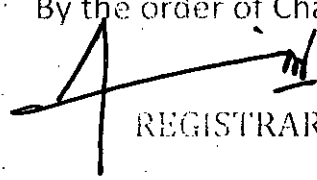


Form- A  
FORM OF ORDER SHEET

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

Implementation Petition No. 951/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	07.12.2023	<p>The implementation petition of Mr. Akhtar Ali submitted today by Mr. Gul Hussain Khilji Advocate, It is fixed for implementation report before Single Bench at Peshawar on _____. Original file be requisitioned. AAG has noted the next date. Parcha Peshi is given to the counsel for the petitioner.</p> <p>By the order of Chairman  REGISTRAR</p>







2. That this Honourable Tribunal vide judgment dated 17/09/2021 allowed the service appeal of the petitioner. **(Copies of ground of service appeal and order dated 17/09/2021 are attached as annexure "A" & "B")**
  
3. That the petitioner time and again approached to respondents, but the respondents did not complied with the judgment of this Honourable Tribunal.
  
4. That the petitioner thereafter filed an application for implementation of order dated 17/09/2021/execution petition before this Honourable Tribunal, wherein the respondents produced order dated 12/04/2023, vide which reinstatement order in respect of the petitioner by treating the intervening period as leave of the kind due, has been issued and in view of the same the implementation petition/execution petition disposed off vide order dated 10/05/2023. **(Copies of implementation petition/execution petition, order dated 12/04/2023 & order dated 10/05/2023 are attached as annexure "C", "D" & "E" respectively).**
  
5. That the respondent No 2 also issued a letter dated 05/06/2023 to the District Comptroller Mardan, which was duly replied vide letter dated 08/06/2023, but the respondents till date not paid any heed to the request of the

3

*petitioner. (Copies of both the letters dated 05/06/2023 & 08/06/2023 are attached as annexure "F" & "G" respectively)*

6. *That the petitioner asked the respondents for compliance and implementation of the above said judgment of this Honourable Tribunal, but they using delaying tactics.*
7. *That this Honourable Tribunal direct the respondents to sanction leave full pay to the petitioner forthwith, but the respondents willfully disobeying the order/ judgment of this Honourable Tribunal, they have not implemented the aforesaid order, which act of the respondents are illegal, against the law and facts on the subject.*
8. *That the respondents are constitutionally bound to give respect to and implement the judgment/order of this Honourable Tribunal in its true letter and spirit.*
9. *That any other grounds will be raised at the time of arguments with kind permission of this Honourable Court.*

*It is, therefore, humbly prayed that on acceptance of this execution petition, the respondents may kindly be*

4

*direct to implement the judgments dated 17/09/2021 & 10/05/2023 passed in Service Appeal No 403/2017 & Implementation Petition No 86/2023 passed by this Honourable Tribunal in its letter & spirit.*

Dated:- 13/10/2023

Through:-

Petitioner

  
Gul Hussain Khilji  
Advocate Supreme Court

**Certificate:-**

*It is certify that no such like Petition has earlier been filed by the petitioner before this Honourable Tribunal*

  
Advocate

5

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES  
TRIBUNAL, PESHAWAR.**

CM (Execution) No:- \_\_\_\_\_/2023

In  
Implementation No 86/2023

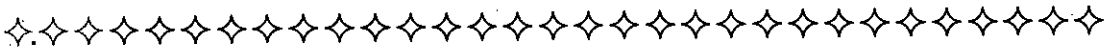
Akhtar Ali

**Versus**

Inspector General of Prison  
& another

..... Petitioner

..... Respondents



**AFFIDAVIT**

I, **Akhtar Ali S/o Roidad Khan R/o Par Hoti, Mohallah Noor**

**Man Khel, District Mardan, do hereby solemnly affirm and declare**

*on oath that the contents of this accompanying **Execution Petition***

*are true and correct to the best of my knowledge and belief and*

*nothing has been concealed from this Honourable Court.*

Identified by

Gul Hussain Khilji  
Advocate Supreme Court

DEPONENT

CNIC No:- 16101-5615265-9

Cell No:- 0301-8304162



6

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES  
TRIBUNAL, PESHAWAR.**

CM (Execution) No:- \_\_\_\_\_/2023

In

Implementation No 86/2023

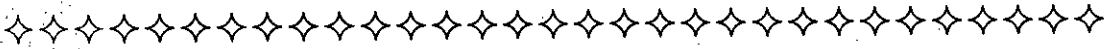
Akhtar Ali

**Versus**

Inspector General of Prison  
& another

..... Petitioner

..... Respondents



**ADDRESSES OF PARTIES**

**PETITIONER**

Akhtar Ali S/o Roidad Khan R/o Par Hoti, Mohallah Noor Man Khel,  
District Mardan

**RESPONDENTS**

1. Inspector General of Prison, Khyber Pakhtunkhwa, Peshawar.
2. Superintendent High Security Prison, Mardan.
3. District Comptroller of Accounts Mardan.

Dated:- 13/10/2023

Through:-

Petitioner

Gul Hussain Khilji  
Advocate Supreme Court



Annex - A

7-

1-9

BEFORE THE SERVICES TRIBUNAL, KPK, PESHAWAR

Service Appeal No. \_\_\_\_\_/2017

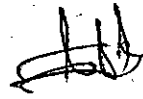
Akhtar Ali S/o Roidad Khan R/o Par Hoti, Mohallah Noor Man  
Khel, Tehsil & District Mardan.....Appellant

**V E R S U S**

1. Govt of KPK  
Through Inspector General of Prison, Khyber  
Pakhtunkhwa, Peshawar
2. Superintendent High Security Prison, Mardan.

.....RESPONDENTS

APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT, 1974  
AGAINST THE IMPUGNED ORDER DATED 26/10/2016 OF  
RESPONDENT NO.2, WHEREBY THE APPELLANT HAS BEEN  
DISMISSED/ REMOVED FROM HIS SERVICE AND  
DEPARTMENTAL APPEAL OF THE APPELLANT WAS ALSO  
DISMISSED.

  
**ATTESTED**

Prayer in Appeal:

On acceptance of this service appeal, the impugned  
order dated 26/10/2016, passed by respondent No. 2  
may kindly be set aside and the appellant may please  
be reinstated in service with all back benefits.

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(10)

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**Respectfully Sheweth:**

Brief facts giving rise to the appeal are as under:

1. That the appellant was appointed as Beshti BPS-01 by respondent No 2 in District Jail, Mardan. (Copy of. (Copy of appointment order dated 19/08/2014 is Annexure "A").
2. That the appellant order suddenly received a show cause notice dated 24/10/2016 from respondent No 2 wherein contain allegations i.e. absent from duty of 19 days were leveled against the appellant were made. (Copy of show cause notice is attached as annexure "B").
3. That the appellant submitted reply to the explaining the correct legal position with the request to withdraw the said show cause notice.
4. That the respondent No 2 vide letter dated 26/10/2016 appellant was dismissed from service. (Copy of order is attached as annexure "C").
5. That the appellant submitted a departmental representative to the respondent No 1 as against the aforementioned dismissal order of the appellant.

  
**ATTESTED**

9      11

(Copy departmental representative is attached as annexure "D").

6. That the respondent No 1 failed to adjudicate upon the representative appeal of the appellant of the appellant with observation being time barred.
7. That feeling aggrieved from above referred order of respondent No. 2, the appellant assails these order before this Honourable Tribunal, inter alia, on the following grounds:-

**GROUND S:**

- A. That the order dated 26/10/2016 of respondents No. 2, is against law, facts and record of the case, hence liable to be set aside.
- B. That the allegations leveled against the appellant are general in nature and to proceed him on the basis of vague allegations, is against the principles of administration of justice, the said order are illegal, without lawful authority and jurisdiction, hence liable to be struck down.
- C. That the appellant was never provided an opportunity of hearing of being heard, so, the respondents have violated golden principles of natural justice "No one should be condemned unheard"

*JS*  
**ATTESTED**

- 10
- (22)
- bx
- 
- D. That impugned order dated 26/10/2016 passed by respondents No. 2 in a slipshod manner and is based on assumptions & presumptions, arbitrary and is not sustainable in the eyes of law.
- E. That order passed by respondents No. 2 is not speaking order, passed without assigning any cogent reasons, so, it cannot be termed by no stretch of imagination to be a speaking order.
- F. That appellant has not been provided an opportunity to explain his position with regarded to the charges leveled against him during the inquiry proceedings, so, he was condemned unheard.
- G. That impugned order is arbitrary, capricious and not maintainable and is the result of misreading and non-reading evidence, hence liable to be set aside.
- H. That impugned order is result of malafide of respondents, which is so evident that respondents are not providing record of inquiry to the appellant, which is also against the natural justice.
- I. That appellant belongs to a poor family, low-scale employee, jobless since his termination from service and is sole bread-earner of his entire family. He is not

ATTESTED

11. 30/15  
engaged in any profitable activity for earning butter & bread, so, his dismissal in such circumstances, is against the rights of fundamental enshrined in Constitution of Islamic Republic of Pakistan, 1973.

J. That any other ground may be adduced during the course of arguments, with the kind permission of this Honourable Tribunal.

It is, therefore, most humbly prayed that on acceptance of this appeal, the impugned order dated 26/10/2016, passed by respondent No. 2 may kindly be set aside and the appellant may please be reinstated in service with all back benefits.

**AND**

Any other relief which may be deemed proper in circumstances of the case may also be granted in favour of the appellant.

Appellant

Through

**Gul Hussain Khilji**  
Advocates High Court

Date: 14/04/2017

*Atte*  
**ATTESTED**

12      14

BEFORE THE SERVICES TRIBUNAL, KPK, PESHAWAR

Service Appeal No. \_\_\_\_\_/2017

Akhtar Ali.....Appellant


**VERSUS**

Govt of KPK and others.....Respondents

**AFFIDAVIT**

I, Gul Hussain Khilji, Advocate, Peshawar, as per instructions of my client, do hereby solemnly affirm and declare that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

DEPONENT

  
**ATTESTED**

13

13

BEFORE THE SERVICES TRIBUNAL, KPK, PESHAWAR

Service Appeal No. \_\_\_\_\_/2017

Akhtar Ali.....Appellant

**VERSUS**

Govt of KPK and others.....Respondents

ADDRESSES OF PARTIES

APPELLANT

Akhtar Ali S/o Roidad Khan R/o Par Hoti, Mohallah Noor Man  
Khel, Tehsil & District Mardan

RESPONDENTS

1. Govt of KPK  
Through Inspector General of Prison, / Khyber  
Pakhtunkhwa, Peshawar
2. Superintendent High Security Prison, Mardan.

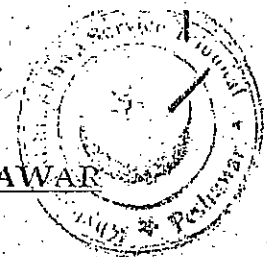
Through Appellant

**Gul Hussain Khilji**  
Advocates High Court

Date: 14/04/2017

  
**ATTESTED**





BEFORE THE SERVICES TRIBUNAL, KPK, PESHAWAR

Khyber Pakhtunkhwa  
Service Tribunal

Service Appeal No. 403 /2017

Diary No. 390

Dated 14-4-2017

Akhtar Ali S/o Roidad Khan R/o Par Hoti, Mohallah Noor Man  
Khel, Tehsil & District Mardan..... Appellant

**VERSUS**

1. Govt of KPK  
Through Inspector General of Prison, Khyber  
Pakhtunkhwa, Peshawar.

2. Superintendent High Security Prison, Mardan.

RESPONDENTS

APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT, 1974  
AGAINST THE IMPUGNED ORDER DATED 26/10/2016 OF  
RESPONDENT NO. 2, WHEREBY THE APPELLANT HAS BEEN  
DISMISSED/ REMOVED FROM HIS SERVICE AND  
DEPARTMENTAL APPEAL OF THE APPELLANT WAS ALSO  
DISMISSED.

Prayer in Appeal:

Filed to-day  
Registrar

On acceptance of this service appeal, the impugned  
order dated 26/10/2016, passed by respondent No. 2  
may kindly be set aside and the appellant may please  
be reinstated in service with all back benefits.

Re-submitted to  
and filed.

Regi

5/4/17

RECEIVED  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Service Appeal No.403/2017

Date of Institution ..... 14.04.2017  
Date of Decision ..... 17.09.2021

Akhtar Ali S/O Roidad Khan R/O Par Hoti, Mohallah Noor Man  
Khel, Tehsil & District Mardan.

(Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Inspector General  
of Prison, Khyber Pakhtunkhwa Peshawar and one another.

(Respondents)

Akhtar Ali, ..... Pro se.


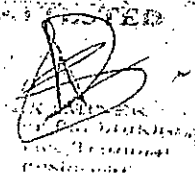
Asif Masood Ali Shah,  
Deputy District Attorney ..... For respondents.

AHMAD SULTAN TAREEN ..... CHAIRMAN  
ROZINA REHMAN ..... MEMBER (J)

JUDGMENT

ROZINA REHMAN, MEMBER (J): The relevant facts leading to filing  
of instant appeal are that appellant was appointed as Beheshti in  
District Jail, Mardan. He received a show cause notice, wherein,  
allegations of absence from duty were leveled. He submitted reply  
and lastly he was dismissed from service. He submitted departmental  
appeal which was also dismissed, hence, the present service appeal.

2. We have heard appellant and Asif Masood Ali Shah learned  
D.D.A for the respondents and have gone through the record and the  
proceedings of the case in minute particulars.

3. It has been contended by the appellant that the order of dismissal is against law and facts and that he was never provided an opportunity of hearing and the golden principle of natural justice was violated by the respondents. He submitted that major penalty of dismissal from service cannot be awarded for the allegation of willful absence and that the order is arbitrary, capricious and the result of malafide of the respondents and lastly, he submitted that no inquiry was conducted and he was not afforded any opportunity of defense.

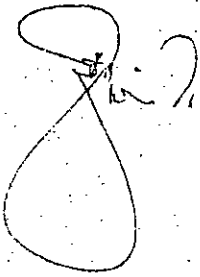
4. Conversely learned D.D.A submitted that appellant was served with a show cause notice when he reported for duty after a willful and unauthorized absence of 19 days w.e.f 05.10.2016 to 24.10.2016. He submitted that the absence without permission of the authority amounts to gross misconduct, therefore, he was rightly dismissed from service.

5. Perusal of record would reveal that appellant was appointed as Baheshti (B.P.S-01) who was attached to High Security Prison Mardan and was proceeded against departmentally for willful absence. In this regard, show cause notice was issued which shows that inquiry was dispensed with and he was proceeded against departmentally for willful absence. He was also charged for habitual absence. There are two different eventualities provided under the scope of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 1974 relating to the absence. For the first eventuality, Rule-3 of the said rules enumerating the grounds for the proceedings including among them one in Clause (d) of Rule-3 as being guilty of habitually sending himself from duty without prior approval of leave while the



17

other eventuality comes under rule-9 of the Rules ibid regarding willful absence. Procedure as provided in Rules ibid is totally different from each of the said eventualities. Habitual absence is to be dealt under discretion of the competent authority within the meaning of Rule-5 and Rule-7 of the Rules ibid while in case of willful absence, there is self contained procedure in Rule-9 of the Rules. Accordingly willful absence from duty of a Government servant for Seven days or more days is to be followed by a notice issued by the competent authority through registered acknowledgement on his home address directing him to resume duty within 15 days of issuance of notice. If the same is received back as undelivered or no response is received from absentee within the stipulated time, a notice shall be published in at least two leading newspapers directing him to resume duty within 15 days of the publication of that notice, following which an ex-parte decision shall be taken against the absentee. On expiry of the stipulated time given in the notice, major penalty of removal from service may be imposed upon such Government servant. Within the given scope of Rule-9, the Government servant become liable for disciplinary action after seven days of his willful absence. If he in pursuance to the lawful process provided under the said Rules does not come up to explain the reasons of his absence, the ex-parte decision against him is the requirement of law irrespective of any factual position under which he absented himself from attendance of the duty. What the Tribunal has to see in this case is that whether the penalty had followed the procedure provided under Rule-9 of the Khyber Pakhktunkhwa Government Servants (Efficiency & Discipline)




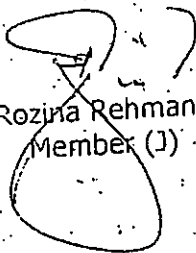

Secretary  
Khyber Pakhtunkhwa  
Government Servants  
(Efficiency & Discipline)

18 127  
Rules, 2011 or not. Coming to the facts of the case, the appellant was dismissed from service by the impugned order dated 26.10.2016, wherein, there is no reference as to the conduct of proceedings within the meaning of Rule-9 of the E&D Rules, 2011 while the said order has been passed on purported proof of charge of willful absence from duty.

6. As a sequel to above, this appeal is allowed, impugned orders are set aside and appellant is reinstated in service from the date of his dismissal from service. The entire period is treated as leave of the kind due. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.  
17.09.2021

  
(Ahmad Sultan Tareen)  
Chairman

  
(Rozina Rehman)  
Member (J)

Certified to be true copy

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Islamabad

Date of Preparation of copy 27-9-2021  
2000

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Date of presentation of copy 27-9-2021  
Date of delivery of copy 27-9-2021



BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR

19

AA9



Implementation Petition No 86 /2023

Service Appeal No: 403/2017

Akhtar Ali S/O Roidad Khan R/O Par Hoti, Mohallah Noor Man Khel,  
District Mardan.

(Appellant)

Versus

1. Govt of , KPK Through Inspector General of Prison, Khyber Pakhtunkhwa, Peshawar.
2. Superintendent High Security prison, Mardan.

(Respondents)

EXECUTION PETITION FOR THE IMPLEMENTATION OF  
ORDER / JUDGMENT DATED 17-09-2021 PASSED BY THIS  
HONORABLE TRIBUNAL ABOVE TITLED SERVICE APPEAL

Respectfully Sheweth:

1. That the appellant earlier filed service Appeal No 403/2017 for restraining respondents from reinstatement in Service from the date of his dismissal from service and the entire period is treated as leave of the kind due, which was allowed by this honorable Tribunal KPK, Peshawar Dated 17-09-2021.
2. That the appellant time to time again approached respondents for the implementation in its true spirit of the judgment of this honorable Tribunal KPK, Peshawar, but no use and the appellant has not reinstated in Service from the date of his dismissal from service and the entire period is treated as leave of the kind due, as per the judgment.

**ATTESTED**

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

10.05.2023

E.P. No. 86/2023  
AKhtar Ali vs Govt 20

Petitioner present through counsel.



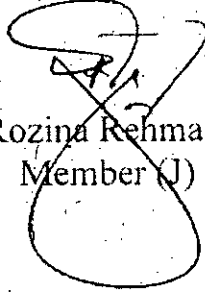
Asad Ali Khan, learned Assistant Advocate General

respondents present.

At the very outset order dated 12.04.2023 was produced vide which reinstatement order in respect of the petitioner by treating the intervening period as leave of the kind due, has been issued. Grievance of the petitioner has been redressed.

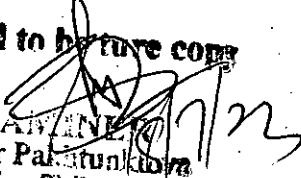
As the grievances of the petitioner have been redressed, therefore, instant execution proceedings stand filed being fully satisfied. No order as to costs.

Announced  
10.05.2023

  
(Rozina Rehman)  
Member (J)

\*Muazem Shah\*

Certified to be true copy

  
EXAMINED  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Presentation of Application 18/7/23  
Number of Words page 4  
Copying Fee 20/-  
Urgent STP  
Total 25/-  
Name of Copyist Shahzad  
Date of Completion of Copy 18/7/23  
Date of Delivery of Copy 18/7/23

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(21)

30 That the respondents are not ready to implement the judgment of this honorable Tribunal in its true spirit for no legal and valid reasons, this act of the respondents is unlawful, unconstitutional and goes against the judgment dated 17-09-2021 of honorable Tribunal.

It therefore prayed, that on acceptance of this Execution petition /application respondents may kindly be directed to implement the judgment of this honorable Tribunal Dated 17-09-2021 passed in service Appeal No 403/2021.

Dated : \_\_\_\_\_ /02/2023

*[Handwritten signature]*  
*[Handwritten signature]*

Appellant

Through

**GULHUSSAIN KHELJI**

Advocate,

**Peshawar High Court Peshawar.**

**AFFIDAVIT**

I Akhtar Ali S/O Roidad Khan R/O Par Hoti, Mohallah Noor Man Khel, District Mardan, do hereby Solemnly affirm and declare on oath that the contents of the accompanying Implementation Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.



*[Handwritten signature]*

DEPONENT

16/2/23 Certified to be true copy

**EXAMINER**  
**Khyber Pakhtunkhwa**  
**Service Tribunal**  
**Peshawar**



BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR

Implementation Petition No. 86 /2023

Service Appeal No: 403/2017



Akhtar Ali S/O Roidad Khan R/O Par Hoti, Mohallah Noor Man Khel,  
District Mardan.

(Appellant)

Versus

1. Govt of, KPK Through Inspector General of Prison, Khyber Pakhtunkhwa,  
Peshawar.
2. Superintendent High Security prison, Mardan.

(Respondents)

EXECUTION PETITION FOR THE IMPLEMENTATION OF  
ORDER/JUDGMENT DATED 17-09-2021 PASSED BY THIS  
HONORABLE TRIBUNAL ABOVE TITLED SERVICE APPEAL.

Respectfully Sheweth:

1. That the appellant earlier filed service Appeal No 403/2017 for restraining respondents from reinstatement in Service from the date of his dismissal from service and the entire period is treated as leave of the kind due, which was allowed by this honorable Tribunal KPK, Peshawar Dated 17-09-2021.
2. That the appellant, time to time again approached respondents for the implementation in its true spirit of the judgment of this honorable Tribunal KPK, Peshawar, but no use and the appellant has not reinstated in Service from the date of his dismissal from service and the entire period is treated as leave of the kind due, as per the judgment

Certified to be true copy  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

23



28<sup>th</sup> March, 2023

Counsel for the petitioner present. Mr. Fazal

Mohmand, Addl. AG alongwith Saleman, Law Instructor for the respondents present.

Representative of the respondents produced office order dated 09.10.2022 through which the petitioner has been reinstated with immediate effect which is not in line with the judgment of the Tribunal dated 17.09.2021. Placed on file. Learned AAG requested for time to reinstate the petitioner from the date of dismissal from service and submit revised order on the next date. Adjourned. To come up for compliance report on 10.05.2023. before the S.B. Parcha Peshi given to the parties.

(Fareeha Paul)  
Member(E)

Certified *[Signature]* true copy  
E.N. MAMER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Application 05/4/23  
Number of Words 27  
Copying Fee 10/-  
Urgent 8/12  
Total 15/-  
Name of \_\_\_\_\_  
Date of Completion 05/4/23  
Date of Delivery of Copy 05/4/23



95  
OFFICE OF THE  
SUPERINTENDENT  
CENTRAL PRISON MARDAN  
Phone/Fax: 0937-843114  
Email: [mardanjail@gmail.com](mailto:mardanjail@gmail.com)

No. \_\_\_\_\_ Dated: 12/4/2023

CP Mardan CP Mardan

**OFFICE ORDER/CORRIGENDUM:-**

In the light of Honourable Khyber Pakhtunkhwa Service Tribunal Peshawar vide Judgment dated 17-09-2021, In partial modification of this office order No. 9008-13 dated 09-10-2022, the date of re-instatement into service in respect of Mr. Akhtar Ali, (Ex-Behishti) presently attached to this jail as Drummer (BPS-03) is considered from the date of dismissal from service i.e **26-10-2016** and the intervening period is treated as leave of kind due.

SUPERINTENDENT  
CENTRAL PRISON MARDAN

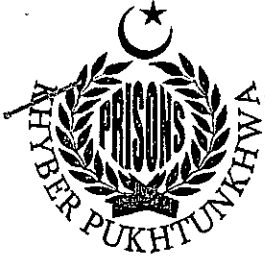
Endorsement No: 2880-861-

Copy of the above is forwarded to:-

1. The Worthy Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar for information with reference to his letter No.14491-WE dated 11-04-2023, please.
2. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar for information with reference to above, please
3. The Additional Advocate General Khyber Pakhtunkhwa Service Tribunal Peshawar, for information please.
4. The Deputy Inspector General, Regional Prison Office Mardan for information please.
5. District Account Office Mardan, for information and necessary action please.
6. Incharge Pay Branch, Central Prison Mardan for information and necessary action, please.
7. Official Concerned.

SUPERINTENDENT  
CENTRAL PRISON MARDAN

ATTESTED



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(P)

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

No. 8631 Dated: 05/06/2023

CP Mardan CP Mardan

To  
The District Comptroller,  
Mardan.


Subject:- **GUIDANCE REGARDING PAYMENT OF ARREARS AS LEAVE OF KIND DUE IN RESPECT OF AKHTAR ALI, DRUMMER OF THIS JAIL.**

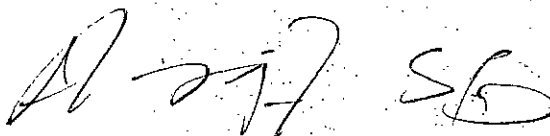
Memo,

It is submitted that in the light of Khyber Pakhtunkhwa Service Tribunal Peshawar Judgement dated 17-09-2021 in Service Appeal No. 403/2017 titled Akhtar Ali V/S Inspector General of Prisons Khyber Pakhtunkhwa Peshawar and others (copy enclosed), wherein the Honourable Court has passed the Judgement in the favour of petitioner Mr. Akhtar Ali with the orders that "the impugned orders are set aside and appellant is reinstated into service from the date of his dismissal from service. The entire period is treated as leave of kind due"

In this connection, this office may kindly be guided whether the petitioner is entitled for all the allowances (Conveyance, Prison Allowance) for the said period and also guide this office whether leave of kind due will be treated as full salary of entire period from the date of dismissal from service i.e 26-10-2016 to 17-09-2021 or otherwise please.

DAO  
6.6.23

  
SUPERINTENDENT  
CENTRAL PRISON MARDAN



  
ATTESTED



(09) 26 96

**Office of the  
DISTRICT COMPTROLLER of ACCOUNTS  
MARDAN**

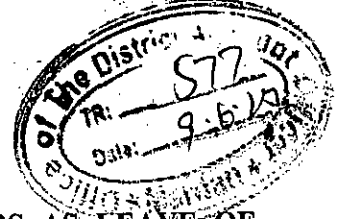
Ph/Fax # 0937-9230066

No. DCA/MR/Admin/2022-23/DDO's/ 302

Dated: 08-6-2023

To

The Superintendent,  
Central Prison Mardan.



Subject:

**GUIDANCE REGARDING PAYMENT OF ARREARS AS LEAVE OF  
KIND DUE IN RESPECT OF AKHTAR ALI DRUMMER OF YOUR JAIL.**

Memo:

Your letter No. 8631 Dated:05/6/2023 on the above noted subject. (attached)

It is stated that in such a scenario i.e. leave of kind due means the appointing authority has the discretionary powers to sanction leave with Full Pay, On Half Pay Or Leave Without Pay i.e. Extra Ordinary Leave (EOL) from his leave balance. The Payment will be made from Leave Salary Head A05825 only with other usual allowance except Conveyance Allowance subject to availability of leave salary budget at your office.

  
District Comptroller of Account  
Mardan

  
**ATTESTED**



Annex D

27

(18)

OFFICE OF THE SUPERINTENDENT CENTRAL PRISON  
MARDAN


No. 9008 /Dated: 09/10/2022 E-Mail: mardanjail@gmail.com, 0937-843114

**OFFICE ORDER**

In compliance of the Worthy Inspector General of Prisons Khyber Pakhtunkhwa Peshawar, letter No.33895-96-WE dated 05-10-2022, Khyber Pakhtunkhwa Service Tribunal Judgment dated 17-09-2021, and Finance Department Letter No.BO-III/FD/4-6/SNEs/Prison/2021-22 dated 16-08-2022.

Mr. Akhtar Ali S/O Roidad Khan (Ex-Beheshti) is hereby Re-instate into service with immediate effect, and he is adjusted against the vacant post of Drummer BPS-03. The entire period is treated as leave of the due kind.


Furthermore, the post of Beheshti is abolished from this Jail, due to dying cadre as per direction of Finance Department letter No.BO-1/FD/5-17/2020-21 dated 26-05-2021.

  
SUPERINTENDENT  
CENTRAL PRISON MARDAN

Endst: No. 9009-13 /Dated: 09/10/2022.

Copy of the above is forwarded to:-

1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information with reference, referred to above, please.
2. The District Accounts officer Mardan for information with the request that the position of beheshti shall be deleted from SAP system, as per direction of Finance Department letter No. BO/1FD-17/2020-21 dated 25-05-2021, please.
3. The Office Superintendent Central Prison Mardan, for information and necessary action, please.
4. Incharge Pay Branch, for information and necessary action please.
5. Mr. Akhtar Ali S/O Roidad Khan, C/O Office Superintendent Central Prison Mardan.

  
SUPERINTENDENT  
CENTRAL PRISON MARDAN

  
ATTESTED

کھواہا اب اسپیڈ جنرل آف پولیس چیئرمین خٹون خواہ

(28) درخواست مراد دار دسی سائل اگنڈا علی ولد دویدار خان

سائن مردان

سائل حسب ذیل درج ہیں اسباب سے -

حق - سائل ؟

(1) یہ کہ سائل حکم جیل فائر جات میں ملازم سے ملے اور  
مورخ اپیل نمبر 403 کو دسمبر سے آگے لیکن عدالت کا حکم  
سروس ریسیوٹل نے مورخ 21-09-2017 کو بحال کر دیا

(2) یہ کہ سائل نے جب اہدائے کیے اپیل مورخ 21-03-2017  
عدالت کے حکم پر حکم کو نوٹیشن سے 10-05-2017  
کو حکم سے آگے بحال نہ ہو۔ ایسٹریڈ کو بحال کرنا  
اس کے ساری فریڈم دی ہے  
لف درخواست Order کورٹ سے -

بہ اللہ تعالیٰ کہ سائل کو بحال کیا جائے لیکن سائل  
سائل کے چھوٹے بچے ہیں اور کوئی سارا کچھ نہ ہے۔

161015615265-9  
13/10/2017

دوام  
علی ولد دویدار خان سائن مردان  
Mobile 0301-8304162  
Dramex





دو کالت نامہ

بعدالت پٹنر سروس ٹریڈنگ پرائیویٹ لمیٹڈ

بعلیغ۔

30

Petitioner: منجانب۔

مقدمہ: فوجداری ادویاتی آرٹ پٹیشن اپیل

علت: مورخہ 05/08/2023

بنام حکومت

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ آن مقام پٹنر کیلئے

گل حسین خلیجی ایڈووکیٹ ہائی کورٹ پٹنر اور مقرر کر کے اقرار کیا جاتا ہے کہ صاحب

موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دیے جواب

دعویٰ اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک دروپہ اور عرضی دعویٰ اور درخواست بر قسم کی تصدیق زرائیں پر

دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیردا کرانے اپیل نگرانی و پیروی

کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا

اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پروا ختم

منظور قبول ہوگا دوران مقدمہ میں جو خرچہ و ہرجا نہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر

ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکورہ کریں۔

لہذا دو کالت نامہ لکھ دیا تاکہ سند رہے۔

المرقوم:- 09 ماہ اگست 2023ء

بمقام پٹنر

العبد

Handwritten signature

العبد

Attested & Accepted

ATTESTED

Gul Hussain Khilji

Advocate High Court

BC No:- 11-1566

CNIC 17301-6348319-9

Cell 0345-9200865 (Whatsapp)/0337-9200565

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