

T. Prothadine  
1 - 1/2

T. Spiramide 20 P  
1 - 1/2

T. Zosartan K P  
50

ایسویسی ایٹ پرو فیسر ڈاکٹر شیر بہادر خان کلینک نمبر C-10 اباسین ہسپتال ڈبگری گارڈن پشاور 93

PMDC #: 9038-N

کلینک (پیرتاچہ): نمبر اور رابطہ کیلئے فون: 0300-5865987

(28)

# EXERCISE TOLERANCE TEST

AKBAR MEDICAL CENTER DABGARI GARDEN PESHAWAR.

Name: <u>Haji HARIQ KHAN</u>	Age: <u>65</u>	Sex: <u>M</u>	Date: <u>27-5-21</u>
------------------------------	----------------	---------------	----------------------

## Exercise Protocol BRUCE / MODIFIED-BRUCE

<ul style="list-style-type: none"> <li>Resting Heart Rate: <u>99</u> / min</li> <li>Target Heart Rate: <u>155</u> / min</li> <li>Peak Heart Rate: <u>148</u> / min</li> <li>% Target Heart Rate: <u>95.48</u></li> <li>Exercise Time: <u>8:30</u> min</li> <li>Limiting Factors: Fatigue / <u>Angina</u> / Dizziness</li> </ul>	<ul style="list-style-type: none"> <li>Rest BP <u>130/70</u> mm/Hg</li> <li>Peak BP <u>270/</u> mm/Hg</li> <li>BP Response: <u>100</u></li> </ul> <p>Normal.</p> <p><u>Hypertensive.</u></p> <p>Hypotensive</p>
---	---

Resting ECG \_\_\_\_\_

Peak Exercise ECG: Significant ischemic changes absent / present.

Post Exercise ECG: Significant ischemic changes absent / present.

Arrhythmias noted: Nil / \_\_\_\_\_

### CONCLUSION

negative for Angina.  
negative for Ischemia.

*[Handwritten signature]*

Consultant Cardiologist



POWER OF ATTORNEY

Ref.# \_\_\_\_\_ IN THE COURT OF Honorable Saeed Tribunal Peshawar Date: \_\_\_\_\_  
Kamran Khan

(Petitioner)  
(Appellant)  
(Plaintiff)

Versus

Inspector General of Prisons <sup>other</sup>  
(Defendant)  
(Respondent)

I/We, the undersigned do hereby nominate and appoint

**TAIMUR HAIDER KHAN**  
ADVOCATE, HIGH COURT

On behalf of appellant  
Know all to whom these presents shall come that I/We the undersigned appoint; the above named Advocate in District Peshawar in the above mentioned case to do all the following acts, deeds and things.

1. To act, appear and plead in the above mentioned case in this court or any other court in which same may be tried or heard in the first instance or in appeal or review or revision or application or at any other stage of its progress until its final decision.
2. To present pleadings, appeals, case objection or petitioners for execution, review, revision; withdrawal, compromise or other petitions or affidavits or other documents as shall be deemed necessary or advisable for the prosecution/defence of the said case at all stages.
3. To withdraw or compromise the said case or submit to arbitration any difference or disputes that shall arise touching or any manner relating to said cause.
4. To employee, authorize any other legal practitioner to assist or exercise the power in authority hereby conferred on the advocate whenever he may think to do so.

