

16-8-22

come to summer vacation the case is  
adjourned to 4-11-22, for the same.

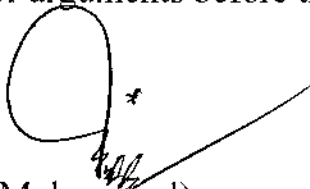


04.11.2022

Clerk of learned counsel for the appellant present. Mr. Suleman, Senior Instructor alongwith 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 before the D.B on 28.12.2022.

SCANNED  
KFST  
Peshawar



(Mian Muhammad)  
Member (E)



(Salah-ud-Din)  
Member (J)

28.12.2022

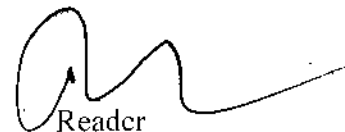
Due to winter vacation, the case is adjourned to 6.04.2023 for the same as before.



Reader

22.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 05.04.2022 for the same as before.

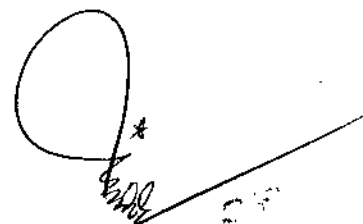


Reader

05.04.2022

Appellant alongwith his counsel present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Miss. Lubna, Law Officer for respondents present.

Written reply/comments submitted which is placed on file. A copy of the same is also handed over the learned counsel for the appellant. Adjourned. To come up for rejoinder as well as arguments on 14.06.2022 before D.B.



(MIAN MUHAMMAD)  
MEMBER(E)

14.06.2022

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

Clerk of counsel for the appellant stated that learned counsel for the appellant is unable to attend the Tribunal today due to strike of Lawyers. Adjourned. To come up for arguments before the D.B on 16.08.2022.



(MIAN MUHAMMAD)  
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

25.10.2021

Counsel for the appellant present. Preliminary arguments have been heard.

The appellant was removed from service by imposing of major penalty upon him on account of 25 days absence from duty vide order dated 11.05.2020. The departmental appeal was filed on 04.08.2021 which was rejected vide order dated 17.08.2021 and the service appeal was filed on 01.09.2021. Although the departmental appeal is time barred but in view of Section 30 of the Khyber Pakhtunkhwa Epidemic Control and Emergency Relief Act, 2020, the limitation period provided under any law shall remain frozen. This appeal having been filed after promulgation of the said Act, is not affected by bar of limitation. Points raised need consideration. Subject to all legal and factual objections, this appeal is admitted for full hearing. The appellant is directed to deposit security and process fee within 10 days. 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, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 22.02.2022 before the D.B.

Appellant Deposited  
Security & Process Fee

25/10/21



  
Chairman

Form- A

FORM OF ORDER SHEET

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

Case No. - 2363 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	03/09/2021	<p>The appeal of Mr. Farhad Ali resubmitted today by Aslam Khan 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 at Peshawar. Notice be issued to appellant/counsel for preliminary hearing to be put up there on- <u>25/10/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

## Certificate

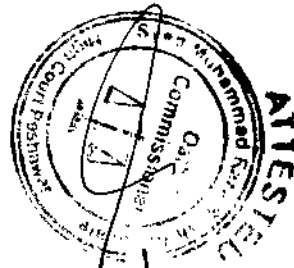
Certified that Farhad Ali, Ex warder Central Jail Peshawar has not filed any appeal before any forum prior to the instant appeal. The above statement is true and correct to the best of my knowledge.

Aslam

Date: 2-9-2021

Aslam Khan Khattak

Advocate Peshawar.




35

The appeal of Mr. Farhad Ali, Ex Warder Central Jail Peshawar presented today i.e. on 01.09.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Certificate be given to the effect that the appellant has not been filed any service appeal earlier on the subject matter before this Tribunal.
- 2- Annexures A, E & G of the appeal are illegible which may be replaced by legible/better one.


No. 1714 /S.T,

Dt. 01/09 /2021

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Aslam Khan Khattak AHC.

*Re-submitted after completion please  
put before the Service Tribunal.*

  
3.9.2021

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Appeal No. 7363/2021

Farhad Ali, Ex Warder, Central Jail Peshawar.

**VERSUS**

Inspector General Of Prisons, KPK, Peshawar & Others


**INDEX**

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Dated: 30/08/2021

  
Appellant

Through

  
Aslam Khan Khattak  
Advocate, High Court,  
Peshawar.

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Appeal no \_\_\_\_\_/2021

Farhad Ali, Ex Warder, Central Jail Peshawar.

-----*Appellant*

**VERSUS**

1. INSPECTOR GENERAL OF PRISONS, KHYBER PAKHTUNKHWA, PESHAWAR.
2. ASSISTANT DIRECTOR GENERAL OF PRISONS KHYBER PAKHTUNKHWA PESHAWAR.
3. SUPERINTENDENT HEADQUARTERS PRISON PESHAWAR.

-----*Respondents*

**APPEAL AGAINST THE IMPUNGED  
Order DATED 11-05-2020 VIDE  
ANNEXURE 'D' WHEREBY THE  
APPELLANT HAS BEEN REMOVED  
FROM SERVICE AND ALSO  
AGAINST THE FINAL IMPUGNED  
ORDER DATED 17-08-2021 AT  
ANNEXURE 'F' WHEREBY THE  
APPELLANT'S DEPARTMENTAL  
APPEAL DATED 04-08-2021 AT  
ANNEXURE 'E' HAS BEEN  
REJECTED.**



**PRAYER: ON ACCEPTANCE OF APPEAL, BOTH THE IMPUGNED ORDERS AT ANNEXURES D & F MAY BE SET ASIDE AND THE APPELLANT SHALL BE REINSTATED IN SERVICE WITH ALL BACK BENEFITS.**

**Respectfully Sheweth,**

Brief facts leading to the instant appeal are as under:

1. **That** the Appellant is the resident of Choti Pul, Chalghazi Baba Korona Tehsil & District Charsadda.
2. That the appellant having been inducted in service as warder on 15-05-2019 vide annexure 'A'.
3. That the appellant throughout his whole service has performed his duty with utmost of his capabilities and to the entire satisfactions of his superiors.
4. That the appellant has no brother and has 6 sisters and his parents has also been died and his wife Shagufta Bibi has the disease of Mesothelioma vide annexure 'B'.
5. That the appellant has himself continued her treatment in various hospitals in Rawalpindi as revealed from annexure 'C' and for the same reasons he was unable to perform his duty for 69 days and

has been removed from his service vide impugned order dated 11-05-2020 at annexure 'D'.

6. That the appellant has filed the departmental appeal dated 04-08-2021 vide annexure 'E' against the impugned order dated 11-05-2020 which was rejected vide impugned order dated 17-08-2021 at annexure 'F' and hence this appeal inter alia on the following grounds.

Grounds:

- A. That the appellant's absence from the duty was not intentional but his wife was seriously sick and was under treatment in various hospitals in Rawalpindi and for her look after there was no one and the appellant himself was compelled to look after her and for this reason his absence from his duty was never intentional and so both the impugned orders at annexure D & F are liable to set aside and the appellant may be reinstated in service with all back benefits.
- B. That the appellants absence period from duty W.E.F 21-02-2020 to 06-04-2020 (44 days) and from 16-04-2020 to 11-05-2020 (25 days) has been treated as leave without pay vide impugned dated 11-05-2020 at annexure 'D' granting leave without pay to the appellant envisage his continuity in service and there could be no absence so the order removing the

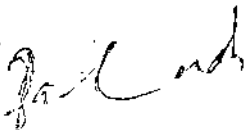
appellant from service is illegal and is not permissible under the law.

- C. That a civil servant shall earn leave on full pay which shall be calculated at the rate of four days for every calendar month of the period of duty rendered and credited in leave account as leave on full pay. That the appellant has served for 2 years and therefore, the said period of 69 days of his absence from duty can easily be converted as leave on full pay vide annexure 'G'.
- D. That the charges of absence from duty if even proved would not justify his removal from service and to his effect the appellant is entitled to reinstatement in service with all back benefits.
- E. That both the impugned orders at annexure at D & F are illegal, malafide, without jurisdiction and without lawful authority and are liable to be set aside.
- F. That the appellant seeks leave of this Hon'ble Tribunal to rely on additional grounds at the time of arguments.


*It is, therefore, most humbly prayed that on acceptance of Appeal both the impugned orders vide*

*annexure D & F may be set aside and the appellant  
may be reinstated in service with all back benefits.*

Dated: 3/08/2021.

  
Appellant

Through

  
Aslam Khan Khattak  
Advocate Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR

Appeal No. \_\_\_/2021

Farhad Ali, Ex Warder, Central Jail Peshawar

.....Appellant

Versus

Inspector General Of Prisons, KPK, Peshawar & Others


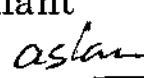
.....Respondents

APPLICATION FOR CONDONATION OF DELAY (IF  
ANY)

Respectfully Sheweth,

1. That the grounds mentioned in appeal may be treated as integral part of this application.
2. That it is the settled law of August Supreme Court Of Pakistan that cases be decided on merits and not on technicalities such as limitation.
3. That the petitioner has not committed any misconduct and if the delay if any is not condoned, the petitioner whole life shall be destroyed.

It is therefore humbly prayed that on acceptance of this application, the delay if any shall be condoned to meet the ends of justice.

Through  Appellant  
  
**Aslam Khan Khattak**  
Advocate, High Court  
Peshawar

Dated: 30/08/2021

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

Appeal No \_\_\_\_\_/2021

Farhad Ali, Ex Warder, Central Jail Peshawar.

**VERSUS**

**Inspector General Of Prisons, KPK, Peshawar & Others**

**AFFIDAVIT**

I, Farhad Ali, Ex Warder, Central Jail Peshawar, do hereby solemnly affirm & declare on oath that all content of the application for condonation of delay (if any), are true & correct to the best of my knowledge & belief and nothing has been concealed or misstated from this Hon'ble Tribunal.

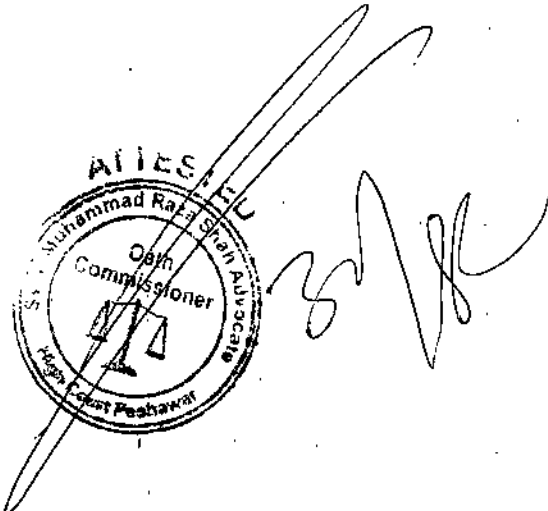
*Farhad Ali*  
DEPONENT

CNIC: 17101-90814509

Cell No: 0343-4521900

Identified BY

*Aslam*  
Aslam Khan Khattak  
Advocate High Court,  
Peshawar



Annexure

A  
3

BETTER COPY

OFFICE OF THE  
SUPERINTENDANT  
HEADQUARTERS PRISON PESHAWAR  
NO:278 P/B Dt: 15/05/2019

OFFER OF APPOINTMENT

Upon recommendation of the Departmental Selection Committee, Mr. Farhad Ali S/o Murad Khan is hereby appointed against the post of Warder (BPS-05) in the Khyber Pakhtunkhwa Prisons Department in Basic Pay Scale Rs. (10260-500-25260) plus other usual admissible allowances on the following terms and conditions:-

1. His appointment will take effect from the date of joining duty at his place of posting.
2. His appointment is purely temporary and his services are liable to be terminated at any time on 15 days notice without assigning any reasons.
3. No TA/DA will be admissible to him for joining first appointment.
4. In case he wishes to resign at any time he will give one month notice OR in lieu thereof one month's pay will be forfeited from him subject to the discretion of the competent authority in public interest and will leave the service after acceptance of his resignation.
5. His appointment is subject to Medical fitness for Government Service.
6. He will be eligible for continuance on the post if his work and conduct remained satisfactory during the period of his this temporary appointment provided the vacancy against which he has been appointed continues.
7. He will be on probation for a period of one year extendable upto another year. During probation period his services will be terminated if his work and conduct is not found satisfactory OR the vacancy ceases to exist.
8. He will be liable to serve anywhere in the Prisons Department of Khyber Pakhtunkhwa.
9. For all other purposes such as Pay, T.A and Medical Attendance etc; he will be governed by such Rules as may be issued by the Government for the category of Government Servants of the Prisons Department to which he will belong.
10. He will be governed by the Khyber Pakhtunkhwa Government Servants (Conduct) Rules 1987, the Khyber Pakhtunkhwa Civil Servants (Appeal) Rules 1986, the Khyber Pakhtunkhwa Civil Servants Act, 1973, the Civil Servants (Appointment, Promotion and Transfer) Rules 1989, the Khyber Pakhtunkhwa (E&D) Rules, 2011, the Khyber Pakhtunkhwa Prison Department Service Rules and all other rules/ regulations framed on to be framed by the Government from time to time.
11. His service will be liable to termination / reversion at any stage if his Academic Certificates/ Degrees (if any), CNIC, Domicile etc; are found fake, his services will be considered as terminated automatically and FIR will be lodged against him.
12. His salary will be released after making proper verification of his antecedents/ character roll, Domicile, and Academic Qualification Certificates/ Degrees etc; from the quarter concerned. Moreover, if any verification charges are involved on this account, the same will be paid by the appointee.
13. If he accepts the appointment on the above cited terms and conditions, he should report to the **Superintendent Central Prison Haripur** within 15 (Fifteen) days of the receipt of this offer of appointment at his own expense. In case he fails to join duty within the same period, the offer of appointment will be treated as cancelled/ withdrawn.

SUPERINTENDENT  
HEADQUARTERS PRISON PESHAWAR

Endorsement No: 279-81/-

Copy of the above is forwarded to:-

1. The **Superintendent Central Prison Haripur** for information. On arrival of the above named official an undertaking should be taken on judicial stamp paper from him to the effect that he has accepted all terms and conditions contained in the offer of his appointment and submitted to this office for record. **The condition No. 12 may be fulfilled before releasing his salary within shortest possible time**
2. The District Account Officer Haripur for information.
3. Mr. Farhad Ali S/o Murad Khan R/o Chotai Pull, Sher Payan P/o Charsadda Khas, Tehsil & District Charsadda for information and necessary action.

SUPERINTENDENT  
HEADQUARTERS PRISON PESHAWAR  
E-mail: [hqprisonpeshawar@gmail.com](mailto:hqprisonpeshawar@gmail.com)

Annexure  
A  
8

OFFICE OF THE  
SUPERINTENDENT  
HEADQUARTERS PRISON PESHAWAR  
No: 278 P/B Dt: 15/05/2019

OFFER OF APPOINTMENT

Upon recommendation of the Departmental Selection Committee, Mr. Farhad Ali S/o Murad Khan is hereby appointed against the post of Warder (BPS-05) in the Khyber Pakhtunkhwa Prisons Department in Basic Pay Scale Rs. (10260-500-25260) p.a. other usual admissible allowances on the following terms and conditions:-

- 1- His appointment will take effect from the date of joining duty at his place of posting.
- 2- His appointment is purely temporary and his services are liable to be terminated at any time on 15 days notice without assigning any reasons.
- 3- No T.A/D.A will be admissible to him for joining first appointment.
- 4- In case he wishes to resign at any time he will give one month notice OR in lieu thereof one month's pay will be forfeited from him subject to the discretion of the competent authority in public interest and will leave the service after acceptance of his resignation.
- 5- His appointment is subject to Medical fitness for Government Service.
- 6- He will be eligible for continuance on the post if his work and conduct remained satisfactory during the period of his this temporary appointment provided the vacancy against which he has been appointed continues.
- 7- He will be on probation for a period of one year extendable upto another year. During probation period he service will be terminated if his work and conduct is not found satisfactory OR the vacancy ceases to exist.
- 8- He will be liable to serve anywhere in the Prisons Department of Khyber Pakhtunkhwa.
- 9- For all other purposes such as Pay, T.A and Medical Attendance etc; he will be governed by such Rules as may be issued by the Government for the category of Government Servants of the Prisons Department to which he will belong.
- 10- He will be governed by the Khyber Pakhtunkhwa Government Servants (Conduct) Rules 1987, the Khyber Pakhtunkhwa Civil Servants (Appeal) Rules 1986, the Khyber Pakhtunkhwa Civil Servants Act, 1973, the Prisons Department (Appointment, Promotion and Transfer) Rules 1989, the Khyber Pakhtunkhwa (S&O) Rules, 2011 and the Khyber Pakhtunkhwa Prison Department Service Rules and all other rules / regulations framed or to be framed by the Government from time to time.
- 11- His service will be liable to termination / reversion at any stage if his Academic Certificates / Degrees (if any), CNIC, Domicile, etc; are found fake, his services will be considered as terminated automatically and F.R will be lodged against him.
- 12- His salary will be released after making proper verification of his antecedents/ character roll, Domicile, and Academic Qualification Certificates / Degrees etc; from the quarter concerned. Moreover, if any verification charges are involved on this account, the same will be paid by the appointee.
- 13- If he accepts the appointment on the above cited terms and conditions, he should report to the Superintendent Central Prison Haripur within 15 (Fifteen) days of the receipt of this offer of appointment at his own expense. In case he fails to join duty within the same period, the offer of appointment will be treated as cancelled / withdrawn.

*[Signature]*  
SUPERINTENDENT  
HEADQUARTERS PRISON PESHAWAR

Endorsement No: 278-18

Copy of the above is forwarded to:-

- 1- The Superintendent Central Prison Haripur for information. On arrival of the above mentioned appointment letter, he should be taken on judicial stamp paper from him to the effect that he has accepted all terms and conditions contained in the offer of his appointment and submitted to this office for record. The condition No. 12 may be fulfilled before releasing his salary within shortest possible time.
- 2- The District Account Officer Haripur for information.
- 3- Mr. Farhad Ali S/o Murad Khan R/o Chotai Pull, Sher Payan, P/o Charsadda Khas, Tehsil & District Charsadda for information and necessary action.

*[Signature]*  
SUPERINTENDENT  
HEADQUARTERS PRISON PESHAWAR  
15.5.19



# Fauji Foundation Hospital Rawalpindi



5788150-65

"ISO 9001:2015 Certified"

## DISCHARGE CERTIFICATE

A & D No: 6100156

CONSULTANT  
DR. FAUZIA ABIDUSSAMAD

Regt No. 13348334 Rank YMC Name of Patient SHAGUFTA BIBI  
S/O, D/O, W/O RORHAN Regt/Corps FF02 Ward PIMONA II

DATE OF ADMISSION: 20/12/19 DATE OF DISCHARGE: 20/12/19

DIAGNOSIS: Mesothelioma

OPERATION (IF ANY): Inj. Gemzar 1x A

OUT COME:

PERFORMED BY: DATE OF OPERATION:

INVESTIGATIONS:  
Hb: 11.3 WBC: 5.57 PLT: 398

TREATMENT & ADVICE:

FOLLOW UP: 28-12-2019  
Blood CP

APPROVED

Dr. Zohaib Asghar  
House Officer  
FFH Rawalpindi  
M/O I/C Ward

Annexure

Said 70  
FFH/FRM/053

# Fauji Foundation Hospital Rawalpindi



5788150-65

"ISO 9001:2015 Certified"

## DISCHARGE CERTIFICATE

A & D No. 400776

DR CONSULTANT  
FAUJIA ABDUS SAMAD

Regt No. A3348334-1 Rank LNK Name of Patient SHAGUFKA BIRI  
S/O, D/O, W/O FARHAD ALI Regt/Corps FFRC Ward FORT CO I

DATE OF ADMISSION: 28-12-19 DATE OF DISCHARGE: \_\_\_\_\_

DIAGNOSIS: Mesothelioma

OPERATION (IF ANY): \_\_\_\_\_

OUT COME: Satisfactory

PERFORMED BY: \_\_\_\_\_ DATE OF OPERATION: \_\_\_\_\_

INVESTIGATIONS:

Blood cp, Renal function test  
Ast - 34 Bilirubin - 0.7 Urea 3.5 Cr - 18  
N# 3-48

TREATMENT & ADVICE:

Admitted for Gemzar I x B

FOLLOW UP: 07-01-2020

دوسرے سے 07.01.2020 کو مشرف

APPROVED

M. O. L/C Ward  
H.O

# Fauji Foundation Hospital Rawalpindi



5788150-65

"ISO 9001:2015 Certified"  
**DISCHARGE CERTIFICATE**

(12)

A & D No. M 401625

BT CONSULTANT  
Fauziya Masood Samad

Regt No. 33483347 Rank LTJ Name of Patient SHARIFA BIBI  
S/O, D/O, W/O PARHAD Regt/Corps FFM Ward RAMONA II

DATE OF ADMISSION: 7-1-2020 DATE OF DISCHARGE: \_\_\_\_\_

DIAGNOSIS: Mesothelioma due fr chemo cycle IXC

OPERATION (IF ANY): \_\_\_\_\_

OUT COME: satisfactory

PERFORMED BY: \_\_\_\_\_ DATE OF OPERATION: \_\_\_\_\_

INVESTIGATIONS:

Hb = 11.4 Plat = 261  
# 3.9

TREATMENT & ADVICE: \_\_\_\_\_

A mesothelioma  
Admitted for cycle IXC

FOLLOW UP: CT scan کے ساتھ دوبارہ ملاحظہ کرنے کے لئے  
کی رپورٹ کے ساتھ تشریح لائیں۔

APPROVED

Dr. Iqra Ch.  
Head Officer  
FFH Rawalpindi  
I/C Ward

12

Lead 707

FFH/FRM/053

# Fauji Foundation Hospital Rawalpindi



5788150-65

"ISO 9001:2015 Certified"

## DISCHARGE CERTIFICATE

A & D No. 404386

DR CONSULTANT  
FAUZIABDUS SAMAD

Regt No. A 3348334-1 Rank CMSA Name of Patient SHAGUETA BIBI  
S/O, D/O, W/O FARHAD ALI Regt/Corps FFRC Ward F10NCO

DATE OF ADMISSION: 06-2-20 DATE OF DISCHARGE: 06-02-20

DIAGNOSIS: MESOTHELIOMA (Stage III)

OPERATION (IF ANY): Chem X-A given

OUT COME: \_\_\_\_\_

PERFORMED BY: \_\_\_\_\_ DATE OF OPERATION: \_\_\_\_\_

INVESTIGATIONS: S.S. { 11.4 } { 261 } #3.9

TREATMENT & ADVICE: \_\_\_\_\_

Rx given

FOLLOW UP: 15-02-2020 انکے نیکے کی تاریخ

Blood CP کرا کے آس  
انکے نیکے کی تاریخ پر

APPROVED

M. O. L/C Ward

DR. IRSHA MAMSHAD  
Medical Officer  
FFH, Rawalpindi

(13)

FFH/FRM/053

# Fauji Foundation Hospital Rawalpindi

"ISO 9001:2015 Certified"  
**DISCHARGE CERTIFICATE**

5788150-65

A & D No. 405211

DR CONSULTANT  
FAUZIA ARBUS SAMAD

Regt No. A3948334-1 Rank Capt Name of Patient SHAGUFTA BIRI  
S/O, D/O, W/O FARHAD ALI Regt/Corps FPPO Ward FONCAT

DATE OF ADMISSION: 15-2-20 DATE OF DISCHARGE: 16-2-20

DIAGNOSIS: MESOTHELIOMA Admitted for Gen XB

OPERATION (IF ANY): \_\_\_\_\_

OUT COME: \_\_\_\_\_

PERFORMED BY: \_\_\_\_\_ DATE OF OPERATION: \_\_\_\_\_

INVESTIGATIONS: 6.17 10.6 3.37 218

TREATMENT & ADVICE: \_\_\_\_\_

FOLLOW UP: 25-02-2020 اپنے گھریلو  
کے لئے Blood CP

APPROVED

M. O. I/C Ward

chemo pack 488  
Recd 70

(14)

FFH/FRM/053

# Fauji Foundation Hospital Rawalpindi



5788150-65

"ISO 9001:2015 Certified"

## DISCHARGE CERTIFICATE

A & D No. 406103

DR CONSULTANT  
EAUDIA ARBUS SAMAD

Regt No. A3348334-1 Rank LNK Name of Patient SHAGUFTA RIBI  
S/O, D/O, W/O FARHAN ALI Regt/Corps FFRC Ward 70NCO I

DATE OF ADMISSION: 25-2-20 DATE OF DISCHARGE: 25/2/20

DIAGNOSIS: Mesothelioma

OPERATION (IF ANY): GEM XC

OUT COME: \_\_\_\_\_

PERFORMED BY: \_\_\_\_\_ DATE OF OPERATION: \_\_\_\_\_

INVESTIGATIONS: 4.53 11.0 235

TREATMENT & ADVICE: \_\_\_\_\_

2 روز بعد اولیٰ تندرستی کے لئے کٹرینجیشن

FOLLOW UP: 14-03-2020

DR. ASIF RIAZ KHAN  
PGT Oncology  
FFH RWP.

M. O. I/C Ward

APPROVED

(15)

Lead 79  
FFH/FRM/053

# Fauji Foundation Hospital Rawalpindi

5788150-65

"ISO 9001:2015 Certified"  
**DISCHARGE CERTIFICATE**

A & D No. 407909

DR CONSULTANT  
FAUJI ARZUS SAMAD

Regt No. A3348-334-1 Rank COR Name of Patient SHAGUEN BIBI  
S/O, D/O, W/O FAZAL KHAN Regt/Corps FEDC Ward FONECOT

DATE OF ADMISSION: 17-3-20 DATE OF DISCHARGE: \_\_\_\_\_

DIAGNOSIS: MESOTHELIOMA (Stage III)

OPERATION (IF ANY): Gem XIA givn

OUT COME: \_\_\_\_\_

PERFORMED BY: \_\_\_\_\_ DATE OF OPERATION: \_\_\_\_\_

INVESTIGATIONS: 7.65 10.9 418  
#5.02  
Uric: 4.0 Cr: 7.0 Bil: 11 AST: 93

TREATMENT & ADVICE: \_\_\_\_\_

SYP EPURAM 1TSP X TDS - 7diy  
TAB. GRAVINATE 50 mg 1 X BD - 3diy

FOLLOW UP: 24-03-2020 Chemo ki tarah  
اپنی لیبٹ اور Blood CP کے ساتھ کریس

APPROVED

DR. IRGA MAMSHAD  
Medical Officer  
FFH Rawalpindi

M. O. I/C Ward

16

S. Chaudhary  
488

FFH/FRM/053

# Fauji Foundation Hospital Rawalpindi

5788150-65

"ISO 9001:2015 Certified"

## DISCHARGE CERTIFICATE

A & D No. M 607002

CONSULTANT  
DR. FAUZIA MAHMOOD

Regt No. 3948374-1 Rank Gunn Name of Patient SHAHINUR Bibi

S/O, D/O, W/O RAHMAN Ali Regt/Corps \_\_\_\_\_ Ward F/M/ON CO II

DATE OF ADMISSION: 18/4/20 DATE OF DISCHARGE: 18/4/20

DIAGNOSIS: Mesothelioma

OPERATION (IF ANY): CEM2AR XI B

OUT COME: \_\_\_\_\_

PERFORMED BY: \_\_\_\_\_ DATE OF OPERATION: \_\_\_\_\_

INVESTIGATIONS:  
10.07 / 10.9 / 310  
# 749

TREATMENT & ADVICE: \_\_\_\_\_

1) T. Neobud forte (1+1+1) 1000 mg

اقل سے زیادہ

FOLLOW UP: 27-04-2020

DR. A. MAHMOOD  
PST Oncology  
FFH Rawalpindi

APPROVED

M. O. I/C Ward



17

FFH/FRM/053

# Fauji Foundation Hospital Rawalpindi

5788150-65

"ISO 9001:2015 Certified"

## DISCHARGE CERTIFICATE

012

A & D No. M/410360

CONSULTANT  
DR. PROZIMBOUS

Regt No. 3348334 Rank Ymn Name of Patient SHAMUJA BIBI  
S/O, D/O, W/O PARKHO Regt/Corps FPA Ward PANIONCAT  
RU

DATE OF ADMISSION : 01-06-20 DATE OF DISCHARGE : 01-06-20

DIAGNOSIS : Mesothelioma ✓

OPERATION (IF ANY) : L

OUT COME : At my genra XLC given

PERFORMED BY : \_\_\_\_\_ DATE OF OPERATION : \_\_\_\_\_

INVESTIGATIONS : CBL Hb 11.74 8.5 pt 336 AWC 6.1

TREATMENT & ADVICE : Given

FOLLOW UP : 16-06-2020 9/11/2020

APPROVED

M.O. I/C Ward  
[Signature]

Chemopaid 4827,  
18  
FFH/FRM/058

# Fauji Foundation Hospital Rawalpindi

5788150-65

"ISO 9001:2015 Certified"  
**DISCHARGE CERTIFICATE**

A & D No. 412175

DR CONSULTANT  
Engr. AYOUB SAMAD

Regt No. A3348334-1 Rank CWG Name of Patient SHAQUITA BIBI  
S/O, D/O, W/O FARHAD ALO Regt/Corps FFD Ward 70NC-1

DATE OF ADMISSION: 18-7-20 DATE OF DISCHARGE: \_\_\_\_\_

DIAGNOSIS: Mesothelioma

OPERATION (IF ANY): (Admitted for Chemopaid)

OUT COME: (XII A)

PERFORMED BY: \_\_\_\_\_ DATE OF OPERATION: \_\_\_\_\_

INVESTIGATIONS: WBC: 7.7 Hb: 11.5 PLT: 374

TREATMENT & ADVICE: \_\_\_\_\_

Tas khani 20 mg 1 to 5 days

FOLLOW UP: 3 هفته بعد

10-08-2020

APPROVED

M. O. I. Rawalpindi  
Dr. Rashid Raza  
Medical Officer  
FFH, Rawalpindi

(19)

M 170

FFH/FRM/053

# Fauji Foundation Hospital Rawalpindi

5788150-65

"ISO 9001:2015 Certified"  
**DISCHARGE CERTIFICATE**

A & D No. M/413658

CONSULTANT  
DR. ENZIA ABONS

Regt No. A-3348334 Rank QMR Name of Patient SHAGURTA BIBI  
S/O, D/O, W/O RAMADAN Regt/Corps FPAC Ward RAMADAN COY

DATE OF ADMISSION: 19/8/20 DATE OF DISCHARGE: 19/8/20

DIAGNOSIS: Mesothelioma ✓

OPERATION (IF ANY): Gemzar XIII A

OUT COME: \_\_\_\_\_

PERFORMED BY: \_\_\_\_\_ DATE OF OPERATION: \_\_\_\_\_

INVESTIGATIONS: 10.55 > 11.1 < 444  
37.9

TREATMENT & ADVICE: \_\_\_\_\_

Ulcinal 20mg BD x 3 days  
Granimate 50mg BD x 2 days  
Pulmonal 120mg TDS x 5 days

FOLLOW UP: 2-9-2020 دو باره شریف لاش

اپنے بعد Blood CP رپورٹ تریبی ڈاکٹر کو چیک کروائیں

APPROVED

M. O. L / G. M. A. van  
Dr. Ayesha Mehar  
House Office  
FFH Rawalpindi

OFFICE ORDER

**WHEREAS**, the accused Warder (BPS-07)/ probationer Farhad Ali attached to Central Prison Peshawar was proceeded against under Rule(5)(1) Read with Rule-7 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges of his misconduct as mentioned in Show-Cause Notice served upon him vide this Headquarters No. 1146-47 dated 08-04-2020 in light of report of the Superintendent Central Prison Peshawar vide his No. 5170/WE dated 07-04-2020.

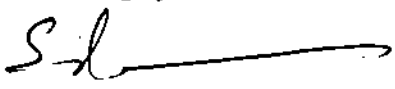
**AND WHEREAS**, the accused Warder submitted reply to the Show-Cause Notice dated 10-04-2020, which was considered but found unsatisfactory.

AND WHEREAS, the accused Warder was afforded the ample opportunity of personal hearing on 16-04-2020 at 1100 hours. During the course of personal hearing, he failed to satisfy the undersigned regarding his willful absence from duties.

**AND WHEREAS**, the accused Warder failed to produce his consent but again absented himself from the jail premises w.e.f 16-04-2020 and are still at large, his whereabouts are also unknown, seems that he is no more interested in his job.

**NOW THEREFORE**, in exercise of powers conferred under Rule-14(5) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 having considered the charges leveled against him in light of the evidence and record, the undersigned being Competent Authority is hereby pleased to award him the major penalty of Removal from Service with immediate effect with further orders as under: -

2- His period of absence w.e.f 21-02-2020 to 06-04-2020 (44 days) and w.e.f 16-04-2020 to 11-05-2020 (25 days) is hereby treated as leave without pay.

  
SUPERINTENDENT  
HEADQUARTERS PRISON PESHAWAR

Endorsement No: 1519-231-

Copy of the above is forwarded to the: -

- 1- Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar.
- 2- Superintendent Central Prison Peshawar with reference to his report No. 5170/WE dated 07-04-2020 and No. 5884/LO dated 04-05-2020.
- 3- Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 4- Head Clerk (Pay Branch) Central Prison Peshawar.
- 5- Official concerned..

  
SUPERINTENDENT  
HEADQUARTERS PRISON PESHAWAR

11.5.2020

درخواست برادر بحال لے جانے سائل وارڈن

فرزاد علی و کم سرد خان بوجہ رہم

جناب عالی: گزارش جناب سائل وارڈن فرزند علی حسب ذیل وجوہات۔

1- یہ کہ سائل محکمہ جیل خانہ جات میں نورم 15/5/2019 کو بھرتی ہو چکا

تھا۔ (نقل آرڈر لیا ہے)

2- یہ کہ سائل نے اپنی ڈیوٹی آسن طریقے سے بمقام سنٹرل جیل پشاور کر

رہی۔

3- یہ کہ سائل کی بیوی کینسر کی بیمار ہے اور سائل واحد

کفیل / سہارا ہے بدوہ سائل اپنا بیوی کا علاج نہال

کر رہا ہے۔ بدوہم غیر حاضر کیا ہوئی ہے۔ اور غیر حاضری کے بعد

جب سائل ڈیوٹی کے لئے حاضر ہوا۔ تو سائل کو معلوم ہوا۔

اور آپ بوجہ غیر حاضری پر فرماست ہوا ہے تو سائل

بذریعہ درخواست ہذا آپ صاحبان کو آٹھان کرنے و حردیادہ ڈیوٹی

پر بحال کرنے کا خواہاں ہوں۔ (بیماری کینسر کے کاغذات لیا ہے)

4- یہ کہ سائل ایک میزب گھرانے سے تعلق رکھتا ہے

اور سائل کا آمد کوئی ذریعہ حوالہ نہیں ہیں سائل اب روزگار ہے۔

اس لئے استدعا ہے کہ بہمنظوری درخواست حقاً ملاحظہ فرمادہ نظر آکر سائل کو

بوجوہات بالا سائل کو بحال کرنے کا حکم صادر فرمایا جائے۔

سائل دعاؤں رہے گا۔ نورم 21-8-2019

سائل فرزند علی و سرد خان (وارڈن) سائل جوئی کل چارہ

دوست محمد جمال خان صاحب

SEEN	
I.G.	
A.I.G.	
D.D.	
A.D.	

دوست محمد جمال خان صاحب  
نیربادی دله سراد خان نیربادی

جناب عالی: کوڑھی نیربادی صاحب دوارڈن نیربادی صاحب دوارڈن  
نیربادی صاحب دوارڈن نیربادی صاحب دوارڈن  
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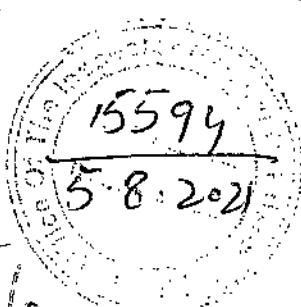
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**ORDER:**

OFFICE OF THE  
INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR

91-9210334, 9210406

091-9213445

No. Estb/Ward/Orders/ 11-26401-1

Dated 17-08-2021

*Amnour*

**WHEREAS,** **Warder Farhad Ali S/o Murad Khan** while attached to Central Prison Peshawar was awarded the major penalty of "**Removal from Service**" by Superintendent HQs Prison Peshawar vide his office order No. 1518 dated 11-05-2020 due to his misconduct/willful absence from duty.

**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 the appeal is time barred and penalty awarded to him by the competent authority due to his misconduct/willful absence from duty after observing all legal and codal formalities as required under E&D Rules 2011.

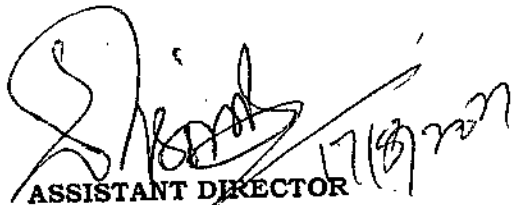
**NOW THEREFORE,** keeping in view the facts on record, the provision of rules in vogue and in exercise of powers conferred under Rule-17 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 read with Rule-05 of Khyber Pakhtunkhwa Service Appeal Rules 1986, the decision of the 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. 26402-04 /.

Copy of the above is forwarded to:-

1. The Superintendent, Headquarters Peshawar for information and necessary action with reference to his order referred to above.
2. The Superintendent Central Prison Peshawar 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 Farhad Ali S/o Murad Khan Chotipul Sher Payan P.O Charsadda Tehsil and District Charsadda for information with reference to his appeal dated 04-08-2021 Cell No.0343-4521900.

  
ASSISTANT DIRECTOR  
INSPECTORATE GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR

AI 17/8/2021

thereafter he or it is satisfied that the accused is acting in disregard of the warning, he or it shall record a finding to that effect and proceed to complete the enquiry in such manner as he or it thinks best suited to do substantial justice.

(5) The Inquiry Officer or the Committee as the case may be, shall within ten days of the conclusion of the proceedings or such longer period as may be allowed by the authorised Officer, submit his or its findings and the grounds thereof to the authorised Officer.

Note—In the case of staff in grades 1 to 5, the authorised Officer may, at his discretion, permit the accused to be assisted by another Railway servant.

7. Powers of Inquiry Officer and Inquiry Committee—(1) For the purpose of an inquiry under these rules, the Inquiry Officer and the Inquiry Committee shall have the powers of a Civil Court trying a suit under the Code of Civil Procedure, 1908 (Act V of 1908), in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) receiving evidence on affidavits, and
- (d) issuing commissions for the examination of witnesses or documents.

(2) The proceedings under these rules shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Pakistan Penal Code (Act XLY of 1860).

8. Rule 5 not to apply in certain cases.—Nothing in rule 5 shall apply to a case:—

- (a) where the accused is dismissed or removed from service or reduced in rank, on the ground of conduct which has led to a sentence of fine or of imprisonment; or
- (b) where the authority competent to dismiss or remove a person from service, or to reduce a person in rank, is satisfied that, for reasons to be recorded in writing by that authority, it is not reasonably practicable to give the accused an opportunity of showing cause.

9. Procedure of inquiry against officers lent to Provincial Government, etc.—(1) Where the services of a Railway servant to whom these rules apply, are lent to a Provincial Government or other authority hereinafter in this rule referred to as the borrowing authority, the borrowing authority shall have the powers of the authority for the purpose of placing him under suspension or requiring him to proceed on leave and of initiating proceedings against him under these rules:

Provided that the borrowing authority shall forthwith inform the authority which has lent his services, hereinafter in this rule referred to as the lending authority, of the circumstances leading to the order of his suspension or the commencement of the proceedings as the case may be. Provided further that the borrowing authority shall obtain prior approval of the President before taking any action under these rules against an All-Pakistan United Grades officer in Grade 17 and above.

(2) If in the light of the findings in the proceedings taken against the Railway servant in terms of sub-rule (1), the borrowing authority is of opinion that any penalty should be imposed on him, it shall transmit to the lending authority the record of the proceedings and thereupon the lending authority shall take action as prescribed in the rules.

10. Appeal.—A Railway servant to whom a penalty is imposed shall have such right of appeal as prescribed in rules 1717, 1723, 1731 and 1732 of the Pakistan Railways Establishment Code.

Provided that, where the penalty is imposed by order of the President, there shall be no appeal but the person concerned may apply for review of the order.

11. Appearance of Counsel.—No party to any proceedings under these rules before the authority, the authorised officer, an Inquiry Officer or an Inquiry Committee shall be represented by an advocate.

**THE REVISED LEAVE RULES, 1980**

S.R.O. 1313 (I)/80, dated 20th December, 1980 (Corr. Pub. Rev. Pt. II, 21-12-80)—In exercise of the powers conferred by section 25 of the Civil Servants Act, 1973 (LXXI of 1973), the President is pleased to make the following rules, namely:—

1. Short title, application and commencement.—(1) These rules may be called the Revised Leave Rules, 1980.

(2) They shall apply to all civil servants other than those who were employed before the first day of July, 1978, and opted not to be governed by the Revision of Leave Rules issued under the Finance Division's Office Memorandum N.S. F. 1 (2)-Rev. 1/78, dated the 21st September, 1978.

(3) They shall come into force at once.

2. When leave earned.—(1) All service rendered by a Civil servant qualifies him to earn leave in accordance with these rules but shall not be earned during the period of leave.

(2) Any period spent by a civil servant in foreign service qualifies him to earn leave provided that contribution towards leave salary is paid to the Government on account of such period.

3. Earning and accumulation of leave.—(1) A civil servant shall earn leave only on full pay which shall be calculated at the rate of four days for every calendar month of the period of duty rendered and credited to his leave account as "Leave on Full Pay". Duty period of fifteen days or less in a calendar month being ignored and those of more than fifteen days being treated as a full calendar month for the purpose.

(2) If a civil servant proceeds on leave during a calendar month and returns from it during another calendar month and the period of duty in either month is more than fifteen days, the leave to be credited for both the incomplete months shall be restricted to that admissible for one full calendar month only.

(3) There shall be no maximum limit on the accumulation of such

Amendment C  
23



...after he or it is satisfied that the accused is acting in disregard of the law or if it shall record a finding to that effect and proceed to complete the inquiry in such manner as he or it thinks best suited to do substantial justice.

(5) The Inquiry Officer or the Committee as the case may be, shall within ten days of the conclusion of the proceedings or such longer period as may be allowed by the authorised officer, submit his or its findings and the grounds thereof to the authorised officer.

7. Powers of Inquiry Officer and Inquiry Committee—(1) For the purpose of an inquiry under these rules, the Inquiry Officer and the Inquiry Committee shall have the powers of a Civil Court trying a suit under the Code of Civil Procedure, 1908 (Act V of 1908), in respect of the following matters, namely:—  
(a) summoning and enforcing the attendance of any person and examining him on oath;  
(b) requiring the discovery and production of any person and documents;  
(c) receiving evidence on affidavits, and  
(d) issuing commissions for the examination of witnesses or documents.

(2) The proceedings under these rules shall be deemed to be judicial proceedings within the meaning of sections 191 and 238 of the Pakistan Penal Code (Act XLV of 1860).

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(a) where the accused is dismissed or removed from service or reduced in rank, on the ground of conduct which has led to a sentence of fine or of imprisonment; or  
(b) where the authority competent to dismiss or remove a person from service, or to reduce a person in rank, is satisfied that, for reasons to be recorded in writing by that authority, it is not reasonably practicable to give the accused an opportunity of showing cause.

4. Procedure of inquiry against officers lent to Provincial Government, etc.—(1) Where the services of a Railway servant to Provincial Government, apply, and lent to a Provincial Government or other authority hereinafter in this rule referred to as the borrowing authority, the borrowing authority shall have the powers of the authority, the borrowing authority under suspension or requiring him, to proceed on leave and of initiating proceedings against him under these rules.

Provided that the borrowing authority shall forthwith inform the authority which has lent his services, hereinafter in this rule referred to as the lending authority, of the circumstances leading to the order of suspension or the commencement of the proceedings as the case may be. Provided further that the borrowing authority shall obtain prior approval of the President before taking any action under these rules against an All-Pakistan United Grades officer in Grade 17 and above.

(2) If in the light of the findings in the proceedings taken against the Railway servant in terms of sub-rule (1), the borrowing authority is of opinion that any penalty should be imposed on him, it shall transmit the finding authority shall take action as prescribed in the rules.

10. Appeal.—A person on whom a penalty is imposed shall have the right of appeal as prescribed in rules 1717, 1723, 1731 and 1732 of the Pakistan Railways Establishment Code.

Provided that, where the penalty is imposed by order of the President, there shall be no appeal but the person concerned may apply for review of the order.

11. Appearance of Counsel.—No party to any proceedings under these rules before the authority, the authorised officer, an Inquiry Officer or an Inquiry Committee shall be represented by an advocate.

THE REVISED LEAVE RULES, 1980

S.R.O. 1311/1980, dated 20th December, 1980. Date: 1980. 11.01.12.80.—In exercise of the powers conferred by section 25 of the Civil Servants Act, 1973 (LXXI of 1973), the President is pleased to make the following rules, namely:—

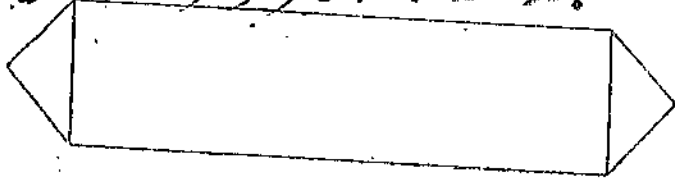
1. Short title, application and commencement.—(1) These rules may be called the Revised Leave Rules, 1980.  
(2) They shall apply to all civil servants other than those who were employed before the first day of July, 1978, and opted not to be governed by the Revision of Leave Rules issued under the Finance Division's Office Memorandum No. F. 1 (2)-Rev. 1/78, dated the 21st September, 1978.

(3) They shall come into force at once.  
2. When leave earned.—(1) All service rendered by a Civil servant shall be taken into account in accordance with these rules but shall not be earned during the period of leave.  
(2) Any period spent by a civil servant in foreign service qualifies him to earn leave provided that contribution towards leave salary is paid to the Government on account of such period.

3. Earning and accumulation of leave.—(1) A civil servant shall earn leave only on full pay which shall be calculated at the rate of four days for every calendar month of the period of duty rendered and credited to his leave account as "Leave on Full Pay". Duty period of fifteen days or less in a calendar month being ignored and those of more than fifteen days being treated as a full calendar month for the purpose.  
(2) If a civil servant proceeds on leave during a calendar month and returns from it during another calendar month and the period of duty in either month is more than fifteen days, the leave to be credited for that month shall be restricted to that admissible for one calendar month only.

(3) There shall be no maximum limit on the accumulation of such leave.

بعد الت جناب فیہر خیرا خواہ سرو کی تریسول لیسار



اگست 2021ء پنجاب

فرمان علی

بنام

انسپیکٹر جنرل

صحت KPK لیسار دورہ

موردہ

مقدمہ

دعویٰ

جرم

## باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کل کاروائی متعلقہ

کیلئے اسلم خان خندا ابرو کہتے

آن مقام لیسار

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 جو اب وہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور وصولی چیک، دروپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق

زر میں 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 باختیارات حاصل ہوں گے

اور اس کا ساختہ پرداختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے

سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں

گے۔ کہ پیروی مذکور کریں۔ لہذا کالت نامہ لکھ دیا کہ سند ہے۔

اگست 2021ء

بہ

الرقوم

attested & accepted.

ash

العبد العبد العبد

کے لئے منظور ہے۔

مقام

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

In the matter of  
Service Appeal No. 7363/2021  
Farhad Ali s/o Murad Khan, Ex-Warder.....(Appellant)

**VERSUS**

- 1- Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar
- 2- Assistant Director for Inspector General of Prisons Khyber Pakhtunkhwa Peshawar.
- 3- Superintendent, Headquarter Prison Peshawar.....(Respondents).

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Deponent

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

In the matter of

Service Appeal No. 7363/2021

Parhad Ali s/o Murad Khan, Ex-Warder.....(Appellant)

**VERSUS**

- 1- Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar
- 2- Assistant Director for Inspector General of Prisons Khyber Pakhtunkhwa Peshawar.
- 3- Superintendent, Headquarter Prison Peshawar.....(Respondents).

**SUBJECT: JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO 1 to 3**

**Respectfully Sheweth:-**

**Preliminary Objections**

- i. That the appellant has got no cause of action.
- ii. That the present appeal is not maintainable in its present form.
- iii. That the appellant is estopped by his own conduct to file the present appeal.
- iv. That the appellant has got no locus standi.
- v. That the present appeal is bad for mis joinder and non-joinder of necessary parties.
- vi. That the present appeal of the appellant is badly time barred.

**FACTUAL OBJECTION:-**

1. No comments.
2. No comments.
3. Incorrect and not admitted. The appellant is habitual absentee and not willing to perform his duty with devotion and honesty during the period of his probation. The appellant willfully absented himself from official duty without prior permission of competent authority w.e.f 21-02-2020 to 06-04-2020 (44) days and 16-04-2020 to 11-05-2020 (25) days. The competent authority served him with show cause notice vide Superintendent HQs Prison Peshawar No. 1146-47 dated 08-04-2020. (**copy of show cause notice attached as Annex-A**). The Rule 1082 and 1083 of Khyber Pakhtunkhwa Prison Rule-2018 provided mechanism for granting leave that whenever an employee has been unable to perform duty due to unavoidable reason he shall report the matter to Superintendent Jail wherein such case the appellant does not fulfill the requisite criteria as laid down in Rule-1083 of Khyber Pakhtunkhwa Prison Rule 2018. (**Relevant Rule as Annex-B**)
4. Incorrect not admitted. The appellant was requires to inform the competent authority about his illness and treatment as he inserted in his service appeal as he was duty bound o submit an application before the competent authority as laid down in the relevant rules but he does not complied with the rules and remained absent from Jail premises being a sensitive post service, hence his willful disappearance from duty amount to a serious misconduct on the part of appellant. Therefore, he was removed from Service vide Superintendent Headquarters Prison Peshawar Office Order 1518 Dated 11/05/2020 (**removal order is attached as Annex-C**).
5. Admitted to the extent that appellant filed departmental appeal against the impugned order before the Worthy Inspector General of Prisons which was considered as rejected by the appellant authority

on the basis of badly time barred, he was required to file the departmental appeal within the period of 30 days against the original order while the appellant filed departmental appeal after the lapse of two months. **(Rejection of departmental appeal order is attached as Annex- D).**


6. Detailed of the Para-06 is elaborated in Para-05 above.


**OBJECTION ON GROUNDS:**

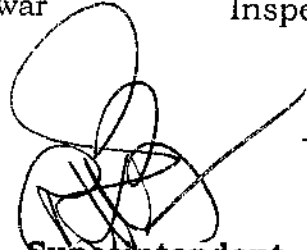
- A. Incorrect and not admitted. The appellant deliberately absented himself from official duty without clear permission from the competent authority hence violated rule-1082 & 1083 of Khyber Pakhtunkhwa Prisons Rules 2018..
- B. Incorrect and not admitted as the appellant admitted his willful absence from duty in the result of such willful absence he faced the major penalty of removal from service. Not admitted. As elaborated in Para-04 above.
- C. Incorrect and not admitted as the appellant duly in probation period violated the term and condition of his service as mentioned in Para-02, 06,07 and 10 of his offer of appointment wherein it was clearly stated that his service is liable to be terminated that any stage during the period of probation if his work/conduct is found unsatisfactory.
- D. Incorrect and not admitted. The appellant was served with proper show cause notice as the charge was already proved against him therefore his plea carries no wait.
- E. Incorrect and not admitted. Both the impugned orders are according to Law and no discrimination has been committed by the respondent concerned.
- F. That the respondents would also seeks permission from this Honorable Service Tribunal to raise additional grounds of objection at the time of arguments.

**PRAYER:**

It is therefore most humbly prayed that on acceptance of this instant reply/Para-wise comments on behalf of respondent No. 1 to 3 the appeal of the appellants may kindly be dismissed be devoid of merit & Law.

  
**Inspector General Of Prison**  
 Khyber Pakhtunkhwa Peshawar  
 (Respondent No. 1)

  
**Assistant Director**  
 Inspectorate General of Prisons  
 (Respondent No. 2)

  
**Superintendent**  
 Headquarters Prison Peshawar  
 (Respondent No. 3)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

In the matter of  
Service Appeal No. 7363/2021  
Farhad Ali s/o Murad Khan,,Ex-Warder.....**Appellant**


In Service Appeal No. 7363/2021  
**Farhad Ali s/o Murad Khan, Ex-Warder**, Central Prison Peshawar,  
r/o Choti Pul, Chalgazhi Baba, Korona,  
Tehsil & District Charsadda .....**Appellant**

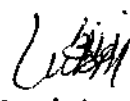
**VERSUS**


- 1- Inspector General of Prisons,  
Khyber Pakhtunkhwa Peshawar
- 2- Assistant Director  
Prisons Khyber Pakhtunkhwa Peshawar.
- 3- Superintendent,  
Headquarter Prison Peshawar.....**Respondents.**

**COUNTER AFFIDAVIT ON BEHALF OF THE 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 that no material/facts have been kept concealed from this Honorable Service Tribunal.

  
**Inspector General Of Prison**  
Khyber Pakhtunkhwa Peshawar  
(Respondent No. 1)

  
**Assistant Director**  
Inspectorate General of Prisons  
(Respondent No. 2)

  
**Superintendent**  
Headquarters Prison Peshawar  
(Respondent No. 3)

SHOW CAUSE NOTICE UNDER RULE-5(1) READ WITH RULE-7 OF THE  
HYBER PAKHTUNKHWA GOVERNMENT SERVANTS (EFFICIENCY &  
DISCIPLINE) RULES, 2011.

You, **Warder (BPS-07) Farhad Ali** attached to Central Prison Peshawar willfully absented yourself from your allotted duties as well jail premises without prior permission of the Competent Authority w.e.f 21-02-2020 and resumed on 06-04-2020 after 44 days willful absence, which constitutes gross misconduct.

I, **Khalid Abbas**, Superintendent Headquarters Prison Peshawar as Competent Authority, am satisfied by the report received through the Superintendent Central Prison Peshawar vide report No. 5170/WE dated 07-04-2020 and there is no need of holding any further inquiry.

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

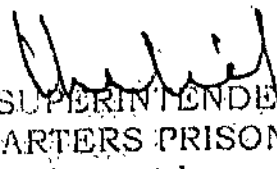
In case of reply does not reach this office within stipulated period, ex-parte action shall be taken against you.

  
SUPERINTENDENT  
HEADQUARTERS PRISON PESHAWAR

Endorsement No: 1146-47 - dated: 08 /04/2020

Copy of the above is forwarded to the: -

- 1- Superintendent Central Prison Peshawar with reference to his report quoted above. A copy of the same duly signed and dated by the accused Warder may be returned back to this Headquarters as a token or receipt and for this record.
- 2- Warder Farhad Ali, C/o Superintendent Central Prison Peshawar.

  
SUPERINTENDENT  
HEADQUARTERS PRISON PESHAWAR  
E-mail: hqprisonpeshawar@gmail.com

(An extract Copy)

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

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

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

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

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

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

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

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



OFFICE OF THE  
**SUPERINTENDENT**  
HEADQUARTERS PRISON PESHAWRA  
No: 158 P/B Dt: 11/05/2020

OFFICE ORDER

**WHEREAS**, the accused Warder (BPS-07)/ probationer Farhad Ali attached to Central Prison Peshawar was proceeded against under Rule(5)(1) Read with Rule-7 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges of his misconduct as mentioned in Show-Cause Notice served upon him vide this Headquarters No. 1146-47 dated 08-04-2020 in light of report of the Superintendent Central Prison Peshawar vide his No. 5170/WF dated 07-04-2020.

**AND WHEREAS**, the accused Warder submitted reply to the Show-Cause Notice dated 10-04-2020, which was considered but found unsatisfactory.

**AND WHEREAS**, the accused Warder was afforded the ample opportunity of personal hearing on 16-04-2020 at 1100 hours. During the course of personal hearing, he failed to satisfy the undersigned regarding his willful absence from duties.

**AND WHEREAS**, the accused Warder failed to produce his consent but again absented himself from the jail premises w.e.f 16-04-2020 and are still at large, his whereabouts are also unknown, seems that he is no more interested in his job.

**NOW THEREFORE**, in exercise of powers conferred under Rule-14(5) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 having considered the charges leveled against him in light of the evidence and record, the undersigned being Competent Authority is hereby pleased to award him the major penalty of Removal from Service with immediate effect with further orders as under: -

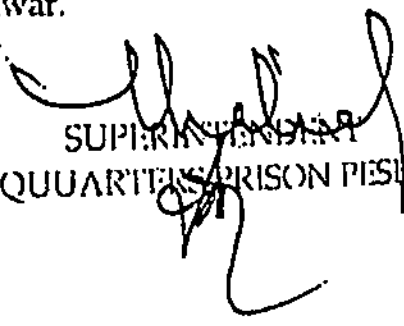
2- His period of absence w.e.f 21-02-2020 to 06-04-2020 (44 days) and w.e.f 16-04-2020 to 11-05-2020 (25 days) is hereby treated as leave without pay.

  
SUPERINTENDENT  
HEADQUARTERS PRISON PESHAWAR  
11-5-2020

Endorsement No: 159-23-1-

Copy of the above is forwarded to the: -

- 1- Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar.
- 2- Superintendent Central Prison Peshawar with reference to his report No. 5170/WF dated 07-04-2020 and No. 5884/LO dated 04-05-2020.
- 3- Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 4- Head Clerk (Pay Branch) Central Prison Peshawar.
- 5- Official concerned.

  
SUPERINTENDENT  
HEADQUARTERS PRISON PESHAWAR



**ORDER:**

OFFICE OF THE  
INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR

91-9210334, 9210406

091-9213445

No. Estb/Ward/Orders/ 112-26401-1

Dated: 17-08-2021

3687  
17/08/21

P.B  
[Signature]

WHEREAS, **Warder Farhad Ali S/o Murad Khan** while attached to Central Prison Peshawar was awarded the major penalty of "Removal from Service" by Superintendent HQs Prison Peshawar vide his office order No. 1518 dated 11-05-2020 due to his misconduct/willful absence from duty.

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 the appeal is time barred and penalty awarded to him by the competent authority due to his misconduct/willful absence from duty after observing all legal and codal formalities as required under 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. 26402-04 /..

Copy of the above is forwarded to:-

1. The Superintendent, Headquarters Peshawar for information and necessary action with reference to his order referred to above.
2. The Superintendent Central Prison Peshawar 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 Farhad Ali S/o Murad Khan Chotipul Sher Payan P.O Charsadda Tehsil and District Charsadda for information with reference to his appeal dated 04-08-2021 Cell No.0343-4521900.

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

17/8/2021

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

Appeal No: 7363/2021

Farhad Ali, Ex- Warder Central Jail Peshawar.....Appellant

VERSUS

Inspector General of Prisons KPK Peshawar & Others...Respondents

**APPELLANT'S REJOINDER**

**Respectfully Sheweth,**

**Preliminary objections:-**

That the 6 legal objections raised by the respondents in their reply are illegal, wrong, incorrect and are denied in every detail. The Appellant has a genuine cause of action and his appeal does not suffer from any side.

1+2: Needs no comments.

3+4: Incorrect. Paras 3 + 4 of appeal are correct and its replies are incorrect.

5: Incorrect. That the appellant's departmental appeal has illegally been rejected as no consideration has been given to his problems and difficulties, because the appellant is sole earner of bread for his family.

6: Incorrect. Details to this effect has been given above.

**Grounds:-**

A to C. Incorrect. Grounds A to C of appeal are correct and its replies are incorrect.

D. Incorrect. That no show cause notice has been served upon the appellant.

E+F. Incorrect. Grounds E+F of appeal are correct and its replies are incorrect.

It is, therefore, prayed that on acceptance of appeal and rejoinder, the relief as prayed for may be granted to the Appellant.

*Jalad*  
Appellant

Through

*Aslm*  
Asalm Khan Khattak  
Advocate, Peshawar.

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

Appeal No: 7363/2021

Farhad Ali, Ex- Warder Central Jail Peshawar.....Appellant

VERSUS

Inspector General of Prisons KPK Peshawar & Others... Respondents

**AFFIDAVIT**

I, Farhad Ali, Ex- Warder Central Jail Peshawar, do hereby solemnly affirm and state on oath that all contents of appeal and rejoinder are true & correct to the best of my knowledge and belief that all contents of appeal and rejoinder are true and correct and nothing wrong has been stated by me in the matter.

*Farhad*  
DEPONENT

Identified By:

*Aslam*  
Aslam Khan Khattak  
Advocate, Peshawar.

