

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 497/2016

Date of Institution ... 26.04.2016

Date of Decision ... 04.01.2018

Asmat Ullah S/O Khan Wazir, Warder, High Security Prison Mardan.
 ... (Appellant)

VERSUS

1. The Inspector General of Prison, Khyber Pakhtunkhwa, Peshawar
 and 2 other.
 ... (Respondents)

 MR. YASIR SALEEM,
 Advocate --- For appellant.

MR. MUHAMMAD JAN,
 Deputy District Attorney --- For respondents.

MR. AHMAD HASSAN, ... MEMBER(Executive)
 MR. MUHAMMAD AMIN KHAN KUNDI ... MEMBER(Judicial)

JUDGMENT

AHMAD HASSAN, MEMBER.- Arguments of the learned counsel for
 the parties heard and record perused.

FACTS

2. The brief facts are that the appellant was awarded major penalty of
 reduction to lower stage in time scale vide impugned order dated 04.02.2016.
 Against which he preferred departmental appeal which was rejected vide order
 dated 28.03.2016, hence, the instant service appeal on 26.04.2016.

ARGUMENTS

3. Learned counsel for the appellant argued that while serving in Central
 Prison, Bannu his father fell ill seriously. In order to look after his ailing father

he submitted an application for leave which was allowed to him. As the condition of his father did not improve so he failed to resume duty and in the meanwhile was also relieved from duty in central jail Bannu on 01.10.2015 and directed to report to High Security Prison, Mardan. Thereafter disciplinary proceedings were initiated by serving a show cause notice on 21.12.2015 but it was never communicated to the appellant. That major penalty of reduction to lower stage in time scale was imposed on him vide impugned order dated 04.02.2016. While the period of his absence w.e.f 01.10.2015 to 22.01.2016 was treated as Extra Ordinary Leave without pay. He filed departmental appeal which was rejected, hence the instant service appeal. Proper inquiry has not been conducted against the appellant though show cause notice was served on him but he was not proceeded in the manner prescribed in Khyber Pakhtunkhwa Government Servants (Efficiency and Disciplinary) Rules 2011. No specific period has been mentioned while awarding the penalty of reduction to lower stage in time scale as required under F.R. 29. Reliance was placed on 2004 SCMR 434. That if the period of absence is regularized then there is hardly any charge left against the delinquent government servant.

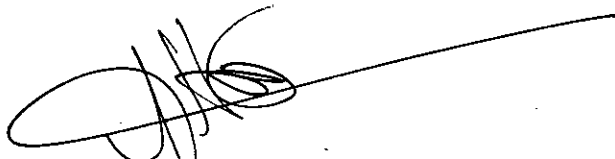
4. On the other hand learned Deputy District Attorney General argued that all codal formalities were observed before passing the impugned order. He was treated according to law and rules, hence, there is no illegality in the said order. The appeal is not maintainable and be dismissed.

CONCLUSION.


5. Careful perusal of record would reveal that respondents were required to proceed against the appellant in the light of Rule-9 of Khyber Pakhtunkhwa Government Servants (Efficiency and Disciplinary) Rules 2011. That said rule provide that after completion of due process major penalty of removal from

service should be imposed. However, in this case major penalty of reduction to lower stage in time scale was imposed and that too without specifying the period as required under F.R-29. As the period of his absence has been regularized, so, hardly any charge is in the field against the appellant. Attention is also invited to case law reported as 2006 SCMR 434 wherein the Supreme Court upheld that once the period of absence was allowed to be treated as leave without pay so pursuing the case further amounted to frivolous litigation. We are of the view that opportunity of fair trial and due process, as enshrined in Article-4 and 10(A) of the Constitution were denied to the appellant and as such was condemned unheard.

6. As a sequel to above, the appeal is accepted and the impugned order is set aside. The intervening period may be treated as leave of the kind due. Parties are left to bear their own costs. File be consigned to the record room.



(AHMAD HASSAN)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

ANNOUNCED
04.01.2018

25.08.2017

Counsel for the appellant and Mr. Ziaullah, DDA for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for rejoinder and arguments on 15.12.2017 before D.B.

(Gul Zeb Khan)
Member

(Ahmad Hassan)
Member

15.12.2017

Appellant in person present. Mr. Riaz Painda Kheil, learned Assistant Advocate General for the respondents present. Learned counsel for the appellant requested for adjournment. Request accepted. To come up for arguments on 04.01.2018 before D.B

(Gul Zeb Khan)
MEMBER

(Muhammad Hamid Mughal)
MEMBER

Order

04.01.2018

Counsel for the appellant and Mr. Muhammad Jan, DDA for respondents present. Arguments heard and record perused.

Vide detailed judgment of today of this Tribunal placed on file, the appeal is accepted and the impugned order is set aside. The intervening period may be treated as leave of the kind due. Parties are left to bear their own costs. File be consigned to the record room.

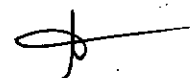
Announced:
04.01.2018

(MUHAMMAD AMIN KHAN KUNDI)
Member

(AHMAD HASSAN)
Member

15.02.2017

Clerk to counsel for the appellant and Addl. AG for respondents present. Written reply not submitted. Requested for adjournment. To come up for written reply/comments on 20.03.2017 before S.B.



(AHMAD HASSAN)

MEMBER

20.03.2017

Counsel for the appellant and Mr. Shehryar Khan Assistant alongwith Add: AG for the respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 03.05.2017, before D.B.


Chairman

03.05.2017

Agent to counsel for the appellant and Mr. Usman Ghani, Senior Government Pleader for the respondents present. Agent to Counsel for the appellant requested for time to file rejoinder. Request accepted. To come up for rejoinder and final hearing on 25.08.2017 before D.B.


Member
Chairman

20.05.2016

Counsel for the appellant present. Preliminary arguments heard and case file perused. Through the instant appeal, the appellant has impugned order dated 4.2.2016 vide which the appellant was awarded major penalty of reduction to lowest stage in time pay scale. Against the impugned order appellant filed departmental appeal which was rejected vide order dated 28.03.2016, hence the instant appeal.

Since the matter required further consideration and pertains to the terms and conditions of the service, therefore, the appeal is admitted for regular hearing, subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 09.08.2016 before S.B.

01.2.08

01.2.08
Member

09.08.2016

Clerk to counsel for the appellant present. Security and Process have not been deposited. Directed to deposit the same within seven days, thereafter notices be issued to the respondents for written reply/comments on 27.10.2016.



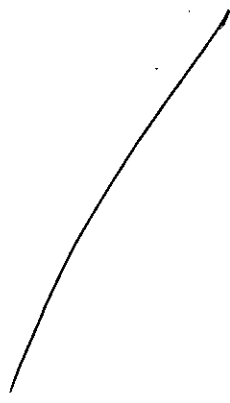

Appellant Deposited
Security & Process Fee

Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 497/2016


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	11/05/2016	<p>The appeal of Mr. Asmatullah resubmitted today by Mr. Sajid Amin Advocate, may be entered in the Institution register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2	12.5.16	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>20.5.16</u>.</p> <p> CHAIRMAN</p> <p></p> <p></p>

The appeal of Mr. Asmatullah son of Khan Wazir Warder nHigh Security Prison Mardan received to-day i.e. on 26.04.2016 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Annexures of the appeal may be attested.
- 3- Affidavit may be got attested by the Oath Commissioner.
- 4- Annexures of the appeal may be flagged.
- 5- Copies of medical prescriptions mentioned in para-3 of the memo of appeal (Annexure-A) is not attached with the appeal which may be placed on it.
- 6- Wakalat nama in favour of appellant be placed on file.
- 7- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 662 /S.T,

Dt. 27/4 /2016


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Sajid Amin dv. Pesh.

- 1) Memorandum of Appeal signed by Applicant
 - 2) Annexures of the Appeal attested by the Counsel.
 - 3) Affidavit signed the Oath Commissioner
 - 4) Annex Appeal flagged in Appeal.
 - 5) Copy of Medical Cases attached in Appeal is Annex 'A'
 - 6) Wakalat nama is attached in Appeal.
 - 7) Five more copy in Appeal attached
- Respectfully Bless With the Court.

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Appeal No. 497/2016

Asmat ullah S/O Khan Wazir, Warder, High Security Prison Mardan,
(Appellant)

VERSUS


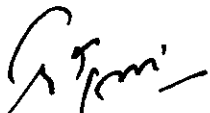
The Inspector General of Prison, Khyber Pakhtunkhwa, Peshawar
and others.

(Respondents)

INDEX

S. No	Description of Documents	Annexure	Page No
1	Memo of Appeal & Affidavit		1-4
2	Copies of the Medical Prescriptions etc.	A	5-37
3	Copy of the notice dated 18.12.2015 and Show Cause Notice dated 21.12.2015	B & C	38-39
4	Copy of the impugned order dated 04.02.2016	D	40
5	Copies of the Departmental Appeal & Rejection Order dated 28.03.2016	E & F	41-43
6	Vakalatnama		44.

Through


Appellant

SAJID AMIN
Advocate High Court,
Peshawar

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

**A.W.F. Province
Service Tribunal**
Diary No 422
Dated 26-4-2016

Appeal No. 497 /2016

Asmat ullah S/O Khan Wazir, Warder, High Security Prison Mardan.

(Appellant)

VERSUS

1. The Inspector General of Prison, Khyber Pakhtunkhwa, Peshawar.
2. The Superintendent Circle Head Quarters Prison, Mardan.
3. The Superintendent High Security Prison, Mardan

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the order dated 04.02.2016, whereby the appellant has been awarded the major penalty of "reduction to lowest stage in his present time pay scale", and against which the departmental appeal has also been rejected vide order dated 28.03.2016.

Prayer in Appeal: -

On acceptance of this appeal the orders dated 04.02.2016 and 28.03.2016 may please be set-aside and the pay scale of the appellant may please be restored to its original stage as it was before the issuance of the impugned order dated 04.02.2016, the appellant may also be allowed the consequential as well as all other back benefits.

Handwritten:
Filed to-day
Registered
26/4/16

Handwritten:
Re-submitted to-day
and filed.

Handwritten:
Registered
11/5/16

Respectfully Submitted:

1. That the appellant was appointed as Warder in the Prison Department and is presently posted at High Security Prison Mardan.
2. That ever since his appointment, the appellant is performing his duties as assigned to him with zeal and devotion and without giving any chance of complaint whatsoever regarding his performance to his superiors.
3. That while serving in the said capacity, the appellant while posted at Central Prison Bannu, his father got seriously ill and was paralyzed, the appellant being the only responsible male member of his family, therefore in order to look after his ailing father, the appellant in the last week of September, 2015 requested for one week leave which was accordingly allowed to him. Since the condition of his father got worse, therefore he was taken to different hospitals for treatment, lastly the father of the appellant admitted in a hospital at Islamabad for proper treatment. *(Copies of medical prescriptions etc are attached as Annexure A)*
4. That in the meantime the appellant while was on leave, he was transferred to High Security Prison Mardan and accordingly he was relieved from Bannu on 01.10.2015, since the appellant was busy in treatment of his father, therefore he could not report for duty at Mardan, however he telephonically informed the department that he will report for duty as soon as he get free from his father treatment.
5. That in the meantime the appellant was proceeded for absentia, a notice dated 18.12.2015, and show cause notice dated 21.12.2015 were though issued but were never communicated to the appellant. *(Copy of the notice dated 18.12.2015 and Show Cause Notice dated 21.12.2015 are attached as Annexure B & C).*
6. That thereafter the appellant was awarded the major penalty of reduction to the lower stage in time scale in his present time pay scale and also his absence period w.e.f 1.10.2015 to 22.1.2016 was also treated as extra ordinary leave without pay vide order dated 4.2.2016. *(Copy of the order dated 4.2.2016 is attached as annexure D).*

7. That against the order dated 04.02.2016, the appellant filed his departmental appeal however it was also rejected vide order dated 28.03.2016 copy of which was communicated to the appellant on 5.4.2016. (*Copies of the Departmental Appeal & Rejection Order dated 28.03.2016 are attached as Annexure E & F*).
8. That the impugned reversion and rejection orders are illegal unlawful without lawful authority and are thus liable to be set aside inter alia on the following grounds:

GROUNDS OF APPEAL.

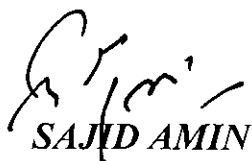
- A. That the appellant has not been treated in accordance with law hence his rights secured and guaranteed under the law are badly violated.
- B. That no proper procedure has been followed before awarding the major penalty to the appellant, the appellant has not been served with any notice or charge sheet, nor he has been provided any opportunity of hearing before the issuance of the impugned order thus the orders so made are liable to be set aside.
- C. That the appellant has not been provided opportunity of personal hearing thus he has been condemned unheard.
- D. That no absence notice or show cause has ever been served upon the appellant nor has any publication been made in the news paper regarding absence of the appellant. The impugned order is thus passed in violation of express provisions of the Government Servants Efficiency & Discipline Rules, 2011.
- E. That while awarding penalty to the appellant vide the impugned order dated 4.2.2016, the competent authority has also regularized his absence period by treating it extra ordinary leave without pay. Thus the very ground on which the appellant has been preceded against has vanished and no penalty could lawfully be imposed upon the appellant. Reliance is made on 2004 SCMR 434.
- F. That while awarding the penalty of reduction to lowest stage in present time scale, no period has been specified for which the penalty could remain in force as such the impugned order is violation of FR-29 and is thus not sustainable being a defective order.

- G. That the appellant has not committed any act or omission which can be termed as misconduct. The absence of the appellant was never willful but it was due to the prolong illness of his father. Since his father was paralyzed and remained on bed more over there was no male responsible member at his home to look after his father. Therefore, due to be compelling circumstances the appellant has no option but to stay and look after his father.
- H. That the impugned order dated 04.02.2016 cannot be termed as *speaking order* as is provided under section 24-A of the General Clauses Act.
- I. That the appellant has at more than 09 years service career at his credit, the reversion made would spoil his bright service career.

It is therefore, humbly prayed that on acceptance of this appeal the orders dated 04.02.2016 and 28.03.2016 may please be set-aside and the pay scale of the appellant may please be restored to its original stage as it was before the issuance of the impugned order dated 04.02.2016, the appellant may also be allowed the consequential as well as all other back benefits.