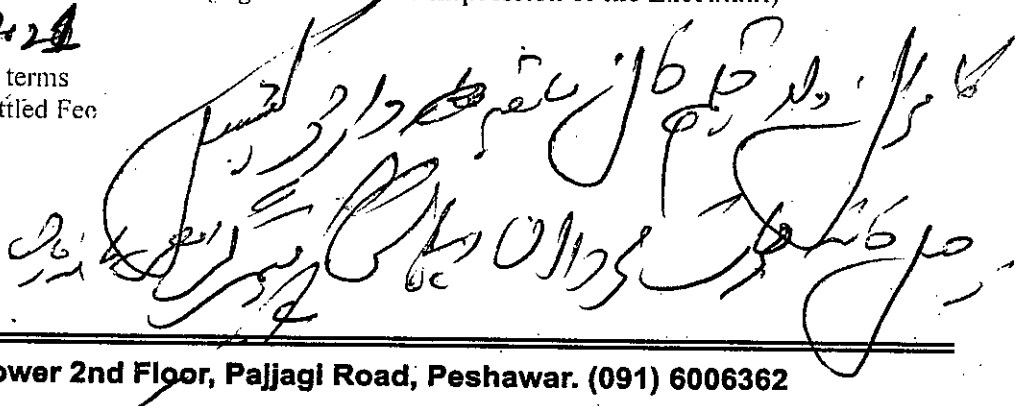
AND I/We, hereby agree to ratify whatever the advocate or his substitute shall do in this behalf and I/We hereby agree not to hold the advocate or his substitute responsible for the result of the case in consequences of his absence from the Court when the said case is called up for hearing.

AND I/We in case of expiry of the said advocate any full fee or part payment thereof, will not claim in any manner whatsoever, or in case of disengagement of the said advocate will not make any claim regarding fee.

  
(Signature/thumb impression of the Executant)

Dated: 28-7-2024  
Accepted subject of the terms  
And full payment of Setfiled Fee

Taimur Haider Khan  
Advocate, High Court



*Handwritten notes:*  
Mkaf a  
malak  
nawaz

*Handwritten notes:*  
17301-06/2089-3  
0333-9141881

بعدالت

مدرسہ قمریہ ہونہا

کامرا الیصال 2 و پنجاب  
کامرا الیصال بنام محمد علی

مورخہ  
مقدمہ  
دعویٰ  
جرم

### باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی کا کاروانہ متعلقہ

آن مقام کے 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 پر حلف دیئے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک دروپس اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائی پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی  
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت  
مقدمہ مذکور 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 بھی وہی جملہ مذکورہ بااختیارات حاصل ہوں گے  
اور اس کا ساختہ پرداختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جائے التوائے مقدمہ کے  
سبب سے وہ ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوگا۔  
گے کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

ماہ

المرقوم

Accepted

Attested  
20

مقام

الع العواہ کے لئے منظور ہے۔

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

In the matter of

Service appeal No.7202 of 2021

Kamran Khan S/O Hakeem Khan, EX-Warder..... (Appellant)

**VERSUS**

1. The Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
2. The Superintendent Central Prison, Mardan..... (Respondents)

**INDEX**

<b>S.NO.</b>	<b>DESCRIPTION OF DOCUMENTS</b>	<b>Annex</b>	<b>Page No.</b>
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2-	Affidavit	-	3
3-	Service record of the appellant	A	4-5
4-	Copy of Prisons-Rule 1096/1083	B	6-7
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8-	Departmental appeal	F	12
9-	Worthy IG Prison Office Order passed on Departmental appeal	G	13

  
**Deponent**

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

In the matter of

Service appeal No.7202 of 2021

Kamran Khan S/O Hakeem Khan, EX-Warder..... (Appellant)

**VERSUS**

1. The Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
2. The Superintendent Circle Headquarters Prison, Mardan.....(Respondents)

**SUBJECT: JOINT PARA-WISE COMMENTS ON BEHALF OF RESPONDENT NO. 01 & 02.**

**RESPECTFULLY SHEWETH:-**

**PRELIMINARY OBJECTION:**

1. That the appeal is incompetent, badly time barred and is not maintainable in its present form.
2. That the appellant is estopped by his own conduct to bring the present appeal.
3. That the appellant has got no cause of action.
4. That the appellant has got no locus standi to file the present appeal.
5. That the appeal is bad for mis-joinder and non-joinder of necessary party.
6. That the appeal is hit by laches.


**OBJECTION ON GROUNDS:**

1. Incorrect and misleading. His past is blemished.(His complete service record is attached as Annexure "A")
2. Incorrect and misleading. As the appellant admitted himself that he was willful absent from 21-10-2019 to 28-01-2020 due to illness of his father and he was unable to proceed to the office/Prison for the performance of duty while no application for granting leave has been submitted to Superintendent Jail. As per rule 1083/1096 of Khyber Pakhtunkhwa Prison Rules 2018 (Copy attached as Annexure "B") grant of all kinds of leave shall rest with the Superintendent Jail i.e. if certificate of sickness granted by medical officer then it shall be communicated to Superintendent Jail. But here the appellant did not communicate any kind of Medical rest to the competent authority and as per rule 1083 of Khyber Pakhtunkhwa Prison Rules "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. Thus his plea that he was seriously ill and was unable to report for duties is without any substance and the appellant did not follow rules 1083 & 1096 of Khyber Pakhtunkhwa Prison Rules is a misconduct and inefficiency on the part of appellant.
3. Incorrect and misleading. As per rule 1096 of Khyber Pakhtunkhwa Prison Rules 2018 and standard procedure Medical rest and Medical fitness must be communicated to Superintendent Jail but the appellant didnot follow rules and procedure and any kind of medical rest or medical fitness wasnot communicated to the competent authority.

4. Incorrect and misleading, the appellant was Removed from Service as per Rule 9 of the Khyber Pakhtunkhwa Government Servant Efficiency & Discipline Rules 2011 was followed in letter and spirit. As per the aforesaid rule Absence Notice No. 1725/PB dated 05-12-2019 was posted at his home address (**Copy attached as Annexure "C"**) but the petitioner failed to report for duty at District Jail Timergara. consequently, absence notice was published in daily Express Peshawar on 10-01-2021 and daily AJJ Peshawar on 11-01-2020 (**Copy attached as Annexure "D"**) but appellant failed to report for duty. Thus, as required under the aforesaid rules ex-parte action was taken against him and major penalty of Removal from Service was imposed upon the appellant vide Order No. 176/PB dated. 28-01-2021 of the Superintendent Circle Headquarter Prison Mardan. (**Copy attached as Annexure "E"**).
5. Correct the appellant submitted Departmental appeal before Inspector General of Prisons, Khyber Pakhtunkhwa, for setting aside the said penalty awarded to him. Inspector General of Prisons, Khyber Pakhtunkhwa upheld decision of the competent authority and rejected appeal of the appellant being time-barred vides his office order No. 17817 dated. 15-06-2021. (**Copy attached as Annexure "F"**).
6. Incorrect & misleading, the appellant willfully absented himself from duties and didnot communicate any kind of Medical leave as required under rules1083 of Khyber Pakhtunkhwa Prison Rules 2018. (**Copy attached as Annexure "G"**).
7. Incorrect & misleading, detailed reply is elaborated in Para-04 above.
8. Incorrect & misleading, the respondents after observing codal formalities awarded him such penalty.
9. Incorrect & misleading, the appellant violated mandatory provision of Khyber Pakhtunkhwa Prison rule No. 1083 of 2018.
10. Incorrect & misleading, as elaborated in Para-09 above.
11. Incorrect and not admitted. The respondents dealt him according to Law which given a mechanism for leave.
12. No Comments.

**PRAYER**

It is therefore humbly prayed that on acceptance of Joint Para-wise comments on behalf of respondents No. 01 and 02 the appeal of the appellant may kindly be dismissed being devoid of merit and Law.

  
**INSPECTOR GENERAL OF PRISONS**  
**KHYBER PAKHTUNKHWA PESHAWAR**  
**(RESPONDENT NO. 01)**

31/12/2021

  
**SUPERINTENDENT**  
**CIRCLE HQS PRISON MARDAN**  
**(RESPONDENT NO. 02)**

  
**Superintendent**  
**Circle Headquarters Prison**  
**Mardan**

**BEFORE THE HONORABLE SERVICE TRIBUNAL PESHAWAR**

In the matter of

Service appeal No.7202 of 2021


Kamran Khan S/O Hakeem Khan, EX-Warder..... (Appellant)

**VERSUS**

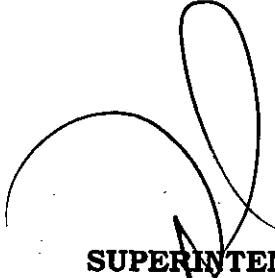
1. The Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
2. The Superintendent Circle Headquarters Prison, Mardan.....(Respondents)

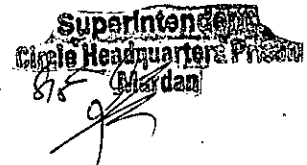
**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 1 & 2.**

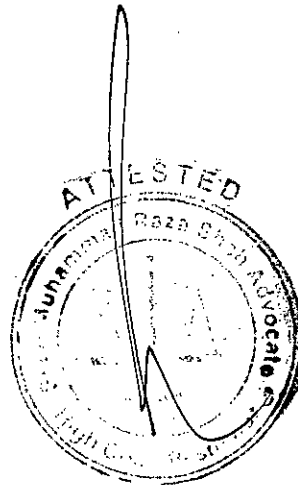
We the following respondents do hereby solemnly affirm and declare that the contents of Joint Para-wise Comments are true and correct to the best of our Knowledge and belief and nothing have been concealed from this Honorable Service Tribunal.

  
**INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA PESHAWAR  
(RESPONDENT NO. 01)**

31/12/2021

  
**SUPERINTENDENT  
CIRCLE HQS PRISON MARDAN  
(RESPONDENT NO. 02)**

  
Superintendent  
Circle Headquarters Prison  
Mardan





**BEFORE THE HONORABLE SERVICE TRIBUNAL PESHAWAR**

In the matter of  
Service Appeal No.7202 /2021

**Kamran Khan Ex-Warder.....(Appellant)**

**VERSUS**

1- Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar and  
others **(Respondents).**

**AFFIDAVIT**

I, Miss Lubna Bib Law Officer(BPS-17) attached to I.G Prisons Khyber Pakhtunkhwa, Peshawar do hereby solemnly affirm and declare on oath that the contents of the joint para-wise comments submitted by Respondents No.1 and 2 are correct to the best of my knowledge and belief and nothing has been kept concealed from this Honorable Service Tribunal.

**DEPONENT**



**Luna Bibi  
Law Officer (BPS-17)**

**Office of Inspector General of Prisons  
Khyber Pakhtunkhwa Peshawar**



*Sube*  
*06-7-22*



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

No. 20/43  
Dated 22-6-2022

## **AUTHORITY LETTER**

Mst.Lubna Bibi, 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 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 Additional Advocate General Khyber Pakhtunkhwa at Peshawar on each and every date of hearing, on behalf of the Inspector General of Prisons Khyber Pakhtunkhwa .

*Hasan*  
INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR  
*mf*



**SERVICE HISTORY/ PUNISHMENT AWARDED TO EX- WARDER KAMRAN KHAN S/O HAKEEM KHAN.**

1.	Name with Parentage	Kamran Khan S/O Hakeem Khan
2	Rank	Warder (BPS-05)
3	Date of Birth	09-04-1987
4	Date of Appointment	12-05-2009
5	Punishment awarded during his entire service with date and nature of offence	<p><b>1-</b> While entering for duty inside the Jail, was found in possession of Charas weight about 300 gram. <b>Termination from Service</b> vide Superintendent Circle HQs Prison Peshawar Order No. 1387 dated. 28-06-2010.</p> <p><b>2-</b> He is <b>exonerated</b> from the Charge leveled against him and he is <b>Re-Instated</b> into Service with immediate effect.</p> <p><b>3-</b> While supplying Mobile Phones to the inmates inside the Jail <b>Place under suspension</b> with immediate effect vide Superintendent Circle HQs Prison Peshawar, PB Order No. 2268-71 dated 12-09-2014.</p> <p><b>4-</b> On 02/06/2015 he is <b>Re-Instated</b> into Service with immediate effect and he is awarded the penalty of <b>"Two increment stopped without future effect"</b>.</p> <p><b>5-</b> <b>"Two increment stopped" and his absence period w.e.f. 12-12-2015 to 11-02-2016 (61) days is hereby treated without pay</b> vide Superintendent Circle HQs Prison Mardan Order No. 496-500 dated. 15-02-2016.</p> <p><b>6-</b> Absence period w.e.f. 14-09-2015 to 27-09-2015 (14) days is hereby treated as <b>without pay</b> vide Superintendent Circle HQs Prison Mardan Order No. 1101-03 dated. 29-02-2016.</p> <p><b>7-</b> Absence period w.e.f. 09-06-2016 to 15-06-2016 (06) days and 07-07-16 to 12-07-2016 (04) days is hereby treated as <b>without pay</b> vide Superintendent Circle HQs Prison Mardan Order No. 5863-64 dated. 11-08-2016.</p> <p><b>8-</b> Absence period w.e.f. 14-08-2016 to 16-08-2016 (02) days is hereby treated as <b>without pay</b> vide Superintendent Circle HQs Prison Mardan Order No. 6786-87 dated. 22-09-2016.</p>



Ammedulla "A" (4)

OFFICE OF THE  
SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN  
E mail. mardanjail@gmail.com  
Phone. 0937-843114

- 9- Absence period w.e.f. 19-09-2016 to 21-09-2016 (02) days is hereby treated as **without pay** vide Superintendent Circle HQs Prison Mardan Order No. 7510-12 dated. 18-10-2016.
- 10- **Removal from service** with immediate effect vide Superintendent Circle HQs Prison Peshawar Order No. 4071/PB dated. 14-12-2017.
- 11- Upon acceptance to Departmental appeal his major penalty of Removal from service has been converted in to minor penalty of "**Withholding of annual increments for 03 years** and re-instated into service. The intervening period i.e. from 14-12-2017 to 15-03-2018 has been treated as **without pay** Superintendent Circle HQs Prison Peshawar Order No. 8706/PB dated. 15-03-2018.
- 12- **Placed under suspension** vide Superintendent Circle HQs Prison Haripur Order No. 2187/PB dated. 31-10-2018.
- 13- "**Censured**" and absence period w.e.f. 19-06-2018 to 30-06-2018 (12) days and 02-08-2018 to 25-08-2018 (15) days and 21-10-2018 to 25-10-2018 (04) days is hereby treated as leave on **medical grounds** and Re-instated into service with immediate effect.
- 14- "**One increment stopped for one year**" and his **absence period w.e.f.** 07-04-2019 to 03-05-2019 (26) days is hereby treated **without pay** vide Superintendent Circle HQs Prison Mardan Order No. 851-54 dated. 14-06-2019.
- 15- **Removal from service** from the date of absence for his Mis-conduct/ willful absence from duty w.e.f 21-10-2020 to 28-01-2020 vide Superintendent Circle HQs Prison Mardan Order No. 127-81 dated. 28-01-2020.

SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

Superintendent  
Circle Headquarters  
Mardan  
8/8

8

Annexure B

**1096. Grant of leave by whom sanctioned.**---(1) Leave, other than casual leave, to Deputy Superintendents, Senior Assistant Superintendents, Assistant Superintendent, Budget and Accounts Officer, Clerical Staff, Teacher, Instructor, Psychologist, Junior Pharmacy Technician, etc., shall be sanctioned by the Appointing Authority but any officer to whom a certificate of sickness is granted by the Medical Officer, may be allowed to proceed on leave in anticipation of the sanction of the Inspector General.

(2) In the case of others, the grant of all kinds of leave shall rest with the Superintendent.

(3) Application for leave from officers mentioned in sub-rule (1) shall be submitted to the Inspector General one month before the date on which the leave is required.

Attested

Assistant Superintendent  
Central Prison Mardan

## OFFICE OF THE SUPERINTENDENT CIRCLE HQS. PRISON MARDAN

Circle HQs Mardan Circle HQs Mardan Circle HQs Mardan Circle HQs Mardan Circle HQs Mardan Circle HQs Mardan Circle HQs Mardan Circle HQs Mardan Circle HQs Mardan Circle HQs Mardan Circle HQs Mardan Circle HQs Mardan

No. 1725 /PB Dated: 05/12/2019, E-Mail: mardanjail@gmail.com, 0937-843114

To

 Warder Kamran s/o Hakeem Khan,  
 R/O House No.45998Mohallah Timergari, PO Ramdaas, Bhana Mari,  
 Tehsil & District Peshawar.

 Subject: **ABSENCE NOTICE.**

You were relieved on 18.10.2019 (AN) by the Superintendent Central Prison Mardan upon transfer to District Jail Timergara vide Superintendent Circle Headquarters Prison Mardan Order No. 1443/PB dated 10/10/2019, allowing three (03) days joining time but you failed to report for duty at District Jail Timergara and your above mentioned transfer order was cancelled vide this office order No. 1550/PB dated. 07-11-2019 but you failed to report to Central prison Mardan nor District Jail Timergara and are absent up to date.

You are directed to report for duties at Central Prison Mardan within fifteen (15) days of the receipt of this notice otherwise you will be proceeded against under the Government of Khyber Pakhtunkhwa (Efficiency & Discipline) Rules 2011 which can culminate in removal from service.

Endst. No: 1726-28/

Copy of the above is forwarded to:-

- 1- The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information please.
- 2- The Superintendent Central Prison Mardan for information please.
- 3- The Superintendent District Jail Timergara for information with reference to his office letter No. 1957 dated. 04-12-2019 please.

 SUPERINTENDENT  
 CIRCLE HQS. PRISON MARDAN

 SUPERINTENDENT  
 CIRCLE HQS PRISON MARDAN

 Assistant Superintendent  
 Central Prison Mardan



# آج پشاور 11 جنوری



**پشاور کے لیے پریوزنگ جاری رہے گا**  
 پشاور کے لیے پریوزنگ جاری رہے گا۔ پشاور کے لیے پریوزنگ جاری رہے گا۔ پشاور کے لیے پریوزنگ جاری رہے گا۔ پشاور کے لیے پریوزنگ جاری رہے گا۔ پشاور کے لیے پریوزنگ جاری رہے گا۔

## پشاور کے لیے پریوزنگ جاری رہے گا

پشاور کے لیے پریوزنگ جاری رہے گا۔ پشاور کے لیے پریوزنگ جاری رہے گا۔ پشاور کے لیے پریوزنگ جاری رہے گا۔ پشاور کے لیے پریوزنگ جاری رہے گا۔ پشاور کے لیے پریوزنگ جاری رہے گا۔

## پشاور کے لیے پریوزنگ جاری رہے گا

پشاور کے لیے پریوزنگ جاری رہے گا۔ پشاور کے لیے پریوزنگ جاری رہے گا۔ پشاور کے لیے پریوزنگ جاری رہے گا۔ پشاور کے لیے پریوزنگ جاری رہے گا۔ پشاور کے لیے پریوزنگ جاری رہے گا۔

## نوٹس غیر حاضری

آپ کے نام پر مندرجہ ذیل نوٹس جاری ہیں۔  
 1. 10.10.2019 کے نوٹس میں سے غلطیوں کی تصحیح  
 2. 18.10.2019 کے نوٹس میں سے غلطیوں کی تصحیح  
 3. 07.11.2019 کے نوٹس میں سے غلطیوں کی تصحیح  
 4. 03.12.2019 کے نوٹس میں سے غلطیوں کی تصحیح  
 5. 15.12.2019 کے نوٹس میں سے غلطیوں کی تصحیح

**سرکل ہیڈ کوارٹر جیل مردان**  
 Attested

Assistant Superintendent  
 Central Prison Board

10/01/2020

روزنامہ ایکسپریس مورچہ

اسٹریٹ پوسٹ آف جرنلس  
گورنمنٹ کی انٹرنیٹ سائٹ

گورنمنٹ پوسٹ آف جرنلس کی ویب سائٹ پر  
اسٹریٹ پوسٹ آف جرنلس کی انٹرنیٹ سائٹ  
پر اپنی پوسٹ آف جرنلس کی انٹرنیٹ سائٹ  
پر اپنی پوسٹ آف جرنلس کی انٹرنیٹ سائٹ  
پر اپنی پوسٹ آف جرنلس کی انٹرنیٹ سائٹ  
پر اپنی پوسٹ آف جرنلس کی انٹرنیٹ سائٹ



گورنمنٹ پوسٹ آف جرنلس کی انٹرنیٹ سائٹ

ولس غیر حاضری

پہلے گورنمنٹ پوسٹ آف جرنلس کی انٹرنیٹ سائٹ پر  
اسٹریٹ پوسٹ آف جرنلس کی انٹرنیٹ سائٹ  
پر اپنی پوسٹ آف جرنلس کی انٹرنیٹ سائٹ  
پر اپنی پوسٹ آف جرنلس کی انٹرنیٹ سائٹ  
پر اپنی پوسٹ آف جرنلس کی انٹرنیٹ سائٹ  
پر اپنی پوسٹ آف جرنلس کی انٹرنیٹ سائٹ

INF(P)137/20 ... مرکزی ہیڈ کوارٹرز مل مردان

OFFICE OF THE MEDICAL SUPERINTENDENT  
BACHA KHAN MEDICAL COMPLEX SWABI  
0322-241-92-94-78219 (Fax: 0322-241-78211) Email: [mswabi@pwsabi.gov.pk](mailto:mswabi@pwsabi.gov.pk)

Attested  
Assistant Superintendent  
Central Prison Mardan





Amease "E" 9

OFFICE OF THE SUPERINTENDENT CIRCLE HQS. PRISON MARDAN

Circle HQs Mardan Circle HQs Mardan Circle HQs Mardan Circle HQs Mardan Circle HQs Mardan Circle HQs Mardan Circle HQs Mardan Circle HQs Mardan Circle HQs Mardan Circle HQs Mardan Circle HQs Mardan Circle HQs Mardan

No. 176 / PB Dated. **28/01/2020**. E-Mail; -mardanjail@gmail.com 0937-843114  
**OFFICE ORDER.**

**WHEREAS**, the accused official Mr Kamran s/o Hakim Khan 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 wilful absence WEF 21-10-2019, and a notice at his home address was served upon him vide this Headquarters No. 1725/PB dated 05-12-2019.

**AND WHEREAS**, due to no response from him, another notice was published in the leading newspapers of the Province, "Daily Express" Peshawar on 10-01-2020 and "Daily Aaj" Peshawar on 11-01-2020 as provided under the rules ibid.

**AND WHEREAS**, the accused official failed to resume duties till date as reported by the Superintendent Central Prison Mardan his report dated 28.01.2020.

**NOW THEREFORE**, in exercise of the powers conferred under Rule-9 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, the undersigned being competent authority after observing all legal procedural formalities, hereby award the major penalty of "**Removal from service**" with immediate effect to Mr. Kamran s/o Hakim Khan attached to Central Prison Mardan for his misconduct/wilful absence WEF 21-10-2019 to 28-01-2020. He is not entitled for any remuneration for the absence period under rule 19 of the Khyber Pakhtunkhwa Government Servant Revised Leave Rules 1981.

Endst: No. 177-81 / . Dated. **28/01/2020**.

Copy of the above is forwarded to:-

1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information please.
2. The Superintendent Central Prison Mardan.
3. The Superintendent District Jail Timergara.
4. The District Accounts Officer, Mardan.

For information and necessary action please.

5. Mr. Kamran S/O Hakim Khan R/O House No.45998 Mohallah Timergari, PO Ramdaas, Bhana Mari, Tehsil & District Peshawar for information please.

SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

Attested

Assistant Superintendent  
Central Prison Mardan,

22

To,

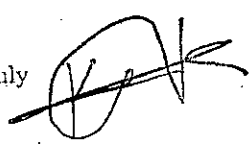
The inspector General Prison Khyber Pakhtunkhwa  
Peshawar

REPRESENTATION IN RESPECT TO RE-INSTATE THE APPELLANT INTO HIS SERVICE KEEPING IN VIEW DUE TO THE SEVERE DISEASE OF TUBER CLASSIS AND LUMBER SPINE THE APPELLANT WAS UNABLE TO MOVE AND REMAINED ON THE BED FOR A LONG PERIOD, MOREOVER THE CORONA I.E COVID-19 PANDEMIC DISEASE HAS ALSO SERIOUSLY AFFECTED THE WHOLE FAMILY/FATHER AND THAT WAS ALSO THE REASON OF ABSENCE FROM THE SERVICE THE DETAIL OF MEDICAL DOCUMENTS IS ATTACHED.

Respected Sir,

The appellant has served your goodself department for more than 12 years without having any departmental issue. Due to the aforesaid diseases, the appellant was unable to attend his office/duty but on each and every day the family members have informed the colleagues/competent authority from the unfortunate incident and from extremely severe diseases. Unfortunately the undersigned, when recovered from the ailment, was astonished to know that the appellant has been removed from service vide the attached impugned letter and just after the information the appellant has previously too moved similar nature of appeal but no heed has been given to that. And now through the instant Departmental Appeal very humbly request your good self to kindly re-instate the appellant into service with all back benefits and the impugned order dated 28.01.2020 which has been passed without any inquiry and show cause notice, which is mandatory as per law. The appellant being the only person who could accomplish the daily pursuits of the family. Hence very humbly requested that do mercy upon the appellant and may kindly be re-instated into service.

Yours truly



Kamran Khan  
S/O Hakeem Khan  
Ex-Warder Constable (Prisons)  
R/O House No.45988,  
Mohallah Timargarhi,  
P/O Ramdas Bana Mari,  
Tehsil and District, Peshawar.

Dated:-15.04.2021



OFFICE OF THE <sup>Ammeuse F</sup>  
INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR

91-9210334, 9210406

91-9213445

No.Estb/Ward-/Orders/

17817-

Dated

15-06-2021

**ORDER**

WHEREAS, **Warder Kamran S/O Hakeem Khan** while attached to Central Prison Mardan was awarded the major penalty of "**Removal from Service**" by Superintendent HQs Prison Mardan vide his office order No. 177-81 dated 28-01-2020 due to his willful absence from duty w.e.f 21-10-2019 to 28-01-2020.

**AND WHEREAS**, the said Warder preferred his departmental appeal for setting-aside the penalty awarded to him, which was examined in light of the available record of the case and it was observed that his appeal is time-barred and penalty awarded to him by the competent authority due to his willful absence from duty w.e.f 21-10-2019 to 28-01-2020 after observing all legal and codal formalities as required under the E&D Rules 2011.

**NOW THEREFORE**, keeping in view the facts on record, 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 time-barred and without any substance.

INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA, PESHAWAR.

ENDST; NO. 17818-20

Copy of the above is forwarded to-

1. The Superintendent, Headquarters Prison Mardan for information and necessary action with reference to his order referred to above.
2. The Superintendent Central Prison Mardan 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.
3. Ex-Warder Kamran S/O Hakeem Khan R/O House No.45988 Mohallah Timargarhi P/O Ramdas Bhana Mari Tehsil and District Peshawar for information.

ASSISTANT DIRECTOR  
INSPECTORATE GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR

DWG  
PB/LO

S. W. M. A.

no 1939  
17-6-21

Attested

Assistant Superintendent,  
Central Prison Mardan,

**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.

Attested  
Assistant Superintendent  
Central Prison Mardan.