

BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

In the matter of

Service appeal No. 1890/2023

Gohar Rahman, Ex-Head Warder,

Attached to Central Prison Mardan.

----- (Appellant)

VERSUS

1. The Additional Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
2. The Superintendent, Circle HQS Prison, Mardan. -----(Respondents)

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Deponent

08-12-2023
Peshawar.

BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

In the matter of

Service appeal No. 1890/2023

Gohar Rahman, Ex-Head Warder,

Attached to Central Prison Mardan.

----- (Appellant)

VERSUS

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 9731

Dated 06-12-23

1. The Additional Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.

2. The Superintendent Circle HQS Prison, Mardan. -----(Respondents)

Subject: JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDANTS NO. 1 and 2.

PRELIMINARY OBJECTIONS

- i. *That the appellant has got no cause of action/locus standi.*
- ii. *That the instant appeal is badly time barred as appellate order was issued on 11/05/2023 and service appeal was filed on 18/09/2023.*
- 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.*

FACTUAL OBJECTION:-

1. Pertains to record. Hence needs no comments.
2. Incorrect and not admitted. The appellant soon after his appointment in to Prison Department as a Warder created hurdles for the administration and absented himself from the official duties time and again and without any prior approval of the competent authority which amounts to a gross misconduct and in violation of mandatory provision of KPK Prison Rules 2018 (**Annex-A**). The appellant also faced the same disciplinary proceeding for willful absence and previously awarded the major penalty of Removal from service which later on the interference of this service tribunal reinstate into service vide Judgment dated 28-02-2018 (**Annex-B**). The appellant being a sensitive force service where militants are convicted behind the bar. In such like situation remaining absence from official duty is undesirable, unwarranted and against the Prison Rules.
3. Incorrect and not admitted. The answering respondents have no concern with his domestic issues, the one and only reason is his willful absence from duty, if supposed he had a domestic issue he was required to submit an application under Rule 1082 of the KP Prison Rules 2018 for granting leave to the competent authority but he failed to do so, hence rendered himself for the disciplinary proceedings initiated against him. As the appellant was habitual in absenting himself

from duties without prior permission and sanction of leave from the competent authority for which he was awarded the following punishments while attached to various Jails of the province:-

- (a) Dismissed from service vide Superintendent HQs Prison Peshawar Order No. 29/PB dated 01.02.2001 and re-instated into service in compliance of order of Service Tribunal Peshawar
 - (b) Placed under suspension in a disciplinary case and recovered 5 gram cannabis vide Headquarter Prison Peshawar Order No 299 dated 02.12.2004 and re-instated into service with the punishment of reduction to lower stage.
 - (c) Removal from service due to willful absence from duty vide Superintendent HQs Prison Peshawar Order No. 5093 dated 27.09.2011 and re-instated into service in compliance order of Service Tribunal Peshawar Judgment dated 28-02-2018 vide Superintendent circle Headquarter office dated 27-04-2018.
 - (d) Seven (07) days without pay due to his willful absence vide HQs Prison Mardan Order No. 4891-92 dated 15.07.2020.
 - (e) Awarded minor penalty of censure and sixty eight (68) days to be treated as leave without pay vide HQs Prison Mardan order No. 1383-86 dated 13.08.2020.
 - (f) Awarded the penalty of stoppage of one increment due to his misconduct vide HQs Prison Mardan order No. 1378 dated 13.08.2020.
 - (g) Three (03) days absence period ordered to be treated as leave without pay.
 - (h) Awarded minor penalty of "Censure" and sixteen (16) days leave without pay vide Superintendent HQ Prison Mardan order No. 100-103 dated 27.01.2021.
 - (i) Awarded minor penalty Stoppage of One Increment and absence of forty (40) days treated as leave without pay vide Superintendent HQ Prison Mardan order No. 105-08 dated 27.01.2021.
 - (j) Awarded minor penalty "**Reduction to Lower Stage for three (03) years**" due to his willful absence and **102 days** shall be treated as leave without pay vide Superintendent Circle Headquarters Prison Mardan vide Order No. 1306 dated 29-03-2022.
 - (k) Awarded major penalty of "**Removal from Service**" due to his willful absence vide Superintendent HQ Prison Mardan order No. 343-46 dated 27.01.2023. (**Annex-C**)
4. Admitted as correct to the extent that the appellant was awarded the Major Penalty of Removal from Service by the competent authority due to his willful absence from official duty and without prior approval of the competent authority.
 5. Subject to proof. Incorrect and misleading as the appellant was removed from service due to his willful absence w.e.f 28-11-2022.
 6. Admitted to extent that the appellant was removed from service on 27-01-2023 against which he preferred departmental (**Annex-D**) appeal before the appellate authority i.e Inspector General Prisons wherein the appellate authority of held the decision of the competent authority and rejected his appeal vide order dated 11-05-2023 (**Annex-E**).
 7. No Comments.

