

BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

In the matter of

Service Appeal No.1566/2022

Fazal Mabood, Ex-Junior Technician Pathology,

Attached to Central Prison Mardan

..... (Appellant)

VERSUS

1. The Government of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs Department, Secretariat Peshawar.
2. The Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
3. The Superintendent, Central Prison Mardan (Respondents)

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21-12-23
Peshawar


Deponent

BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

In the matter of

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Attached to Central Prison Mardan

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1. The Government of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs Department, Secretariat Peshawar.
2. The Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
3. The Deputy Director, Prisons Khyber Pakhtunkhwa, Peshawar.
4. The Superintendent, Central Prison Mardan (Respondents)

SUBJECT: JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO 01 TO 04

Respectfully Sheweth;

Khyber Pakhtunkhwa
Services Tribunal

PRELIMINARY OBJECTIONS

Diary No. 9658

Date: 4-12-23

- i. That the appellant has got no cause of action/locus standi.
- ii. That the instant appeal is badly time barred.
- iii. That the appellant has concealed the material facts from this honorable tribunal, hence liable to be dismissed.
- iv. That the appellant has not come to this honorable tribunal with clean hands.
- v. That the appellant has filed the instant appeal just to pressurize the respondents.
- vi. That the appellant has filed the instant appeal on malafide motives.
- vii. That the instant appeal is against the prevailing law and rules.
- viii. That the appellant is estopped by his own conduct to file this instant appeal.
- ix. That the present appeal is not maintainable in the present form and also in the present circumstances of the case.
- x. That the appeal is bad for misjoinder and non joinder of necessary parties.

OBJECTIONS ON FACTS

1. Pertains to record.
2. Admitted to the extent that the appellant was appointed on 29/06/2018 and was posted to Central Prison Mardan for further duty there. The appellant reported his arrival to Superintendent Central Prison Mardan on 02/07/2018 (**Appointment order and arrival report is Annex-A & B**).
3. Incorrect and not admitted. The appellant at the very early stage of his appointment was found absent from his official duty and created hurdles for the administration.
4. Admitted to the extent that he was granted 730 days extra ordinary leave with effect from 12/02/2020 to 15/02/2022 with the direction to resume his duty soon after his arrival from abroad.
5. Admitted to the extent that the appellant concerned accordingly resume duty on 15/05/2022 after expiring of 730 days extra ordinary leave but the said technician absented himself from duty as well as from jail premises with effect from 02/03/2022 due to which an explanation was called from him and also sent to him through his Whatsapp number but no response received from him till 14/03/2022, hence he violated Rule 1080/1083 of the KP Prisons Rules 2018 (**Annex-C**), therefore, the Superintendent Central Prison Mardan reported the matter from disciplinary action against him. In this connection, a notice (**Annex-D**) was also served at his home address as required under Rule 9 of E&D Rules 2011 with the direction to resume duty within 15 days and explain cause of his wilful absence failing which disciplinary action will be initiated against him under the E&D Rules. The Superintendent Central Prison Mardan intimated that the appellant is still absent and also forwarded medical rest certificate for 10 days with effect from 01/03/2022 to 10/03/2022. The said medical certificate was sent to the quarter concerned for verification to M.S DHQ Hospital Timergara while the verification report at his level is still awaited
6. This Para does not concern with the answering respondents.

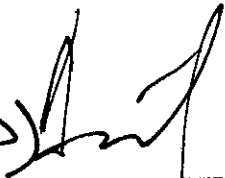
7. Incorrect and not admitted. The appellant was required to submit an application under Rules 1082 of the KP Prison Rules 2018 to the Superintendent Jail to assign his duty to someone other in which he failed to do so. Accordingly, the competent authority after observing all codal formalities awarded him the major penalty of removal from service vide IG Prison office order dated 15/06/2022 (**Annex-E**), wherein the office order was duly dispatched on his home address which are reflected in the office order referred to above.
8. Incorrect and not admitted. The appellant filed departmental appeal /representation to the appellant authority i.e Secretary Home dated 28/07/2022 which was filed on 22/09/2022 accordingly by the appellant authority (**Departmental appeal and office order is Annex-F & G**).
9. As elaborated in Para-08 above.


OBJECTION ON GROUNDS.


- A. Incorrect and misleading, as the said order has been issued after observing all codal and legal formalities.
- B. Incorrect and not admitted. The office order dated 15/06/2022 and 22/09/2022 is according to law and rules and no discrimination has been committed by the respondent with appellant.
- C. As elaborated in Para-B above.
- D. Incorrect and misleading. The appellant was proceeded under Rule-9 of E&D Rules 2011 as he willfully absented himself from official duties without prior permission of the competent authority and violated Rules 1082 of KP Prison Rules 2018.
- E. Incorrect and misleading. The appellant was properly informed about his willful absence vide Inspectorate General of Prisons letter No. 11751 dated 28-03-2023 through registered post and later on notice for willful absence from duty was also sent to Director Information Khyber Pakhtunkhwa Peshawar vide Inspectorate General of Prisons letter No. 14552/WE dated 28-04-2023 (**Annex-H**) for publishing in two daily leading Newspaper as per rules which he did accordingly.
- F. No comments.
- G. Incorrect and not admitted. Detail of this Para is elaborated in Para-E above.
- H. The answering respondent also seeks permission to raise additional arguments/additional grounds at the time of arguments.


PRAYER:

In view of above submission, it is humbly prayed that upon acceptance of these Joint Para-wise comments the appeal of the appellant may kindly be dismissed, being baseless and devoid of merit and law.

(Mr. Abid MAJIB) 
SECRETARY TO GOVERNMENT
HOME & TAS DEPARTMENT
KHYBER PAKHTUNKHWA
(Respondent No.01)

 (Uman Akhund)
INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA
PESHAWAR
(Respondent No.02)

(Majid Gufraan) 
DEPUTY DIRECTOR
INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR
(Respondent No.03)

(Muhammad) 
SUPERINTENDENT
CENTRAL PRISON MARDAN
(Respondent No.04)

BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

In the matter of
Service Appeal No.1566/2022
Fazal Mabood, Ex-Junior Technician Pathology,
Attached to Central Prison Mardan (Appellant)

VERSUS

1. The Government of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs Department, Secretariat Peshawar.
2. The Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
3. The Deputy Director, Prisons Khyber Pakhtunkhwa, Peshawar.
4. The Superintendent, Central Prison Mardan (Respondents)

COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENTS NO.1 to 4

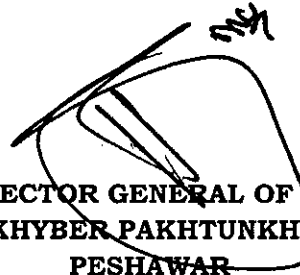
We, the following undersigned respondents do hereby solemnly affirm and declare that the contents of the Para-wise comments in the above cited appeal are true and correct to the best of our knowledge and belief, and that no material/ facts have been kept

concealed from this Honourable Service Tribunal. *It is further held/stated on oath that in this appeal, the answering respondents have neither been placed ex parte nor their defense have been struck off.*

(Mr. Abid mafqad)



SECRETARY TO GOVERNMENT
HOME & TAS DEPARTMENT
KHYBER PAKHTUNKHWA
(Respondent No.01)



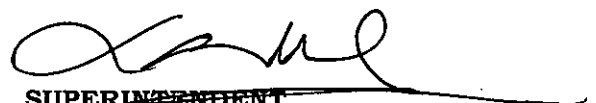
(Usman Mehand)

INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA
PESHAWAR
(Respondent No.02)

(Majid Ghufyan)



DEPUTY DIRECTOR(E)
INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR
(Respondent No.03)



SUPERINTENDENT
CENTRAL PRISON MARDAN
(Respondent No.04)

(Muhammad Asif)





OFFER OF APPOINTMENT

**OFFICE OF THE
INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUN KHWA PESHAWAR**

No. 19557 /- 95

Dated 29-06-18 /-

Upon recommendation of the Departmental Selection Committee, **Mr. Fazal Mabood S/O Fazal Haq**, is hereby appointed against a post of **Junior Technician (Pathology BPS-12)** in the Khyber Pakhtunkhwa Prisons Department in Basic Pay Scale Rs.13320-960-42120 plus other usual admissible allowance on the following terms and conditions:-

- 1) His appointment will take effect from the date of joining duty at his place of posting.
- 2) His appointment is purely temporary and his services are liable to be terminated at any time on 15 days' notice without assigning any reasons.
- 3) No TA/DA will be admissible to him for joining first appointment.
- 4) In case he wishes to resign at any time he will give one month notice OR in lieu thereof one month's pay will be forfeited from him subject to the discretion of the competent authority in public interest and will leave the service after acceptance of his resignation.
- 5) His appointment is subject to Medical fitness for Government Service.
- 6) He will be eligible for continuance on the post if his work and conduct remained satisfactory during the period of his this temporary appointment provided the vacancy against which he has been appointed continues.
- 7) He will be on probation for a period of one year extendable upto another year. During probation period his services will be terminated if his work and conduct is not found satisfactory OR the vacancy ceases to exist.
- 8) The terms and conditions of his service will be those as laid down in the Prisons Department Service Rules 1980.
- 9) He will be liable to serve anywhere in the Prisons Department in the Khyber Pakhtunkhwa.
- 10) For all other purposes such as Pay, T.A and Medical Attendance etc; he will be governed by such Rules as may be issued by the Government for the category of Government Servants of the Prisons Department to which he will belong.
- 11) He will be governed by the Khyber Pakhtunkhwa Government Servants (Conduct) Rules 1987, the Khyber Pakhtunkhwa Civil Servants (Appeal) Rules 1986, the Khyber Pakhtunkhwa Civil Servants Act, 1973, the Civil Servants (Appointment, Promotion and Transfer) Rules 1989, the Khyber Pakhtunkhwa (E&D) 2011 and all other rules / regulations framed or to be framed by the Government from time to time.
- 12) His service will be liable to termination / reversion at any stage if his Academic Certificates / Degrees (if any), CNIC, Domicile etc; are found fake, his services will be considered as terminated automatically and FIR will be lodged against him.
- 13) His salary will be released after making proper verification of his, Domicile, and Academic Qualification Certificates / Degrees / Diploma etc; from the quarter concerned. Moreover, if any verification charges are involved on this account, the same will be paid by the appointee.

If he accepts the appointment on the above mentioned terms and conditions, he should report to the **Superintendent, Central Prison Mardan** within Fifteen (15) days of the receipt of this order at his own expense. In case he fails to join duty within the specified period, the offer of appointment will be treated as cancelled / withdrawn.

INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA, PESHAWAR

Endst; No. 19558-60/

Copy of the above is forwarded to:

- 1) The Superintendent, **Central Prison Mardan** for information. On arrival of the above named official an undertaking should be taken on judicial stamp paper from him to the effect that he has accepted all terms and conditions contained in the offer of his appointment and submitted to this office for record. **The condition No.13 may be fulfilled before releasing his salary within shortest possible time.** The Nominal Roll forms should also please be got completed from him and submit to this office which is enclosed herewith.
- 2) The District Account Officer concerned for information.
- 3) Mr. **Fazal Mabood S/O Fazal Haq** Resident of **P/O Munda village Shalkundi Mosabad new Bangla Dir Lower** for information and necessary action.

CNIC# 153041-176044-5

01 02/021

INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA, PESHAWAR

ASSISTANT DIRECTOR
INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA, PESHAWAR



OFFICE OF THE
SUPERINTENDENT
CENTRAL PRISON MARDAN
Phone/Fax: 0937-843114
Email: mardanjail@gmail.com

No. 6569 Dated: 02/07/2018

97

To

The Inspector General of Prisons,
Khyber Pakhtunkhwa, Peshawar.

Subject: ARRIVAL REPORT.

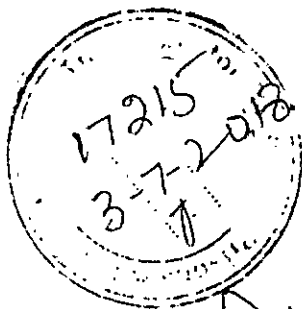
R/Sir,

Reference to your worthy Office Order No. 19557 dated 29.06.2018.

It is submitted that Mr. Fazal Mabood, Junior Technician ^{Pathology} (BPS-12) reported arrival and resumed his duty on 02.07.2018 (F.N).

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This is for information please.



[Signature]
SUPERINTENDENT
CENTRAL PRISON MARDAN
2/7/18

[Signature]

7/8/18

N.F.A
11/8/08
2018

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

اظہار وجوہ نوٹس غیر حاضری

ہر گاہ کہ آپ مسی فضل معبود ولد فضل حق، جو نیر ٹیکنیشن پیٹھالوجی سکنہ گاؤں شل کنڈی / گودر ڈاکخانہ موٹا

تحصیل سربراغ ضلع دیرویر مورخہ 02-03-2022 سے اپنی ڈیوٹی اور دفتر سے تاحال غیر حاضر ہو۔ آپ کو دفتر انسپکٹر جنرل جیل خانہ جات خیبر

پختونخواہ کی طرف سے آپ کے گھر کے پتہ پر رجسٹرڈ نوٹس نمبر 1751 مورخہ 28-03-2022 غیر حاضری ارسال کیا گیا۔ جس میں آپ کو

ہدایت کی گئی کہ آپ جلد از جلد سنٹرل جیل مردان میں ڈیوٹی پر حاضر ہو جائیں۔ اور اپنی غیر حاضری کی معقول وجہ بیان کریں لیکن پندرہ دن گزرنے

کے باوجود آپ ڈیوٹی پر حاضر نہیں ہوئے۔

لہذا آخری بار ریورنڈ نوٹس لہذا آپ کو متنبہ کیا جاتا ہے کہ آپ اس نوٹس کی اشاعت کے 15 دنوں کے اندر اندر سنٹرل جیل

مردان میں پرنٹڈ جیل کے روبرو پیش ہو کر اظہار وجوہ برائے غیر حاضری پیش کریں۔ کہ کیوں نہ آپ کے خلاف تادیبی کارروائی کی جائے۔

تعمیل کی صورت میں آپ کے خلاف تادمہ نمبر 09 انضباطی وضو ابطلی مجریہ 2011ء کے تحت یکطرفہ کارروائی عمل میں لائی جائی گی۔ جو آپ کی

ملازمت سے برخاستگی پر منتج ہو سکتی ہے۔

(خالد عباس)

انسپکٹر جنرل جیل خانہ جات صوبہ خیبر پختونخواہ پشاور

ASSISTANT DIRECTOR
INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR



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OFFICE OF THE SUPERINTENDENT
CENTRAL PRISON MARDAN
Phone/Fax: 0937-843114
Email: mardanjail@gmail.com
No. 694/WK Dated: 22/3/2022

LG	SEEN
A.L.G	
D.D.	
A.D.	

To

The Worthy Inspector General of Prisons,
Khyber Pakhtunkhwa, Peshawar.

Subject: - **WILLFUL ABSENCE OF MR. FAZAL MABOOD, JUNIOR TECHNICIAN
PATHOLOGY (BPS-12).**

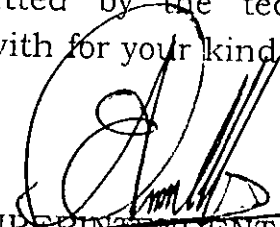
R/Sir,

→ P-163

In continuation to this office memo No. 603 dated 14-03-2022 on the subject noted above.

It is submitted that the subject cited junior technician is still absent from his duties **w.e.f 02-03-2022** till date **i.e 22-03-2022**.

Furthermore, an application alongwith medical rest for 10 days (in original) **w.e.f 01-03-2022 to 10-03-2022** submitted by the technician concerned received to this office later on, is enclosed herewith for your kind perusal and further necessary action please.


SUPERINTENDENT
CENTRAL PRISON MARDAN

Endorsement No: _____/-

Copy of the above is forwarded to Mr. Fazal Mabood S/O Fazal Haq R/O Village Godar P/O Munda Tehsil Samar Bagh District Dir Lower for information in continuation to this office Endorsement No. 604 dated 14-03-2022 with the direction to immediately resume your duties at this jail.

SUPERINTENDENT
CENTRAL PRISON MARDAN



30/3/22


ASSISTANT DIRECTOR
INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR



INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

165
☎ 091-9210334, 9210406 📠 091-9213445
No. 69/2-J-18-11751-1
Dated 28-03-2022

URGENT/REGISTERED


To

Mr. Fazal Mabood S/O Fazal Haq,
Village Godar P/O Munda,
Tehsil Samar Bagh & District Dir Lower.
(contact# 0301-8830-094)

Subject:- **ABSENCE FROM DUTY**
Memo:

As reported by Superintendent Central Prison Mardan, you absented yourself from duty w.e.f. 02-03-2022 to till date, without any prior permission/ intimation of the competent authority.

You are, therefore, directed to resume your duties within fifteen (15) days on receipt of this notice and also explain reasons of your willful absence from duty. In case of failure, ex-parte action under Rule-9 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 will be initiated against you which may result in your "Removal from Service".


ASSISTANT DIRECTOR(E)
INSPECTORATE GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA PESHAWAR

ENDST;NO. 11752 /

Copy of the above is forwarded the Superintendent Central Prison Mardan for information with reference to his letter No. 603 dated 14-03-2022. Report about his arrival / non-arrival etc; till expiry of fifteen (15) days period of this notice may please be submitted to this office for further course of action.


ASSISTANT DIRECTOR(E)
INSPECTORATE GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA PESHAWAR


ASSISTANT DIRECTOR
INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR



OFFICE OF THE
SUPERINTENDENT
CENTRAL PRISON MARDAN
Phone/Fax: 0937-843114
Email: mardanjail@gmail.com

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No. 3171 Dated: 15/04/2022

To,

The Inspector General of Prisons,
Khyber Pakhtunkhwa Peshawar.

SPIN	
T.G.	
A.G.	
D.D.	
A.D.	

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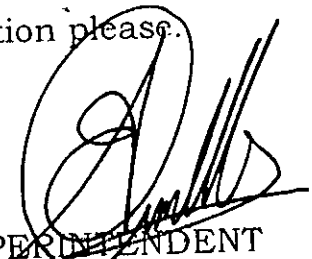
Subject: **ABSENCE FROM DUTY.**

R/Sir,

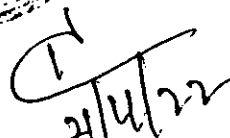
Reference your good office letter No.11752 dated 28-03-2022 on the subject cited above.