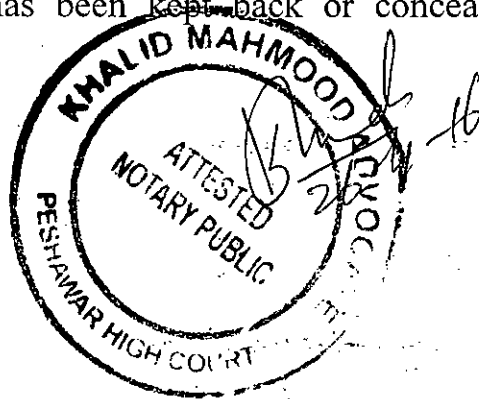

Appellant

Through


SAJID AMIN
Advocate High Court,
Peshawar

AFFIDAVIT

I, Asmat ullah S/O Khan Wazir, Warder, High Security Prison Mardan, do hereby solemnly affirm and declare on oath that the contents of the above noted appeal are true and correct and that nothing has been kept back or concealed from this Honourable Tribunal.




DEPONENT

Rajoi

Dr. Khawar Shabbir

M.B.B.S., M.C.P.S., F.C.P.S. (Med)

MEDICAL SPECIALIST

Combined Military Hospital Bannu
For Appointment : 0333-9662412



6

6

ڈاکٹر خاور شہبیر

ایم بی بی ایس، ایم سی پی ایس، ایف سی پی ایس (میڈیکل)

میڈیکل سپیشلسٹ

ایم ایچ ایچ ہسپتال

Name Khan Zoni Sheh Age 55y Sex M Date 20-12

CVA - (RT) hemiplegia ICB + Dec
RT facial palsy

100/100mmHg

adv

for R/H, see fund
spel

- ① Tab Lipiget 20mg
= 1, 1xHS
- ② Tab Adalat (R) 20mg
= 1, 1xHS
- ③ Cap Tricardin 250mg
1+1+1
- ④ Tab Beceptol
= 1, 1xOD
- ⑤ Cap Zenbar 30mg
= 1, 1xHS
- ⑥ Tab Banay 20mg
= 1, 1xOD

01 month

Maj AMC
Khawar Shabbir
M.B.B.S., M.C.P.S., F.C.P.S.
CMH Bannu

Alleged

(7)

Maj Gen. (R) Mohammad Naeem Khan HI(M)

M.B.B.S. (Pesh), F.C.P.S. (Pak), F.R.C.P. (London), D.C.N. (London)

Former:

Principal Army Medical College
 Professor & Head, Department of Medicine, A. M. College
 Advisor in Neurology, Pakistan Armed Forces
 Member Faculty of Neurology CPS-PAKISTAN
 Fellow American Academy of Neurology
 Member International Movement Disorder Society

Khan House
604-A
Peshawar Road
Rawalpindi.



: 051 8318986
 : 051 8318987
 : 0333-5145392

Name: Khan Azim Shah Age: 56 Date: 22 OCT 2015

Bku.

HRA
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 Q-1 - $\left\langle \begin{matrix} -3 \\ \cdot \end{matrix} \right\rangle$ EEG 19.0.15
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 ایک ناستہ کے لیے

3. Tab. Vegon 100
 ایک ناستہ
 4. Tab. Slat - A 10
 ایک ناستہ

⑤ Carbamazepine 600 mg
 121

5. Cap. Sildenafil 40
 ایک ناستہ

6. Tab. Nitro 20
 ایک ناستہ کے لیے

7. Tab. Kofin 100
 121

8. Tab. Diltiazem 120

→ USG. abdomen.
neck
in PVRU Somc
 → EEG

26-3

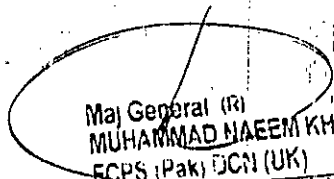


Maj General (R)
 MUHAMMAD NAEEM KHAN HI (M)
 FCPS (Pak) DCN (UK)
 Consultant Physician & Neurologist

22 JAN 2016

An

26-3



Maj General (R)
 MUHAMMAD NAEEM KHAN HI (M)
 FCPS (Pak) DCN (UK)
 Consultant Physician & Neurologist

[Handwritten signature]

Maj Gen. (R)
Mohammad Naeem Khan HI(M)

M.B.B.S. (Pesh), F.C.P.S. (Pak), F.R.C.P. (London), D.C.N. (London)

8

Former:
 Principal Army Medical College
 Professor & Head, Department of Medicine, A. M. College
 Advisor in Neurology, Pakistan Armed Forces
 Member Faculty of Neurology CPS-PAKISTAN
 Fellow American Academy of Neurology
 Member International Movement Disorder Society

Khan House
 604-A
 Peshawar Road
 Rawalpindi.

☎ : 051 8318986
 : 051 8318987
 : 0333-5145392

Name : Khair Azim Shah Age : 56 Date : 22 OCT 2015

Bku.

HRA
 14/13 Dec 14
 Q-1- < 3
 Q-2- < 3
 NO 130/190

① Gen. Afrim (10)

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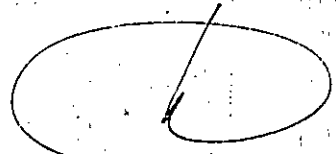
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→ USG. abdomen.
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 c. PURA Somc
 → EEG

26-3

4. Gen. Slat - A (10)
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Maj General (R)
 MUHAMMAD NAEEM KHAN HI (M)
 FCPS (Pak) DCN (UK)
 Consultant Physician & Neurologist

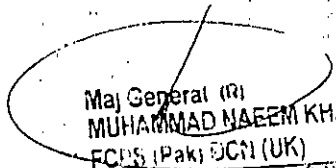
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22 JAN 2016

Am

5. Cap. Sydepro (10)
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26-3



Maj General (R)
 MUHAMMAD NAEEM KHAN HI (M)
 FCPS (Pak) DCN (UK)
 Consultant Physician & Neurologist

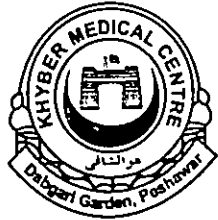
6. Gen. Ritab (20)
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7. Gen. Kosis
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3. 01011230

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KHYBER MEDICAL CENTRE
Dabgari Garden Peshawar Ph: 2211241-8

DISCHARGE CARD

18197



کھبر میڈیکل سنٹر

KHYBER MEDICAL CENTRE

Name: Khan Zain Shah

Age: _____ Sex: M

Room No: D-49 KMC No: 388-DC-15

Date of Admission: 22-12-15

Date of Operation: ~~22-12-15~~

Date of Discharge: 23-12-15

Diagnosis: HTN, CVA

Consultant: Dr. Zaffar Hayat

Doctor On Duty

Name: _____

Signature: _____

101

Miss

Investigation ✓

Attached: ✓

Condition at admission

- KCO HTN
- CVA
- Constipation

Condition at discharge:

1. Stable and Satisfactory

Y N

2. Referred to _____

3. Discharge on will / consultant advice ✓

(1)

OPERATION NOTES

Operation:

Incision:

Findings:

Operation: *Observation*

(2)

11

Handwritten signature or scribble

TREATMENT IN HOSPITAL

Inj: Decadron 2cc $\frac{1}{4}$ stat
Then 1cc $\frac{1}{4}$ BD.

Syp: Cerebra 2TSP - B-D

Tab: Cerebroplus 4/15/100

Handwritten mark

(3)

TREATMENT AT HOME

(گھر کیلئے علاج)

Tab: Lipifor
ایک گری او فوائے

Tab: prothudin 2TSP
ایک گری او فوائے → (ڈاکٹر)

Vit-D₂
ایک انجکشن گری سے ہر روز 4/15/100

Tab: Kalamini
ایک انجکشن گری سے ہر روز 4/15/100

Syp: Cerebra

Tab: Cerebroplus 4/15/100
ایک گری او فوائے

(4)

(18)

(14)

Asmatullah Khan S/o Kham Zarin Shah

Khan Digital EEG Center

EEG TEST REPORT

Patient's Name: Khan Zarin Shah

Age & Sex: 56, Years, male

Dated: 22-10-2015

Referred By: Maj. Gen. (R) Dr. Muhammad Naeem Khan

State of Patient: Awake with eyes closed & cooperative

SYSTEM OF RECORDING

This is an 32-channel digital EEG Record based on 10-20 International system of electrodes placement

PROVOCATION OF PROCEDURE

Hyperventilation & Intermittent photic stimulation

INTERPRETATION

Posterior rhythm 08-09 Hz alpha activity good amplitude & reactivity / symmetry present anterior rhythm is beta activity over 14Hz seen

ABNORMAL FINDINGS

No generalized or focal epileptiform activity seen during resting records

OTHERS

Eyes Movement and muscle artifacts in frontal & temporal areas Noted

HYPERVENTILATION

Not done

IPS

Response was unremarkable

IMPRESSION

Normal

CONCLUSION

The current EEG during wakefulness is normal. There is no electrophysiological evidence of focal or generalized epileptiform activity.

Please correlate clinically

Maj. Gen. (R) Dr. Muhammad Naeem Khan
Consultant Neurophysician

Name :Khan Zarin Shah

Sex :Male

Age :56

Date :2015/10/22

ID:007487

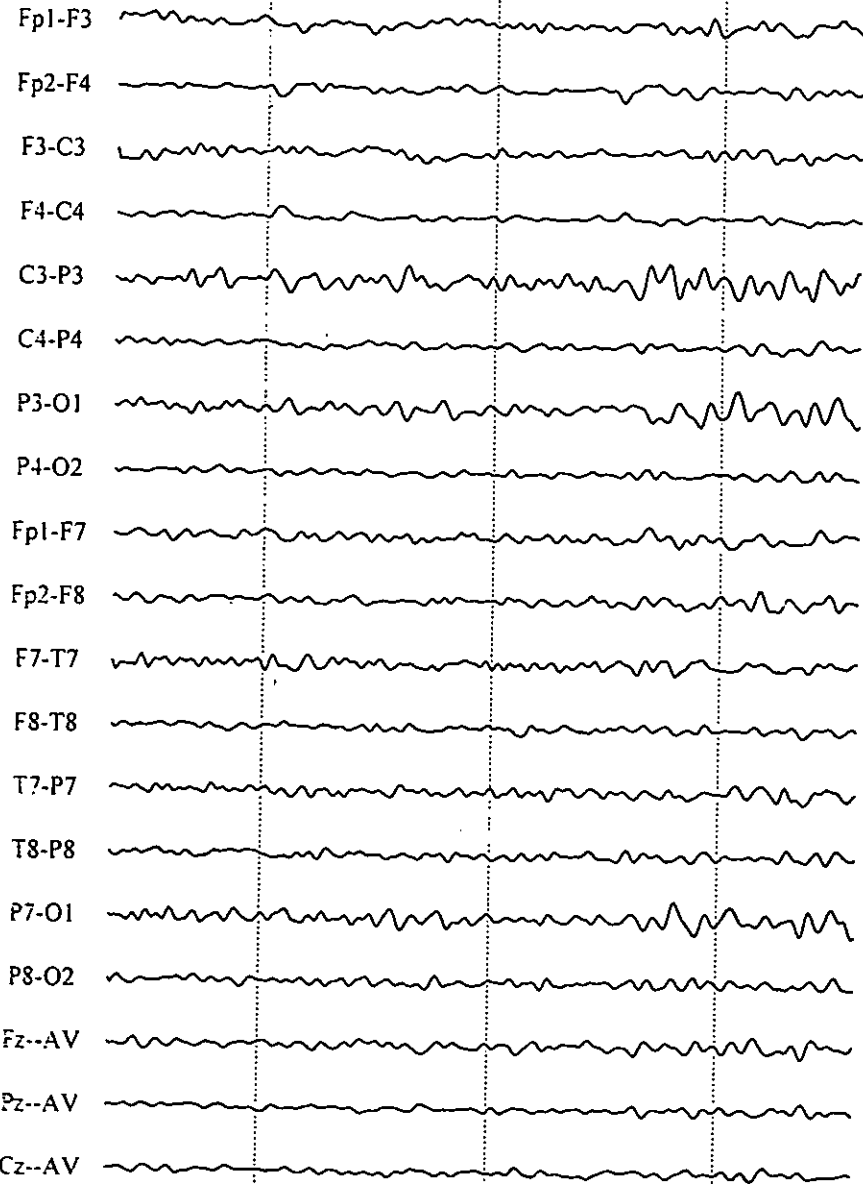
Custom:

Speed :30mm/s

Amp :5mm/50uv

Type:Three-dimensional rotary BEAM

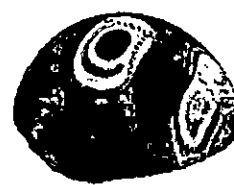
15



Delta:1.0--4.0Hz

Theta:4.0--8.0Hz

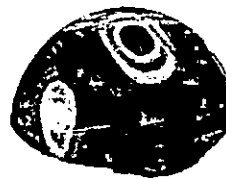
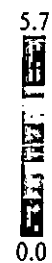
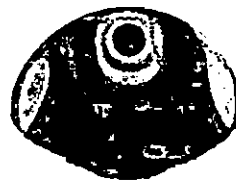
Alfa1:8.0--10.0Hz



Alfa2:10.5--13.0Hz

Beta1:13.5--17.5Hz

Beta2:18.0--35.0Hz



2:00:

33

34

35

uv²

Handwritten signature

Name :Khan Zarin Shah

Sex :Male

Age :56

Date :2015/10/22

ID:0007487

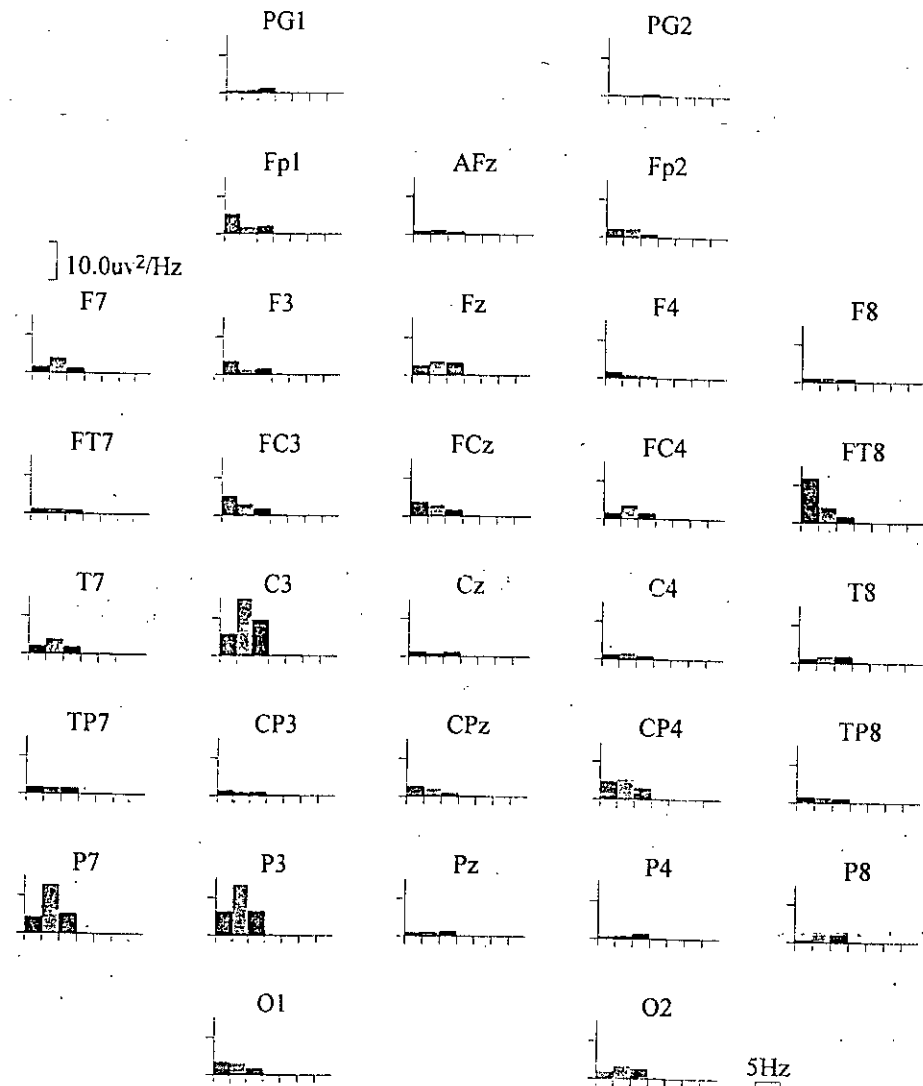
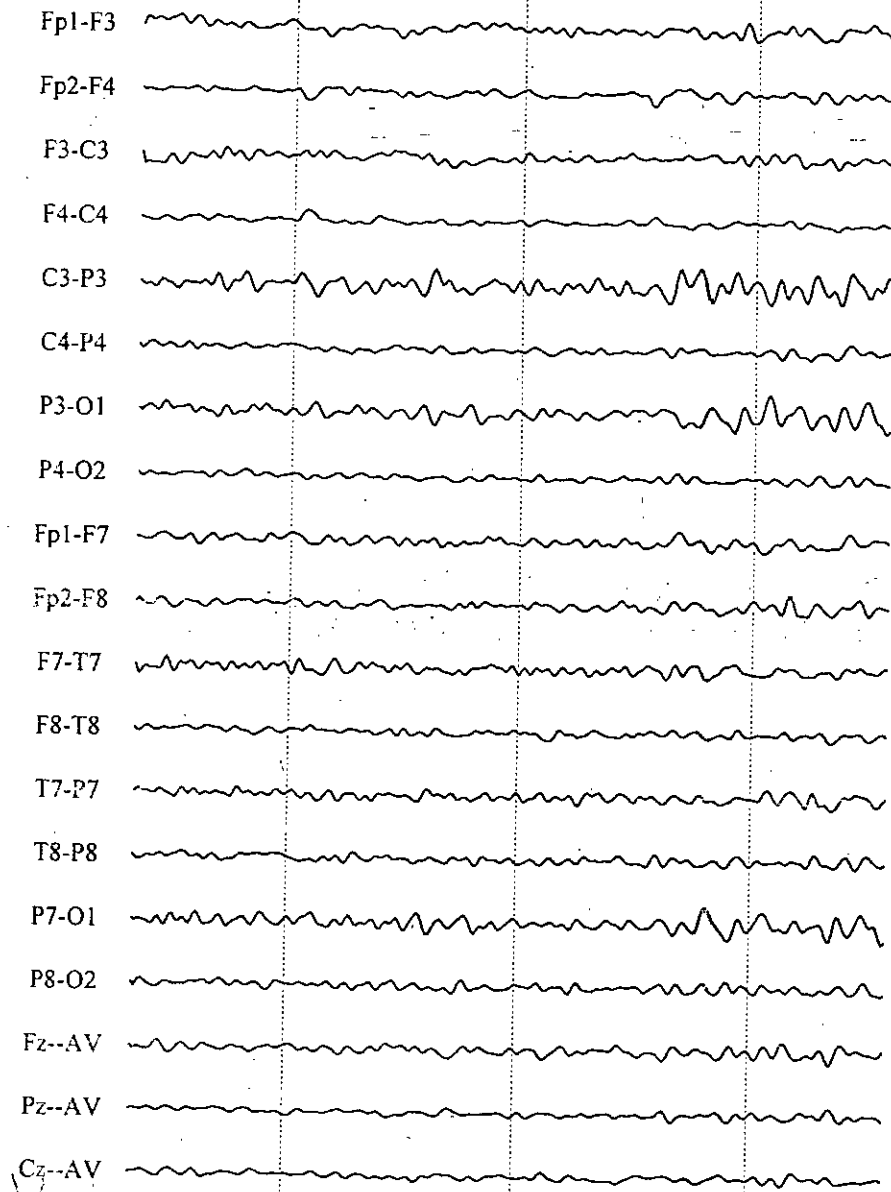
Custom:

Speed :30mm/s

Amp :5mm/50uv

Type:Spectrum Rectangle Graph

16



22:00:

33

34

35

Handwritten signature

Name :Khan Zarin Shah

Sex :Male

Age :56

Date :2015/10/22

ID:0007487

Custom:

Speed :30mm/s

Amp :5mm/50uv

Type : EEG Review

17



Handwritten signature

Name :Khan Zarin Shah

Sex :Male

Age :56

Date :2015/10/22

ID:0007487

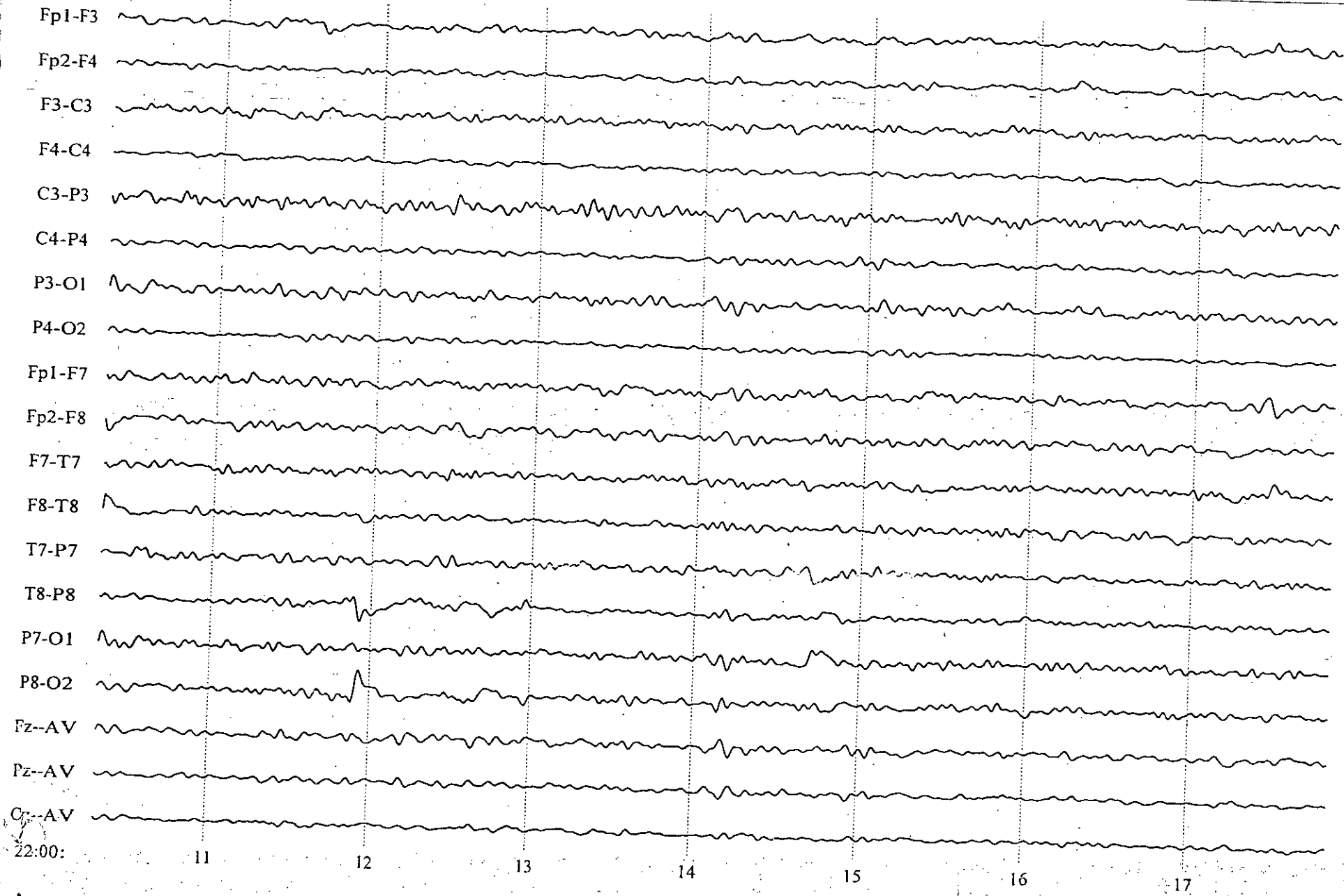
Custom:

Speed :30mm/s

Amp :5mm/50uv

Type : EEG Review

19



Handwritten signature

11/11/11

Name :Khan Zarin Shah

Sex :Male

Age :56

Date :2015/10/22

ID:0007487

Custom:

Speed :30mm/s

Amp :5mm/50uv

Type : EEG Review

19

Fp1-F3

Fp2-F4

F3-C3

F4-C4

C3-P3

C4-P4

P3-O1

P4-O2

Fp1-F7

Fp2-F8

F7-T7

F8-T8

T7-P7

T8-P8

P7-O1

P8-O2

Fz--AV

Pz--AV

Cz--AV

22:00:

11

12

13

14

15

16

17

Allegor

Name :Khan Zarin Shah

Sex :Male

Age :56

Date :2015/10/22

ID:0007487

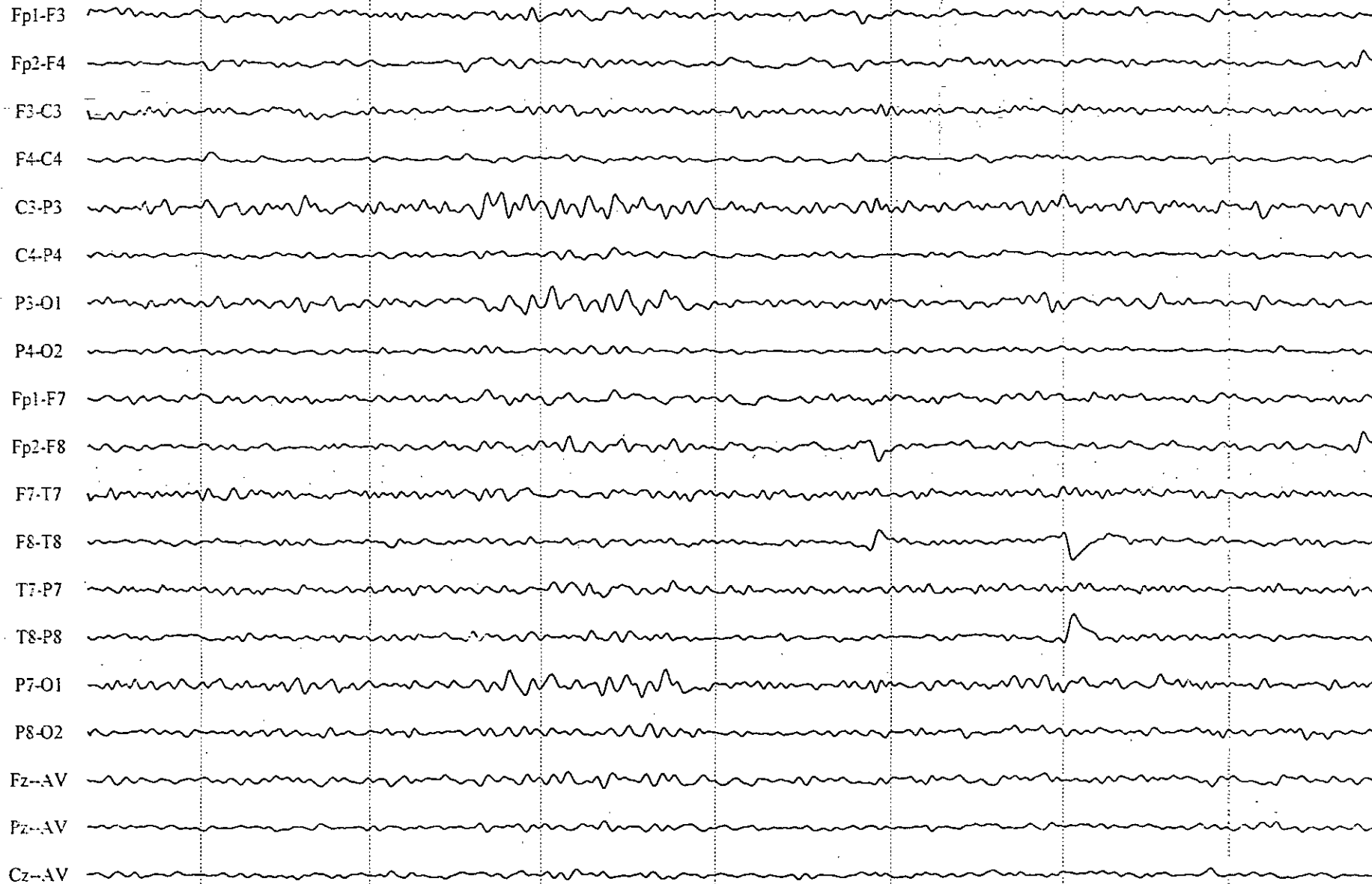
Custom:

Speed :30mm/s

Amp :5mm/50uv

Type : EEG Review

19



22:00: 33 34 35 36 37 38 39

[Handwritten signature]

Name :Khan Zarin Shah

Sex :Male

Age :56

Date :2015/10/22

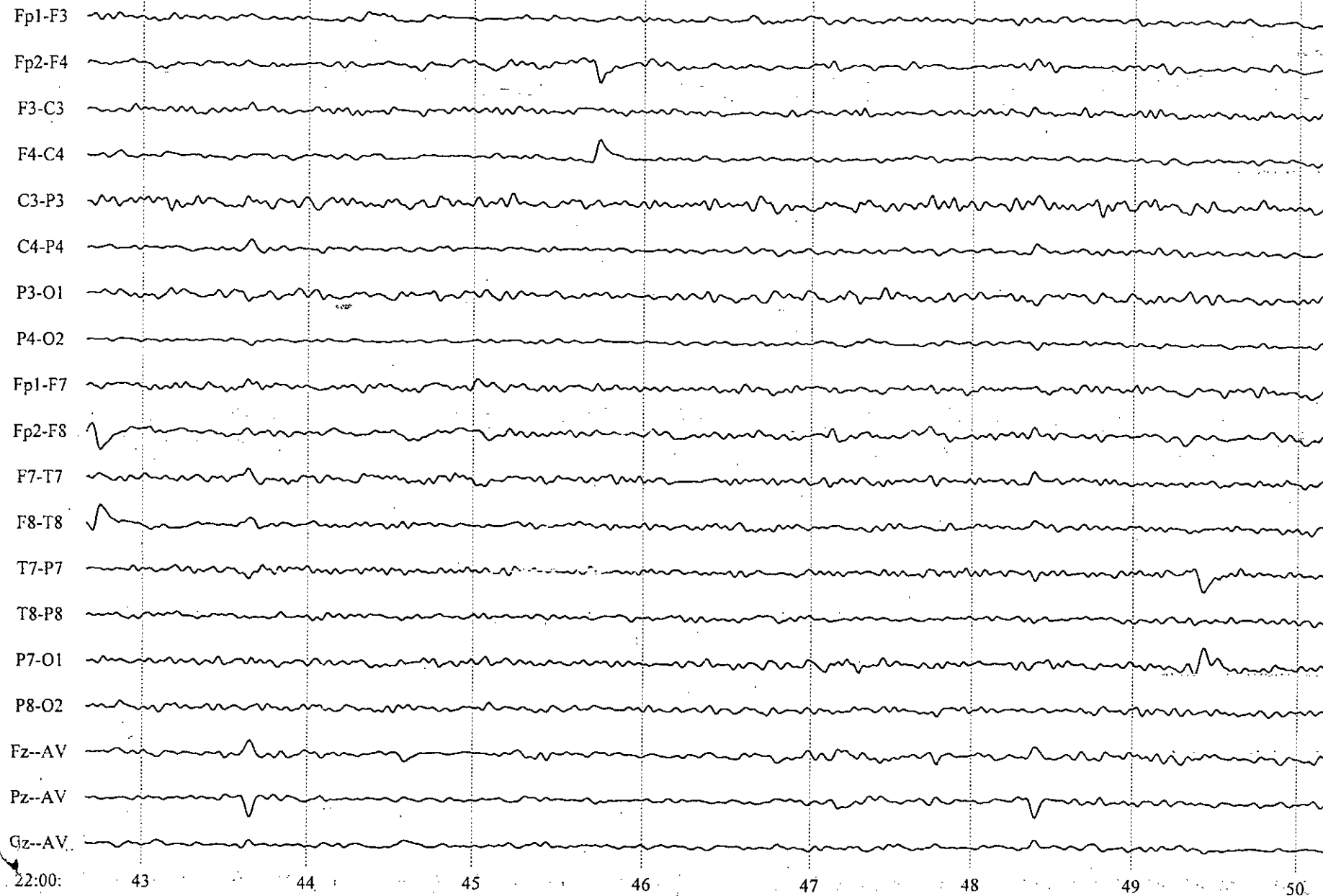
ID:0007487

Custom:

Speed :30mm/s

Amp :5mm/50uv

Type : EEG Review



Handwritten signature

Name :Khan Zarin Shah

Sex :Male

Age :56

Date :2015/10/22

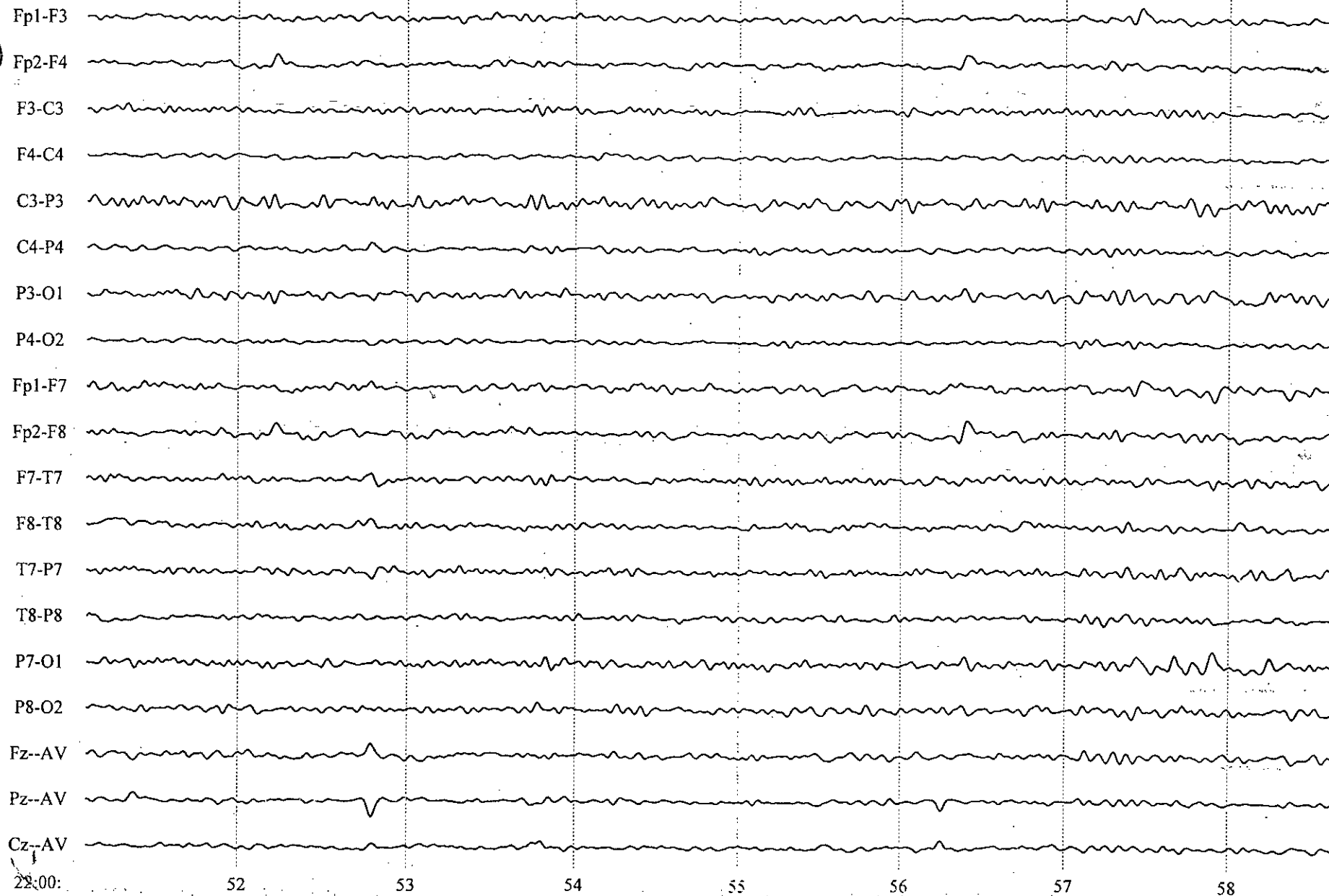
ID:0007487

Custom:

Speed :30mm/s

Amp :5mm/50uv

Type : EEG Review



Atif Khan

22

KHAN CLINICAL LABORATORY

604-A, Khan House, Peshawar Road, Rawalpindi Cantt. Tel: 5832927, Mob: 0321-5267098

Department of Hematology BLOOD COMPLETE PICTURE

Name: KHAN ZARIN SHAH	Sex: M	Ref. No:
Age: 56 Years		Date: 19/08/2015
Specimen: BLOOD CP,ESR		Ward/OPD: 22
Clinician: DR.GEN (R) MUHAMMAD NAEEM KHAN		

TESTS	RESULTS	NORMAL VALUES
WBCs	7.5	4.0 - 10.0 x 10 ⁹ /L
RBCs	5.6	M: 4.5 - 6.5, F: 3.8 - 5.8 x 10 ¹²
Haemoglobin	13.4	F:12-14, M:14-16 g/dl
PCV	42	40-50 %
MCV	83	76-96 fl
MCH	26	27-31 pg
MCHC	32	32-34 g/dl
Platelets	204	M: 150 - 400 x 10 ⁹ /L
E.S.R.	14	M:0-10,F:0-20mm/1hr

DIFFERENTIAL COUNT (%)	NORMAL VALUES
Polymorphs	40-75%
Lymphocytes	20-45%
Monocytes	01-06 %
Eosinophils	01-06 %
Basophils	
Band Form	
Metamyelocytes	
Myelocytes	
Promyelocytes	
Blast	
Nucleated RBC	
Corrected WBC	

RBCs MORPHOLOGY

- Anisocytosis
- Microcytosis
- Macrocytosis
- Poikilocytosis
- Hypochromia
- Polychromasia
- Spherocytes
- Eliptocytes
- Target Cells
- Cre. RBCs
- Reticulocytes

Asmatullah Shah SpO Khan Zarin Shah

Dr. M. Safdar Khan
 MBBS (Pb) MCPS (Clinical Pathology)
 M. Phil (Histopathology)
 OJT Cardiovascular Pathology (UK)
 Fellow in Cardiac Pathology (UK)

Asmatullah Shah

23

KHAN CLINICAL LABORATORY

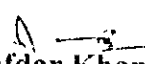
604-A, Khan House, Peshawar Road, Rawalpindi Cantt. Tel: 5832927, Mob: 0321-5267098


Department of Chemical Pathology

GLUCOSE PROFILE

Name: KHAN ZARIN SHAH	Ref. No:
Age: 56 Years	Sex: M
Specimen: S.BLOOD SUGAR (R)	Date: 19/08/2015
Clinician: DR.GEN (R) MUHAMMAD NAEEM KHAN	Ward/OPD: 22

TESTS	RESULTS	REFERENCE RANGE
Serum Glucose FASTING		70 - 110 mg/dl 3.3 - 5.8 mmol/L
Serum Glucose (2 hrs after meal)		76 - 140 mg/dl 3.3 - 7.8 mmol/L
Serum Glucose RANDOM	72.0 mg/dL	< 160 mg/dl < 8.8 mmol/L
Glycosylated Haemoglobin		4.8 - 6.2 %


Col(R) M. Safdar Khan
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 M. Phil (Histopathology)
 OJT Cardiovascular Pathology (UK)
 Fellow in Cardiac Pathology (UK)



KHAN CLINICAL LABORATORY

604-A, Khan House, Peshawar Road, Rawalpindi Cantt. Tel: 5832927, Mob: 0321-5267098



LIVER FUNCTION TESTS

Name: KHAN ZARIN SHAH

Ref. No:

Age: 56 Years

Sex: M

Date: 19/08/2015

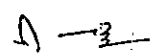
Specimen: S.LFT,s

Ward/OPD: 22

Clinician: DR.GEN (R) MUHAMMAD NAEEM KHAN

TESTS	RESULTS	REFERENCE RANGE
Serum BILIRUBIN TOTAL	0.80 mg/dL	< 1.3 mg/dl 3.4 - 17 umol/L
Serum BILIRUBIN DIRECT		Up to 0.25 mg/dl Upto 4.3 umol/L
Serum BILIRIN INDIRECT		
Serum ALAT (GPT)	35	M: < 41 U/L F: < 31 U/L
Serum ASAT (GOT)		M: < 37 U/L F: < 31 U/L
Serum Alkaline Phosphatase	176	M/F 100 - 290 U/L Child: 180 - 615 U/L
Serum total Proteins		66 - 87 g/L
Serum Albumin		38 - 55 g/L
Serum Gamma GT		M: 11 - 61 U/L F: 9 - 39 U/L
A/G Ratio		1.2 - 1.8 Ratio




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KHAN CLINICAL LABORATORY

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25

HEPATITIS PROFILE

Name: KHAN ZARIN SHAH

Ref. No:

Age: 56 Years

Sex: M

Date: 19/08/2015

Specimen: S.HBs Ag , ANTI HCV

Ward/OPD: 22

Clinician: DR.GEN (R) MUHAMMAD NAEEM KHAN

S.HBs Ag :- NON -- REACTIVE

Chromatographic Immunoassay Method (Acon Laboratories inc , USA)

S.HCV (Antibodies) :- NON -- REACTIVE

Chromatographic Immunoassay Method (Acon Laboratories inc , USA)

Note :- The facilities of Third Generation ELISA and latest PCR method for the detection of HBV ,
HCV & TB are available.

[Handwritten Signature]

[Handwritten Signature]
Col(R) M. Safdar Khan
MBBS (Pb) MCPS (Clinical Pathology)
M. Phil (Histopathology)
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Fellow in Cardiac Pathology (UK)

KHAN CLINICAL LABORATORY

604-A, Khan House, Peshawar Road, Rawalpindi Cantt. Tel: 5832927, Mob: 0321-5267098

26

Department of Chemical Pathology

RENAL FUNCTIONS TESTS

Name: KHAN ZARIN SHAH

Age: 56 Years

Sex: M

Ref. No:

Date: 19/08/2015

Specimen: S.CREAT,ELECTROLYTE,s

Ward/OPD: 22

Clinician: DR.GEN (R) MUHAMMAD NAEEM KHAN

TESTS	RESULTS	REFERENCE RANGE
Serum UREA		10 - 50 mg/dl 3.3 - 6.7 mmol/l
Serum CREATININE	0.9 mg/dL	0.6 - 1.1 mg/dl 53 - 97 umol/L
Serum SODIUM	136	136 - 149 mmol/L
Serum POTASSIUM	3.99	3.2 - 5.2 mmol/L
Serum CHLORIDE	97	95 - 105 mmol/L
Urinary UREA		20 - 35 g/dl
Urinary CREATININE		95 - 105 mmol/L
Urinary SODIUM		40 - 220 mmol/L
Urinary POTASSIUM		25 - 120 mmol/L
Creatinine Clearance		

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M. Phil (Histopathology)
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Fellow in Cardiac Pathology (UK)

KHAN CLINICAL LABORATORY

604-A, Khan House, Peshawar Road, Rawalpindi Cantt. Tel: 5832927, Mob: 0321-5267098

27

S. LIPID PROFILE

Name: KHAN ZARIN SHAH

Ref. No:

Age: 56 Years

Sex: M

Date: 19/08/2015

Specimen: S.LIPID PROFILE

Ward/OPD: 22

Clinician: DR.GEN (R) MUHAMMAD NAEEM KHAN

TESTS	RESULTS	NORMAL RANGES
-------	---------	---------------

S. CHOLESTEROL.....	132 mg/dl.	
Recommended Range. (NCEP Coordinating Committee)		

(Without Known Coronary Artery Disease)
Less Than OR Equal To 200 mg/dl. DESIRABLE

(With Known Coronary Artery Disease)
Less Than OR Equal To 160 mg/dl. OPTIMAL

S. TRIGLYCERIDES.....	119 mg/dl.	(46 - 236)
-----------------------	------------	------------

HDL- CHOLESTEROL.....	35 mg/dl.	
Recommended Range. (NCEP Coordinating Committee)		

(Without Known Coronary Artery Disease)
More Than OR Equal To 35 mg/dl.

(With Known Coronary Artery Disease)
More Than OR Equal To 35 mg/dl. OPTIMAL

LDL- CHOLESTEROL.....	78 mg/dl.	
Recommended Range. (NCEP Coordinating Committee)		

(Without Known Coronary Artery Disease)
Less Than OR Equal To 130 mg/dl. DESIRABLE

(With Known Coronary Artery Disease)
Less Than OR Equal To 100 mg/dl. OPTIMAL

Added to

Col(R) M. Safdar Khan
MBBS (Pb) MCPS (Clinical Pathology)
M. Phil (Histopathology)
OJT Cardiovascular Pathology (UK)
Fellow in Cardiac Pathology (UK)

Khan Digital EEG Center

EEG TEST REPORT

Patient's Name: Khan Zarin Shah

Age & Sex: 56, Years, male

Dated: 19-08-2015

Referred By: Maj. Gen. (R) Dr. Muhammad Naeem Khan

State of Patient: Awake with eyes closed & cooperative

SYSTEM OF RECORDING

This is an 32-channel digital EEG Record based on 10-20 International system of electrodes placement

PROVOCATION OF PROCEDURE

Hyperventilation & Intermittent photic stimulation

INTERPRETATION

Posterior rhythm 08-09 Hz alpha activity good amplitude & reactivity / symmetry present anterior rhythm is beta activity over 14Hz seen

ABNORMAL FINDINGS

No generalized or focal epileptiform activity seen during resting records

OTHERS

Eyes Movement and muscle artifacts in frontal & temporal areas Noted

HYPERVENTILATION

Not done

IPS

Response was unremarkable

IMPRESSION

Normal

CONCLUSION

The current EEG during wakefulness is normal. There is no electrophysiological evidence of focal or generalized epileptiform activity.

Please correlate clinically

Maj. Gen. (R) Dr. Muhammad Naeem Khan
Consultant Neurophysician

Name: Khan Zarin Shah

Sex: Male

Age: 56

Date: 2015/08/19

ID: 0006129

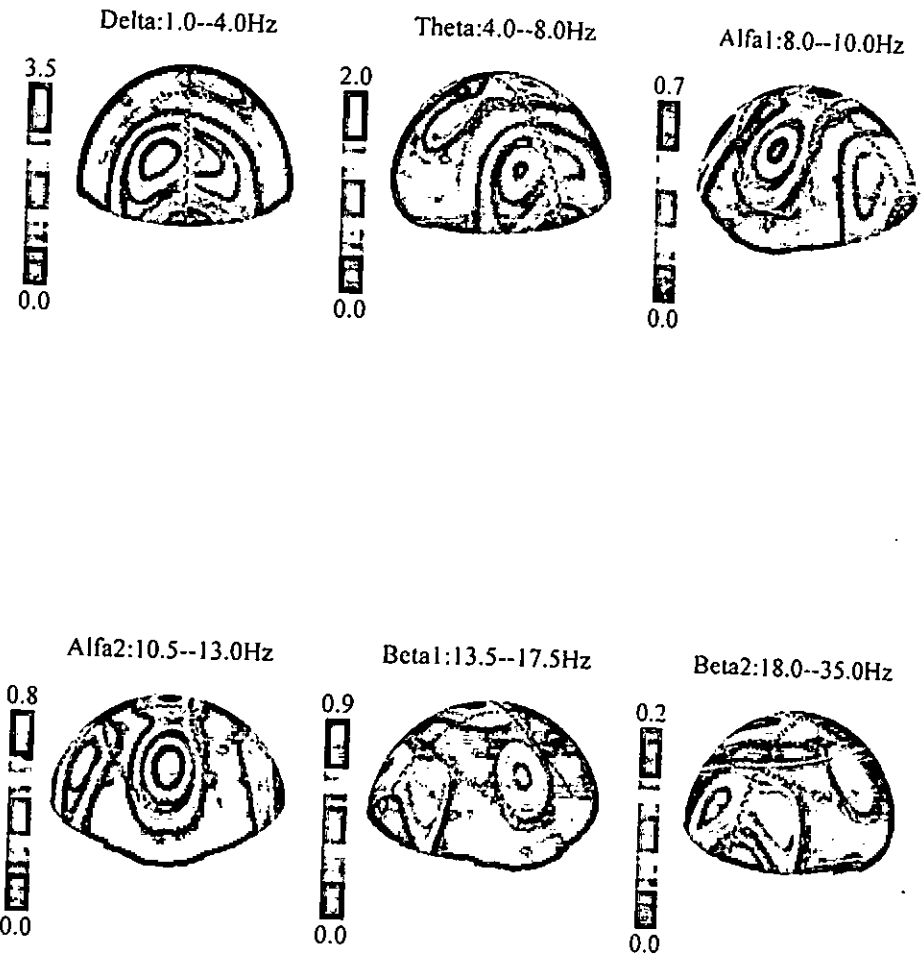
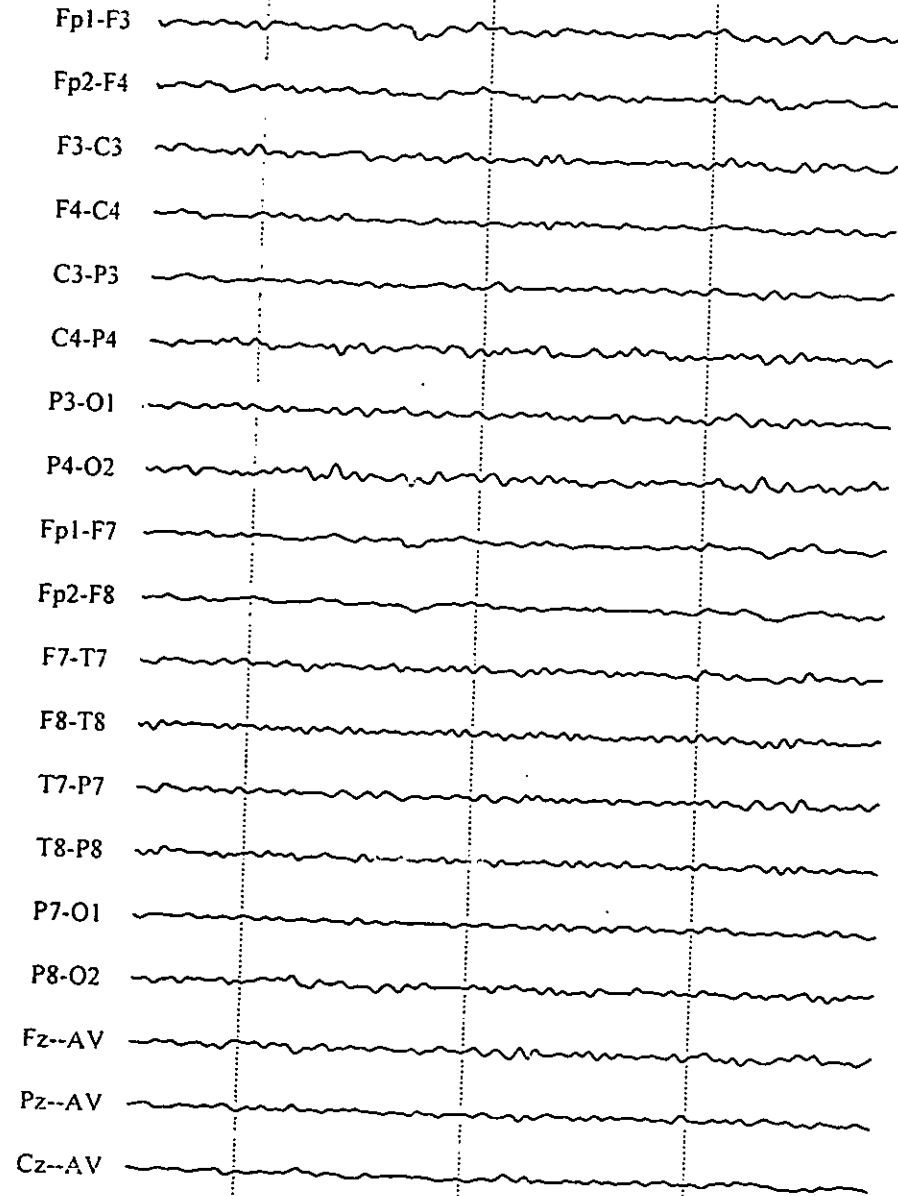
Custom:

Speed: 30mm/s

Amp: 5mm/50uv

Type: Three-dimensional rotary BEAM

BR



18:49: 30 31 32

uv2

CONTEC

Alfa

Name :Khan Zarin Shah

Sex :Male

Age :56

Date :2015/08/19

ID:0006129

Custom:

Speed :30mm/s

Amp :5mm/50uv

Type : EEG Review.

31



18:49: 12 13 14 15 16 17 18 19

2

Handwritten signature

Name :Khan Zarin Shah

Sex :Male

Age :56

Date :2015/08/19

ID:0006129

Custom:

Speed :30mm/s

Amp :5mm/50uv

Type : EEG Review

30



Handwritten signature

18:49:

22

23

24

25

26

27

28

Name: Khan Zarin Shah

Sex: Male

Age: 56

Date: 2015/08/19

ID: 0006129

Custom:

Speed: 30mm/s

Amp: 5mm/50uv

Type: EEG Review

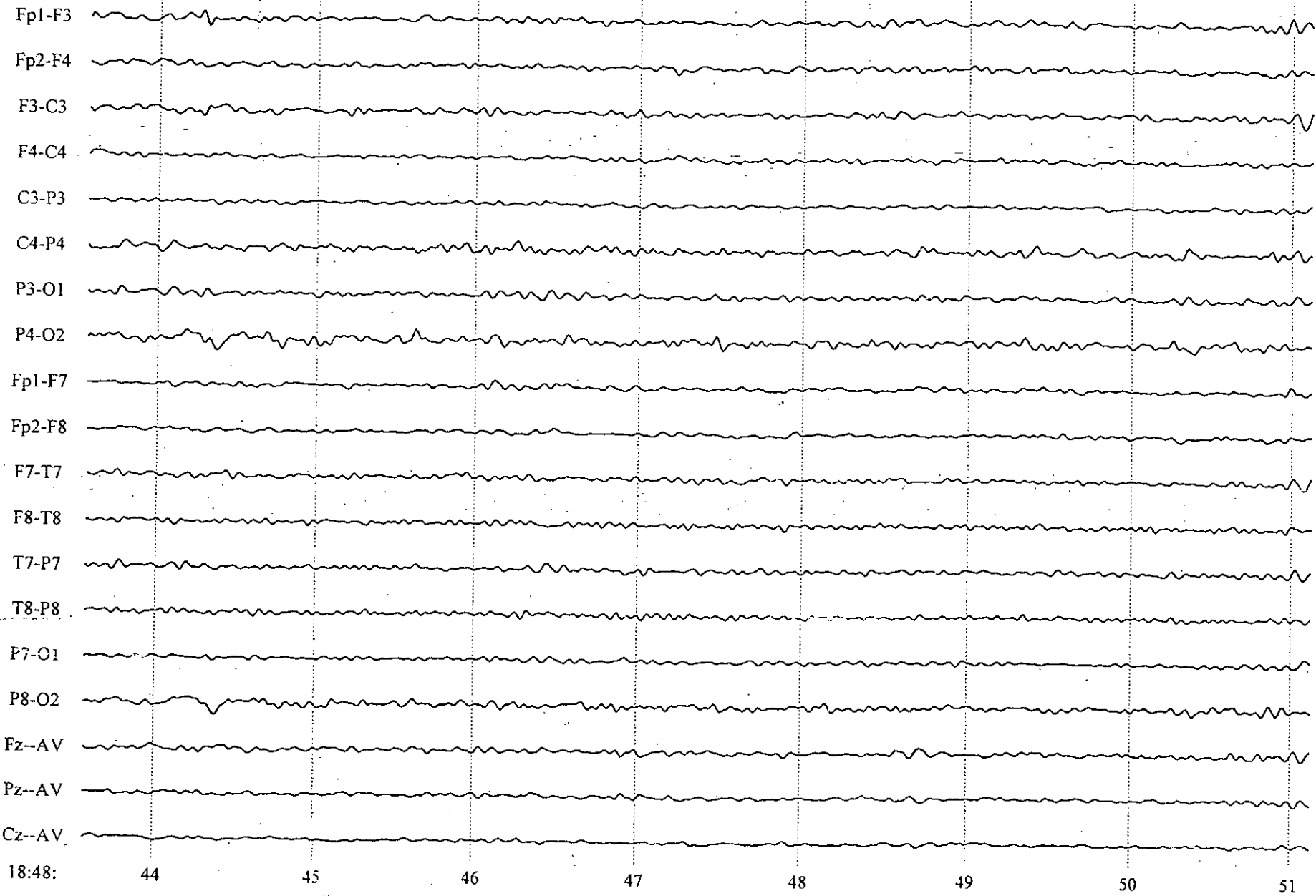
33



18:50: 33 34 35 36 37 38 39

Handwritten signature

34



Handwritten signature

Name :Khan Zarin Shah

Sex :Male

Age :56

Date :2015/08/19

ID:0006129

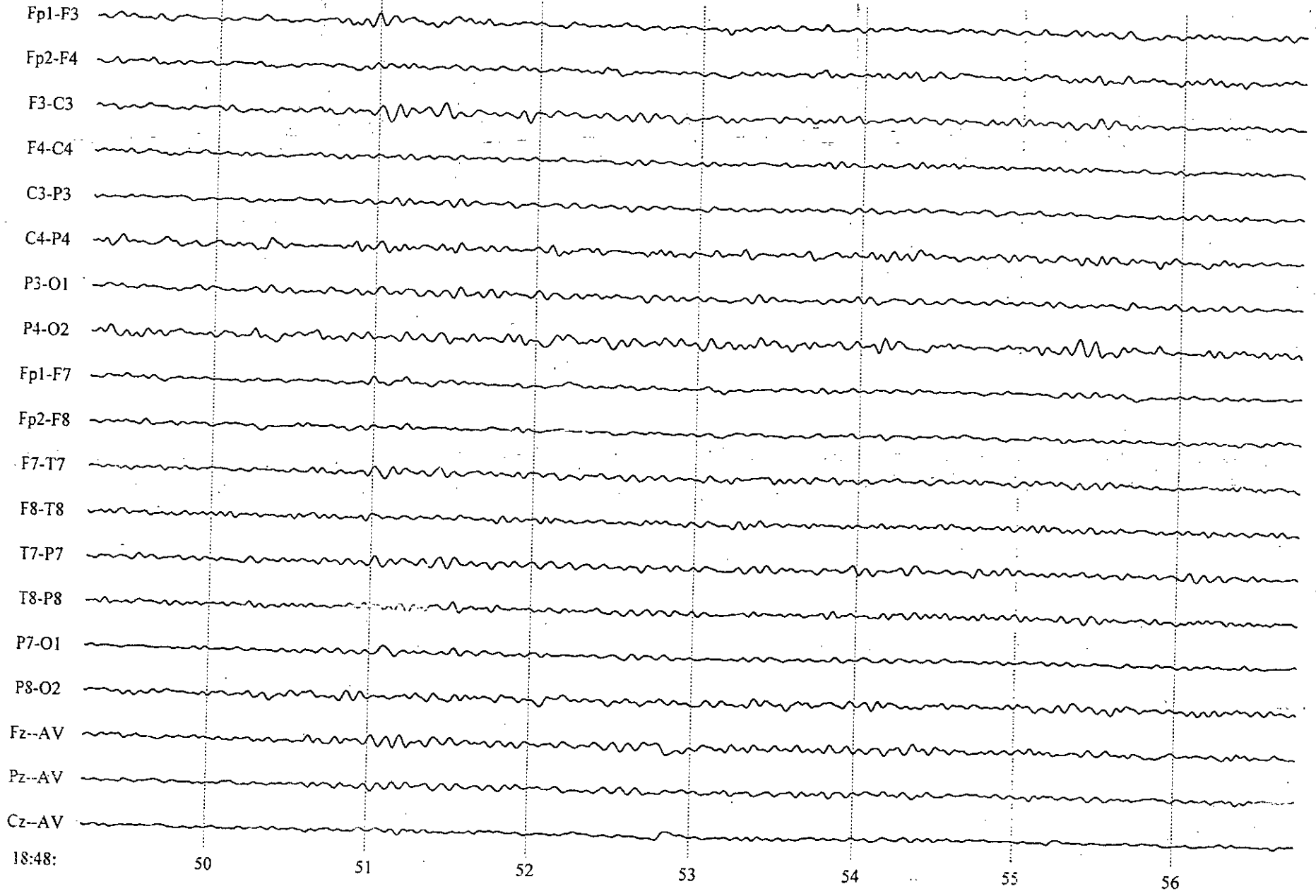
Custom:

Speed :30mm/s

Amp :5mm/50uv

Type : EEG Review

35



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(38)

ANNEX B

OFFICE OF THE
SUPERINTENDENT HIGH SECURITY PRISON
MARDAN
NO: 3165 DATED: 18 / 12 / 2015

Regd

To,

Warder Asmat Ullah Shah S/O Khan Zarin Shah,
C/O Kotka Saidan Pirdil Khel Illaqa Sorani P/O Nizam Bazar
Bannu.

Subject: Absent Notice

Memo;

You were relived on 01-10-2015 from Central Prison Bannu upon transfer to High Security Prison Mardan but you failed to report for duty and is still at large. You are directed to resume your duties immediately after receiving of this notice otherwise strict disciplinary action will be taken against you.

[Signature]
SUPERINTENDENT,
HIGH SECURITY PRISON MARDAN

Endorsement No: _____

Copy of the above is forwarded to:

1. The Inspector General of Prisons Khyber Pakhtunkhwa, Peshawar for information please.
2. The superintendent Circle Head Quarter Prison Mardan for information.
3. Superintendent Central Prison Bannu for information please.

[Signature]
SUPERINTENDENT,
HIGH SECURITY PRISON MARDAN

g/h

(39) ANI/11/2015

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

You, Warder Asmat Ullah S/O.Khan Zarin Shah were relieved on 01-10-2015 from Central Prison Bannu upon transfer to High Security Prison Mardan but you failed to report for duty and is still at large which constitutes gross conduct on your part.

I, Sahibzada Shah Jehan, Superintendent Headquarter Prison Mardan as Competent Authority, am satisfied by the report received vide the Superintendent High Security Prison Mardan and there is no need of holding any further inquiry.

Now therefore, you above named Warder 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 your above stated act of misconduct.

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

SUPERINTENDENT
CIRCLE HQS. PRISON MARDAN

Endorsement No: 482-94 / - dated: 21/12/2015.

Copy of the above is forwarded to the:-

- 1- Inspector General of Prisons Khyber Pakhtunkhwa, Peshawar please.
- 2- Superintendent High Security Prison Mardan with reference to endorsement No.3166-68 Dated:18-12-2015.
- 3- Above named Warder R/O Kotka Saidan Pirdil Khel Illaqa Sorani P/O Nizam Bazar Bannu.

SUPERINTENDENT
CIRCLE HQS. PRISON MARDAN

[Handwritten signature]



40 ANNEX D

OFFICE OF THE
SUPERINTENDENT
CIRCLE HQS. PRISON MARDAN

No. _____ /P.B/Dt: 04/02/2016

OFFICE ORDER

Upon completion of proceedings under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 initiated vide this Headquarters endorsement No. 492-94 dated: 21-12-2015, Warder Asmat Ullah S/O Khan Zarin Shah is hereby awarded the major penalty of "Reduction to lowest stage" in his present time pay scale with further orders as under:-

2- His absence period w.e.f 01-10-2015 to 22-01-2016 (03 Months and 22 days) is hereby treated as extra ordinary leave without pay.

SUPERINTENDENT
CIRCLE HQS. PRISON MARDAN

Endorsement No: 832-36 /-

Copy of the above is forwarded to the:-

- 1- Inspector General of Prisons Khyber Pakhtunkhwa Peshawar please.
- 2- Superintendent High Security Prison Mardan with reference to his memo No. 3166-68 dated 18-12-2015.
- 3- District Accounts Officer, Mardan.
- 4- Office Superintendent/ I/C Pay Branch High Security Prison Mardan.
- 5- Official concerned C/O Superintendent High Security Prison Mardan.

SUPERINTENDENT
CIRCLE HQS. PRISON MARDAN

[Handwritten signature]

[Handwritten signature]
04/2/2016

تعلیمات ہیں

مقامی عالمانہ شاعرانہ شعریں، عرفیوں، زبان میں

یہ شاعرانہ تصانیف، تصانیف، شعریہ
مردان جبر میں کیفیت و ادراک
قدما سے انجام دے رہا ہے
یہ رسائل کا والد صاحب کا نام
وہ سے ہسپتال میں داخل کیا گیا

رہ اس کی عمارت، یہ ہے
فہم کی رسم درود کا سہارا لیا
تاریخہ والد صاحب کو اللہ تعالیٰ
چھپتے رہے جسکی وجہ سے

شاعرانہ سرگرمی 2015-10-1 تا 2016-1-22
تہذیب ذہنی سے غیر صاف رہا

یہ رسائل کو دو قسم کی شراہ

Reduction to lowest stage (1) کیا

Handwritten signature or mark in the bottom left corner.



OFFICE OF THE
INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

93
091-9210334, 9210406

091-9213445

No.Estb/Ward-/Orders/ 8270 1-

Dated 28/03/2016 1-
AN/EDWF

ORDER

WHEREAS, Mr. Asmatullah S/O Khan Zareen Shah warder attached to HSP Mardan, was awarded the major penalty of reduction to lowest stage in his present time pay scale and the period of his absence i.e from 01-10-2015 to 22-1-2016 (03 months & 22 days) treated as leave without pay by Superintendent Headquarters Prison Mardan vide office order No.831 dated 04-2-2016 due to his 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 appellant remained absent/absconder for the period as mentioned above and legal procedural formalities as required under the E&D Rules -2011 have been observed by the competent authority.

AND WHEREAS, he was afforded an opportunity of personal hearing on 22-03-2016. During the course of hearing he failed to defend / justify his willful absence.

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 without any substance.

INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA, PESHAWAR.

ENDST;NO. 8271-731.

Copy of the above is forwarded to :-\

1. The Superintendent, Headquarters Prison Mardan for information and necessary action with reference to his letter No.555-WE dated 26-2-2016.
2. The Superintendent, HSP Mardan for information and necessary action with reference to the Superintendent HQ Prison Mardan order referred to above. Please inform the appellant accordingly and also make necessary entry in his Service Book under proper attestation.
3. Appellant concerned for information.

ASSISTANT DIRECTOR (ADMN)
FOR INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

POWER OF ATTORNEY

In the Court of Khyber Pakhtun Khwa Service Tribunal
Asmat Ullah } For Peghu
 } Plaintiff
 } Appellant
 } Petitioner
 } Complainant

VERSUS

The I.C.P. KPIC and others } Defendant
The } Respondent
 } Accused

Appeal/Revision/Suit/Application/Petition/Case No. _____ of _____
Fixed for _____

I/We, the undersigned, do hereby nominate and appoint

SAJID AMIN ADVOCATE, HIGH COURT


_____ my true and lawful attorney, for me in my same and on my behalf to appear at _____ to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions. An appeal, statements, accounts, exhibits. Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc, and to apply for and issue summons and other writs or subpoena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at _____
the _____ day to _____ the year _____
Executant/Executants Asmat Ullah
Accepted subject to the terms regarding fee _____


SAJID AMIN
Advocate High Court

BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

In the matter of

Service appeal No. 497 of 2016

EX-Warder Asmat Ullah s/o Khan Wazir.

R/O Kotka Saidan Pirdil Khel Illaqa Sorani P/O Nizam Bazar
Bannu.

.....Appellant.

---VERSUS---

- (1) The Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar,
- (2) The Superintendent Headquarter Prison Mardan.
- (3) The Superintendent High Security Prison Mardan

.....Respondents

S.No	Description of Documents	Annexure	Pages
1.	Para wise comments/ reply	-----	01----03
2.	Absence notice + Show cause notice etc.	A	04----13
3.	Pakistan Prison Rules	B	14
4.	Revised Leave Rules 1981 ETC.	C	15----17

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

In the matter of

Service appeal No. 497 of 2016

EX-Warder Asmat Ullah s/o Khan Wazir.

R/O Kotka Saidan Pirdil Khel Illaqa Sorani P/O Nizam Bazar

Bannu.

.....Appellant.

---VERSUS---

- (1) The Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar,
 - (2) The Superintendent Headquarter Prison Mardan.
 - (3) The Superintendent High Security Prison Mardan
- Respondents

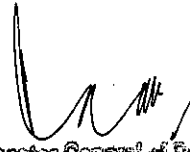
AFFIDAVIT

We, the respondents No.1,2 & 3, do hereby solemnly declare on oath that the contents of the reply are true and correct to the best of our knowledge and nothing has been concealed and kept secret from this Honorable Court.

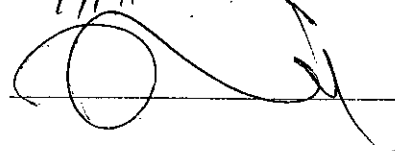
1. INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

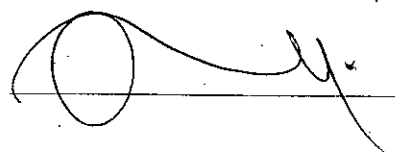
2. SUPERINTENDENT
HEADQUARTER JAIL MARDAN

3. SUPERINTENDENT
HIGH SECURITY JAIL MARDAN


Inspector General of Prisons
Khyber Pakhtunkhwa Province
Peshawar

19/9/16





BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

①

In the matter of

Service appeal No. 497 of 2016

EX-Warder Asmat Ullah s/o Khan Wazir.

R/O Kotka Saidan Pirdil Khel Illaqa Sorani P/O Nizam Bazar
Bannu.Appellant.

----VERSUS----

- (1) The Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar,
- (2) The Superintendent Headquarter Prison Mardan.
- (3) The Superintendent High Security Prison MardanRespondents

WRITTEN STATEMENT ON BEHALF OF THE RESPONDENTS

PRELIMINARY OBJECTIONS

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

PARA-WISE COMMENTS ON BEHALF OF THE RESPONDENT FROM 1 TO 3

RESPECTFULLY SHEWETH.

- 1- Pertaining to record, hence no comments.
- 2- Incorrect, misleading as it was the violation of Prison Rules by the appellant which culminated in the imposition of penalty.
- 3- Pertains to the family of the appellant, hence no comment.

- 4- Correct to the extent that the appellant was relieved by the Superintendent Central Jail Bannu on 01.10.2015 for High Security Prison Mardan. The appellant reported for duty at High Security Prison Mardan on 23-01-2016 after an absence period of 03 months and 22 days.
- 5- Incorrect, as the appellant was served Notice for resuming duties at his home address on 18.12.2015 and Show cause was also served to the appellant on 21.12.2016. A Notice was also published in the Newspaper directing the appellant to resume his duties. The appellant also submitted his written reply to the Show cause Notice and he was personally heard by the competent authority on 04.02.2016. **(Annex-A)**.
- 6- Correct, the appellant was proceeded against under Khyber Pakhtunkhwa Government Servants(Efficiency & Discipline) Rules 2011.
- 7- Correct, however no comments
- 8- Incorrect, misleading as the punishment awarded to the appellant is legal, lawful and with lawful authority and is not liable to be set aside.

GROUND

- A. Incorrect, misleading, as the appellant has been proceeded against under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 and he has been treated in accordance with the law and rules and his rights has never been violated.
- B. In correct, misleading, as the appellant was served Notice for resuming duties at his home address on 18.12.2015 and Show cause was also served to the appellant on 21.12.2016. A Notice was also published in the Newspaper directing the appellant to resume his duties. The appellant also submitted his written reply to the Show cause Notice and he was personally heard by the competent authority on 04.02.2016.
- C. In correct, misleading, elaborated in Para "B" above.
- D. In correct, misleading, elaborated in Para "B" above.



403
6-16-157
Annexure - "A"

(4)

OFFICE OF THE
SUPERINTENDENT
CENTRAL PRISON BANNU

NO. _____

DATED: / / / 2015

TELE/FAX: 0928-633327/633326

To

1. Warden Umar Gul,
2. Warden Asmat Ullah,
Attached to Central Prison Bannu.

Subject: - RELIEVING DOCKET.

M/no;

Under the instructions contained in the Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar Prisons Office Order No. 21005 dated 31.07.2015, you are hereby relieved of your duties at this Jail on the A.N/F.N of 01.10.2015 and directed to report to the Superintendent High Security Prison Mardan for further duty there.


You are allowed NIL days joining time.

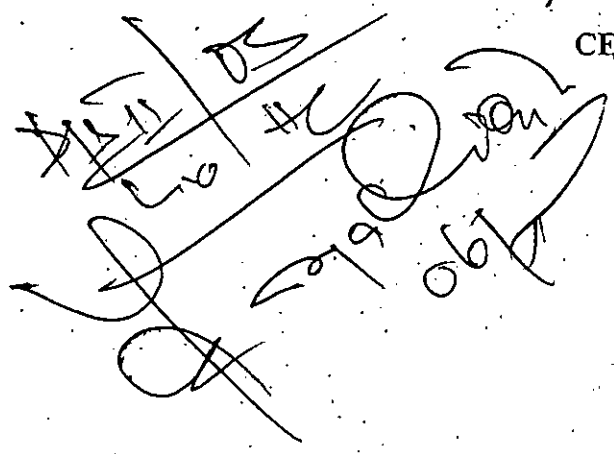
SUPERINTENDENT
CENTRAL PRISON BANNU

Endst: No. 3965-68 /

Copy of the above is forwarded to:-

1. The Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar for information with reference to above please.
2. The Superintendent Circle Headquarter Prisons D.I.Khan for information please.
3. The Superintendent High Security Prison Mardan information and necessary action.
4. The D.A.O Bannu for information & necessary action please.


SUPERINTENDENT
CENTRAL PRISON BANNU



(5)

OFFICE OF THE
SUPERINTENDENT HIGH SECURITY PRISON
MARDAN

NO: _____ DATED: 18 / 12 / 2015

To,

Warder Asmat Ullah Shah S/O Khan Zarin Shah,
C/O Kotka Saidan Pirdil Khel Illaqa Sorani P/O Nizam Bazar
Bannu.

Subject: Absent Notice

Memo;

You were relived on 01-10-2015 from Central Prison Bannu upon transfer to High Security Prison Mardan but you failed to report for duty and is still at large. You are directed to resume your duties immediately after receiving of this notice otherwise strict disciplinary action will be taken against you.

SUPERINTENDENT,
HIGH SECURITY PRISON MARDAN

Endorsement No: 3166-68 /

Copy of the above is forwarded to:

1. The Inspector General of Prisons Khyber Pakhtunkhwa, Peshawar for information please.
2. The superintendent Circle Head Quarter Prison Mardan for information.
3. Superintendent Central Prison Bannu for information please.

SUPERINTENDENT,
HIGH SECURITY PRISON MARDAN

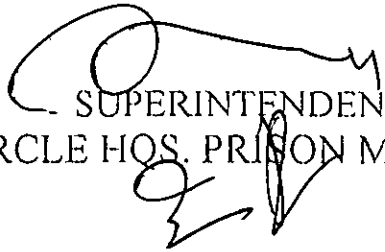
NOTICE UNDER RULE-5 (1) READ WITH RULE-7 OF THE KHYBER PAKHTUNKHWA GOVERNMENT SERVANTS (EFFICIENCY & DISCIPLINE) RULES 2011.

You, Warder Asmat Ullah S/O Khan Zarin Shah were relieved on 01-10-2015 from Central Prison Bannu upon transfer to High Security Prison Mardan but you failed to report for duty and is still at large which constitutes gross conduct on your part.

I, Sahibzada Shah Jehan, Superintendent Headquarter Prison Mardan as Competent Authority, am satisfied by the report received vide the Superintendent High Security Prison Mardan and there is no need of holding any further inquiry.

Now therefore, you above named Warder 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 your above stated act of misconduct.

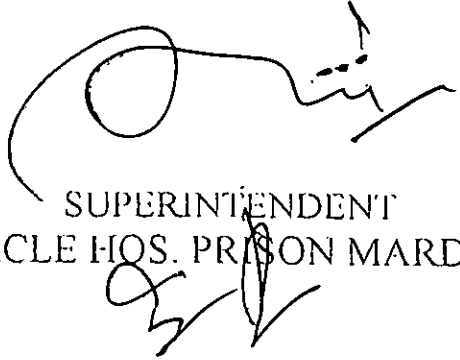
In case your reply does not reach this office within stipulated period, ex-parte action shall be taken against you.


SUPERINTENDENT
CIRCLE HQS. PRISON MARDAN

Endorsement No: 492-94 / - dated: 21/12/2015.

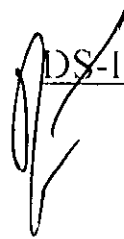
Copy of the above is forwarded to the: -

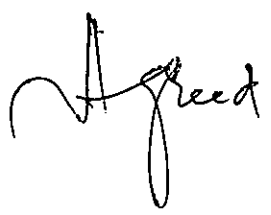
- 1- Inspector General of Prisons Khyber Pakhtunkhwa, Peshawar please.
- 2- Superintendent High Security Prison Mardan with reference to endorsement No.3166-68 Dated:18-12-2015.
- 3- Above named Warder R/O Kotka Saidan Pirdil Khel Illaqa Sorani P/O Nizam Bazar Bannu.



SUPERINTENDENT
CIRCLE HQS. PRISON MARDAN

It is submitted that the warder Asmat Ullah S/O Khan Zarin Shah were relieved on 01-10-2015 from Central Prison Bannu upon transfer to High Security Prison Mardan but he failed to report for duty and still at large, served with absent notice vide HSP Mardan No.3166-68 dated 18-12-2015 and show cause notice vide this Headquarter No.492-94 dated 21-12-2015 on his home address with no response, after lapse of 07 days' time period.(He is appointed as Warder BPS-05 on 04-10-2007 Eight years and two months service)

Notice for resuming his duties in newspaper as required under the rules is required to be published please.


DS-III


Agreed


31/12/2015


I/C P.B

OFFICE OF THE
SUPERINTENDENT
CIRCLE HEAD QUARTER PRISON MARDAN
NO: 626/WF DATED: 12 / 01/2016

To,

The Director of Information,
Government of KPK, Peshawar

Subject: NOTICE OF ABSENCE/ ADVERTISEMENT

Memo;

Enclosed please find herewith 14 copies of the notice for publication in the leading newspapers each in English and Urdu.

Certified that budget under head advertisement charges is available for clearance of your bills please.

OC
SUPERINTENDENT
CIRCLE HEAD QUARTER PRISON MARDAN
12/1/16

Endorsement No: 627-28/WF

Copy of the above is forwarded to the:-

- 1- Inspector General of Prisons Khyber Pakhtunkhwa, Peshawar for information please.
- 2- Superintendent Central Prison Bannu for information please.

OC
SUPERINTENDENT
CIRCLE HEAD QUARTER PRISON MARDAN
12/1/16

Two youngsters destined to join Daesh announce extremist tendencies

KARACHI (Online): Two youngsters from Karachi, who were destined to join Daesh before they were arrested by Iranian authorities along Syria-Iran border, have renounced extremist tendencies following their psychological counselling by doctors, their families and security agencies, an official said.

During a press briefing, Counter Terrorism Department (CTD) Karachi incharge Raja Umar Khattab claimed while quoting psychiatrists that both the youths, whose identity was not disclosed, in their 20s no more possess extremist ten-

dencies to join terrorist and militant groups. He, however, said that their activities will be monitored constantly.

The two youngsters, who hail from upper middle class, were handed over to Pakistani authorities by Iran. The FIA police had taken them into custody in Quetta before they were handed over to the CTD Karachi.

According to the CTD chief, the two told the investigators that they had to endure tremendous hardships for over a month before they reached the Syria border before they were arrested by Iranian border forces. They told the

investigators that given the hardships they endured, they will never think of joining Daesh or any other militant group.

Khattab said that both the rehabilitated youngster had no jihadi background until they contacted Abu Khalid alias Abu Aqba via twitter, who lured them to join them. Daesh arranged a meeting with them in Karachi through local interlocutors directed them to reach Turkish-Syrian border to join the ISIS, the official said. They paid Rs260,000 to human traffickers to take them to Iran. They were transported to Iran along with other 25 persons. They kept on travelling for over one month. But they could not reach the Turkish border and were nabbed by Iranian authorities.

"As the two did not have any jihadi background and they have been treated by psychiatrists with the help of their families, therefore, they have been released after their rehabilitation," the police officer said. He said that no evidence was found of any connection between these two youngsters and Daesh even after arrests were made in Sialkot and other areas of Punjab following the Safora Goth incident.

still indecisive over conjoined sisters' surgery

MULTAN (Monitoring Desk): The conjoined sisters born in Multan two days ago have been transferred to the Children's Complex on Saturday but the doctors are still indecisive about the separation surgery because only one of them can be saved. According to details, a woman had given birth to triplets at a private hospital two days ago out of which two are conjoined twins. The doctors said the conjoined sisters share one heart and liver and therefore the decision to separate them will be taken by the medical board after the MRI scan. However, after the Health Adviser's notice, the twins have been transferred to the Children's Complex where both of them have been placed at Intensive Care Unit (ICU). As per the MS Children's Complex, the Health Department and Punjab government have directed to provide immediate treatment to the twins; however the decision will be taken after hospital's surgeons meeting.

CM condoles with Khosa

LAHORE (Online): Punjab Chief Minister Muhammad Shehbaz Sharif has expressed deep sense of sorrow and grief over the death of wife of former Governor Punjab Sardar Zulfiqar Ali Khan Khosa and mother of Dost Muhammad Khosa, Hassam ud Din Khosa and Saif ud Din Khosa.

GOVERNMENT OF KHYBER PAKHTUNKHWA
PAKHTUNKHWA ENERGY DEVELOPMENT ORGANIZATION (PEDO)

CORRIGENDUM

Ref. Advertisement No. INF(P) 66

These Terms & Conditions may also be read with the advertisement published in daily "The Frontier Post" on 08/01/2016;

1. The word "firms" should be read as firms/contractors.
2. The last date for the submission of Tender documents has been fixed as 1st February, 2016 till 13:00 HRS and Tender will be opened on the same day at 14:00 HRS in the presence of Contractors or their representatives.
3. Other terms and conditions will remain the same.

Deputy Director: Regulation/O&M, PEDO
Room No. 233 plot # 38 B/2 Phase V Hayatabad Peshawar
Ph # 091-9217446

INF(P) 66

نوٹس غیر حاضری

آپ سہمی عصمت اللہ ولد خان زرین شاہ سکندریہ کنگہ سیدان ہیر دل نیل علاقہ سورانی ڈاکا نظام بازار تحصیل و ضلع جنوں بطور جیل وارڈر آپ کو برطانیہ آئی جی جیل خانہ جات کے آرڈر نمبر 21005-21005 مورخہ 07-31-2015 کے سنٹرل جیل جنوں سے ہائی سیکورٹی جیل مردان تبدیل کیا گیا۔ اور آپ کو سنٹرل جیل جنوں سے ریلوے ٹنگ ڈاکٹ نمبر 3964 مورخہ 10-01-2015 کو ہائی سیکورٹی جیل مردان میں ڈیوٹی کے لیے رپورٹ کرنے کو کہا گیا لیکن آپ ابھی تک حاضر نہیں ہوئے۔ آپ کو بذریعہ نوٹس نمبر 3166-68 مورخہ 18-12-2015 کو گھر کے چے پر مطلع کیا گیا لیکن آپ پھر بھی حاضر نہ ہوئے۔ آپ کو دوبارہ سرکل ہیڈ کوارٹر مردان سے شوکاژ نوٹس نمبر 492-94 مورخہ 21-12-2015 کو مطلع کیا گیا لیکن آپ نے پھر بھی کوئی جواب نہیں دیا۔ آپ کو بذریعہ اشتہار ہذا مطلع کیا جاتا ہے کہ پندرہ دن کے اندر اندر ڈیوٹی کے لئے ہائی سیکورٹی جیل مردان میں اپنی حاضری یقینی بنائیں اور اپنی وضاحت کریں ورنہ آپ کے خلاف ایک طرفہ تانی کارروائی کی جائے گی۔

صاحبزادہ شاہ جہان (سپرٹنڈنٹ)
سرکل ہیڈ کوارٹر ہائی سیکورٹی جیل مردان

INF(P) 241

نوٹس غیر حاضری

آپ سہمی شاہ دراز ولد نور از خان شاہ سکندریہ کنگہ سیدان ہیر دل نیل علاقہ سورانی ڈاکا تحصیل و ضلع جنوں بطور جیل وارڈر آپ کو برطانیہ آئی جی جیل خانہ جات کے آرڈر نمبر 25029-25029 مورخہ 08-09-2015 کے سنٹرل جیل جنوں سے ہائی سیکورٹی جیل مردان تبدیل کیا گیا۔ اور آپ کو سنٹرل جیل جنوں سے ریلوے ٹنگ ڈاکٹ نمبر 3922 مورخہ 29-09-2015 کو تین ہوم کے اندر ہائی سیکورٹی جیل مردان میں ڈیوٹی کے لیے رپورٹ کرنے کو کہا گیا لیکن آپ ابھی تک حاضر نہیں ہوئے۔ آپ کو بذریعہ نوٹس نمبر 3176-72 مورخہ 18-12-2015 کو گھر کے چے پر مطلع کیا گیا لیکن آپ پھر بھی حاضر نہ ہوئے۔ آپ کو دوبارہ سرکل ہیڈ کوارٹر مردان سے شوکاژ نوٹس نمبر 480-82 مورخہ 21-12-2015 کو مطلع کیا گیا لیکن آپ نے پھر بھی کوئی جواب نہیں دیا۔ آپ کو بذریعہ اشتہار ہذا مطلع کیا جاتا ہے کہ پندرہ دن کے اندر اندر ڈیوٹی کے لئے ہائی سیکورٹی جیل مردان میں اپنی حاضری یقینی بنائیں اور اپنی وضاحت کریں ورنہ آپ کے خلاف ایک طرفہ تانی کارروائی کی جائے گی۔

صاحبزادہ شاہ جہان (سپرٹنڈنٹ)
سرکل ہیڈ کوارٹر ہائی سیکورٹی جیل مردان

INF(P) 284

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ضنا - عالی

مؤدبہ گزراش کجانی ہے۔ کہ سائیک کو 01/10/2015 کو

سٹریٹ میں بھول سے فارغ کیا گیا تھا۔ سائیک کی ٹرانسفر سٹریٹ میں سرکار کو
 ہوا تھا۔ لیکن سائیک کا والد صاحب فارغ کا صریح تھا۔ سائیک نے والد صاحب
 کو ہسپتال میں ایڈمٹ کیا۔ سائیک نے مراد گھڑا اور کوئی نہیں
 تھا۔ سائیک نے اپنے والد کو اکٹھا نہیں ہوڑا۔ اس کے ساتھ سائیک
 ہسپتال میں تھا۔ جس کو سب سے سائیک بیان ڈروٹی سے مراد صاحب
 رہا جس میں سائیک کو شوکار ٹوش مرا۔ سائیک کا مندرجہ
 بالا جواب شوکار ہے۔ سائیک کی تصویر کو مد نظر رکھتے ہوئے
 سائیک کو ایک موقوفہ سے کمر مہربانی فرمائیے۔ اندر کے لئے
 سائیک کی تصویر کے طور پر، میں مراد صاحب سے نہیں کرے گا

بڑی مہربانی نوادش معری

23-1-16

(الغرض)

Acquaintance Shah
 وارڈر علیہ اللہ شاہ
 صلح سے

OFFICE OF THE
SUPERINTENDENT
CIRCLE HQS PRISON MARDAN

No. 832 /P.B/D/ 04/01/2016

OFFICE ORDER

Upon completion of proceedings under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 initiated vide this Headquarters endorsement No. 492-94 dated: 21-12-2015, Warder Asmat Ullah S/O Khan Zarin Shah is hereby awarded the major penalty of "Reduction to lowest stage" in his present time pay scale with further orders as under:-

2- His absence period w.e.f 01-10-2015 to 22-01-2016 (03 Months and 22 days) is hereby treated as extra ordinary leave without pay.

[Signature]
04/1/2016
SUPERINTENDENT
CIRCLE HQS PRISON MARDAN

Endorsement No: _____

Copy of the above is forwarded to the:-

- 1- Inspector General of Prisons Khyber Pakhtunkhwa Peshawar please.
- 2- Superintendent High Security Prison Mardan with reference to his memo No. 3166-68 dated 18-12-2015.
- 3- District Accounts Officer, Mardan.
- 4- Office Superintendent/ I/C Pay Branch High Security Prison Mardan.
- 5- Official concerned C/O Superintendent High Security Prison Mardan.

[Signature]
SUPERINTENDENT
CIRCLE HQS PRISON MARDAN

Prohibition against business and pecuniary transactions

Rule 1080. -- (i) No prison officer shall directly or indirectly engage in any trade, business or employment other than his legitimate duties.

(ii) No prison officer shall lend money to, borrow money from, enter into any pecuniary transaction with, or incur any obligation in favor of any other or any prisoner.

Residential quarters

Rule 1081. -- (i) Rent free residential quarters shall ordinarily be provided at each prison for the Deputy Superintendent, Assistant Superintendents, Assistant Medical Officer, Dispensers, Assistant and Clerical Staff, Storekeepers, Instructors, Teachers and the warder establishment.

(ii) Every prison official for whom the residential quarters are not available a prison shall reside within such distance of the prison as the Superintendent may direct.

Leave to Subordinate Officers

Rule 1082. -- (i) No subordinate officer shall, at any time, without the per. mission 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.

(ii) 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.

(iii) 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.

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

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

Absence caused by illness or other unavoidable cause

Rule 1083. -- 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 forthwith 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.

Acquaintance with rules and regulations

Rule 1084. -- It shall be the duty of every officer to make himself thoroughly acquainted with the duties of his office and all rules and regulations. He shall discharge his duties with zeal efficiency, honesty, alacrity and regularity.

Note Book

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

(3) The leave pay shall be payable in sterling, if such leave is spent in Asia other than Pakistan and India.

(4) Such leave pay shall be payable for the actual period of leave spent abroad subject to maximum of one hundred and twenty days at a time.

(5) The civil servants appointed after 17th May, 1958, shall draw their leave salary in rupees in Pakistan irrespective of the country where they spent their leave.

(6) Leave Ex-Pakistan will be regulated and be subject to the same limits and conditions as prescribed in rule 4,5 and 12.

17. Assigning reasons for leave.---It shall not be necessary to specify the reasons for which leave has been applied; so long as that leave is due and admissible to a civil servant.

18. Commencement and end of leave.---Instead of indicating whether leave starts / ends in the forenoon or after-noon, leave shall commence from the day following that on which a civil servant hands over the charge of his post. It shall end on the day preceding that on which he resumes duty.

19. Absence after the expiry of leave.---Unless his leave is extended by the leave sanctioning authority, a civil servant who remains absent (except for circumstances beyond his control) after the end of his leave shall not be entitled to any remuneration for the period of such absence and double period of such absence shall be debited against his leave account. Such debit shall if there is insufficient credit in the leave account, be adjusted against future accumulations. Such double debit shall not preclude any disciplinary action that may be considered necessary under any rule for the time being in force after affording a reasonable opportunity to the civil servant concerned to indicate his position.

¹⁰**20. Encashment of Leave Preparatory to Retirement.**--- ¹¹[(1)] Where a civil servant opts not to avail the leave preparatory to retirement admissible to him under rule 14, he shall be allowed leave salary for the period for which leave preparatory to retirement is admissible, subject to a maximum of ¹²[three hundred and sixty-five] days. For the purpose of lump sum payment in lieu of leave preparatory to retirement only the senior post allowance will be included in the leave pay so admissible. The payment of leave pay in lieu of leave preparatory to retirement may be made to the civil servant either in lump sum at the time of retirement or may at his option, be drawn by him monthwise, in arrears, for and during the period of leave preparatory to retirement. This amendment shall take effect from 01.07.1983.]

¹³[(2) Encashment of leave preparatory to retirement (LPR) not exceeding three hundred and sixty five days shall be effective from the first day of July, 2012 and shall, for the entire period of leave refused or opted for encashment, be applicable to a civil servant retired or, as the case may be, retiring on or, after the first day of July 2012, provided such leave is available at his credit subject to a maximum of three hundred and sixty five days.

(3) If at any time during such period, leave is granted on account of ill health supposed by medical certificate or for performance of Hajj, the amount of cash compensation on account of leave pay shall be reduced by an amount equal to the leave pay for the period of leave so granted]

(4) Leave pay for the purpose of encashment of LPR shall be computed on the basis of pay and allowances reckonable towards pension as shown in the last pay certificate of a civil servant.]

¹⁴**21. In Service Death, etc.**---(1) In case a civil servant dies, or is declared permanently incapacitated for further service by a Medical Board, while in service, a lump sum payment equal to leave

¹⁰ Rule 20 substituted by Notification No. FD.SO(SR-IV)5-54(Vol:II), dated 24th August, 1983.

¹¹ Renumbered as sub-rule (1) by Notification No. (FR)FD-5-92/2005/Vol-V, DATED 13-12-2012

¹² Substituted for the words "one hundred and eighty" by Notification No. (FR)FD-5-92/2005/Vol-V, DATED 13-12-2012.

¹³ Substituted for the words "one hundred and eighty" by Notification No. (FR)FD-5-92/2005/Vol-V, DATED 13-12-2012.

¹⁴ Rule 21 substituted by Notification No.FD.SO(SR-IV)5-54/80(Vol:III), dated 03.05.1988

GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

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No. SO(FR)/FD/5-14/2014
Dated Peshawar, the 16-12-2014

1. Additional Chief Secretary, Khyber Pakhtunkhwa
2. Senior Member Board of Revenue, Khyber Pakhtunkhwa
3. All Administrative Secretaries, Govt. of Khyber Pakhtunkhwa

Subject: - DEDUCTION OF SALARY FROM GOVT; EMPLOYEES IN CASE OF ABSENTEESIUM

Dear Sir,

I am directed to refer to the subject noted above and to state that it has come to the notice of the government that on some occasion government employees remain absent from duty without authorization or fail to perform their assigned duties. Such instances attract the provision of Fundamental Rules and Khyber Pakhtunkhwa Government servant (Efficiency and Disciplinary) Rules 2013. Accordingly, such government employee loses right to payment of pay and allowances for such periods besides making themselves liable for disciplinary proceedings. All concerned offices are duty bound to deduct pay and allowances of the defaulting government employees for the period of absence and non-performance of the duty.

I am further directed to convey that all Administrative Departments and their attached entities shall ensure implementation of the above legal provisions in letter & spirit.

Yours faithfully


(SHAUKAT ULLAH)
SECTION OFFICER (FR)

Copy is forwarded to the: -

- * Principal Secretary to Governor, Khyber Pakhtunkhwa.
- * Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- * PSO to Chief Secretary to Government of Khyber Pakhtunkhwa.
- * Registrar, Peshawar High Court, Peshawar
- * Accountant General, Khyber Pakhtunkhwa.
- * All Heads of Attached Departments in Khyber Pakhtunkhwa.
- * All Commissioners in Khyber Pakhtunkhwa.
- * All Deputy Commissioners in Khyber Pakhtunkhwa
- * All District / Agency Accounts Officers in Khyber Pakhtunkhwa.
- * Treasury Officer, Khyber Pakhtunkhwa

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(k) "inquiry officer" means an officer appointed by the competent authority under these rules;

(l) "misconduct" includes-

- (i) conduct prejudicial to good order or service discipline; or
- (ii) conduct contrary to the Khyber Pakhtunkhwa Province Government Servants (Conduct) Rules, 1987, for the time being in force; or
- (iii) conduct unbecoming of Government servant and a gentleman; or
- (iv) involvement or participation for gains, directly or indirectly, in industry, trade, or speculative transactions by abuse or misuse of official position to gain undue advantage or assumption of such financial or other obligations in relation to private institutions or persons as may compromise the performance of official duties or functions; or
- (v) any act to bring or attempt to bring outside influence, directly or indirectly, to bear on the Governor, the Chief Minister, a Minister or any other Government officer in respect of any matter relating to the appointment, promotion, transfer or other conditions of service; or
- (vi) making appointment or promotion or having been appointed or promoted on extraneous grounds in violation of any law or rules; or
- (vii) conviction for a moral offence by a court of law

(2) Words and expressions used but not defined in these rules shall have the same meanings as are assigned to them in the Khyber Pakhtunkhwa Province Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) or any other statutory order or rules of Government for the time being in force.

3. Grounds for proceedings.---A Government servant shall be liable to be proceeded against under these rules, if he is-

- (a) inefficient or has ceased to be efficient for any reason; or
- (b) guilty of misconduct; or
- (c) guilty of corruption; or
- (d) guilty of habitually absenting himself from duty without prior approval of leave; or
- (e) engaged or is reasonably believed to be engaged in subversive activities, or is reasonably believed to be associated with others engaged in subversive activities, or is guilty of disclosure of official secrets to any un-authorized person and his retention in service is prejudicial to national security; or

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

In the matter of
Appeal No.497/2016

Asmat ullah S/O Khan Wazir Ex. Warder, High Security
Prison Mardan.

(Appellant)

VERSUS

The IG Prisons Khyber Pakhtunkhwa, Peshawar & others.

(Respondents)

REJOINDER ON BEHALF OF THE APPELLANT

Respectfully submitted:

ON PRELIMINARY OBJECTIONS:

1. Contents incorrect and misleading, the appeal being filed well in accordance with the prescribed rules and procedure hence maintainable and competent in its form.
2. Contents in correct and misleading no rule of esstople is applicable in the instant case.
3. Contents incorrect and misleading, the appellant has illegally been awarded the penalty of reduction to lowest stage in present time pay scale, he being an aggrieved civil servant has got the necessary cause of action to file the instant appeal.
4. Contents incorrect and misleading, as stated above the appellant has illegally been awarded the penalty of reduction to lowest stage in present time pay scale, he being an aggrieved civil servant has got the necessary locus standi to file the instant appeal.
5. Contents incorrect and misleading all necessary parties are arrayed in the instant appeal.
6. Contents incorrect and misleading, the instant appeal is filed well within the prescribed period of limitation.

ON FACTS

1. Contents need no reply, however, contents of Para-1 of the appeal are true and correct.
2. Contents of Para-2 of the appeal are correct, the reply submitted to the Para- is incorrect and misleading.

3. No comments however the contents of Para-3 of the appeal are correct.
4. No comments to the extent of admission, rest of the Para is incorrect and misleading, hence denied. Contents of Para-4 of the appeal are correct.
5. Contents of Para-5 of the appeal are correct, the reply submitted to the Para- is incorrect and misleading.
6. No comments. However contents of Para No. 6 of the appeal are true and correct.
7. No comments. However contents of Para No. 7 of the appeal are true and correct.
8. Contents of Para-8 of the appeal are correct, the reply submitted to the Para- is incorrect and misleading.

GROUND

The Grounds (A to I) taken in the memo of appeal are legal and will be substantiated at the time of arguments.

It is therefore humbly prayed that the appeal of the appellant may please be accepted as prayed for.

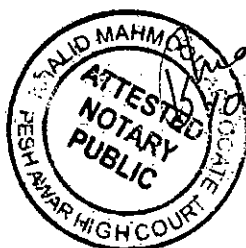
Appellant

Through


YASIR SALEEM
Advocate High Court.

AFFIDAVIT

I do, hereby solemnly affirm and declare on oath that the contents of the above rejoinder as well as titled appeal are true and correct and nothing has been kept back or concealed from this Honourable Tribunal.



Deponent