GROUNDS.


- A. Incorrect and misleading as the order of the Competent Authority and Appellate Authority are in accordance with the Law and Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011.
- B. Incorrect and misleading, as the Appellant has been treated in accordance with the Law and as per procedure laid down in the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules and articles 10A and 25 of the Constitution of the Islamic Republic of Pakistan 1973 have not been violated by the respondents.
- C. Incorrect and misleading. The appellant was removed from service as per Rule 9 of the Khyber Pakhtunkhwa Government Servant Efficiency & Discipline Rules 2011. The rules were followed in form and content. As per the aforesaid rule Absence Notice No. 4827/PB dated 06.12.2022 was posted at his home address (**Annexure-F**) but the petitioner failed to report for duty at Central Prison Mardan. Consequently, absence notice was published in daily Pakhtunkhwa news Mardan on 30.12.2022 (**Annexure-G**) and in Daily Mashriq Peshawar on 02.01.2023 (**Annexure-H**) but the appellant failed to report for duty. Thus, as required under the aforesaid rules ex-parte action was taken against him and major penalty of removal from service was imposed on the said appellant vide Order No. 343-46 dated 27.01.2023 of the Superintendent Circle Headquarter Prison Mardan.
- D. Incorrect and misleading, as explained in Para-C.
- E. Detailed of this Para is given in Para-3 of the factual objection above.
- F. Incorrect and not admitted the impugned order are according with law/rules in passed after exhausting the Codal formalities is late down in the E&D Rules 2011.
- G. This Para does not related to the answering Respondents hence need Comments.
- H. Appellant was awarded major penalty of Removal from Service under Rule-9 of (Efficiency & Discipline) Rules 2011 by observing all legal and Codal formalities.
- I. No Comments.

PRAYER.

It is therefore most humbly prayed that on acceptance joint Para wise comments on behalf of Respondent No1,2 the appeal may kindly be dismissed with cost, being baseless and devoid of merits and facts.



(Muhammad) Arif
Superintendent,
Circle HQs Headquarters Prison Mardan
(Respondent No. 2)



(Hameed Uir Rahmani)
Additional Inspector General of Prisons
Khyber Pakhtunkhwa Peshawar
(Respondent No. 1)

BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

In the matter of Service appeal No. 1890/2023

Gohar Rahman, Ex-Head Warder, Attached to Central Prison Mardan.
.....Appellant.

VERSUS

- 1- **Additional Inspector General of Prisons,**
Khyber Pakhtunkhwa Peshawar
- 2- **Superintendent,**
Headquarter Prisons Mardan.**Respondents.**

COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENTS No. 1 & 2.

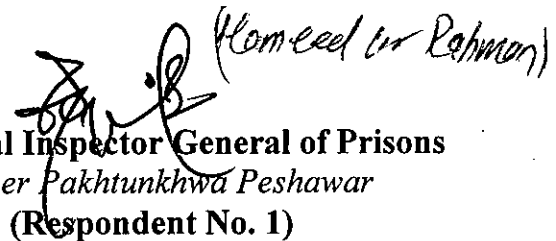
We, the undersigned respondents do hereby solemnly affirm and declare that the contents of the para-wise comments in the above cited appeal are true and correct to the best of our knowledge and belief that no material/ facts have been kept concealed from this Honorable Service Tribunal. It is further stated on oath that in this appeal the answering respondents have neither been placed Ex-Parte nor their defense has been struck off *most*

Muhammad
Arif



Superintendent,
Circle HQs Headquarters Prison Mardan
(Respondent No. 2)

SUPERINTENDENT
CIRCLE HQs PRISON MARDAN

(Gom-eed ur Rahman)

Additional Inspector General of Prisons
Khyber Pakhtunkhwa Peshawar
(Respondent No. 1)



06 DEC 2023

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No 1890/2023

Gohar Rahman, Ex-Head Warden

.....Appellant

VERSUS

AIG Prisons & Other.....Respondents

**SUBJECT REPLICATION ON CONDONATION OF DELAY APPLICATION ON
BEHALF OF RESPONDENT NO1, 2.**


1. Pertains to Judicial proceedings.
2. Incorrect and not admitted the appellant was required to inform the high ups about his illness are domestic issue/untoward incident will within time but he failed to do so and remained absent form official duties with prior permission of the competent authority.
3. Incorrect and not admitted. The appellant making lame excuse Just to wash out his issue of limitation, while his appeal is badly time-barred.
4. The appellant authority rightly regretted his departmental appeal keeping in view previous poor service recorded as reflected in his service book which is full of red entrees upheld the decisions of the competent authority.


OBJECTIONS ON GROUNDS:

- A. The appellant field service appeal against the impugned order dated 27-01-2023 and against the final impugned order dated 11-05-2023 on 18-09-2023 (after laps of four months) which badly time barred hence liable to be dismissed with cost.
- B. Pertains to judicial proceeding hence need no comments.

Prayers:

It is most humbly prayed that on acceptance of this replication on the delay application the appeal of the appellant may kindly be dismissed on the point of limitation.

(Mahmood) 
Superintendent
Headquarters Prison Mardan
(Respondent No. 2)

(Hameed Ur Rahman) 
Additional Inspector General of Prisons
Khyber Pakhtunkhwa Peshawar
(Respondent No. 1)

SUPERINTENDENT
CIRCUIT HOUSE PESHAWAR

**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;

Attee

(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.

1086. Subordinate Officer to render prompt obedience.---It shall be the duty of every subordinate officer at all times to render prompt and implicit obedience to every lawful order, given to him by superior officer, with proper courtesy and respect.

1087. Prohibition against communicating with prisoners, their-relatives and friends.---(1) No subordinate officer shall, otherwise than with the special permission of the Superintendent, at any time,-

Addressed

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

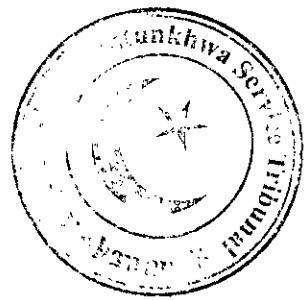
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Service Appeal No.198/201

Date of Institution ... 07.02.2012

Date of Decision ... 28.02.2018

Gohar Rehman S/O Habib Muhammad,
Ex-Warder Prisons Department,
R/O Latilay Post Office Sakhakot Malakand Agency.



... (Appellant)

VERSUS

The government of KPK, through Secretary Home and Tribal Affairs
Department, Civil Secretariat, Peshawar & 02 others.

... (Respondents)

Mr. Yasir Saleem,
Advocate

--- For appellant.

Mr. Riaz Paindakhel,
Assistant Advocate General

... For respondents.

MR. GUL ZEB KHAN
MR. MUHAMMAD HAMID MUGHAL

... MEMBER
... MEMBER

ATTESTED

MEMBER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

JUDGMENT

GUL ZEB KHAN, MEMBER. The aforesaid appeal dated 07.02.2012 has been lodged by Gohar Rehman, Ex-Warder, hereinafter referred to as the appellant, under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, wherein the appellant has impugned the office order dated 27.09.2011 vide which he was removed from service. Appellant preferred departmental appeal on 17.10.2011 against the impugned removal order, which was rejected vide order dated 07.12.2011.

3. Learned counsel for the appellant argued that the appellant was appointed as warder in the Prison Department in the year 2000. That the appellant while attached to District Jail Timergara, was transferred to Central Prison Haripur and accordingly he was relieved from duty vide relieving docket dated 10.05.2011 and directed to report to the Superintendent Central Jail Haripur for further duties. That during the joining time the appellant fell seriously ill and was advised for complete

the law and rule.
competent authority, therefore his appeal may be rejected being not covered under
premises of the jail without any prior permission and sanction of the leave from the
the appellant has absented himself from the lawful duty as well as the sensitive
no leave application was ever received by the department. Further stated that since
has been removed from service according to law, because he remained absent and
On the other side learned Deputy District Attorney argued that the appellant
Court reported in 2006 SCMR 1120, 2009 SCMR 1197, 2013 SCMR 372.
service. Learned counsel for the appellant relied upon the judgment of the august
taken into consideration while awarding him such harsh penalty of removal from
appellant has more than 10 years spot-less service at his credit which has not been
recommended the appellant for lenient view in his subsequent letter. That the
in case of awarding major punishment. That the enquiry officer has also
communicated to the appellant with the final show cause notice which is mandatory
opportunity of hearing by the authority. That the inquiry report was also not
with (Original Medical certificates. That the appellant has not been given proper
be duly considered. That the appellant appeared before the Inquiry Officer along
illegal and harsh as under the rules the absence on account of illness is required to
recommended the appellant for penalty of removal from service which is quite
verifying the illness record of the appellant, the enquiry officer straight away
allegations leveled against him. Further contended that without considering or
Daggan (Buner). That the appellant duly replied the charge sheet and refuted the
dated 23.06.2011 containing the allegations of not reporting for duty at Sub-jail
06.07.2011, the appellant was served with charge sheet and statement of allegations
appellant was also allowed medical leave for 2 months. Further argued that on
appellant also fell ill and the appellant had to take care of her also. That the
bed rest by the doctors from time to time. That during this period, wife of the
during the joining time the appellant fell seriously ill and was advised for complete

ATTORNEY GENERAL
SUPREME COURT

[Handwritten signature]

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5. We have heard arguments of the learned counsel for the appellant and learned District Attorney and have also gone through the record available on file. 2/3

6. It is not disputed that the appellant remained absent without permission, however the stance of the appellant is that the cause for his absence was his sickness duly substantiated by some medical record. In view of the case law referred to above and in the attending circumstances of the case, the impugned punishment order therefore appears to be harsh and not commensurate with the lapse/guilt on the part of the appellant and as such the punishment of removal from service of the appellant is converted into withholding of two annual increments for a period of two years. Absence period and the intervening period shall be treated as leave without pay. The present appeal is accepted in the above terms. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
28.02.2018

SD/- Gulzar Khan,
Member (am)
R

(Mu)

SD/- M. Hamid Nughal,
Member

Certified
copy
[Signature]
[Stamp]

Date of Presentation 28-2-18
Number of Pages 1250
Copying Fee _____
Urgent _____
Total _____
Name of Officer [Signature]
Date of Submission 12-3-18
Date of Disposal 12-3-18

Registered



OFFICE OF THE SUPERINTENDENT CIRCLE HQS. PRISON MARDAN

No. 4827 PB Dated 06-12-2022, E-Mail: mardenjnil@gmail.com 0937-843114

To

Head Warder Gohar Rehman S/O Habib Muhammad,
R/O Village Latifay, Sakhakot, District Malakand.

Subject: ABSENCE NOTICE.

As per report of the Superintendent Central Prison Mardan, you absented yourself from duties as well as jail premises without permission and sanction of leave from the competent authority on 28.11.2022 and is absent up to date.

You are, therefore, directed to report to Central Prison Mardan within fifteen (15) days of the receipt of this Notice and explain then reasons of your absence otherwise you will be proceeded against under the Government of Khyber Pakhtunkhwa (Efficiency & Discipline) Rules 2011 which can culminate in removal from service.

[Signature]
SUPERINTENDENT
CIRCLE HQS. PRISON MARDAN

Encls. No: 4828-29.1.

Copy of the above is forwarded to:-

- 1- The Inspector General of Prison Khyber Pakhtunkhwa, Peshawar for information please.
- 2- The Superintendent Central Prison Mardan for information with reference to his report dated. 06-12-2022, please.

[Signature]
SUPERINTENDENT
CIRCLE HQS. PRISON MARDAN

Attested
[Signature]
SUPERINTENDENT
CIRCLE HQS. PRISON MARDAN

No. 332

For In. RGL94617934

Stamps affixed cases uninsured letters of not more than the initial eight prescribed in the Post Office Guide or on which no acknowledgment is due.

Received a registered addressed to _____ Date Stamp _____

Initials of Receiving Officer _____ with the word _____ (in words)

Insured for Rs (in figures) _____ Weight _____ Kilo grams.

Insurance for Rs _____ Ps (in words) _____

Name and address of sender _____

6-12-22



OFFICE OF THE SUPERINTENDENT CIRCLE HQS. PRISON MARDAN

No. 342 /PB Dated: 27/01/2023, E-Mail: mardanjail@gmail.com, 0937-843114

OFFICE ORDER

WHEREAS, the accused official/Head Warder Gohar Rehman S/O Habib Muhammad attached to Central Prison Mardan was proceeded against under Rule-3 read with 9 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges of his wilful absence w.e.f 28-11-2022, and absence notice was served upon home address vide this Headquarters letter No. 4827 dated. 06-12-2022.

AND WHEREAS, due to no response from him, another notice was published in the leading newspaper the Province, "Daily Pakhtunkhwa News" Mardan on 30-12-2022 and "Daily Mashriq" Peshawar on 02-01-2023 as per under the rules ibid.

AND WHEREAS, the accused official failed to resume duties till date as reported by the Superintendent Central Prison Mardan vide his office letter No.685 dated 19-01-2023.

AND WHEREAS, the accused official is habitual of absents himself from line and duty undisciplined, having lethargic duty attitude, which is crystal cleared from his service book, as the said accused was "Dismissed from Services" vide HQ's Jail Peshawar order No. 29/A.PB dated. 01-02-2001 and re-instated services vide Service Tribunal NWFP Peshawar dated. 30-12-2002, the accused official again "Placed under Suspension" in disciplinary case vide HQ's Peshawar order No. 299 dated. 02-12-2004 and re-instated into service vide Peshawar order No. 40 dated. 17-02-2005, again the accused official was "Remove from Services" due to wilful absence vide HQ's Prison Peshawar order No. 5093/PB dated. 27-09-2011 and re-instated into service vide HQ's Peshawar order No. 735 dated. 27-04-2018 on acceptance of his service appeal before Service Tribunal Peshawar No. 198/2012 dated. 07-02-2012, and the accused official was awarded Minor Penalties so many times due to wilful absents vide HQs Prison Mardan Order No. 1383-86 dated. 13-08-2020, order No. 1378 dated. 13-08-2020, order No. 6203-04 dated. 02-09-2020, order No. 100-103 dated. 27-01-2021, order No. 105-08 dated. 27-01-2021, order No. 1307-12 dated. 29-03-2022. As per report of Superintendent Central Prison Mardan dated. 07-11-2022 accused official again absented himself without permission w.e.f 25-10-2022 to 25-11-2022 thirty (30) days wilful absence in response this office appointed Mr. Bakht Rawan Deputy Superintendent District Jail Timergara as inquirer against the accused official with reference to the above allegation under Rule, but the accused official again absented himself w.e.f 28-11-2022 this office served absent notice to the accused official letter No. referred to above on home address with no response, after lapse of 15 days' time period as reported by Superintendent Central Prison Mardan his report dated 21-12-2022, another notice published in two leading Newspapers as mentioned above but he did not resume his duty nor submitted reply with in stipulated time period as reported by Superintendent Central Prison Mardan vide his office letter No. 685 dated 19-01-2023. The accused official neither resumed his duty nor appeared in proceedings not intimated the reasons of absence.

NOW THEREFORE, in exercise of powers conferred under Rule-9) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, the undersigned being competent authority after observing all legal formalities, hereby awarded the major penalty of "Removal from Service" with immediate effect to the accused official/Head Warder Mr. Gohar Rehman S/O Habib Muhammad attached to Central Prison Mardan for his wilful absence w.e.f 28-11-2022.

Endst: No. 343-46 / . Dated: 27/01/2023

Copy of the above is forwarded to:-

1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information, please.
2. The Superintendent Central Prison Mardan, for information and necessary action, with reference to his office letter No. 4827 dated. 06-12-2022, please.
3. The District Accounts Officer, Mardan for information and necessary action please.
4. Official concerned C/O Superintendent Central Prison Mardan.

SUPERINTENDENT
CIRCLE HQS. PRISON MARDAN

SUPERINTENDENT
CIRCLE HQS. PRISON MARDAN

Attested
SUPERINTENDENT
CIRCLE HQS. PRISON MARDAN

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The Inspector General of Police
Prison KPK Peshawar.

Subject:

DEPARTMENTAL APPEAL AGAINST
THE IMPUGNED ORDER DATED
27.01.2023 WHEREBY THE APPELLANT
HAS BEEN REMOVE FROM SERVICE
WITH EFFECT FROM 28.11.2022

Respected Sir,

The appellant submits as under.

1. That the Petitioner belongs to a respectable family and law abiding citizen of Pakistan.
2. That the petitioner was appointed as Warder in 2000 in prison department.
3. That after appointment the Petitioner perform his duty regularly with full devotion and hard work and no complaint whatsoever has been made against the petitioner.
4. That while performing his official duty with respondent department domestic problem has been arise to the appellant at the month

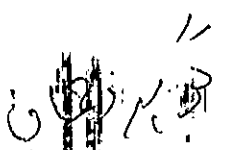
Attes
Sd/-

10. That no opportunity of personal hearing has been provided to the appellant.

11. That from every angle, the impugned order is wrong, illegal void is liable to be set aside.

It is therefore, most humbly prayed that on acceptance of this departmental appeal the impugned order dated 27.01.2023 may kindly be set aside and the appellant may kindly be reinstated on his service along with all back benefits.

Dated: 01-03-2023


Appellant

Goher Rehman
S/o Habib Muhammad
Ex: Head Warden
Central Prison Mardan

Attest




INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

091-9210334, 9210406 091-9213445

<https://www.facebook.com/kpkprisons>
prisonsig@gmail.com

No. ICC — 10217 - 1

Dated. 06 - 03 - 2023 1.

To,


The Superintendent,
Circle Headquarters Prison Mardan


Subject: DEPARTMENTAL APPEAL
Memo:

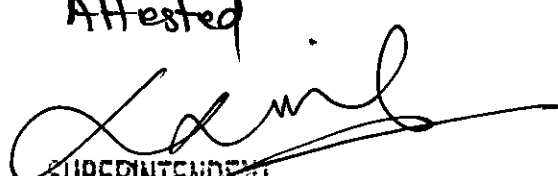
I am directed to refer to the subject and to forward herewith a copy application/appeal dated 01-03-2023 (self-explanatory) submitted by Ex- Head Warder Got Rehman S/o Habib Muhammad on the captioned subject for information.