It is submitted that Mr. Fazal Mabood S/O Fazal Haq Junior Technician Pathology has not been reported his arrival for duties at this Prison after expiry of fifteen (15) days period of notice.

Submitted for information and further necessary action please.


SUPERINTENDENT
CENTRAL PRISON MARDAN




19/4/22


ASSISTANT DIRECTOR
INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR



INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

091-9210334, 9210406 091-9213445

No. 69/2-J-2018 14552 1-WE

Dated 28-04-2022 1-


To,

The Director Information,
Khyber Pakhtunkhwa Peshawar.

Subject: NOTICE FOR WILLFUL ABSENCE FROM DUTY

Sir,


I am directed to refer to the subject and for forward herewith seven copies of the notice in Urdu version for publication in two daily leading Newspapers. Funds to meet the expenditure are available during the current financial year 2021-22.


ASSISTANT DIRECTOR(E)
INSPECTORATE GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA PESHAWAR

Endst: No. 14553-54 1-WE

Copy of the above alongwith a copy of Urdu version notice is forwarded to:

1. The Superintendent Central Prison Mardan for information with reference to his letter No. 3171 dated 15-04-2022.
2. Mr. Fazal Mabood S/O Fazal Haq, Village Godar P/O Manda, Tehsil Samar Bagh & District Dir Lower for information with reference to this office registered notice No. 69/2-J-18-11751 dated 28-03-2022.


ASSISTANT DIRECTOR(E)
INSPECTORATE GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA PESHAWAR


ASSISTANT DIRECTOR
INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

Daily AZADI Swat

سوات

آزادی

روزنامہ

پتہ ایڈسٹر

ممتاز احمد صادق

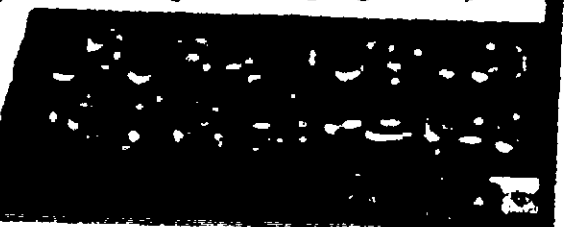
سوات ہندو آج پانچواں دن سے یکے وقت شائع ہونے لگا ہے اور اس کا پتہ ہے


28 مئی 2022ء | 28 مئی 2022ء | 17 مئی 2022ء | 17 مئی 2022ء | 17 مئی 2022ء | 17 مئی 2022ء | 17 مئی 2022ء | 17 مئی 2022ء

برگاہ کہ آپ کی فٹنس معیورہ شدہ فٹنس میں جو نیزہ ٹکھیں پورا آزادی سے گاہیں فٹنس کڑی ا کہ
 11 مئی 2022ء کو فٹنس سربانہ صبح 10 بجے شروع ہوئی اور 02-03-2022 سے جاری ہوئی اور سڑک سے
 تاڑی غیر حاضر ہو آپ کو دفتر انسپکٹر جنرل فٹنس مان پانچ غیر پختہ ٹکڑوں کی طرف سے آپ کے
 گھر کے پتہ پر پہنچا ڈوگر نمبر 11751 مورہ 28-03-2022 نمبر شری دریاں کیا گیا
 جس میں آپ وہ جاہت کی آئی کہ آپ جہاز جہاز فٹنس فٹنس میں ڈیڑھ گھنٹہ پر حاضر ہو گیا
 اور اپنی غیر حاضر کی مستحکم جان کر یہ جان چھوڑنے کے لئے آپ اپنی
 پر حاضر نہیں ہوئے لہذا آفری ہارڈ پور میں آپ کو سٹاپ کیا گیا ہے کہ آپ میں فٹنس کی
 اشاعت کے 15 دنوں کے اندر اندر فٹنس فٹنس میں پورے فٹنس کے لئے فٹنس
 دیکھا وہ جو اسے غیر حاضر میں کریں کہ کس غلطی کے خلاف جاری کا فٹنس کی جائے ہم
 فٹنس کی صورت میں آپ کے خلاف کا نمبر 100 تھا ملی درخواستی نمبر 2011 کے تحت
 فٹنس کا فٹنس میں فٹنس کی جہاز فٹنس سے پختہ ہو گئی ہے۔

The production of good news

On the way to success




 ASSISTANT DIRECTOR
 INSPECTORATE GENERAL OF PRISONS
 KHYBER PAKHTUNKHWA PESHAWAR



OFFICE OF THE
SUPERINTENDENT
CENTRAL PRISON MARDAN

Phone/Fax: 0937-843114

Email: mardanjail@gmail.com

No. 996 Dated: 18/05/2022

CP Mardan CP Mardan

To

The Worthy Inspector General of Prisons,
Khyber Pakhtunkhwa Peshawar.

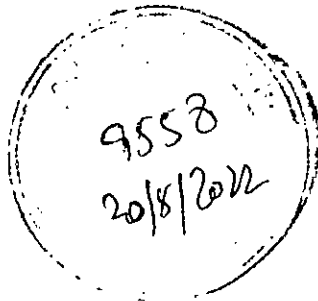
Subject:- **NOTICE FOR WILLFUL ABSENCE FROM DUTY.**
R/Sir,

Reference your good office Endorsement No. 14553-54/WE dated 28-04-2022 on the subject noted above.

It is submitted that Mr. Fazal Mabood S/O Fazal Haq Junior Technician Pathology has not reported arrival for duties at this jail till date i.e 18-05-2022.

Submitted for your kind information and further necessary action please.


SUPERINTENDENT
CENTRAL PRISON MARDAN




ASSISTANT DIRECTOR
INSPECTORATE GENERAL OF PRISONS
KHAYBER PAKHTUNKHWA PESHAWAR



**INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR**

091-9210334, 9210406

091-9213445

No. 69/2-J-2018-192331-

Dated 15-6-2022

ORDER

WHEREAS, Mr. Fazal Mabood Junior Technician Pathology (BPS-12) posted to Central Prison Mardan absented himself from duty with effect from 02-03-2022 till date without prior permission of the competent authority as reported by Superintendent Central Prison Mardan vide notice served under letter No. 604 dated 14-03-2022. Later-on another notice was served on him at his home address vide this office letter No. 69/2-J-18-11751 dated 28-03-2022 with the direction to resume duties immediately failing which disciplinary action could be initiated against him under the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011.

AND WHEREAS, after expiry of more than 15 days period, the said official neither resumed duty nor any intimation was received from him, therefore, as required under Rule-9 of ibid rules, a notice was published in two daily newspapers i.e Roznama Azaadi Swat dated 30-04-2022 & Daily Aaj dated 03-05-2022 by directing him to resume duty within 15 days of publication of the notice. But after lapse of stipulated period given in the notice he neither resumed his duty nor any response was received from his end as confirmed by Superintendent Central Prison Mardan vide his letter No. 996 dated 18-05-2022.

NOW THEREFORE, in exercise of powers conferred under Rule-9 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, the undersigned being competent authority, hereby awards major penalty of "Removal from Service" to Mr. Fazal Mabood Junior Technician Pathology (BPS-12) posted to Central Prison Mardan from the date of his willful absence i.e 02-03-2022.

**INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA, PESHAWAR.**

ENDST; NO. 19234-39 /

Copy of the above is forwarded to:-

1. The Secretary to Government of Khyber Pakhtunkhwa Home & Tribal Affairs Department for information.
2. The Superintendent, Central Prison Mardan for information and necessary action with reference to his letter No. 996 dated 18-05-2022.
3. The District Accounts Officer Mardan for information.
4. Mr. Fazal Mabood S/O Fazal Haq, Village Godar P/O Munda, Tehsil Samar Bagh & District Dir Lower for information.
5. Confidential Clerk for placing a copy of the said order in his character roll.
6. PS to Special Assistant to Chief Minister (For Prisons) Khyber Pakhtunkhwa for information.

**ASSISTANT DIRECTOR
INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR**

**DEPUTY DIRECTOR
INSPECTORATE GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA PESHAWAR**

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**BEFORE THE WORTHY SECRETARY HOME & TRIBAL AFFAIRS
KHYBER PAKHTUNKHWA, AT PESHAWAR.**

**SUBJECT: DEPARTMENTAL APPEAL/REPRESENTATION AGAINST THE
OFFICE ORDER DATED 15-06-2022 OF INSPECTOR GENERAL PRISON
KP WHEREBY MAJOR PENALTY OF REMOVAL FROM SERVICE.**

Respectfully Sheweth:

Appellant submits most respectfully the following facts leading to the instant Departmental Appeal for your kind consideration as under.

- 1) That the appellant was selected and appointed as Junior Technician Pathology (BPS-12) vide order bearing No.19558-60 Dated 29-06-2018 at Central Prison Mardan.
- 2) That in pursuance of the aforementioned appointment order, the Appellant served the department with sheer zeal and dedication to the utmost satisfaction of his superiors and till date no complaint whatsoever had been received from any corner of life.
- 3) That the appellant submitted an application to the worthy Inspector General Prisons Khyber Pakhtunkhwa Peshawar, for Two years i.e. (730 Days) extra ordinary leave/leave without pay on 06-11-2019. The application was processed and was approved and leave was sanctioned for a period of two years started from 12-02-2020 till 15-02-2022.
- 4) That Appellant is law abiding citizen of Pakistan and is the only bread winner for their family resumed back his duties from 15-02-2022.
- 5) That on 02/02/2022 date the Appellant had a serious domestic issue of father illness, his father was already suffering a psychological disease from few years and the case became worst, his father lost memory and was out of selfcontrol/Disruptive behaviour.
- 6) That is worth to mention that during the aforementioned period the Appellant was


ASSISTANT DIRECTOR
INSPECTION
KHYBER PAKHTUNKHWA PESHAWAR

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eager for healthy life of his father what to say about application for grant of leave or any other communication in respect of his absence.

- 7) That Appellant feel proud for being the member of well-disciplined Force and expected sympathy and affection on the part of your good self.
- 8) That the case of the Appellant is a case of hardship and due to aforementioned admitted and documented facts the absence of the appellant from duty was not intentional rather the same was beyond the control of Appellant.
- 9) Hence, the Appellant being a member of the force under your kind supervision is obliged to file the departmental appeal/ Representation against the impugned office order inter alia on the following grounds:

Grounds:

- A. **Because** the appellant was one to deal the situation and he is the only one to help and care of his home and father.
- B. Due a high level of mantel and financial stress applicant was unable to communicate with department.
- C. **Because** the Appellant had no chance and, there was no other single person at his home to deal or receive any notice or to reply for any departmental matter.
- D. Moreover, the case of Appellant is the case of hardship and absence of the Appellant is not intentional rather due to the serious disease of his father, own mental/family and financial stress issues mentioned above which is beyond his control.

In wake of above, stated facts circumstance and documented evidence, the instant appeal/ departmental representation may kindly be accepted and, the removal order / ex-parte proceedings dated 15-06-2022, may kindly be set aside and the Appellant may kindly be reinstated with all back benefits by exonerating the charges levied against the under signed.

Yours sincerely,

Fazal Mabood
Fazal Mabood

Ex. Junior Technician Pathology (BPS-12),
Central Prison Mardan

Dated:
14-July- 2022

P.S./M.S. KP Home Deptt:

Slip No. 855 Dated 14/07/2022

Spt Secy.....

Add Secy..... *AS (Prisons)*

Deputy Secy.....

S.O. Prison

Accountant P.M.
14/7/2022
AS (Prisons)
10/7



Government of Khyber Pakhtunkhwa,
Home & Tribal Affairs Department.

No. SO(P&R)/HD/8-4/2020
Dated Peshawar the 28th July, 2022

To,

The Inspector General of Prisons,
Khyber Pakhtunkhwa.

IG	
A.I.G	
D.D.	

Subject:- **DEPARTMENTAL APPEAL / REPRESENTATION AGAINST THE OFFICE ORDER DATED 15.06.2022 OF IG PRISON KP WHEREBY MAJOR PENALTY OF REMOVAL FROM SERVICE**

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith a copy of application received from Mr.Fazal Mabood, ExJunior Technician Pathology (BPS-12) Central Prison Mardan dated 14.07.2022 with the request to examine the case and submit your views / comments for further necessary action into the matter, please.

Yours faithfully,

Encls: As Above

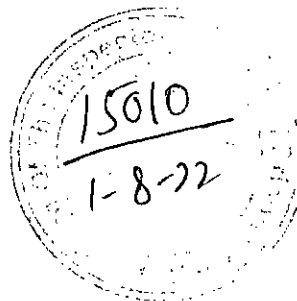
Section Officer (Prison-I)

Enclst: even No & date:-

Copy forwarded for information to the:

1. PS to Home Secretary, Khyber Pakhtunkhwa.
2. Master File.

Section Officer (Prison-I)



3/8/22

ASSISTANT DIRECTOR
INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR



Government of Khyber Pakhtunkhwa,
Home & Tribal Affairs Department.

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No. SO(P&R)/HD/8-4/2020
Dated Peshawar, the September 22, 2022

To,

✓ The Inspector General of Prisons,
Khyber Pakhtunkhwa.

SEEN	
I.G.	
A.I.G.	
P.O.	
A.D.	

Subject:-

DEPARTMENTAL APPEAL / REPRESENTATION AGAINST THE
OFFICE ORDER DATED 15.06.2022 OF IG PRISON KP WHEREBY
MAJOR PENALTY OF REMOVAL FROM SERVICE

Dear Sir,

I am directed to refer to your letter No.69/2-J-18-27201-WE dated 23.08.2022 on the subject noted above and to state that departmental appeal / representation of Mr.Fazal Mabood, Ex-Junior Technician Pathology (BPS-12) against the office order dated 15.06.2022 of Inspector General Khyber Pakhtunkhwa cannot be considered at this stage, please.

Yours faithfully,

Encls; As above.

Section Officer (Prison-I)

Endst: even No & date:-

Copy forwarded for information to:

1. PS to Home Secretary, Khyber Pakhtunkhwa.
2. Master File.

Section Officer (Prison-I)



30/9/22

ASSISTANT DIRECTOR
INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR



INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

091-9210334, 9210406 091-9213445

No. 69/2-J-2018 33447-1-NE

Dated 30-9-2022 1-

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URGENT/REGISTERED

To

Mr. Fazal Mabood S/O Fazal Haq,
Village Godar P/O Munda,
Tehsil Samar Bagh & District Dir Lower
(Contact# 0301-8830-094)

Subject: DEPARTMENTAL APPEAL / REPRESENTATION AGAINST THE OFFICE
ORDER DATED 15-06-2022 OF IG PRISONS KP WHEREBY MAJOR
PENALTY OF REMOVAL FROM SERVICE

Memo;

I am directed to refer to this office order No. 69/2-J-2018-19233 dated 15-06-2022 on the subject and to forward herewith a copy of letter No. SO(P&R)/HD/8-4/2020 dated 22-09-2022 on the captioned subject (self-explanatory) received from Government of Khyber Pakhtunkhwa Home & TA's Department Peshawar for information.

[Signature]
DEPUTY DIRECTOR (E)
INSPECTORATE GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA PESHAWAR

Endst: No. 33448-49 1-

Copy of the above is forwarded to the:

1. Secretary to the Government of Khyber Pakhtunkhwa Home & TA's Department for information with reference to Home Department letter No. referred to above please.
2. PS to Special Assistant to Chief Minister (For Prisons) Khyber Pakhtunkhwa Peshawar for information.

[Signature]
DEPUTY DIRECTOR (E)
INSPECTORATE GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA PESHAWAR

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

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**GOVERNMENT OF THE KHYBER PAKHTUNKHWA
HOME AND TRIBAL AFFAIRS DEPARTMENT.**

NOTIFICATION

Peshawar, dated the 14th March 2018.

No.SO(P&R)HD/3-3/2018.-In exercise of the powers conferred by section 59 of the Prisons Act, 1894 (IX of 1894) and in supersession of rules issued in this behalf, the Government of the Khyber Pakhtunkhwa is pleased to make the following rules, namely:

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


**Chapter-1
General Provision**

1. Short title and commencement.---(1) These rules may be called the Khyber Pakhtunkhwa Prisons Rules, 2018.

(2) It shall come into force at once.

2. Definitions.---(1) In these rules, unless otherwise prescribed the following expressions shall have the meaning hereby respectively assigned to them, that is to say-

- (a) "Act" means the Prisons Act, 1894 (Act IX of 1894);
- (b) "Additional Inspector General" means Additional Inspector General of Prisons appointed by Government under these rules;
- (c) "Assistant Superintendent" means Assistant Superintendent of the Prisons and includes Senior Assistant Superintendent or Senior Lady Assistant Superintendent appointed by Government;
- (d) "Central Prison" means a Central Prison declared as such by Government;
- (e) "Chief Warder" means Chief Warder either male or female, as the case may be, in respective ward in a Prison;
- (f) "Code" means the Code of Criminal Procedure, 1898 (V of 1898);
- (g) "condemned prisoner" means prisoner sentenced to death and his sentence of death confirmed by the Supreme Court of Pakistan;


**ASSISTANT DIRECTOR
INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR**

1080. Prohibition against business and pecuniary transactions.---(1) No prison officer shall directly or indirectly engage in any trade, business or employment other than his legitimate duties.

(2) 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 officer or any prisoner.

1081. Residential quarters.---(1) Rent free residential quarters shall ordinarily be provided at each prison for the Superintendent, Deputy Superintendent, Senior Assistant Superintendent, Assistant Superintendents, Senior Medical Officer, Medical Officer, Pharmacy Technician, Assistants and Clerical Staff, Storekeepers, Instructors, Teachers, Head Warders and the Warders.

(2) Every prison official for whom the residential quarters are not available in prison shall reside within such distance from the prison as the Superintendent may direct,

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

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

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

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

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

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

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

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

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


ASSISTANT DIRECTOR
INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR



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

No. _____

Dated _____

AUTHORITY LETTER

Mr.Sulaiman, Law Officer(BPS-17) attached to the office of Inspector General of Prisons Khyber Pakhtunkhwa Peshawar is hereby authorized to make affidavit, to file comments/reply/report and to attend the Lower Courts, Ombudsperson, Khyber Pakhtunkhwa Service Tribunal, Peshawar High Court Peshawar, Supreme Court of Pakistan Islamabad, Federal Shariat Court, meeting of scrutiny committee at Law Department and also to attend the office of Advocate General Khyber Pakhtunkhwa at Peshawar on each and every date of hearing, on behalf of the Inspector General of Prisons Khyber Pakhtunkhwa .


INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR