

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. 456/2016

Date of institution ... 26.04.2016

Date of judgment ... 17.04.2018

Farhan Khan S/O Khan Gul, Ex-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 SERVICE TRIBUNAL ACT,
1974, AGAINST THE DATED 03.02.2016, WHEREBY THE
APPELLANT HAS BEEN AWARDED THE MAJOR PENALTY OF
REMOVAL FROM SERVICE , AGAINST WHICH THE
DEPARTMENTAL APPEAL DATED 09.02.2016, HAS ALSO BEEN
REJECTED VIDE ORDER DATED 28.03.2016.

Mr. Yasir Saleem, Advocate.

.. For appellant.

Mr. Kabirullah Khattak, Additional Advocate General

.. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI

.. MEMBER (JUDICIAL)

MR. AHMAD HASSAN

.. MEMBER (EXCUTIVE)

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER: - Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents also present. Arguments heard and file perused.

2. Brief facts of the case are that the appellant was serving as Warder in Prison Department and removed from service vide order dated 03.02.2016 on the allegations of his absence from duty with effect from 31.12.2015. The appellant filed

M. Amin
17.4.2018

departmental appeal on 09.02.2016 which was rejected on 28.03.2016 hence, the present service appeal on 26.04.2016.

3. Respondents were summoned who contested the appeal by filing of replication.

4. Learned counsel for the appellant contended that the appellant was serving in Prison Department. It was further contended that major penalty of removal from service on the allegation of absence from duty with effect from 31.12.2015 vide order dated 03.02.2016 was imposed upon the appellant. It was further contended that on 31.12.2015 the appellant submitted application for 15 days leave and the copy of the same was also available on record. It was further contended that major penalty was imposed upon the appellant for one month alleged absence from duty therefore, the penalty of removal from service imposed by the respondents was very harsh. It was further argued that the appellant also submitted application during the one month alleged absence period for leave but was not considered by them. It was further contended that neither any charge sheet, statement of allegations was served upon the appellant nor proper inquiry was conducted nor any show-cause notice was issued to the appellant nor any absence notice was issued at the home address of the appellant therefore, the impugned order was illegal and liable to be set-aside.

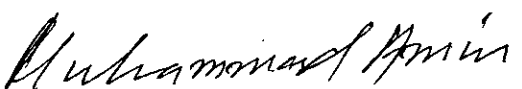
5. On the other hand, learned Additional Advocate General for the respondents opposed the contention of learned counsel for the appellant and contended that major penalty of removal from service was imposed on him on the allegations of absence from duty. It was further contended that the appellant remained absent from duty without any permission or sanction of leave from the competent authority. It was further argued that all codal formalities were observed before imposition of penalty therefore, prayed for dismissal of appeal.

M Amin
17.4.2018

6. Perusal of the record reveals that the appellant was serving in Prison Department as Warder and during service he submitted application for 15 days leave to the competent authority on 31.12.2015 but the same was not accepted by the competent authority and the appellant was ultimately imposed major penalty vide order dated 03.02.2016 on the allegation of his absence from 31.12.2015. He had submitted leave application for on 31.12.2015 and on 06.01.2016 for sanction but the same was not considered by the respondents therefore, the major penalty of removal from service of the appellant on the allegation of one month alleged absence does not commensurate with the charge and as such was very harsh. Therefore, we partially accept the appeal, reinstate the appellant into service and convert the major penalty of removal from service into penalty of withholding of two increments for a period of two years. The absence period as well as intervening period be treated as leave without pay. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
17.04.2018


(AHMAD HASSAN)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

13.02.2018

Clerk to counsel for the appellant and Mr. Usman Ghani, Learned District Attorney alongwith Mr. Suhrab H.C for the respondents present. Due to general strike of the bar, the case is adjourned. To come up for arguments on 17.04.2018 before D.B.


(Ahmad Hassan)
MEMBER



(Muhammad Hamid Mughal)
MEMBER

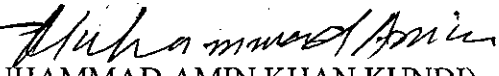
17.04.2018

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents also present. Arguments heard and record perused.

Vide our detailed judgment of today consisting of three pages placed on file, we partially accept the appeal, reinstate the appellant into service and convert the major penalty of removal from service into penalty of withholding of two increments for a period of two years. The absence period as well as intervening period be treated as leave without pay. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
17.04.2018


(AHMAD HASSAN)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

456/2016

30.05.2017

Clerk of the counsel for appellant present. Mr. Kabirullah Khattak, Assistant AG for the respondents also present. Due to strike of the bar learned counsel for the appellant is not in attendance. Adjourned. To come up for arguments on 22.09.2017 before D.B.

(GUL ZEB KHAN)
MEMBER

(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

24/09/2017

Since 07.09.2017 has been declared as a public holiday on account of first Muharram. Therefore cases adjourned to 11.12.2017 for the same.

READER

11.12.2017

Appellant with counsel and Mr. Kabirullah Khattak, Addl. AG alongwith Sohrab Khan, Junior Clerk for the respondents present. Learned counsel for the appellant seeks adjournment. Granted. To come up for arguments on 13.02.2018 before the D.B.

Member

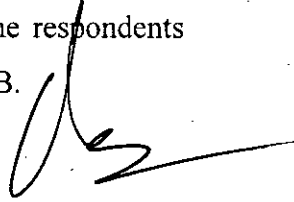
Chairman

16.08.2016

Counsel for the appellant present. Preliminary arguments heard and case file perused. Through the instant appeal, the appellant has impugned order dated 03.02.2016 vide which the appellant was removed from service. Against the impugned order the appellant filed departmental appeal which was also rejected by the competent authority vide order dated 28.03.2016, hence the instant service appeal.


Since the instant appeal is within time and matter required further consideration of this Tribunal therefore, the same 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 27.10.2016 before S.B.

Amount Deposited
Security & Process Fee


Member

27.10.2016

Counsel for the appellant and Mr. Shehreyar, ASJ alongwith Addl. AG for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing on 10.01.2017.


Member

10.01.2017

Counsel for the appellant and Mr. Shehreyar Khan, ASJ alongwith Assistant AG for respondents present. Rejoinder submitted which is placed on file. To come up for arguments on 30.05.2017.

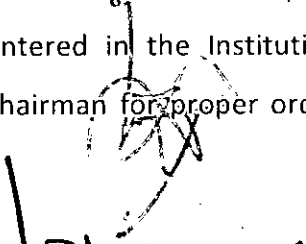

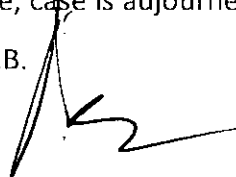

(AHMAD HASSAN)
MEMBER


(MUHAMMAD AAMIR NAZIR)
MEMBER

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 456/2016


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	28.04.2016	<p>The appeal of Mr. Farhan Khan 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 style="text-align: right;"> REGISTRAR</p>
2	29-4-2016	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>19-5-2016</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	19.05.2016	<p>Appellant in person present. Due to strike of the Bar learned counsel for the appellant is not available today before the Court, therefore, case is adjourned for preliminary hearing to 16.8.2016 before S.B.</p> <p style="text-align: right;"> Member</p>

The appeal of Mr. Farhan Khan son of Khan Gul Warder High 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- Index of the appeal may be prepared according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 6- Copies of show cause notice and reply thereto mentioned in the memo of appeal are not attached with the appeal which may be placed on it.
- 7- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

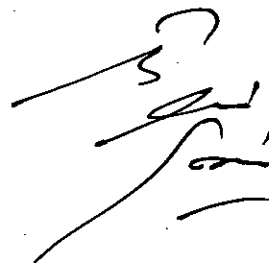
No. bb1 /S.T,

Dt. 27/4 /2016


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Sajid Amin dv. Pesh.

Sir, Re submitted after appeal



BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Appeal No. 456 /2016

Farhan Khan S/O Khan Gul, Ex-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		1-4
2	Affidavit		5
3	Copy of Appointment Letter and Medical Certificate	A & B	6-7
4	Application dated 25.12.2015.	C	8
5	Copies of the Course completion certificates and application dated 31.12.2015.	D, E & F	9-11
5	Copy of Removal form service order dated 03.02.2016.	G	12
6	Departmental appeal, rejection order dated 28.03.2016 and letter 05.04.2016.	H, I & J	13-16
7	Vakalatnama.		

Appellant

Through


SAJJID AMIN
Advocate High Court
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

A.W.F. Province
Service Tribunal
Diary No. 423
dated 26-4-2016

Appeal No. 456/2016

Farhan Khan S/O Khan Gul, Ex-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 03.02.2016, whereby the appellant has been awarded the major penalty of "Removal from Service", against which the departmental appeal dated 09.02.2016, 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 appellant may kindly be reinstated into service with all back wages and benefits of service.

Handwritten signature and date: 26/4/16

Respectfully Submitted:

1. That the appellant was initially appointed as Warder in the Prison Department on 09.04.2012. The appellant after having being found medically fit he duly submitted his arrival report and started performing his duties. *(Copies of appointment letter and medical certificate is attached as Annexure A & B)*

Handwritten note: as submitted to G.P. and filed.

Handwritten signature and date: 28/4/16

2. That ever since his appointment, the appellant had performed his duties as assigned to him with zeal and devotion and without giving any chance of complaint whatsoever to his superiors.
3. That while serving in the said capacity, the appellant while attached to High Security Prison Mardan, since the marriage of the appellant was fixed on 10.01.2016 and in this respect the appellant had to make all arrangements, therefore he submitted an application for 15 days leave for the said purpose, however the line Moharrer Said Ul Zaman returned his application with remarks that it is too early to avail casual leave and wait till 05.01.2016. *(Copy of the application dated 25.12.2015, is attached as Annexure C)*
4. That later the appellant came to know that he has been nominated for one month training by replacing one Warder Shehzad in the final list of Warders detailed for training. The appellant again made an application and requested that since he had already undergone the said course twice and especially during 2015, and moreover his marriage is also fixed on 10.01.2016, therefore he may be allowed 15 days leave, however the appellant was directed to approach the respondent No. 1. *(Copies of the course completion certificates and application dated 31.12.2015, are attached as Annexure D, E & F)*
5. That thereafter the appellant requested for leave on the same account vide application dated 05.01.2016 duly noted vide daily diary No410 dated 06.01.2016. On 08.01.2016, the appellant was informed by the Line Muharrar Mardan Jail regarding sanction of 12 days leave. Accordingly he proceeded on leave.
6. That after completion of his leave, the appellant duly reported for his duty on 20.01.2016 and started performing his duty. It is pertinent to mention here that the appellant was assigned duty from 9:00 PM to 12:00 night and from 6:00 AM to 9:00 AM on the next day.
7. That astonishingly on 22.01.2016, the appellant was served with a show cause notice on account of absence from duty, and was directed to submit his reply to the same, the appellant duly replied the show cause notice and explained that he never remained absent from duty rather he was granted leave for 12 days w.e.f 08.01.2016. Unfortunately the appellant did not retain the copies of the show cause notice and its reply.

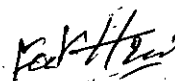
8. That thereafter the appellant was awarded the major penalty of Removal from service vide order dated 03.02.2016. quite wrongly the appellant was allegedly shown absent from duty w.e.f 31.12.2015. *(Copy of the removal form service order dated 03.02.2016, is attached as Annexure G)*
9. That the appellant requested for the provision of departmental proceedings conducted against him, but to no avail, lastly he submitted his departmental appeal dated 09.02.2016, however it has also been rejected vide order dated 28.03.2016, copy of the order of rejection has been communicated to the appellant vide letter dated 05.04.2016, which has been received by him on 09.04.2016. *(Copies of the Departmental Appeal, Rejection Order dated 28.03.2016 and letter dated 5.04.2016, are attached as Annexure H, I & J).*
10. That the impugned orders are illegal unlawful against law and facts therefore, liable to be set aside inter alia on the following grounds:-

GROUND OF SERVICE 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 penalty to the appellant, the appellant has not been served with any absence notice, nor any publication has been made in the daily news paper, moreover the appellant has not been given fair opportunity to defend himself against the charges, thus the whole proceedings are defective in the eye of law.
- C. That the appellant has not been allowed proper opportunity of personal hearing before discharge of his service, thus he has been condemned unheard.
- D. That the impugned order is not a speaking order and is thus passed in violation of Section 24-A of the General Clauses Act.
- E. That the impugned penalty order is given retrospective effect, since no penalty order can be made to operate with retrospective effect, on this score alone he impugned order is liable to be set aside.

- F. That the appellant never committed any act or omission which could be termed as misconduct, the charge of absence from duty was incorrect and false, the appellant never absented himself from duty, the appellant duly applied for leave for his marriage and accordingly he was allowed 12 days leave w.e.f 08.01.2016 for his marriage, after availing his leave he duly reported for his duty and started performing his duties albeit the appellant has been removed from service. *(Copy of the marriage certificate is attached as Annexure K)*
- G. That the charges leveled against the appellant were never proved the appellant has been awarded the penalty on surmises and conjunctures.
- H. That the appellant is jobless since his illegal removal from service.
- I. That the appellant has more than 3 years spotless service career, the penalty imposed upon him is too harsh and liable to be set aside.
- J. That the appellant seeks permission of this Honourable Tribunal to rely on additional grounds at the hearing of the appeal.

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 appellant may kindly be reinstated into service with all back wages and benefits of service.



Appellant

Through



SAJID AMIN

Advocate High Court
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Appeal No. _____/2016

Farhan Khan S/O Khan Gul, Ex-Warder, High Security Prison
Mardan.

(Appellant)

VERSUS

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

(Respondents)

AFFIDAVIT

I, **Farhan Khan S/O Khan Gul, Ex-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.



Farhan
DEPONENT



To

OFFICE OF THE
SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR
No. 626 / P.B dt: 15 / 2012

Annexure "A"

Mr. Farhan s/o Khan Gul
Mohallah Khuda Khol, Village Badher, Tehsil & District Peshawar

Subject: APPOINTMENT AS WARDER (BPS-05)

Memo

Reference your test/ interview for the subject post.


You are hereby offered the post of temporary Warden in (BPS-05) (5400-260-13200) and other usual allowances as admissible under the rules subject to the following conditions:-


- 1- You are liable to serve anywhere in the jails of Khyber Pukhtunkhwa
- 2- Your appointment is purely temporary and your services can be terminated at any time without assigning any reason during probationary period.
- 3- For all other purposes such as pay, T.A & Medical attendance etc. you will be governed by the rules applicable to the government servants of your category.
- 4- The terms and conditions of your appointment as Warden will be those as laid down in the NWFP Prisons Rules 1965, Prisons Department (Recruitment, Promotions & transfer) rules 1980 and all other rules and regulations prescribed to Government Servants or the rules which may be promulgated by the Government from time to time in this behalf.
- 5- Your appointment will be subject to your Medical fitness.
- 6- No T.A/ DA will be admissible to you on joining your first appointment.
- 7- You cannot resign from the service immediately but will have to put in writing at least one month prior notice or in lieu thereof, one month pay shall be forfeited from you.
- 8- Your appointment is subject to fulfillment of all the conditions laid down in the services rules.
- 9- You will be on probation for a period of two years extendable to one more year.
- 10- On your report for duty, it will be taken for granted that you have accepted all the above terms and conditions and if you failed to report within 10 days of the receipt of this appointment order, it will be presumed that you have declined to accept this offer, hence this order of appointment shall stand cancelled.
- 11- You are directed to attend this office immediately for your Medical Examinations at Police & Services Hospital Peshawar.

Endorsement No. _____

Copy of the above is forwarded to the:-

- 1- Superintendent District Jail Timergara. The above named newly appointed Warden is attached with his Jail for all purposes.
- 2- District Accounts Officer Timergara


SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR


SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR

7

Annexure 'B'

MEDICAL CERTIFICATE

Name of official Mr Farhan
 Caste or race Muslim
 Father's name Khan Gul
 Residence Village Badkhar Teh. & Dist. Peshawar
 Date of birth 15.11.1988
 Exact height by measurement 5.7
 Personal mark of identification nil
 Signature of the official [Signature]
 Signature of head of office _____

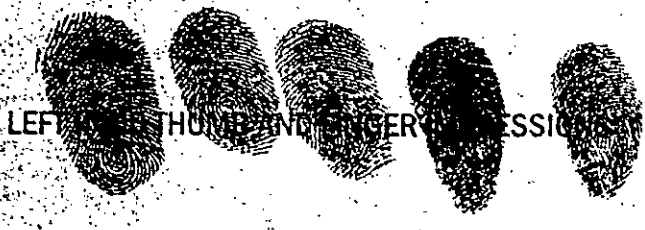
Seal of office [Stamp: Superintendent, Headquarter Prison Peshawar]
[Signature]
15/5/12

I do hereby certify that I have examined Mr. Farhan a candidate
 for employment in the Office of the Police Dept.
 and cannot discover that he had any disease communicable or other constitutional affection or bodily
 infirmity except nil

I do not consider this as disqualification for employment in the office of the _____
 His age according to his own statement 23 year and by appearance about
 year Twenty three only

MEDICAL SUPERINTENDENT,
 CIVIL HOSPITAL
 Medical Superintendent,
 Services, Hospital,
 Peshawar.

15/5/2012



[Signature]

سپر سٹوڈنٹ صاحب آف سنٹرل ویل مردان

Annexure 'C'

صاحب عالی

(8)

مؤرخہ گزارش کی حالتی ہے کہ سائل اور اس کے بھائی کا

10/11/2016 کو شادی ہے لہذا آپ صاحبان میرا ہی مہرا کر

سائل کو 15 یوم کی چھٹی عنایت فرما دیں سائل پشیم

آپکو دعا میں یاد رکھتا گا

الغرض

آپکا مہرا مہرا دار فرحان سہیل ویل مردان

مورخہ 25/12/2016

Fareed

گوشی گزارش

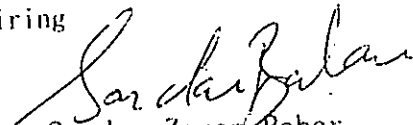
سہیل



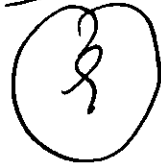
CERTIFICATE

This is to certify that warder Farhan Khan S/O Khan Gul of Central Prison Haripur has successfully completed the 03 weeks Training course from Army Instructors headed by Major, held from 12-01-2015 to 31-01-2015. He approved himself a good soldier and passed the following subjects:-

1. P.E.T
2. Weapon Handling
3. Firing
4. U.A.C
5. Q.R.F Training


Sardar Zamari Babar
Deputy Supdt./Superintendent
Central Prison Haripur

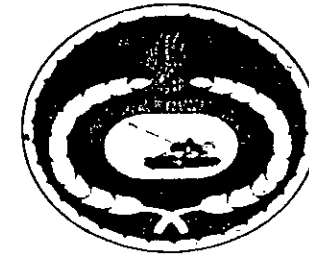
Annexure

"D"






CERTIFICATE



Annexure 'E'

10

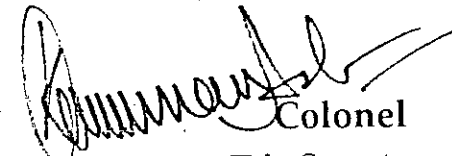
Awarded to FARHAN

For Participation in

District and Prisons Police, and Levies Training and Firing


held at Timergara from 11-16 Mar 2013





Colonel
Commandant Dir Scouts
Muhammad Kamran Aslam

Friday 22nd of March 2013



حضرت صاحب سپرنٹنڈنٹ صاحب آف سنٹرل جیل سردان

صناب عالی

Annexure 'f'

عنوان: شادی خانہ آبادی

(11)

موردہ ذیل گزارش کی جاتی ہے کہ سائل اور اُس کے بھائی کا
ہروز اتوار 10/11/2016 کو ملے ہوا ہے سائل اپنے تمام
بھائیوں کو (Invitation card) بھیج چکا ہے اور
سائل نے اس سے پہلے بھی 25/12/16 کو رائن محرم کو درخواست
دی ہے جسکو آپ صاحبان نے منظور کیا ہے

صناب عالی! گزارش یہ ہے کہ رائن محرم نے سائل کا تمام ٹرنسنگ میں
سامل کی ہے جو کہ سائل نے یہ ٹرنسنگ (2) دفعہ کی ہے
اور دونوں میں فرسٹ پوزیشن کی ہے جسکی فوٹو کافی
درخواست کے ساتھ منسلق ہے لہذا آپ صاحبان مہربانی
فرما کر سائل کو 15 ایوم کی چھی عنایت فرمادیں
آپکی بڑی مہربانی ہوگی

الفارص

آپکی فرمائندہ دار فرحان سنٹرل جیل سردان

سورہ 31/12/2016





12

Annexure

OFFICE OF THE
SUPERINTENDENT

CIRCLE HQS. PRISON MARDAN

No: _____ /P.B/Dt: 03/02/2016

OFFICE ORDER

Upon completion of proceedings under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 initiated vide this Headquarters endorsement No:617-19 dated 12-01-2016. Warder Farhan S/O Khan Gu attached to High Security Prison Mardan is hereby awarded the major penalty of "Removal from Service" from the date of absence i.e. 31-12-2015 (A.N).

SUPERINTENDENT
CIRCLE HQS. PRISON MARDAN

Endorsement No: 799-805 /-

Copy of the above is forwarded to the:-

- 1- Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information please.
- 2- Superintendent High Security Prison Mardan for information with reference to memo No. 38-41 dated 09-01-2016.
- 3- Major Ameer, Dargai Fort for information with reference to Superintendent High Security Prison Mardan endorsement No.38-41 dated 09-01-2016.
- 4- District Accounts Officer, Mardan for information please.
- 5- Office Superintendent /I/C Pay Branch High Security Prison Mardan for information and further necessary action please.
- 6- Official concerned R/O Mohallah Khuda Khel, Badhber Tehsil & District Peshawar.

SUPERINTENDENT
CIRCLE HQS. PRISON MARDAN

7/10/16

To,

(13)

Annexure "H"

The Inspector general of Prisons,
Khyber Pakhtunkhwa, Peshawar.

Subject: - APPEAL AGAINST REMOVAL FROM SERVICE BY THE SUPERINTENDENT HIGH SECURITY PRISON MARDAN.

Honourable Sir;

It is submitted with due respect I, **Warder Farhan s/o Khan Gul** has been removed from service on 03-02-2016 by Superintendent Head Quarter Prison Mardan, on the basis of his personal grudges/enmity illegally, which shows clear injustice on his behalf.

The facts of the case are as under:-

1. That, date of my marriage was fixed on 10-01-2016, in this respect I have to make all arrangements. Therefore, I submitted application for 01 month casual leave for the said purpose on 25-12-2015, but Line Muharrar Said ul Zaman returned my application with the remarks that it too early to avail casual leave and wait till 05-01-2016, so I agreed to wait till then.
2. That, on 31-12-2016, I was nominated for 01 month training course, which I came to know that I was replaced for Warder Shehzad in the final list of Warders detailed for training. I requested that I have already performed training twice and especially during 2015. **(photocopies of training certificates are attached)**, but all in vein. I requested the superintendent jail that my marriage is on head but he told me to knock the door of Inspector General of Prisons for the purpose.
3. That, I requested yourself for grant of casual leave for my marriage on 05-01-2016, vide an application noted in your office diary No. 410, dated: 06-01-2016.
4. That, on 8th January 2016, I was informed by line muharrar Mardan Jail regarding grant of 12 days casual leave w.e.f 08-01-2016. After completion of my leave I resumed back my duty there on 20-01-2016 and performed duty there from 09:00 PM to 12:00 PM and from 06:00 AM to 09:00 AM on next day.
5. That, on 22-01-2016, they served show cause notice upon me and directed to submit report of my absence on the spot, I told them that I was granted casual leave but they turned a deaf ear upon that. I submitted my reply of the show cause notice that I was granted 12 days casual leave on 08-01-2016 by Superintendent Jail Mardan. The line muharar also advised me to provide bogus medical certificates for justification of my absentia but I refused to perform such an illegal act, as I availed my matrimonial leave.



- 6. That, on 02-02-2016 I appeared before the Superintendent Jail Mardan for personal hearing and on 03-02-2016 I was dismissed from service vide Head Quarter Prison Mardan Office Order No. 799-805 dated: 03-02-2016.(photocopy attached), and directed to left the Jail premises at once.
- 7. That, after all the injustice of the Superintendent Jail, I submitted an application for provision of proceeding documents to appeal against the Judgment of the Superintendent Jail on 08-01-2016, with a copy endorsed to your office with the request to direct Superintendent Jail Mardan for provision of the relevant record, but Superintendent Jail Mardan refused to provide all the relevant record.

Respected Sir; It's my legal right to attend my marriage ceremony and as discussed above that I have not left the station without permission.

Therefore, I kindly request yourself to reinstate me in Service, I shall be very thankful for your this act of kindness.

Your obediently

Warder Farhan s/o
Khan Gul

9/2/2016

Order no. ~~44~~ 2745





OFFICE OF THE
INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

091-9210334, 9210406 091-9213445

No.Estb/Ward-/Orders/ 8260 /-

Dated 28/03/2016 /-

Annexure "I"

ORDER

WHEREAS, Mr.Farhan S/O Khan Gul warder attached to HSP Mardan, was removed from service by Superintendent Headquarters Prison Mardan vide office order No.798 dated 03-2-2016 due to willful absence from training with effect from 2-1-2016 (AN) to 01-2-2016(30 days).

AND WHEREAS, the said warder preferred his departmental appeal for setting-aside his removal from service order, which was examined in light of the available record of the case and it was observed that the appellant remained absent/absconder from training 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.

ENDSTENO. 8261-63

Copy of the above is forwarded to :-

1. The Superintendent, Headquarters Prison Mardan for information and necessary action with reference to his letter No.608-WI dated 01-3-2016.
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.

No-760
1-4-16

ASSISTANT DIRECTOR(ADMIN)
FOR INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA PESHAWAR.

(15)

OFFICE OF THE
SUPERINTENDENT HIGH SECURITY PRISON
MARDAN

NO: 1903/WSE DATED: 05 / 04 / 2016

To,

Regd

Annexure J

Warder Farhan S/O Khan Gul
R/O Mohalla Khuda Khel, Badhber Tehsil & District Peshawar.

Subject: DEPARTMENTAL APPEAL

Memo:

It is to inform you that your Appeal regarding reinstatement into service has been considered and rejected by the Appellant Authority i.e. Inspector General of prisons, Khyber Pakhtunkhwa vide his order No.8260 dated 28-03-2016. Furthermore the Competent Authority worthy Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar. (Copy attached)

[Signature]
SUPERINTENDENT
HIGH SECURITY PRISON MARDAN

Endorsement No: _____

Copy of the above is forwarded to the Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar for information with reference to his order No referred to above please.

[Signature]
SUPERINTENDENT
HIGH SECURITY PRISON MARDAN

[Handwritten mark]

POWER OF ATTORNEY

In the Court of Khyber Pakhtunkhwa High Court

Taj Muhammad Pashtun } For
Fazlan Khan } Plaintiff
 } Appellant
 } Petitioner
 } Complainant

VERSUS

The P.P. O and others } Defendant
 } Respondent
 } Accused
 }

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

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

IJAZ ANWAR ADVOCATE, SUPREME COURT OF PAKISTAN

Sajid Amir Adnan my true and lawful attorney, for me in my same and on my behalf to appear at Peshawar 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 _____
Accepted subject to the terms regarding fee _____

Sajid Amir Adnan

Ijaz Anwar
Advocate High Courts & Supreme Court of Pakistan

BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

In the matter of

Service appeal No. 456 of 2016

Mr. Farhan Khan, Ex-Warder, High Security Prison Mardan

R/O Moh: Khuda Khel, Badber District Peshawar

.....Appellant.

----VERSUS----

(1) The Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar,

(2) The Superintendent Circle 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.	Application for leave etc.	A	04----07
3.	Show cause notice etc.	B	08----09
4.	Absence notice etc.	C	10----15

BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

In the matter of

Service appeal No. 456 of 2016

Mr. Farhan Khan, Ex-Warder, High Security Prison Mardan

R/O Moh: Khuda Khel, Badber District PeshawarAppellant.

---VERSUS---

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

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 her 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 RESPONDENTS

RESPECTFULLY SHEWETH.

1. Pertains to the record, hence no comments.
2. Incorrect, misleading as it was the violation of Prison Rules and continuous absence from duty without sanction of leave from the competent authority by the appellant and his misconduct which culminated in the imposition of the major penalty of Removal from Service.
3. Incorrect, misleading as the appellant had not submitted any kind of application for leave for marriage.
4. Incorrect, misleading elaborated in Para No.03 above.

- ②
5. Incorrect, misleading as twelve days leave had not been sanctioned by the competent authority (**Annexure - A**).
 6. Correct to the extent that the appellant reported for duty on 21.01.2016 but once again he absented himself from duties as well from Jail premises on 22.01.2016 without permission and sanction of leave from the competent authority.
 7. Incorrect, misleading, as the appellant had been served show cause Notice on 12.01.2016 by respondent No.02 on his home address for absence from army Training at Dargai (**Annexure - B**).
 8. Correct to the extent that the appellant was awarded the major penalty of Removal from Service after a due process of law.
 9. Correct, pertains to record however no comments.
 10. Incorrect, misleading, the order of Removal from Service of the competent authority and rejection of appeal by the appellate authority are legal lawful and passed after a due process of law and are not liable to be set aside.


GROUNDS

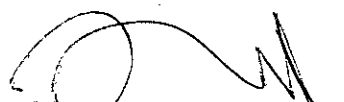
- A. Incorrect, misleading, as the appellant has been proceeded against under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 and he has been treated in accordance with the law and rules and his rights guaranteed by law has never been violated.
- B. In correct, misleading, as proper procedure had been adopted before awarding the penalty by sending an absence Notice to the appellant, serving a show cause Notice to which he properly replied and personal hearing by the competent and appellant authority (**Annexure - C**).
- C. In correct, misleading, as the appellant has been treated in accordance with the law and laid down procedure and the appellant was provided an opportunity of personal hearing by the competent authority as well as by the appellate authority.


- D. In correct, misleading, as proper procedure and due process has been adopted as required under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011.
- E. Incorrect, misleading, as the penalty awarded to the appellant is in accordance with the law, rules and laid down procedure.
- F. In correct, misleading, as the appellant absented himself from army training at Dargai Fort Malakand disobeying lawful orders of the competent authority. No casual leave had been sanctioned w.e.f 08-01-2016 for his marriage by the competent authority.
- G. Incorrect, misleading, as the charges level against the appellant were duly proved and the penalty of Removal from Service has been awarded the appellant after a due process of law in laid down procedure.
- H. The penalty awarded to the appellant is in accordance with the law, rules and laid down procedure, hence legal and lawful.
- I. Incorrect, misleading, as the appellant was habitual in absenting himself from duties and jail premises without permission and sanction of leave from the competent authority.
- J. Additional grounds of appeal will be replied / argue at the hearing of the appeal.

It is, therefore, humbly prayed that the appeal filed by the Appellant may be rejected being not covered with law and rules please.

(1) INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

(2)  SUPERINTENDENT
HEADQUARTER JAIL MARDAN

(3)  SUPERINTENDENT
HIGH SECURITY PRISON MARDAN



BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

In the matter of

Service appeal No. 456 of 2016

Mr. Farhan Khan, Ex-Warder, High Security Prison Mardan

R/O Moh: Khuda Khel, Badber District Peshawar

.....Appellant.

---VERSUS---


- (1) The Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar,
- (2) The Superintendent Circle 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.

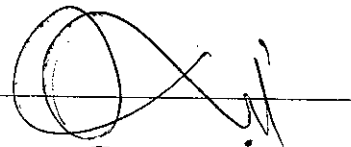
1. INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

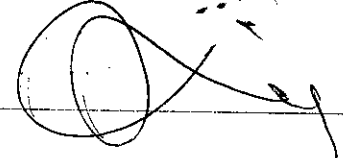

14/10/16

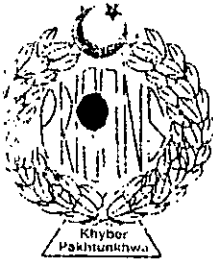
2. SUPERINTENDENT
HEADQUARTER JAIL MARDAN

3. SUPERINTENDENT
HIGH SECURITY PRISON MARDAN









17
11/01/2016
By Farhan
in person

OFFICE OF THE
INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

091-9210334, 9210406 091-9213445

No. 506 1, 10/12

Dated 08-01-2016

(4)

To

The Superintendent,
HSP Mardan.

(Annexure - A)

Subject:-
Memo:

APPLICATION FOR THE GRANT OF 15 DAYS LEAVE

I am directed to refer to the subject and to forward here with an application along with its enclosures in respect of warder Farhan attached to your jail for the grant of 15 days leave for information and further disposal under the rules.

[Handwritten signatures and initials]
AS/11
08/01/16
09/11

[Signature]
ASSISTANT DIRECTOR (ADMN)
FOR INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA PESHAWAR.

خدمت صبا 9/ صبا اف جیل خانہ

5

عنوان: اپیل برائے

5

صبا عالی!

موردانہ گزارش کی جاتی ہے کہ سائل

بطور وائر ڈیوٹی سپرائیمر کے

2016-01-09 کو پے سین کے ہے سائل نے

صبا سپرنٹنڈنٹ صواب کو دیا لیکن

در فورسٹ Reject کر کے قصداً سائل

طوال صبا عالی سائل بیت خرید

سائل کو 15 نوم کی بھی عذارت

الفرح

نوٹ: سائل 2 دفعہ آرڈر ٹریننگ

کر چکا ہے

410
06-01-2016

07-01-2016

61

27

406

OFFICE OF THE
SUPERINTENDENT HIGH SECURITY PRISON
MARDAN

6

NO: 42 DATED: 01/01/2016

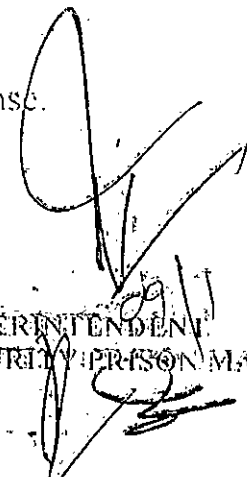
The Inspector General of Prisons,
Khyber Pakhtunkhwa Peshawar.

subject APPLICATION FOR THE GRANT OF 15 DAYS LEAVE

Reference to letter No: 506 Dated: 08-01-2016

It is submitted in respect of your worthy chair that the warder concerned
in the application is fabricated and dubious. ^(No leave application submitted) Moreover the concerned warder
was ~~not~~ ^{was} ~~not~~ ^{was} reported there for training at Dargai Fort and till date he ~~was~~ ^{was} not reported there
for training. Whereas this is a refresher course / training too which will polish his
Discipline and abilities further.

Submitted for further orders please.


SUPERINTENDENT
HIGH SECURITY PRISON MARDAN



OFFICE OF THE
INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

091-9210334, 9210406 091-9213445

No. 17/6

Dated 20-01-2016

7

To

The Superintendent,
HSP/Headquarters Prison Mardan.

Subject:- APPLICATION FOR THE GRANT OF 15 DAYS LEAVE.
Memo:

I am directed to refer to your letter No.42 dated 09-1-2016 on the subject and to ask you to initiate disciplinary action against the warder concerned under the relevant rules.

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

Handwritten notes and signatures:
P/O [unclear] [unclear]
P/O [unclear]
P/O [unclear]
27/1
P/O No 181
27/1/16

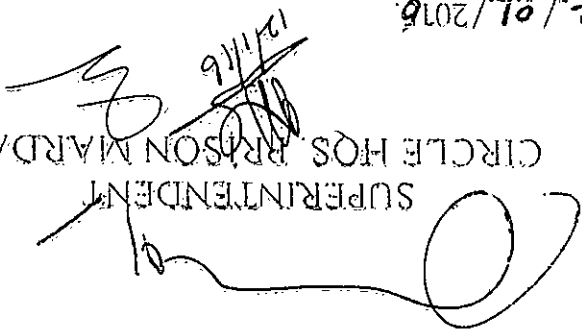
You, Warden Farhan S/O Khan Gul attached to High Security Prison Mardan were relieved for training at Dargat Fort on 31-12-2015 (A.N), and directed to report on 02-01-2016 to Dargat Fort for training, but you failed to report there and still at large, which constitutes gross conduct on your part.

(Annexure - B)

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 Warden are hereby called to show cause withing 15 days of the receipt of this notice as to why you should not be dismissed from service for the stated act of misconduct. You desire to be heard in person. In case your reply does not reach this office within stipulated period, ex-parte order shall be taken against you.

SUPERINTENDENT
CIRCLE HQS PRISON MARDAN


12/11/16

Enclosure No: 517-12 / - dated: 12/01/2016

(copy of the above is forwarded to the:-

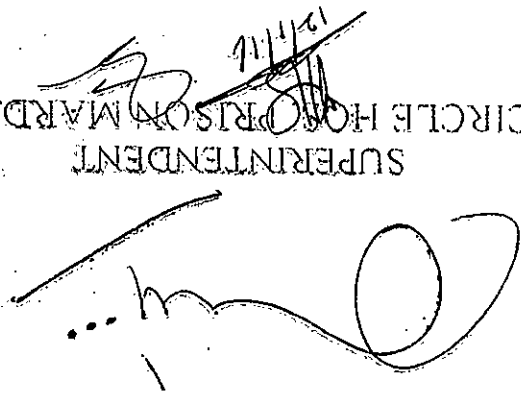
Inspector General of Prisons Khyber Pakhtunkhwa, Peshawar please.

Superintendent High Security Prison Mardan with reference to endorsement

No.38-41 Dated:09-01-2016.

Above named Warden R/O Mohallah Khuda Khel, Badkher Tehsil & District Peshawar

SUPERINTENDENT
CIRCLE HQS PRISON MARDAN


12/11/16

9

OFFICE OF THE
SUPERINTENDENT HIGH SECURITY PRISON
MARDAN

NO: 2072 DATED: 16 / 12 / 2015

To,

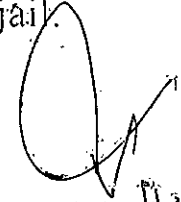
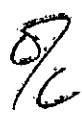
Warder Farhan.
Attached to High Security Prison, Mardan.


Subject,

EXPLANATION.

You absented yourself from duties as well as jail premises on 2-12-2015(A.N) without sanction of leave and reported for duty after 03 days wilful absence on 15-12-2015(A.N).

Explain your position within 03 days for violation of Prison Rule 1082(i) in the performance of your duties at this jail.


SUPERINTENDENT
HIGH SECURITY PRISON MARDAN



16/12/2015

OFFICE OF THE SUPERINTENDENT HIGH SECURITY PRISON

MARDAN

NO: _____ DATED: 07/01/2016

(Annexure-C)

To:

Warder Farhan S/O Khan Gul,
R/O Mohalla Khuda Khel, Badkber Tehsil & District Peshawar.

ABSENT NOTICE

Subject:

Memo.

It is hereby inform you that you were relieved for training at Dargai Fort on 02-01-2016 and directed to report on 02-01-2016. A No to Dargai Fort for training but you failed to report there and still at large. In case your presence immediately after receiving of this notice otherwise strict disciplinary action will be taken against you.

SUPERINTENDENT
HIGH SECURITY PRISON MARDAN

Endorsement No: 38-41

Copy of the above is forwarded to the:-

- 1- Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar for information please.
- 2- Superintendent Circle Head Quarter Prison Mardan for information please.
- 3- Major Amcer, Dargai Fort for information please.
- 4- Office Superintendent/ I/C Pay branch for information as his pay may be stopped immediately.

SUPERINTENDENT
HIGH SECURITY PRISON MARDAN

OFFICE OF THE
SUPERINTENDENT
CIRCLE HQS. PRISON MARDAN

No. 53 / P.B/Dt 58 / J / 2016

11

To:

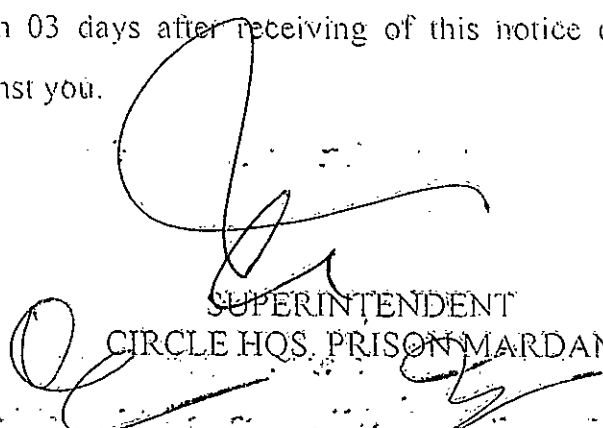
Warder Farhan S/O Khan Gul,
R/O Mohalla Khuda Khel, Badhber Tehsil & District Peshawar.

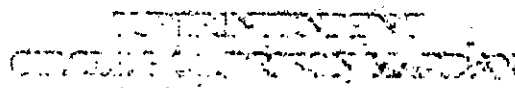
Subject: ABSENT NOTICE

Memo:

You absented yourself from Army Training Centre at Dargai Forte and served with Show Cause Notice vide this office No 617-19 dated 12/01/2016. You submitted your report on 21/01/2016, and called for personal hearing on next day but again absented yourself from personal hearing and jail Premises and still at large.

Ensure your presence within 03 days after receiving of this notice otherwise strict disciplinary action will be taken against you.


SUPERINTENDENT
CIRCLE HQS. PRISON MARDAN


SUPERINTENDENT
CIRCLE HQS. PRISON MARDAN

محمد صہاب سہروردی صاحب آف سنٹرل جیل مردان

(12)

جواب طبی سہولتوں کے بارے میں 17-19

صہاب عالی!

موردبانہ گزارش کی جاتی ہے کہ سائل کی 10 تاریخ

کو شادی تھیں سائل نے شادی کی تاریخ کو

کرنے کی نیت کو شش کی نیت نہ ہو سکتی ہے

سائل نے عد غریب ہے اور آگ زخم وار ہے

لہذا آپ صاحبان میرا کر سائل کو

موصوفہ دیں سائل ہمیشہ دعا گو رہے گا

الفرغ منہ

نام، فرحان وادر

21-1-2016

R/Sir,

It is submitted that the warder concerned was detailed for training at Army Centre Daega Fort but, failed to report there and absented ~~him~~ from 2-1-16 to 21-1-16 (20 Days).

Committed two offences.

- 1- Absence from duty
- 2- Not joining training
 Centre

May be awarded

MAJOR punishment as the reply is not satisfactory and having less than 04 yrs service.

P.P.P.E

22/1

Waader Fashan

R/Sii, Waader Concerned
 again absent on 22^{1st}
 after performing 03 hours
 duty or after arrival
 for duty after 20
Days wilful absence
 as reported earlier
 on 22-1-16.

Personnel heard
 removed from
 service from date
 of absence.

Reported for duty
 today after further
 10 Days wilful
 absence.

03/2/2016 Being deserte
 from training and
 30 Days wilful absence
 co

Maybe awarded
 Major punishment pl.

AS III

R.P.F

OFFICE ORDER

Upon completion of proceedings under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 initiated vide this quarters endorsement No:617-19 dated 12-01-2016, Warden Farhan S/O Khan Gul is removed from service from the date of absence i.e. 31-12-2015 (A.N).

OFFICE OF THE
SUPERINTENDENT
CIRCLE HQS. PRISON MARDAN
No. 798 /P.B/Dt. 03/12/2016

15

SUPERINTENDENT
CIRCLE HQS. PRISON MARDAN

[Signature]
03/12

Endorsement No: 798-825 /-

(Copy of the above is forwarded to the:-

- 2- Superintendent High Security Prison Mardan for information with reference to Superintendent High Security Prison Mardan endorsement No.38-41 dated 09-01-2016.
- 3- Major Ameer, Dargai Fort for information with reference to Superintendent High Security Prison Mardan endorsement No.38-41 dated 09-01-2016.
- 4- District Accounts Officer, Mardan for information please.
- 5- Office Superintendent /I/C Pay Branch High Security Prison Mardan for information and further necessary action please.
- 6- Official concerned R/O Mohallah Khuda Khel, Badkher Tehsil & District Peshawar.

SUPERINTENDENT
CIRCLE HQS. PRISON MARDAN

[Signature]
03/12/16

[Signature]

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

In the matter of
Appeal No.456/2016

Farhan Khan 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 removal from service, 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 removal from service, 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. Contents of Para-3 of the appeal are correct, the reply submitted to the Para- is incorrect and misleading.
4. Contents of Para-4 of the appeal are correct, the reply submitted to the Para- is incorrect and misleading.
5. Contents of Para-5 of the appeal are correct, the reply submitted to the Para- is incorrect and misleading.
6. No comments to the extent of admission, rest of the Para is incorrect and misleading, hence denied. Contents of Para-6 of the appeal are correct.
7. Contents of Para-7 of the appeal are correct, the reply submitted to the Para- is incorrect and misleading.
8. No comments to the extent of admission, rest of the Para is incorrect, moreover contents of Para-8 of the appeal are correct.
9. Contents need no reply, however, contents of Para-1 of the appeal are true and correct.
10. Contents of Para-10 of the appeal are correct, the reply submitted to the Para- is incorrect and misleading.


GROUNDS

The Grounds (A to J) 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.

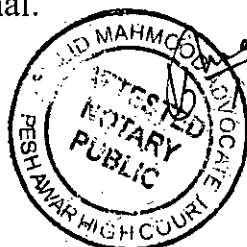
Through

Appellant


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

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No 930 /ST

Dated 30 /04/2018


To

The Superintendent Circle Head Quarters Prison,
Government of Khyber Pakhtunkhwa,
Mardan.

Subject: **ORDER/JUDGEMENT IN APPEAL NO. 456/2016, MR.FARHAN KHAN.**

I am directed to forward herewith a certified copy of Judgment/Order dated 17/04/2018 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

OK