Please look into the matter and furnish your necessary views/comments alongw history of his service on the below noted format and **supporting documents** for further necess: action by this office:

S.No.	Name & Parentage	Rank	Date of Birth	Date of appointment.	Detail Of Postings	Penalty if awarded
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ASSISTANT DIRECTOR
INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR


DS/PB

Attested

SUPERINTENDENT
CIRCLE HQs PRISON MARDAN

D.No 479

Supt
08 - 03 - 2023



OFFICE OF THE SUPERINTENDENT CIRCLE HQS. PRISON MARDAN

No 540 /PB Dated: 18/03/2023,
To

E-Mail: mardanjail@gmail.com,

0937-843114

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

Subject: **DEPARTMENTAL APPEAL.**

R/Sir:

Reference to your good office letter No. KC- 10217-WE dated. 06-03-20223 on the subject cited above.

Information regarding the Departmental appeal of the Ex-Head warder Gohar Rehman are as under on the prescribed format, please.


1.	Name with Parentage	Gohar Rehman S/O Habib Muhammad			
2.	Rank	Ex-Head Warder			
3.	Date of Birth	15-05-1978			
4.	Date of Appointment	01-07-2000			
5.	Detail of postings	S#	Name of Jail	From	To
		01	DJ Chitral	01-07-2000	06-05-2003
		02	DJ Kohat	06-05-2003	23-07-2004
		03	CP DI Khan	23-07-2004	08-03-2005
		04	SJ Dassu	08-03-2005	04-02-2008
		05	DJ Timergara	04-02-2008	10-05-2011
		06	CP Peshawar	25-05-2018	07-02-2019
		07	CP Mardan	07-02-2019	04-09-2020
		08	DJ Timergara	04-09-2020	01-03-2022
		09	SJ Malakand	01-03-2022	31-05-2022
		10	CP Mardan	31-05-2022	28.11.2022
6.	Penalty if any awarded	<ol style="list-style-type: none">1. Dismissal from service vide Superintendent HQs Prison Peshawar Order No. 29/APB dated 01.02.2001 and re-instated into service in compliance order of Service Tribunal Peshawar.2. Placed under suspension involved in disciplinary case and recovered 5 gram cannabis vide Headquarter Prison Peshawar Order No 299 dated 02.12.2004 and re-instated into service with the punishment of reduction to lower stage.3. Removal from service due to wilful absence from duty vide Superintendent HQs Prison Peshawar Order No. 5093 dated 27.09.2011 and re-instated into service in compliance order of Service Tribunal Peshawar.4. Seven (07) days without pay due to his wilful absence vide HQs Prison Mardan Order No. 4891-92 dated 15.07.2020.5. Awarded minor penalty of censure and sixty eight (68) days to be treated as leave without pay vide HQs Prison Mardan order No. 1383-86 dated 13.08.2020.6. Awarded the penalty of stoppage of one increment due to his misconduct vide HQs Prison Mardan order No. 1378 dated			


Attested .

SUPERINTENDENT
CIRCLE HQS PRISON MARDAN

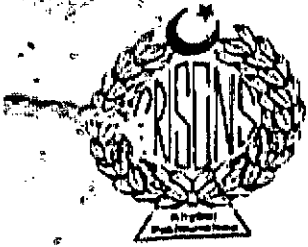
7. Three (03) days absence period ordered to be treated as leave without pay.
8. Awarded minor penalty of "Censure" and sixteen (16) days leave without pay vide Superintendent HQ Prison Mardan order No. 100-103 dated 27.01.2021.
9. Awarded minor penalty stoppage of one increment and absence of forty (40) days treated as leave without pay vide Superintendent HQ Prison Mardan order No. 105-08 dated 27.01.2021.
10. Awarded minor penalty "Reduction to lower stage for three (03) years" due to his wilful absence and 102 days shall be treated as leave without pay.
11. Awarded major penalty of "Removal from Service" due to his wilful absence vide Superintendent HQ Prison Mardan order No. 343-46 dated 27.01.2023.

Attested


SUPERINTENDENT
CIRCLE HQs PRISON MARDAN


SUPERINTENDENT
CIRCLE HQS. PRISON MARDAN





BY FAX

INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

081-9210334, 9210405 081-9210448

<https://www.facebook.com/kpkprisons>
prisonsig@gmail.com

No. 15497

Dated. 20-04-2023

To:
The Superintendent,
Circle Headquarters Prison Mardan

Subject: DEPARTMENTAL APPEAL
Memo;

I am directed to refer to this office letter No. 14185 dated 06-04-2023 on the subject and to convey that personal hearing in respect of Gohar Rehman S/o Habib Muhammad, Ex-Head Warder (BPS-09) is hereby cancelled due to his absence Hence, he may be directed again to appear before the Addl: Inspector General of Prisons Khyber Pakhtunkhwa Peshawar, on 09-05-2023 (Tuesday) at 11:00 AM for personal hearing in the instant case. A well conversant officer alongwith Service Book as well as original record of the case may also be deputed to attend this office on the date and time fixed above please.

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

Endst; No. _____/.

Copy of the above is forwarded to PA to Additional I.G, Prisons Khyber Pakhtunkhwa Peshawar for information.

ASSISTANT DIRECTOR
INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

Attested
[Signature]
SUPERINTENDENT
CIRCLE HQs PRISON MARDAN

D/160-975
26/4/2023

P.B

[Signature]
DE/60

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REGISTERED

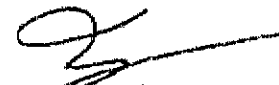
OFFICE OF THE
SUPERINTENDENT
CIRCLE HQs PRISON MARDAN
Email. mardanjai@gmail.com
Phone No. 0937843114
No. 1345 -WE/PB Dated: 17 /05/2023

To, Mr. Gohar Rehman S/O Habib Muhammad, Ex- Head Warder,
R/O Village Latifay, Sakhakot, District Malakand.

Subject: **DEPARTMENTAL APPEAL.**

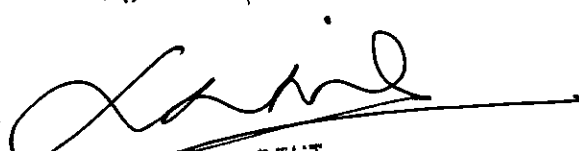
Memo:


It is to inform you that your Appeal regarding reinstatement into service has been considered and rejected being without any substance ^{and facts} by the Additional Inspector General of Prisons, Khyber Pakhtunkhwa vide his order No.17929 dated. 11-05-2023. (Order attached).


SUPERINTENDENT
CIRCLE HQs PRISON MARDAN

Endst. No: 1346 /

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

Attested

SUPERINTENDENT
CIRCLE HQs PRISON MARDAN


SUPERINTENDENT
CIRCLE HQs PRISON MARDAN



REGISTERED

OFFICE OF THE
SUPERINTENDENT
CIRCLE HQs PRISON MARDAN
Email: mardanjail@gmail.com
Phone No. 0937843114

No. 1211 /PB Dated: 27/04/2023

To, Mr. Gohar Rehman S/O Habib Muhammad, Ex- Head Warder,
R/O Village Latifay, Sakhakot, District Malakand.

Subject: **DEPARTMENTAL APPEAL.**

Memo;

Reference to letter No. 15497 dated. 20-04-2023 of the Inspector General of Prisons Khyber Pakhtunkhwa Peshawar, on the subject noted above.

You are directed to appear before the Additional Inspector General of Prisons Khyber Pakhtunkhwa Peshawar on 09-05-2023 (Tuesday) at 11:00 AM for personal hearing in the Departmental appeal positively.

SUPERINTENDENT
CIRCLE HQs PRISON MARDAN

Endst. No: 12121

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

Attested

SUPERINTENDENT
CIRCLE HQs PRISON MARDAN

SUPERINTENDENT
CIRCLE HQs PRISON MARDAN

*Amir Muhammad
is authorized
to do the needful*

No. 1382

For In: RGL105703453
Stamps annexed except

uninsured letters of not more than
the initial weight prescribed in the
Post Office Guid. or on which an
acknowledgment is desired

Received a registered
addressed to

Gohar Rehman

Initials of Receiving Office: S/O Habib Muhammad
*Write here "letter", "postcard", "packet" or "parcel"
with the word "insured" before it when necessary.

Insured for Rs. (in figures) Rs. 50/-

Insurance fee Rs. Rs. 3.20 Ps. --- (in words) Three and 20/100
Name and ---

at insured



OFFICE OF THE
INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

☎ 091-9210334, 9210406 📠 091-9213445

No. Estb/Ward-/Orders/ 17929 /-

Dated 11-05-2023 /-

ORDER:

WHEREAS, Ex-Head Warder Gohar Rehman S/o Habib Muhammad attached to Central Prison Mardan was awarded the major penalty of "Removal from Service" by Superintendent HQs Prison Mardan vide order No. 342 dated 27-01-2023 due to his willful absence w.e.f. 28-11-2022 till the date of his removal from service on 27-01-2023.

AND WHEREAS, the said Ex-Head Warder preferred his departmental appeal for setting aside the penalty awarded to him and also requested for reinstatement in service.

AND WHEREAS, he was afforded an opportunity of personal hearing on 09-05-2023. His appeal was examined in light of the available record of the case and it was observed that the penalty was awarded to him by the competent authority on his willful absence after observing all legal and codal formalities as required under Government Servants (Efficiency & Discipline) Rules, 2011. During the course of hearing, the appellant failed to justify his innocence.

AND WHEREAS, entire service history of the appellant is filled with red entries and he had been awarded 10 penalties. He is habitual of absenting himself from duties as per his service record.

NOW THEREFORE, having considered the charges, evidences/facts on record, explanation of the accused official, his entire service history, the provision of rules in vogue and in exercise of powers conferred under Rule-17 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 read with Rule-05 of Khyber Pakhtunkhwa Service Appeal Rules 1986, the decision of the competent authority is upheld and appeal of the appellant is hereby rejected being without any substance and fact.

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

ENDST: NO. 17930 - 34 /-

Copy of the above is forwarded to the:

1. Deputy Inspector General of Prisons Regional Prison Office Mardan for information.
2. Superintendent, Headquarters Prison Mardan for information and necessary action with reference to his letter No. 1032/WE dated 29-03-2023.
3. Superintendent Central Prison Mardan for information and necessary action. He is directed to inform the appellant accordingly and to make necessary entry in his Service Book under proper attestation.
4. Mr. Gohar Rehman S/o Habib Muhammad (Ex-Head Warder) C/o Superintendent Central Prison Mardan for information.
5. PS to Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information.

Attested

SUPERINTENDENT
CIRCLE HQs PESHAWAR

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

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اللہ ہی کیلئے ہیں مشرق و مغرب اور آسمان

DAILY MASHRIQ PESHAWAR

روزنامہ
عہدوں کے بانی
سید تاج میر شاہ
مشرق
سلسل اشاعت کے 55 سال

پشاور اسلام آباد سبکدوش شائع ہونے والا کثیر الاشاعت قومی اخبار

ABC CERTIFIED

352

9 جنوری 1444ھ 2 جنوری 2023ء 18 اپریل 2023ء



نوٹس غیر حاضری

آپ میرا دار اور دادار، جو کہ مشرقی جیل مردان میں اسٹریٹنگ ٹیلنگ ٹیم کے ساتھ ساتھ جیل مردان سے
غیر حاضری کے ذریعے لٹری 14 جنوری 2023ء کی جاتی ہے کہ چھ دنوں (17.05) اور کے بعد اور
مشرقی جیل مردان میں اسٹریٹنگ ٹیلنگ ٹیم میں لٹری اور اپنی غیر حاضری کی اطلاع
دینا تا بحال صورت و نگہ آپ کے خلاف کیسز قائم ہوئی ہیں۔ اللہ تعالیٰ ہمیں اپنی بات کی جوتہ نجات
سے برخواستہ کرے گا۔

1. آپ دار اور دادار، جو کہ مشرقی جیل مردان میں اسٹریٹنگ ٹیلنگ ٹیم کے ساتھ ساتھ جیل مردان سے
غیر حاضری کے ذریعے لٹری 14 جنوری 2023ء کی جاتی ہے کہ چھ دنوں (17.05) اور کے بعد اور
مشرقی جیل مردان میں اسٹریٹنگ ٹیلنگ ٹیم میں لٹری اور اپنی غیر حاضری کی اطلاع
دینا تا بحال صورت و نگہ آپ کے خلاف کیسز قائم ہوئی ہیں۔ اللہ تعالیٰ ہمیں اپنی بات کی جوتہ نجات
سے برخواستہ کرے گا۔

2. آپ دار اور دادار، جو کہ مشرقی جیل مردان میں اسٹریٹنگ ٹیلنگ ٹیم کے ساتھ ساتھ جیل مردان سے
غیر حاضری کے ذریعے لٹری 14 جنوری 2023ء کی جاتی ہے کہ چھ دنوں (17.05) اور کے بعد اور
مشرقی جیل مردان میں اسٹریٹنگ ٹیلنگ ٹیم میں لٹری اور اپنی غیر حاضری کی اطلاع
دینا تا بحال صورت و نگہ آپ کے خلاف کیسز قائم ہوئی ہیں۔ اللہ تعالیٰ ہمیں اپنی بات کی جوتہ نجات
سے برخواستہ کرے گا۔

Attested

SUPERINTENDENT
CIRCLE HQs PRISON MARDAN

ہیلڈ وارڈر
گوپت رحمن

پرنسپل سٹریٹنگ ٹیلنگ ٹیم دار اور دادار جیل مردان
"Take Special Care of (SNIP)
Special Persons" 7/19/2022

AUTHORITY LETTER

Mr. Ghulam Mustafa, Law Officer (**BPS-17**) attached to the office of Inspector General of Prisons Khyber Pakhtunkhwa Peshawar is hereby authorized to submit Joint Para-wise comments in Service Appeal No.1890/2023 Titled Gohar Rehman (**Ex-Head Warder**) vs Inspector General of Prisons on behalf of the undersigned before the Khyber Pakhtunkhwa Service Tribunal, Peshawar.


**INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR**