

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.15876/2020

Date of Institution ... 20.10.2020
Date of Decision ... 20.07.2022

Amjad Ullah S/O Raza Khan R/O Village Ghundi Mir Khan Khel, Tehsil &
District Karak.

... (Appellant)

VERSUS

The Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar
and two others.

... (Respondents)

Ashraf Ali Khattak,
Advocate

... For appellant.

Kabir Ullah Khattak,
Additional Advocate General

... For respondents.

Rozina Rehman
Fareeha Paul


... Member (J)
... Member (E)

JUDGMENT

ROZINA REHMAN, MEMBER (J): Appellant was serving as Warder in
the respondent Department. He was removed from service on
30.07.2020. It is the legality and validity of this order which has been
challenged by him U/S 4 of the Khyber Pakhtunkhwa Service Tribunal
Act, 1974.

2. Brief facts of the case are that appellant was appointed as
Warder on 28.02.2015. He was transferred and posted to Central
Prison D.I.Khan in January, 2020. He applied for leave in order to
participate in the funeral ceremony of his mother-in-law but he was
permitted only for twelve hours and due to unavoidable circumstances,

he remained absent for three days. He contacted the Jail authority for resumption of charge but he was informed that he had been transferred to Interment Center Jail, Lakki Marwat. He waited for transfer order/relieving docket but the same was never communicated, he therefore, approached the Jail authorities on 22.07.2020 but even then, he was not handed over the relieving docket. He also came to know that he had been marked absent from 12.07.2020 to 21.07.2020. He therefore, appeared before respondent No.3 who awarded minor penalty of stoppage of two increments for two years and the alleged absence period was treated as leave without pay. The appellant resumed his duty and performed his duty from 22.07.2020 to 29.07.2020. It was on 29.07.2020 when he was granted leave for one day but when he reached home, he was informed about his transfer to Interment Center Lakki and relieving docket was sent to him on his postal home address. Again, he waited for the relieving docket but to no avail and lastly, he was informed to have been removed from service on account of absence. The impugned order was never communicated to the appellant and that he procured the impugned order through his own personal efforts and submitted departmental appeal which was rejected, hence, the present service appeal.



3. We have heard Ashraf Ali Khattak, Advocate learned counsel for the 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. Ashraf Ali Khattak Advocate, learned counsel for the appellant argued inter alia that the appellant was not treated in accordance with

law, rules and policy and the respondents acted in violation of Article-4 of the Constitution of Islamic Republic of Pakistan, 1973 and Rule-9 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 which provides that in case of willful absence for more than seven days, the competent authority shall serve the delinquent employee with notice through registered acknowledgement on his home address directing him to resume duty within 15 days of the issuance of the notice. He argued that the appellant was condemned unheard which is violation of the golden principle of law *audi alterem partem* and also against the provision of Article 10-A of the Constitution of Islamic Republic of Pakistan, 1973.

5. Conversely, learned AAG submitted that appellant was appointed as Warder (BPS-05) on 28.01.2015. His service was unsatisfactory in all jails and that in short service of about five years, there are seven red entries of punishment in his service book which shows that the appellant was never interested in his duties. He further argued that the appellant willfully absented from duty and jail premises without any cogent reason w.e.f 13.07.2020 to 22.07.2020 being habitual absentee and malingerer. That proper legal proceedings were carried out against the appellant and he was awarded punishment of removal from service after fulfillment of all codal formalities.

6. From the record it is evident that Amjad Ullah attached with Central Prison D.I.Khan was proceeded against under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 on the allegations of absentia. The impugned order dated 30.07.2020 is available on file which shows that this office order was



issued by the Superintendent Circle Headquarters Prison D.I.Khan on 30.07.2020. The appellant was charged for being absent on 30.07.2020 forenoon without the permission of Jail Administration. He was given personal hearing on 30.07.2020 as per the impugned order and major punishment of removal from service was awarded on the same date i.e. on 30.07.2020. From the office order dated 30.07.2020, it is very much evident that the entire proceedings were conducted in an authoritarian manner. Neither charge sheet alongwith statement of allegations was issued and served upon appellant nor any show cause notice was issued. No proper inquiry was conducted and just for a single day, he was proceeded against departmentally. The order is ambiguous as on one hand, he was shown absent on 30.07.2020 while on the other, he was given opportunity of personal hearing on 30.07.2020. The order of the competent authority in itself is a void order, therefore, the objection of the learned AAG in respect of delay in filing departmental appeal has got no force because no limitation runs against a void order. The order of the appellate authority is also very astonishing because the appellant was proceeded against departmentally for a single day absence on 30.07.2020, whereas, the appellate authority has mentioned his willful absence from duty w.e.f 13.07.2020 to 22.07.2020. It is worth-mentioning that for the above-mentioned period the appellant has already been awarded minor penalty of stoppage of two increments for two years but the appellate authority i.e. the Additional Inspector General of Prisons Khyber Pakhtunkhwa, Peshawar, without taking into consideration the impugned order, passed order on 21.09.2020 in

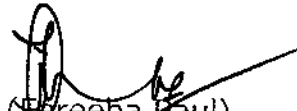



respect of the absence period for which the appellant had already been awarded minor punishment.

7. We are unison on acceptance of this appeal in the light of our observation in the preceding paras which immediately call for the acceptance of the instant service appeal. Both the orders are set aside and appellant is reinstated into service from the date of removal from service with all back benefits. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.

20.07.2022


(Preeti Paul)
Member (E)


(Rozina Rehman)
Member (J)

ORDER
20.07.2022

Appellant present through counsel.

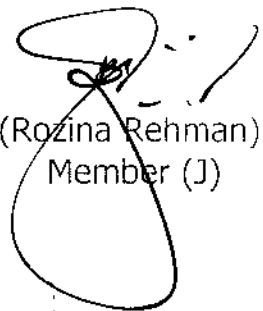
Kabir Ullah Khattak, learned Additional Advocate General for respondents present.

Vide our judgment of today of this Tribunal placed on file, instant service appeal is accepted. Both the orders are set aside and appellant is reinstated into service from the date of removal from service with all back benefits. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.

20.07.2022


(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)

12.07.2021

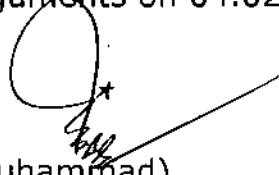
Learned Addl, A.G be reminded about the omission and for submission of reply/comments within extended time of 10 days.



Chairman

Stipulated period passed reply not submitted.

28.10.2021

Learned counsel for the appellant present. Mr. Suleman, Law Officer alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present and submitted reply/comments, copy of which handed over to learned counsel for the appellant. Adjourned. To come up for rejoinder, if any, as well as arguments on 04.02.2022 before the D.B.


(Mian Muhammad)
Member (E)


(Salah-Ud-Din)
Member (J)

04.02.2022

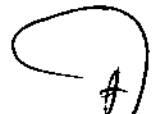
Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 16.05.2022 for the same as before.


Reader

16.05.2022

Counsel for the appellant present. Mr. Kabir Ullah Khattak learned Additional Advocate General for the respondents present.

Learned counsel for appellant requested for adjournment as he has not made preparation of the case. Adjourned. To come up for arguments before the D.B on 20.07.2022.


(Rozina Rehman)
Member (J)


(Salah-Ud-Din)
Member (J)

20 07 2022

Name for appeal.

Abid Ullah Khattak. Earned Additional Adjudicatory Council
for respondents present.

Notice has issued for appeal against his council for
26 09 2022 at head office.

(F. ... 2022)
...

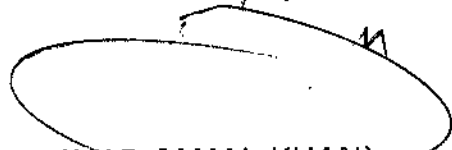
...

25.01.2021

Mr. Ashraf Ali Khattak, Advocate, for appellant is present.

The epitomical narrative of the learned counsel representing appellant is that appellant has been awarded major penalty of removal from service on account of absence for not considerable period of time sans allegiance to the law in vogue thus necessitating departmental appeal which resulted in rejection hence, the present service appeal.

The point so agitated at the bar needs consideration. The appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 21.04.2021 before S.B.


(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

21.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 15.06.2021 for the same as before.


Reader

15.06.2021

Appellant present in person.

Security and process fee have not been deposited; therefore, notices could not be issued to the respondents. Appellant has submitted an application for extension of time to deposit the same. Another opportunity is granted to the appellant to deposit security and process fee within 3 days, positively. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written 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 28.10.2021 before the D.B.

Appellant Deposited
Security & Process Fee

15/6/21

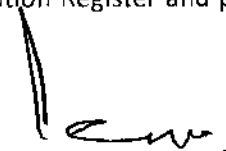


Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 15876 /2020


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/12/2020	<p>The appeal of Mr. Amjidullah resubmitted today by Mr. Ashraf Ali Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>25/01/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Amjad Khan son of Raza Khan village Ghundi Mir Khan khel District Karak received today i.e. on 20.10.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Index of the appeal may be prepared according to the Khyber Pakhtunkhwa Service Tribunal rule 1974.
- 2- Memorandum of appeal may be got signed by the appellant.
- 3- Annexures of the appeal may be attested.
- 4- Annexures of the appeal may be flagged.
- 5 In the memo of appeal name of the appellant is Amjid Ali while the documents attached with the appeal show the name of the appellant as Amjidullah the same may be rectified.
- 6 Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 3003 /S.T,

Dt. 20/10 /2020.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Ashraf Ali Khattak Adv. Pesh.

Re - submitted after attending objections.

Ashsraf

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. _____/2020

Ex-Warden Amjad UllahAppellant

VERSUS

The Inspector General of Prison, KP and others

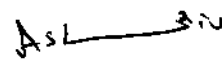
Respondents

S.No.	Description of documents.	Annexure	Page
1.	Memo of appeal with affidavit.		1-7
2.	Addresses of parties		8
3.	Copy of impugned order dated 30.07.2020	A	9
4.	Copy of departmental appeal	B	10-11
5.	Copy of rejection order dated 21.09.2020	C	12
6.	Wakalatnama		13

Dated: 20.10.2020


Appellant

Through


Ashraf Ali Khattak
Advocate High Court

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

Service Appeal No. 65876 /2020

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 11804

Dated 20/10/2020

Ex-Warden Amjad Ullah S/o Raza Khan
R/o village Ghundi Mir Khan Khel,
Tehsil & District Karak.

.....Appellant

VERSUS

1. The Inspector General of Prison, Khyber Pakhtunkhwa, Peshawar
2. The Additional Inspector General of Prison, Khyber Pakhtunkhwa, Peshawar
3. The Superintendent, Circle Headquarter Prison, D.I.Khan.

....Respondents

**SERVICE APPEAL U/S 4 OF SERVICE
TRIBUNAL ACT, 1974 R/W RULE 19 OF THE
KHYBER PAKHTUNKHWA CIVIL SERVANTS
(EFFICIENCY & DISCIPLINE) RULES, 2011**

PRAYER

**ON ACCEPTANCE OF INSTANT SERVICE
APPEAL, THIS HON'BLE TRIBUNAL MAY
GRACIOUSLY BE PLEASED TO**

- i. **DECLARE THE IMPUGNED FINAL
ORDER DATED 21.09.2020 AND THE
IMPUGNED ORIGINAL ORDER
DATED 30.07.2020 AS UNLAWFUL,**

Filed to-day

Registrar

20/10/2020

**Re-submitted to -day
and filed.**

Registrar

10/12/2020

**ILLEGAL AND WITHOUT LAWFUL
AUTHORITY;**

P. 2

- ii. **SET-ASIDE THE IMPUGNED FINAL ORDER DATED 21.09.2020 PASSED BY RESPONDENT NO.1 AND THE IMPUGNED ORIGINAL ORDER DATED 30.07.2020 PASSED BY RESPONDENT NO.3 AND REINSTATE THE APPELLANT WITH ALL BACK BENEFITS.**
- iii. **ANY OTHER REMEDY DEEMED FIT AND APPROPRIATE IN THE CIRCUMSTANCES MAY KINDLY ALSO BE GRANTED IN FAVOUR OF APPELLANT.**

RESPECTFULLY SHEWETH:-

- 1) That appellant was appointed as Warder on 28.02.2015, he has about 06 years' service at his credit. During his service he remained posted at different prisons throughout the province, but has never been rated as inefficient.
- 2) That in January 2020, he was transferred and posted to Central Prison D.I.Khan. On 12.07.2020 the wife of appellant's real uncle namely, Wakeel Khan died and appellant requested for leave in order to participate in the funeral ceremony and prayer of his mother-in-law. He was permitted by the authorities for 12 hours, but due to unavoidable circumstances, he remained for 03 days.

- 3) That after 03 days, appellant contacted the jail authorities for resumption of charge and he was informed that he has been transferred to Internment Center/ Jail Lakki, and the transfer order (reliving docket) has been send to you on your postal home address.
- 4) That appellant waited for the transfer order/ reliving docket but the same was never communicated and at last he approached the jail authorities on 22.07.2020, but even then, the reliving docket was not handed over to him.
- 5) That appellant was informed that he has been marked absent from 12.07.2020 to 21.07.2020. He appeared before respondent No.3, who awarded him minor penalty of stoppage of two increments for two years and the alleged absence period was treated as leave without pay. This aspect is evident from the order dated 30.07.2020.
- 6) That appellant was directed to resume his duty. Appellant resumed his duty and performed the same from 22.07.2020 to 29.07.2020. This aspect is evident from register No.16, which is kept in jail by the Darban of the jail, showing entries IN & OUT of the jail of the Warder performing duties.
- 7) That on 29.07.2020, appellant was granted leave for one day under rules, but when he reached home, he was informed again that he has been transferred to Internment Center Lakki and the reliving docket has

been send to him on his postal home address. Appellant waited for the reliving docket, but the same was never communicated to him, he approach the authorities time and again but he was dauged on one pretext or other in September 2020 he was informed that he has been removed from service on account of absence for which he was already penalized.

- 8) That appellant made hectic efforts for obtaining the impugned removal order of respondent No.3 dated 30.07.2020, but he was not communicated the same. The impugned order dated 30.07.2020 has not been officially communicated to appellant till the date. (Copy of impugned order dated 30.07.2020 is Annex "A")
- 9) That appellant has procured the impugned order dated 30.07.2020 through his own personal efforts and on 16.09.2020 and thereafter immediately submitted departmental appeal on the very next day i.e. 17.09.2020. (Copy of departmental appeal is Annex "B")
- 10) That the departmental appeal of the appellant has been rejected on 21.09.2020 by respondent No.1. (Copy of rejection order dated 21.09.2020 is Annex "C"). The appellate rejection order is also not been officially communicated to the appellant till date and he has secured a copy of the same through his personal private efforts.

- 11) That appellant now being aggrieved of both the impugned orders files the instant service appeal, inter-alia on the following grounds:-

GROUND.

- A. That appellant has not been treated by the respondents in accordance with law, rules and policy on the subject and acted in violation of Article 4 of the Constitution of Pakistan, 1973 and Rule 9 of the Efficiency & Disciplinary Rules, 2011, which provides that "in case of willful absence for more than 7 days, the competent authority shall serve the delinquent employee with notice through registered acknowledgment on his home is address, directing him to resume duty within 15 days of the issuance of the notice and if the same is received back as undelivered a notice shall be published in at least two leady newspapers directing him to resume duty within 15 days of the publication of that notice and failing which ex-parte decision shall be taken with major penalty of removal from service". In the instant case, the order dated 30.07.2020 shows that no such procedure has been adopted by the respondents, on this score, the impugned order is liable to be interfered with.
- B. That appellant has been condemned unheard, which is the violation of the golden principle of law *audi-alterm-partem* and also against the provision of Article 10-A of the Constitution of Pakistan, 1973.
- C. That both the penal orders are also against the provision of Article 13 of the Constitution of Pakistan,

1973, wherein it has been provided that no person shall be vexed twice for the same offence.

- D. That appellant would like to seek permission of this hon'ble Tribunal to advance/ share grounds at the time of hearing.

It is humbly prayed that on acceptance of instant service appeal, this hon'ble tribunal may graciously be pleased to

- i. Declare the impugned final order dated 21.09.2020 and the impugned original order dated 30.07.2020 as unlawful, illegal and without lawful authority;**
- ii. Set-aside the impugned final order dated 21.09.2020 passed by respondent No.1 and the impugned original order dated 30.07.2020 passed by respondent No.3 and reinstate the appellant with all back benefits.**
- iii. Any other remedy deemed fit and appropriate in the circumstances may kindly also be granted in favour of appellant.**

Dated:


Appellant

Through 
Ashraf Ali Khattak
Advocate High Court

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

Service Appeal No. _____/2020

Ex-Warden Amjad Ullah Appellant

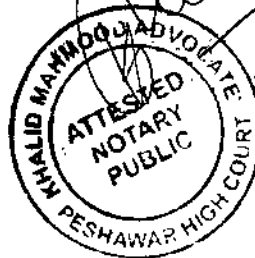
VERSUS

The Inspector General of Prison, KP and others

Respondents

AFFIDAVIT

I, Ex-Warder Amjad Ullah S/o Raza Khan R/o village Ghundi Mir Khan Khel, Tehsil & District Karak. (Appellant) do hereby affirm and declare on oath that the contents of the Appeal are true and correct to the best of my knowledge and belief and nothing material has been concealed from this hon'ble Tribunal.




Deponent

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. _____/2020

Ex-Warden Amjad UllahAppellant

VERSUS

The Inspector General of Prison, KP and others

Respondents

ADDRESSES OF PARTIES

APPELLANT

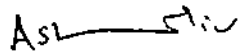
Ex-Warden Amjad Ullah S/o Raza Khan
R/o village Ghundi Mir Khan Khel,
Tehsil & District Karak.

RESPONDENTS

1. The Inspector General of Prison, Khyber Pakhtunkhwa, Peshawar
2. The Additional Inspector General of Prison, Khyber Pakhtunkhwa, Peshawar
3. The Superintendent, Circle Headquarter Prison, D.I.Khan.


Appellant

Through


Ashraf Ali Khattak
Advocate High Court



KPKP

OFFICE ORDER

Annex - A

P-9

OFFICE OF THE SUPERINTENDENT
PRISONS CIRCLE HEAD QUARTER D.I.KHAN
No. 4039 / PB Date 30-07-2020
PH&FAX No. 0966-9280299
cpdikhan1@gmail.com

WHEREAS, the accused official Mr. Amjad Ullah s/o Raza Khan attached Central Prison DIKhan was proceeded against under Rule-3 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges that he absented himself on 30.07.2020 forenoon without the permission of jail administration. Prior to this he absented himself from duty and line w.e.f 13.07.2020 to 22.07.2020 and therefore, he was awarded minor penalty of stoppage of two increments for two years. Moreover, he fraudulently took money from different officials in Central Prison DIKhan and ran away.

AND WHEREAS, he did not furnish any reply.

AND WHEREAS, the undersigned being competent authority granted him the opportunity of personal hearing on 30.07.2020 as provided for under rules ibid. The accused official completely failed to defend his case with documentary proof/evidence.

NOW therefore, in exercise of powers conferred under Rule-145(5) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, having considered the charges, evidence on record, the explanation of the accused official and after affording the opportunity of personal hearing, the undersigned being competent authority, hereby award Major penalty of "REMOVAL FROM SERVICE" to Mr. Amjad Ullah s/o Raza Khan warder attached to Central Prison DIKhan for the charges mentioned above.

SUPERINTENDENT
CIRCLE HQS PRISON DIKHAN

Endorsement No. 4040-43 Dt. 30/07/2020

Copy of the above is forwarded to:-

1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information.
2. The Superintendent Central Prison D.I.Khan. Necessary entry may please be made in the Service Book of official concerned under proper attestation.
3. DAO D.I.Khan.
4. Warder Amjad Ullah Khan s/o Raza Khan R/o Village Ghundi Mera Khan Khail p/o Ghundi Mera Khankhail Tehsil & District Karak.

ATTESTED

SUPERINTENDENT
CIRCLE HQS PRISON DIKHAN

بخدمت جناب انسپکٹر جنرل صاحب، جیل خانہ جات، خیبر پختونخواہ پشاور

عنوان: محکمانہ اپیل بر خلاف آرڈر نمبری: 4039/PB مورخہ 30/07/2020

ازاں دفتر سپرنٹنڈنٹ جیل خانہ جات سرکل ہیڈ کوارٹرز ڈی آئی خان۔

- جناب عالی! سائل حسب ذیل عرض رساں ہے۔
- 1- یہ کہ سائل ایک نیک معزز شریف خاندان سے تعلق رکھتا ہے اور ایک پرامن شہری ہے۔
 - 2- یہ کہ سائل کے خلاف غلط اور بے بنیاد الزامات لگائے گئے ہیں، سائل نے کسی کے ساتھ کسی قسم کا دھوکہ و فراڈ وغیرہ نہیں کیا ہے لیکن درحقیقت جب سائل کا تبادلہ جیل سے کوالٹ ہو چکا تھا تو بوجہ خالی سیٹ نہ ہونے سائل کو ڈی آئی خان بھیج دیا گیا اور سائل نے اپنے دوست مسی عمران کانشیل سے بطور قرض حسہ 10 ہزار روپے اور مسی مدثر کانشیل سے بطور قرض حسہ 5 ہزار روپے لینے تھے اور اسی دوران سائل کی تنخواہ بوجہ ٹرانسفر دو مہینے تک بند رہی۔ اور جب سائل نے تنخواہ لی تو دونوں دوستوں کو انکی رقم واپس کر دیں۔ اور جناب جب چاہیں تو سائل مسیان مذکورہ بالا کو جناب کے سامنے بطور ثبوت پیش کر سکتا ہے۔
 - 3- یہ کہ سائل کو بذریعہ ڈاک / پوسٹ کسی قسم کا شوکاژ نوٹسز وغیرہ جناب سپرنٹنڈنٹ جیل خانہ جات کی جانب سے نہیں ملا تھا البتہ سائل نے مورخہ 16/09/2020 کو ڈی آئی خان آفس جا کر وہاں سے آرڈر removal from service مذکورہ بالا وصول کیا اور سائل نے کسی قسم کی تعمیل وغیرہ بذریعہ ڈاک نہیں ہوئی ہے اور نہ ہی سائل کی کسی قسم کی محکمانہ انکوائری وغیرہ کی گئی ہے۔ نہ ہی کسی قسم کی پیشی مجاز اتھارٹی کے سامنے ہوئی ہے۔ جبکہ سائل کے خلاف تمام تر کارروائی یکطرفہ طور سے کی گئی ہے۔

ATTESTED

4 یہ کہ سائل کی چچی فوت ہو چکی تھی اس وجہ سے سائل نے افسران بالا سے چھٹی لینے کی کافی کوشش کی تھی لیکن سائل کو چھٹی نہیں ملی تھی۔ لہذا سائل کی غیر حاضری قصداً عمداً نہیں تھی بلکہ بوجہ فوتگی چچی غیر حاضر رہا تھا اور اس کے بھی دو گواہان موجود ہیں کہ میں نے افسران بالا سے ساری رات چھٹی پر جانے کی اجازت حاصل کرنے کی کوشش کی لیکن باوجود اس کے مجھے چھٹی نہیں دی گئی۔ اور ہر دو گواہان کو جناب کے سامنے پیش کر سکتا ہوں۔

5 یہ کہ اس کے علاوہ سائل کے کچھ گھریلو معاملات بھی تھے جس وجہ سے سائل محکمہ ہذا سے غیر حاضر رہا، بلکہ سائل کی غیر حاضری قصداً عمداً نہیں تھی۔

6 یہ کہ سائل ایک غریب گھرانے سے تعلق رکھتا ہے، سائل کے بوڑھے ماں باپ، بیوی اور ایک شیر خوار بچہ ہے۔ سائل کا اس نوکری کے علاوہ کوئی دیگر ذریعہ معاش نہ ہے۔

7 یہ کہ سائل کو نوکری سے غیر حاضری کی بنا پر جو removal from service کی سزا دی گئی ہے وہ آئین اور قانون کے خلاف اور سائل کے ساتھ سراسر ظلم اور ناانصافی ہے۔

لہذا استدعا ہے کہ بمنظوری درخواست ہذا / ڈیپارٹمنٹل اپیل، سائل کی سزا پر نظر ثانی کی جاوے اور سائل کو دوبارہ اسکی نوکری پر بسمتہ تنخواہ بحالی کے احکامات صادر فرمائے جاویں۔ نیز دیگر داری جو قرین انصاف ہو بحق سائل عطا فرمائی جاوے۔

المرقوم: 17 ستمبر 2020



سائل: امجد اللہ خان ولد رضا خان

سکنہ: غنڈی میر خان خیل، تحصیل و ضلع کرک۔

شناختی کارڈ: 14202-9185342-9

ATTESTED



Annex - C

P-12

OFFICE OF THE
INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

91-9210334, 9210406

091-9213445

No.Estb/Ward-/Orders/

330.58-1-

Dated

21-09-2020-1-

ORDER

WHEREAS, Warder Amjid Ullah S/o Raza Khan while attached to Central Prison D.I Khan, was awarded the major penalty of "Removal from Service" by Superintendent HQ Prison D.I Khan vide his order No. 4039 dated 30-07-2020 due to his misconduct and willful absence from duty w.e.f 13-07-2020 to 22-07-2020 and 30-07-2020.

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 badly time-barred / without any substance and penalty awarded to him by the competent authority due his willful absence from duty as referred to above 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 provisions of the rules in vogue and in exercise of power conferred under Rule-5 of Khyber Pakhtunkhwa Civil Servants Appeal Rules 1986, the decision of the competent authority is upheld and appeal of the appellant is hereby rejected being time barred and without any substance.

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

ENDST;NO.

33059-61/-

Copy of the above is forwarded to :-

1. The Superintendent, Headquarters Prison D.I Khan for information and necessary action with reference to his Order referred to above.
2. The Superintendent Central Prison D.I Khan 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. Appellant, Ex-Warder Amjid Ullah S/o Raza Khan C/O Superintendent Central Prison D.I Khan for information.

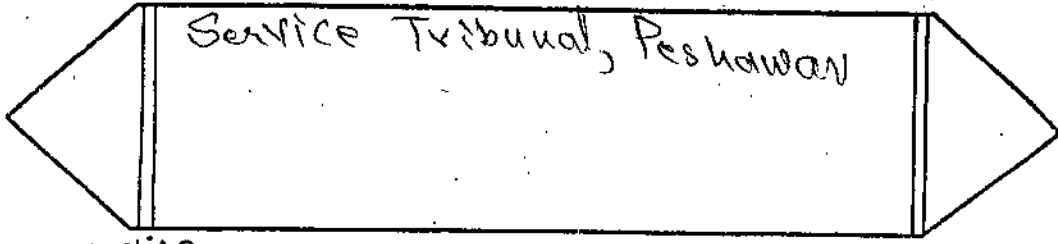
ATTESTED

21/9
ASSISTANT DIRECTOR
INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

18/9

Khyber Pakhtunkhwa

بعدالت



2 منجانب
Appellant بنام
Ex-Warden
vs
Inspector General
Prison

موزعہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام پیشاور کیلئے اشرف علی شکیل ایڈووکیٹ

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 ثالثہ فیصلہ بر حلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں 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 اختیار 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 باختیارات حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو فرچہ دہر جائنا التوائے مقدمہ کے سبب سے وہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

Attested & Accepted

المرقوم
Ashraf Ali 20/05
Advocate
B.C # 1046-65
cell # 0332-9931676

واہ العبد

کے لئے منظور ہے۔

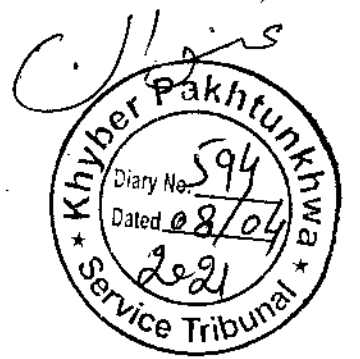
بمقام

APPPELLANT
[Signature]

الحکومت صیاب رجسٹرار سروس ریویو فنل
کے بارے میں

اپیل نمبر 15876/2021

الحمد خان بنام حکومت



دادخواست نمبر و سیکورٹی ضمیمہ - دادخواست

کے عنوان احمد خان کے تیس میں ضمیمہ

جمع نہیں ہوا ہے، لہذا آپ

صاحبان میر باقی کر کے ہمیں

ضمیمہ جمع کر کے دے دیجئے اجازت

دکا جائے - Put up to the court with relevant app.

عین کو وزارت میں پیش
Read

حسن احمد فکیر آف اشرف علی صاحب

ایڈووکیٹ -

تاریخ 7/4/2021

آئندہ 21/4/21

گزشتہ تاریخ

25/11/2021

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

In the matter of

Appeal No. 15876/2020

Ex-Warder Amjid Ullah.....(Appellant)

VERSUS

Inspector General of Prisons etc..... (Respondents)

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4	Punishment awarded by Line Muharrer of Central Prison D.I Khan	B	5
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Deponent
28/07/2020

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No. 15876/2020

Ex-warder Amjad Ullah s/o Raza Khan, R/o Village Ghundi Mir Khan Khail Tehsil and District Karak..... (Appellant)

VERSUS

1. The Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
2. The Additional Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar.
3. The Superintendent Circle Headquarter Prison D.I.Khan..... (Respondents)

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO 01 TO 03 ARE AS UNDER

Respectfully Sheweth;

Preliminary objections

- I. That the appellant has no locus standi to file appeal against the Respondents before this Honb'le Tribunal.
- II. That the appellant is estopped by his own conduct to file the instant appeal.
- III. That the appellant has concealed material facts from this Honb'le Court.
- IV. That the appellant has no cause of action against the Respondents.
- V. That the present appeal is incompetent in its present form.
- VI. That the present appeal is badly time barred.

Reply on Facts


1. That the appellant was appointed as Warder BPS-05 on 28.01.2015. He was posted at different jails of the province, however, his service was unsatisfactory in all jails. In short service of about 05 years, there are 07 red entries of punishments in his service book including a major penalty of "reduction to lower stage" for supplying Narcotics/Charras inside the jail in Central Prison Haripur. This shows that the appellant was never interested in his duties.
2. That the appellant wilfully absented himself from duty and jail premises without any cogent reason w.e.f 13.07.2020 to 22.07.2020 being habitual absentee and malingerer..
3. That the appellant absented himself from duty and line premises. It is illogical that the appellant had contacted for resumption of duty. The appellant was not interested in his duties and remained absent on his own sweet will w.e.f 13.07.2020 to 22.07.2020. It is correct that he was transferred from Central Prison D.I.Khan to Internment Centre Lakki Marwat but he was not relieved from duties as there was shortage of warders in Central Prison D.I.Khan, however, issuing of transfer order does not mean that the warder will absent himself from duties. Moreover, he has produced fabricated story that he was informed about his relieving docket as no one had contacted the appellant regarding his relieving from Central Prison D.I.Khan to Internment Centre Lakki Marwat.
4. As explained in Para 03 ibid.
5. That the appellant absented himself from line and duty on his own accord w.e.f 13.07.2020 to 22.07.202 and then came back for duty on 23.07.2020. Therefore he was awarded minor penalty of stoppage of two increments for two years due to his wilful absence and his absence period w.e.f 13.07.2020 to 22.07.2020 was treated as Leave without Pay.
6. That the appellant resumed duty on 23.07.2020 after remaining absent for 10 days.


7. That the appellant was sensitized to refrain himself from malingering and leave his habit of absence and misconduct but all in vain as he again absented himself from duty and jail premises on his own sweet will w.e.f 24.07.2020 and also fraudulently took money from store keeper and some other warders attached to Central Prison D.I.Khan. Report of Line Muharrar, application of store keeper and warders attached as **Annexure-A**. Moreover, no one has approached the appellant from Central Prison D.I.Khan about his relieving orders.
8. Incorrect that the appellant was well aware of the fact regarding his major penalty but he never remained interested in his duties.
9. As stated is incorrect. The departmental appeal was badly time barred.
10. That the departmental appeal of the appellant was rejected by the Inspector General of Prisons Khyber Pakhtunkhwa Peshawar being badly time barred and without any substance. Moreover the appellant order was communicated to appellant well in time.
11. That the instant appeal is not maintainable.


REPLY ON GROUNDS


- a. Incorrect that the appellant has never been interested in his duties. His previous record (**attached as Annexure-B**) which shows the number of penalties awarded to him in his short service of about 05 years. The appellant not only shown slackness in duties but remain indulged fraudulent activities. He took money from warders and store keeper and ran away. His retention into government service would have serious implications. He was served with show cause notice but no reply was received from his side.
- b. Incorrect that legal proceedings have been carried out against the appellant. He was granted opportunity of personal hearing on 30.07.2020 but the appellant turned deaf ear and neither appeared for personal hearing nor submitted any reply.
- c. Incorrect that the appellant has not been vexed twice and he has been given major penalty for his absence and misconduct of fraudulently taking money from warders and store keeper.
- d. That the respondents seek permission to advance further grounds during the arguments.

In view of the above reply it is humbly requested that the subject appeal may kindly be dismissed with cost.


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


28.7.2021


ADDL INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA PESHAWAR
(RESPONDENT NO. 02)


28.07.2021


SUPERINTENDENT
CIRCLE HEADQUARTER PRISON D.I.KHAN
RESPONDENT NO.03

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

Appeal No. 15876/2020

Ex-warder Amjad Ullah s/o Raza Khan, R/o Village Ghundi Mir Khan Khail Tehsil
and District Karak.

..... (Appellant)


VERSUS


1. The Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
2. The Additional Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar.
3. The Superintendent Circle Headquarter Prison D.I.Khan


..... (Respondents)


COUNTER AFFIDAVIT ON BEHALF OF RESPONDENTS NO. 1, 2, 3.


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


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


28.07.2021


ADDL INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA PESHAWAR
(RESPONDENT NO. 02)


28.07.2021


SUPERINTENDENT
CIRCLE HEADQUARTER PRISON D.I.KHAN
RESPONDENT NO.03

خدمتِ نبویہ شریفہ میں شامل ہونے کے لیے درخواستیں قبول کرنا اور ان سے متعلقہ امور

گزارش ہے کہ مسائل حسب ذیل سرحد ارسال ہے۔
 وارڈز ان نے وارڈز احمد اللہ کو نخواستہ نہ مننے کی فون سے اور ان سے
 کی پیٹ مسائل کو بہت سمجھتے رہے گی وہم سے ان سے کہیں
 قرآن پڑھیں۔ ان سے ہم سے وعدہ کیا کہ نخواستہ مننے سے وہیں
 والیں رہے گا۔ اور ان سے نخواستہ مننے کے تاوان ہمیں سے والیں
 ایسے دیئے۔ اور ہر وقت مختلف جیلے بیانے اور مال منول کرنا ہے
 انہما کسما حق گزارش ہے کہ ہمیں وارڈز احمد اللہ سے بہارا قرآن
 اور سید مکتوب عارف قرآنی کے سے وہیں کرنا کے متعلقہ درخواستیں۔

دفعہ قرآن کی تفصیل درج ذیل ہے

9709	②	1000	①
1000	①	5000	③
10000	⑥	500	⑤

Be received from
 the Ministry of
 Education
 27/1/2019

شکل رقم = 27209 ہے
 ہم مسائل ان کے لیے ساری عمر دعا گو رہیں گے

جناح عالی

وارڈرائز احمدیہ جوتہ عرصہ 7/13 سے عرصہ 7/2020

تک (9) یوم غیر حاضری - شوکار نوٹس دیا گیا۔ جس پر اسکو

(2) انٹرنیٹ بند کرنے کی سزا دی گئی۔ عرصہ 7/24

تعمیر وارڈرائز اور سپر کلرک سے دھوکے سے ادھار سے

لے کر غیر حاضری تو۔ مذکورہ بالا وارڈرائز عادی حیرت ہے

اور بار بار غیر حاضری سے وارڈرائز لائن کا ماحول خراب کرنا

ہے۔ لپڈا فزید کاروائی کیلئے رپورٹ عہد ہے۔

لائیٹنگ
25-07-2020

**SHOWCAUSE NOTICE UNDER RULE-5 (I) READ WITH RULE-7 OF THE
HYBER PUKHTUNKHWA GOVERNMENT SERVANTS (EFFICIENCY &
DISCIPLINE) RULES.2011.**

You warder (BPS-07) Amjad Ullah attached to Central Prison DIKhan absented yourself from duty and jail premises on 24.07.2020 and you fraudently took money from some warder and store keeper of Central Prison DIKhan and ran away.

I, Muhammad Binyamin Superintendent Headquarter Prison DIKhan competent authority, am satisfied by the report submitted by the Superintendent Central Prison DIKhan and there is no need of holding any further inquiry.

Now therefore, you above named warder are hereby called upon to show cause Within 07 days of receipt of this notice as to why the punishment of **Removal from Service** may not be awarded to you for your above stated act of negligence and mis-conduct.

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

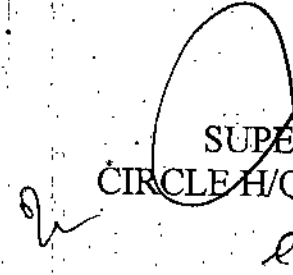
You may appear before the undersigned for personal hearing on 30⁰⁷ / 2020 if you wish to.


SUPERINTENDENT
CIRCLE H/QS PRISON DIKHAN

Endst No.. 3891-92 dated 25 / 07 / 2020

Copy of the above is forwarded to :-

1. Superintendent Central Prison DIKhan (Line Officer), a copy of show cause notice duly signed / dated by the accused warder may please be returned to this Headquarter as a token of receipt and office record.
2. **Warder (BPS-07) Amjad Ullah s/o Raza Khan R/O Village Ghundi Mirkhan Khail Tehsil and District Karak.**


SUPERINTENDENT
CIRCLE H/QS PRISON DIKHAN



OFFICE ORDER

Annex-A

P-9

49

OFFICE OF THE SUPERINTENDENT
PRISONS CIRCLE HEAD QUARTER D.I.KHAN
No. 4039 / PB Date 30-07-2020
PH&FAX \No. 0966-9280299
cpdikhan1@gmail.com

WHEREAS, the accused official Mr. Amjad Ullah s/o Raza Khan attached Central Prison DIKhan was proceeded against under Rule-3 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges that he absented himself on 30.07.2020 forenoon without the permission of jail administration. Prior to this he absented himself from duty and line w.e.f 13.07.2020 to 22.07.2020 and therefore, he was awarded minor penalty of stoppage of two increments for two years. Moreover, he fraudulently took money from different officials in Central Prison DIKhan and ran away.

AND WHEREAS; he did not furnish any reply.

AND WHEREAS, the undersigned being competent authority granted him the opportunity of personal hearing on 30.07.2020 as provided for under rules ibid. The accused official completely failed to defend his case with documentary proof/evidence.

NOW therefore, in exercise of powers conferred under Rule-145(5) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, having considered the charges, evidence on record, the explanation of the accused official and after affording the opportunity of personal hearing, the undersigned being competent authority, hereby award Major penalty of "REMOVAL FROM SERVICE" to Mr. Amjad Ullah s/o Raza Khan warder attached to Central Prison DIKhan for the charges mentioned above.

SUPERINTENDENT
CIRCLE HQS PRISON DIKHAN

Endorsement No. 4040-43 Dt. 30/07/2020

Copy of the above is forwarded to:-

1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information.
2. The Superintendent Central Prison D.I.Khan. Necessary entry may please be made in the Service Book of official concerned under proper attestation.
3. DAO D.I.Khan.
4. Warder Amjad Ullah Khan s/o Raza Khan R/o Village Ghundi Mera Khan Khail p/o Ghundi Mera Khankhail Tehsil & District Karak.

ATTESTED

SUPERINTENDENT
CIRCLE HQS PRISON DIKHAN

بخدمت جناب انسپکٹر جنرل صاحب، جیل خانہ جات، خیبر پختونخواہ پشاور

عنوان: حکمانہ اپیل بر خلاف آرڈر نمبر ن: 4039/PB مورخہ 30/07/2020

از ایل دفتر سپرنٹنڈنٹ جیل خانہ جات سرکل ہیڈ کوارٹرز ڈی آئی خان۔

- جناب عالی! سائل حسب ذیل عرض رساں ہے۔
- 1- یہ کہ سائل ایک نیک معزز شریف خاندان سے تعلق رکھتا ہے اور ایک پرامن شہری ہے۔
 - 2- یہ کہ سائل کے خلاف غلط اور بے بنیاد الزامات لگائے گئے ہیں، سائل نے کسی کے ساتھ کسی قسم کا دھوکہ و فراڈ وغیرہ نہیں کیا ہے لیکن درحقیقت جب سائل کا تبادلہ جیل سے کوہاٹ ہو چکا تھا تو بوجہ خالی سیٹ نہ ہونے سائل کو ڈی آئی خان بھیج دیا گیا اور سائل نے اپنے دوست کسی عمران کانسٹیبل سے بطور قرض حسہ 10 ہزار روپے اور کسی مڈر کانسٹیبل سے بطور قرض حسہ 5 ہزار روپے لیے تھے اور اسی دوران سائل کی تنخواہ بوجہ ٹرانسفر دو مہینے تک بند رہی۔ اور جب سائل نے تنخواہ لی تو دونوں دوستوں کو انکی رقم واپس کر دیں۔ اور جناب جب چاہیں تو سائل مسیاب مذکورہ بالا کو جناب کے سامنے بطور ثبوت پیش کر سکتا ہے۔
 - 3- یہ کہ سائل کو بذریعہ ڈاک / پوسٹ کسی قسم کا شو کا زونٹسز وغیرہ جناب سپرنٹنڈنٹ جیل خانہ جات کی جانب سے نہیں ملا تھا البتہ سائل نے مورخہ 16/09/2020 کو ڈی آئی خان آفس جا کر وہاں سے آرڈر removal from service مذکورہ بالا وصول کیا اور سائل سے کسی قسم کی تعمیل وغیرہ بذریعہ ڈاک نہیں ہوئی ہے اور نہ ہی سائل کی کسی قسم کی حکمانہ انکوائری وغیرہ کی گئی ہے۔ نہ ہی کسی قسم کی پیشی مجاز اتھارٹی کے سامنے ہوئی ہے۔ جبکہ سائل کے خلاف تمام تر کارروائی یکطرفہ طور سے کی گئی ہے۔

ATTESTED

4 یہ کہ سائل کی چچی فوت ہو چکی تھی اس وجہ سے سائل نے افسران بالا سے چھٹی لینے کی کافی کوشش کی تھی لیکن سائل کو چھٹی نہیں ملی تھی۔ لہذا سائل کی غیر حاضری قصداً عمداً نہیں تھی بلکہ بوجہ فوتگی چچی غیر حاضر رہا تھا اور اس کے بھی دو گواہان موجود ہیں کہ میں نے افسران بالا سے ساری رات چھٹی پر جانے کی اجازت حاصل کرنے کی کوشش کی لیکن باوجود اس کے مجھے چھٹی نہیں دی گئی۔ اور ہر دو گواہان کو جناب کے سامنے پیش کر سکتا ہوں۔

5 یہ کہ اس کے علاوہ سائل کے کچھ گھریلو معاملات بھی تھے جس وجہ سے سائل محکمہ ہذا سے غیر حاضر رہا، بلکہ سائل کی غیر حاضری قصداً عمداً نہیں تھی۔

6 یہ کہ سائل ایک غریب گھرانے سے تعلق رکھتا ہے، سائل کے بوڑھے ماں باپ، بیوی اور ایک شیر خواہ بچہ ہے۔ سائل کا اس نوکری کے علاوہ کوئی دیگر ذریعہ معاش نہ ہے۔

7 یہ کہ سائل کو نوکری سے غیر حاضری کی بناء پر جو removal from service کی سزا دی گئی ہے وہ آئین اور قانون کے خلاف اور سائل کے ساتھ سراسر ظلم اور ناانصافی ہے۔

لہذا استدعا ہے کہ بینظوری درخواست ہذا / ڈیپارٹمنٹل اپیل، سائل کی سزا پر نظر ثانی کی جاوے اور سائل کو دوبارہ اسکی نوکری پر بمعہ تنخواہ بحالی کے احکامات صادر فرمائے جاویں۔ نیز دیگر دادرسی جو قرین انصاف ہو بحق سائل عطا فرمائی جاوے۔

المرقوم: 17 ستمبر 2020

رض

سائل: امجد اللہ خان ولد رضا خان

سکنہ: غنڈی میر خان خیل، تحصیل و ضلع کرک۔

شناختی کارڈ: 14202-9185342-9

ATTESTED



ORDER

Annex - C

P-12

OFFICE OF THE
INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

91-9210334, 9210406 091-9213445

No. Estb/Ward-Orders/ 33058-1

Dated 21-09-2020-1

55

WHEREAS, Warder Amjid Ullah S/o Raza Khan while attached to Central Prison D.I Khan, was awarded the major penalty of "Removal from Service" by Superintendent HQ Prison D.I Khan vide his order No. 4039 dated 30-07-2020 due to his misconduct and willful absence from duty w.e.f 13-07-2020 to 22-07-2020 and 30-07-2020.

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 badly time-barred / without any substance and penalty awarded to him by the competent authority due his willful absence from duty as referred to above 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 power conferred under Rule-5 of Khyber Pakhtunkhwa Civil Servants Appeal Rules 1986, the decision of the competent authority is upheld and appeal of the appellant is hereby rejected being time barred and without any substance.

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

ENDST;NO. 33059-6/1

Copy of the above is forwarded to :-

1. The Superintendent, Headquarters Prison D.I Khan for information and necessary action with reference to his Order referred to above.
2. The Superintendent Central Prison D.I Khan 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. Appellant, Ex-Warder Amjid Ullah S/o Raza Khan C/O Superintendent Central Prison D.I Khan for information.

ATTESTED

21/9
ASSISTANT DIRECTOR
INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

18/9