


Sr. No	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	09.07.2019	<p style="text-align: center;"><b><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u></b>  <b>Service Appeal No. 735/2015</b></p> <p style="text-align: center;">Date of Institution ..... 05.06.2015  Date of Decision ..... 09.07.2019</p> <p>Mr. Jangrez Khan, Assistant Superintendent Incharge Judicial Lockup, Tank.</p> <p style="text-align: right;"><b>Appellant</b></p> <p style="text-align: center;"><b>Versus</b></p> <ol style="list-style-type: none"> <li>1. The Secretary Home &amp; Tribal Affair Department, Government of Khyber Pakhtunkhwa Peshawar.</li> <li>2. The Inspector General (Prison), Khyber Pakhtunkhwa Peshawar.</li> <li>3. The Superintendent (Prison), HQ, Peshawar.</li> <li>4. The Superintendent (Central) Prison, Bannu.</li> </ol> <p style="text-align: right;"><b>Respondents</b></p> <p>Mr. Muhammad Hamid Mughal-----Member(J)  Mr. Ahmad Hassan-----Member(E)</p> <p style="text-align: center;"><b><u>JUDGMENT</u></b>  <b><u>MUHAMMAD HAMID MUGHAL, MEMBER:</u></b> Learned counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney present.</p> <p>2. The appellant has filed the present service appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 16.02.2015 whereby he was awarded major penalty of reduction from the post of Senior Assistant Superintendent Jail to lower post of Assistant Superintendent Jail (BPS-14) for a period of</p>


  
09.07.2019

five (05) years. The appellant has also assailed the order dated 17.04.2015 through which his departmental appeal against the original impugned order was rejected.

3. Learned counsel for the appellant argued that the appellant joined the respondent department in the year 1978 ; that the death of son of the appellant in terrorist attack during training at Lahore, deranged the entire family; that various ailment inflicted the appellant and the appellant could not perform his duties for some period; that the absence of the appellant was not intentionally but due to illness and for that too the appellant properly submitted application with medical prescriptions; that the punishment order was issued without considering the genuine reason due to which the appellant could not attend his duties; that the appellant has reasonable length of service at his credit and the impugned punishment order of imposing major punishment is otherwise extremely harsh and excessive.

4. As against that learned Deputy District argued that the appellant remained absent from duty and submitted some fake/bogus medical certificates to justify his absence, for which he was rightly awarded punishment.


5. Arguments heard. File perused.

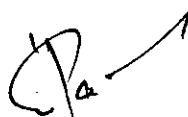
6. Gist of the case of the respondent department against the appellant is that the appellant left the jail premises on 22.03.2013 and proceeded to home without permission of the competent authority and when the appellant was served with notice, he

9.7.2019

submitted medical certificates justifying his absence from 22.03.2013 to 18.08.2013 (150 days) and upon verification it was a period containing 75 days for which the appellant produced fake/bogus medical certificates.

7. There is no denial to the fact that the appellant has considerable length of service at his credit and is about to retire in the near future. Consequently while keeping in view the length of service of the appellant, for the purpose of safe administration of justice, the impugned major punishment is modified and converted into minor penalty of forfeiture of three (03) annual increments for a period of three (03) years. Absence period of 75 days as mentioned in the original impugned order dated 16.02.2015 shall be treated as leave without pay. The present appeal is accepted in the above noted terms. Parties are left to bear their own costs. File be consigned to the record room.

  
(Ahmad Hassan)  
Member

  
(Muhammad Hamid Mughal)  
Member

ANNOUNCED  
09.07.2019

22.04.2019

Counsel for the appellant and Asstt. AG alongwith Mr. Junaid Assistant for the respondents present.

Learned counsel for the appellant requests for adjournment as he could not prepare brief of instant matter due to over work before this Tribunal.

Adjourned to 09.07.2019 for arguments before the D.B.



Member



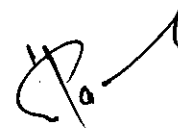
Chairman

09.07.2019

Learned counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney present. Vide separate judgment of today of this Tribunal, the impugned major punishment is modified and converted into minor penalty of forfeiture of three (03) annual increments for a period of three (03) years. Absence period of 75 days as mentioned in the original impugned order dated 16.02.2015 shall be treated as leave without pay. The present appeal is accepted in the above noted terms. Parties are left to bear their own costs. File be consigned to the record room.



(Ahmad Hassan)  
Member

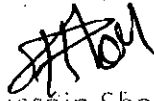


(Muhammad Hamid Mughal)  
Member

ANNOUNCED  
09.07.2019

10.09.2018

Counsel for the appellant and Mr. Riaz Khan Paindakhel learned Assistant AG for the respondent present. Learned counsel for the appellant seeks adjournment. Adjourned To come for arguments on 31.10.2018 before D.B.

  
(Hussain Shah)  
Member

  
(Muhammad Hamid Mughal)  
Member

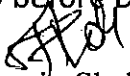
31.10.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 18.12.2018.

  
READER

18.12.2018


Junior counsel for the appellant Mr. Taimur Ali, Advocate present. Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Junaid, Assistant for the respondents present. Junior counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant is busy in the Hon'ble Peshawar High Court. Adjourned. To come up for arguments on 08.02.2019 before D.B.


  
(Hussain Shah)  
Member

  
(Muhammad Amin Khan Kundi)  
Member

08.02.2019

Counsel for the appellant present. Mr. Ziaullah, DDA for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 22.04.2019 before D.B.

  
(Ahmad Hassan)  
Member

  
(M. Amin Khan Kundi)  
Member

26.01.2018

Clerk of the counsel for appellant present. Mr. Riaz Paindakhel, Assistant AG for the respondents present. Clerk of the counsel for appellant seeks adjournment as his senior counsel is not attendance today. Adjourned. To come up for arguments on 02.04.2018 before D.B.


  
Member

  
Chairman

02.04.2018


Clerk to counsel for the appellant and Mr. Zia Ullah, learned Deputy District Attorney for the respondents present. Due to general strike of the bar, the case is adjourned. To come up for arguments on 01.06.2018 before D.B.


  
(Ahmad Hassan)  
Member

  
(Muhammad Hamid Mughal)  
Member

01.06.2018

Junior to counsel for the appellant and Mr. Zia Ullah, learned Deputy District Attorney present. Junior to counsel for the appellant seeks adjournment as Learned counsel for the appellant is not in attendance. Adjourned. To come up for arguments on 17.07.2018 before D.B.

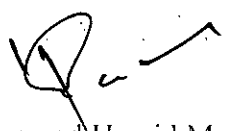
  
(Muhammad Amin Kundi)  
Member

  
(Muhammad Hamid Mughal)  
Member

17.07.2018

Junior to counsel for the appellant and Mr. Zia Ullah, learned Deputy District Attorney alongwith Mr. Junaid Assistant for the respondents present. Junior to counsel for the appellant seeks adjournment as senior counsel is not in attendance. Adjourned. To come up for arguments on 10.09.2018 before D.B.

  
(Ahmad Hassan)  
Member

  
(Muhammad Hamid Mughal)  
Member

06.01.2017


Counsel for the appellant and Mr. Sheharyar Khan, ASJ alongwith Mr. Ziaullah, GP for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for argument on 25.05.2017 before D.B.

  
(ASHFAQUE TAJ)  
MEMBER

  
(MUHAMMAD AAMIR NAZIR)  
MEMBER

25.05.2017


Counsel for the appellant present. Mr. Kabirullah Khattak, Assistant AG for the respondents also present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 12.09.2017 before D.B.

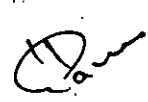
  
(GUL ZEB KHAN)  
MEMBER

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

12.09.2017

Counsel for the appellant and Mr. Ziaullah, DDA alongwith Mr. Sohrab Khan, H.C for the respondents present. Learned Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 01.12.2017 before D.B.

  
Member  
(Executive)

  
Member  
(Judicial)

01.12.2017

Since 1<sup>st</sup> December, 2017 has been declared as Public Holiday on account of Rabbi-ul-Awal. To come up for arguments on 26.01.2018 before the D.B.

  
Reader

735/2015

26.4.2016

Counsel for the appellant and Addl. AG for the respondents present. Written reply not submitted despite last opportunity. Requested for further adjournment. Last opportunity extended subject to payment of cost of Rs. 1000/- which shall be borne by the respondents from their own pockets. To come up for written reply/comment and cost on 23.06.2016 before S.B.

  
Chairman

23.06.2016

Appellant with counsel and Mr. Shehryar Khan, ASJ alongwith Additional AG for respondents present. Written reply on behalf of respondents No. 1 to 4 submitted. Cost of Rs. 1000/- paid by the respondents and receipt thereof obtained from appellant. The appeal may be placed before D.B for rejoinder and final hearing for 05.10.2016. The Chairman may assign the appeal to appropriate D.B.

  
MEMBER

05.10.2016

Counsel for the appellant and Addl. AG alongwith Mr. Shehryar Khan, ASJ for respondents present. Rejoinder submitted. To come up for arguments on 06.01.2017.

  
(M. AAMIR NAZIR)  
(MEMBER)

  
(PIR BAKHSH SHAH)  
MEMBER



29.07.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Assistant Superintendent Jail when subjected to inquiry on the ground of wilful absence and vide impugned order dated 16.2.2015 reduced to lower rank for a period of five years regarding which appellant preferred departmental appeal on 12.3.2015 which was rejected on 17.4.2014, communicated to the appellant on 7.5.2015 and hence the instant service appeal on 5.6.2015.

That the absence of the appellant was not wilful and no final show cause notice was issued to the appellant and, moreover, evidence ailment of appellant was not taken into account during the inquiry proceedings.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 27.10.2015 before S.B.

  
Chairman

Appellant Deposited  
Security & Process Fee

27.10.2015

Counsel for the appellant present. Security and process fee not deposited. Requested for further time. The same be deposited within a week where-after notices be issued to the respondents for written reply/comments for 10.2.2016 before S.B.

  
Chairman

10.02.2016

Counsel for the appellant and Mr. Sheharyar Khan, ASJ alongwith Addl: A.G for respondents present. Written reply not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 26.4.2016 before S.B.




  
Chairman

## Form- A

## FORM OF ORDER SHEET

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

Case No. 735/2015


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	01.07.2015	<p>The appeal of Mr. Jangrez Khan resubmitted today by Mr. Muhammad Asif Yousafzai Advocate, may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	2-7-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>3-7-2015</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
3	03.07.2015	<p>None present for appellant. The appeal be relisted for preliminary hearing for 29.7.2015 before S.B.</p> <p style="text-align: right;"> Chairman</p>

The appeal of Mr. Jangrez Khan Assistant Superintendent In-charge Judicial Lockup Tank received today i.e. on 05.06.2015 is incomplete on the following scores which is returned to the counsel for the appellants for completion and resubmission within 15 days.

- 1- In the memo of appeal many places have been left blank which may be filled in.
- 2- Copy of Statement of allegations mentioned in para-3 of the memo of appeal is not attached with the appeal which may be placed on it.
- 3- Annexures of the appeal may be attested.
- 4- Six more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 881 /S.T,

Dt. 05/6 /2015

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. M. Asif Yousafzai Adv. Pesh.

Sir,

1. removed.
2. NO<sup>2</sup> available now, will be produced at the time of hearing.
3. removed.
4. removed.

Re-submitted  
Asif

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. 735 /2015

Mr. Jangrez Khan

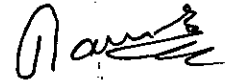
V/S

Secretary Home, KPK etc.

**INDEX**

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of Appeal	-----	1-4
2.	Copy of Medical Prescription	A	5-15
3.	Copy of Charge Sheet	B	16
4.	Copy of Reply	C	17-18
6.	Copy of Order (16.2.2015)	D	19
7.	Copy of Appeal	E	20-21
8.	Copy of Rejection Order	F	22
10.	Vakalat Nama	----	23

APPELLANT  
Jangrez Khan



THROUGH:



(M.ASIF YOUSAFZAI)  
ADVOCATE HIGH COURT  
PESHAWAR.



(TAIMUR ALI KHAN)  
ADVOCATES, PESHAWAR

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. 735 /2015

K.P. Province  
Service Tribunal  
Diary No. 65  
Dated 05-6-2015

Mr. Jangrez Khan,  
Assistant Superintendent,  
Incharge Judicial Lockup, Tank.

**(APPELLANT)**

VERSUS

1. The Secretary, Home & Tribal Affair Department, Government of KPK, Civil Secretariat, Peshawar.
2. The Inspector General (Prison), KPK, Peshawar.
3. The Superintendent (Prison), HQ, Peshawar.
4. The Superintendent (Central) Prison, Bannu.

**(RESPONDENTS)**

.....

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 17.4.2015 RECEIVED BY APPELLANT ON 7.5.2015 WHEREBY THE APPEAL AGAINST THE ORDER DATED 16.2.2015 HAS BEEN REJECTED WHEREIN THE APPELLANT WAS REVERTED TO LOWER POST FOR 3 YEARS.

**PRAYER:**

.....

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 17.4.2015 AND 16.2.2015 MAY BE SET ASIDE AND THE APPELLANT MAY BE RESTORED TO HIS RANK AND POST WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT, MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

Filed to day  
Registrar  
5/6/15

re-submitted to day  
and filed.

Registrar  
11/7/15

.....

**RESPECTFULLY SHEWETH:**

**FACTS:**

1. That the appellant joined the respondent department in the year 1978 and with the passage of time the appellant promoted upto BPS-16 grade.
2. That due to the death of son of the appellant in a terrorist in Central Lahore, the appellant was unable to perform his duty and properly submitted medical prescription to the concerned authority for the period mentioned in the application. Copy of Medical Prescription are attached as Annexure-A.
3. That on the basis of above, the appellant was charge-sheeted for willful absence of 75 days mentioned in the charge sheet. The appellant submitted his reply to the charge sheet and denied all the allegations against him with the cogent proofs and reasons. Copies of charge sheet and Statement of Allegations are attached as Annexure-B and C.
4. That then an enquiry at the back of appellant was conducted and without issuing any show-cause notice, the penalty of reduction of lower post for five (5) years was imposed upon the appellant vide order dated 16.2.2015. Copy of Order is attached as Annexure-D.
5. That against the impugned order, the appellant filed an appeal on 12.3.2015 which was rejected on 17.4.2015 and the appellant received the order of rejection on 7.5.2015, hence the present appeal on the following grounds amongst the others:

**GROUND:**

- A) That the impugned orders dated 17.4.2015 and 16.2.2015 are against the law, facts, norms of justice and material on record, therefore not tenable and liable to be set aside.

- B) That the appellant has not been treated according to law and rules and has been penalized for no fault on his part.
- C) That the enquiry was not conducted properly under E&D Rules and all the enquiry proceedings were carried out at the back of appellant without associating with enquiry proceedings or without allowing him to cross examine the witnesses against him, so much so, the medical prescriptions was not properly enquired by the enquiry officer/committee.
- D) That no show-cause notice was served by the authority before the imposing impugned penalty for appellant, thus, grieved illegality committed by the respondent department.
- E) That the inquiry officer has assumed for himself the status of authority by making "penalty specific" report dated 20.10.2014 against the intention of notification No.SOR-V(E&D)14, dated 28.3.2014, copy enclosed and his report is thus subjectively formulated when the reporting Medical officer of Mardan and Haripur had not been orally examined by the enquiry officer on oath which is a material irregularity on his report.
- F) That ailments once diagnosed by the competent medical professionals are continual infirmities and require continuous treatment and even in the absence of medical certificates, the ailment ensure and in such compulsive situation "the leave even not due" is permissible on compassionate grounds and such leave can be adjusted against future earned leave and the penalty thus imposed is not in accordance with rules of proportionality and lenient view may be the demand of law.
- G) That the absence was not intentional but due to illness of appellant and for that too he properly submitted application with medical prescription to the concerned authority in time.
- H) That the appellant has been condemned unheard and has not been treated according to law and rules.

I) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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

APPELLANT  
Jangrez Khan



THROUGH:

(M.ASIF YOUSAFZAI)  
ADVOCATE HIGH COURT  
PESHAWAR.



(TAIMUR ALI KHAN)  
ADVOCATES, PESHAWAR





A (5)

ROAD No 346 No. 1113

1901. Rest for

64 days -

18/11/13

To. C.W. in

Warrant of



64 days -

[Signature]

MO Bannu

ATTESTED

[Signature]

6

5/11

No, Rs, 5-

OUT-PATIENTS DEPARTMENT.

FACE VALUE RUPEES 5-

183

NAME ... محمد نواز ...

EARLY NO. ... 3586 ...

DATE ... 15-5-13 ...

1574/293

SEAS ... 40 ...

7/2 Tablets - 8 Tablets  
Epilepsy - 10 Tablets  
Meditation - 10 Tablets

Ch. dyspepsia

Tas. Nervin 40mg  
OT  
Tas. Nogerel  
OT

Tas. Librax  
Advised medical leave for 10  
week w/f 15/4/2013

GHQ HOSPITAL  
HARDAN

TESTED

[Signature]

7

363

No.

Rs. 5-

OUT-PATIENTS DEPARTMENT.

NAME

YEARLY NO

DATE

DISEASE

FACE VALUE RUPEES 5- PA

22/4/2013

Q. G. (case 2013)  
Q. G. (case 2013)  
3 R.P.  
Q. G. (case 2013)  
Q. G. (case 2013)

Countersigned

Medical Superintendent  
D.H.Q. Hospital Mardan

M. Nour  
M. Nour  
M. Nour

Not accepted for

Medical Officer  
D.H.Q. HOSPITAL  
MARDAN.

Handwritten notes in a vertical box, including "22/4/2013" and other illegible text.

5-2-13

ATTESTED

PATIENTS DEPARTMENT.

8

FACE VALUE RUPEES

61572073

PATIENT NO

DATE

DISEASE

Acute  
Hemolytic P/H

- 1) Lactate 500
- 2) Transaminase
- 3) C-peptide 15
- 4) No. of RBC

Acute onset

Amputation

Medication

Sub-Inspector  
HQ: Hosp: Marol

Not included - 2005

2005 1/11/11  
 1500 mg  
 5-7/11

Complete test for CD are well

5 - Medical Officer  
HQ: Hosp: Marol

21/10/11

Adv. Bed Rest at home for two weeks

Dr. Ehlsham Senar  
Medical Officer  
HQ: Marol

ATTESTED

[Signature]

9

339

Rs.5/-  
DHQ HOSPITAL HARIPUR  
OUT-PATIENTS DEPARTMENT

FACE VALUE RUPEES 5/-

NAME *Wojuo*  
YEARLY NO. 56431  
DATE 7-7-2013  
DISEASE \_\_\_\_\_

R  
Hemodial  
Bleeding  
Knee Joint pain  
Gastric pain  
P. Cam  
Transure  
LV

Sub. K. Ray  
Knee joint  
C.P.  
Hb  
cap. Tranexamin  
cap. RISK inj  
St. Varen inj  
Diysen post

ade bed rest for (07) days

*Dr. S. S. Akbar Khan*  
Distt. Orthopaedic Surgeon  
DHQ Hospital Haripur

ATTESTI  
*[Signature]*

341

10

Rs. 5/-

# DHQ HOSPITAL HARIPUR

OUT-PATIENTS DEPARTMENT

FACE VALUE RUPEES 5/-

NAME Ullas  
YEARLY NO. 58334  
DATE 14-7-2013  
DISEASE \_\_\_\_\_

Knee Joint Pain  
Hunched  
Chest Pain

Diabetes  
7-Risk  
7-Indic

Agam  
Wife of  
78 - Inflam  
cap - Zolbi  
S.P. Corona  
2012

Adm bed 8087 far 07 days

*Dr. Ali Abbas Khan*  
Distt: Orthopaedic Surgeon  
DHQ Hospital Haripur

Not Issued  
my medical certificate  
*Dr. Ali Abbas Khan*  
Distt: Orthopaedic Surgeon  
DHQ Hospital Haripur

Handwritten mark

ATTESTED

Signature

FOR INSP  
KHYBER

Signature

11

347

# DHQ HOSPITAL HARIPUR

Rs. 5/-

OUT-PATIENTS DEPARTMENT

FACE VALUE RUPEES 5/-

NAME S. S. S. S.

YEARLY NO. 60331

DATE 6-8-2013

DISEASE Rf

Knee joint pain

Swelling

Bleeding

Gastric pain

5 - Vom

3 - Reg

new  
Hbs  
HCV

sup-muscular

Fe-protein 580g

R. Intic

3p Dupheln

Adv bed rest for 57 days

*Dr. Ali Abbas Khan*  
Distt. Orthopaedic Surgeon  
DHQ Hospital Haripur

4 days

D.H.Q. Hospital Haripur

The Medical Certificate is not issued by me. Fake medical certificate.

*Dr. Ali Abbas Khan*

Dr. Ali Abbas Khan  
Distt. Orthopaedic Surgeon  
DHQ Hospital Haripur

ATTESTED

*[Signature]*

12

417

337

DHQ HOSPITAL HARIPUR  
OUT-PATIENTS DEPARTMENT

Rs. 5/-

FACE VALUE RUPEES 5/-

NAME U. S. Khan

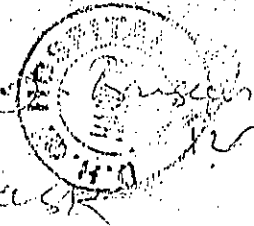
YEARLY NO. 37795

DATE 3-7-73

DISEASE Hemorrhoid

03/7/2013

Bleeding



(8)

Handwritten notes including:  
"Esophageal - Haste"  
"Adm. bed rest for 7-10 days"  
"X-ray low grade"  
"Exp. Ciprofloxacin"  
"Surgery"  
"Hemorrhoid"  
"Adm."   
"7-10 days"  
"low grade"

Dr. Mansoor Qasim  
Medical Officer  
D.H.Q Haripur

Junior Registrar  
Orthopaedic Unit  
D.H.Q Haripur

Certified that the above mentioned Prescription is fake.  
It doesn't bear my handwriting and seal stamped on it is a fake seal.

Dr. Mansoor Qasim  
MBBS, RMP  
D.H.Q Hospital  
Haripur

*[Handwritten signature]*

**ATTESTED**



535

(13) 4/15

Rs. 5/-  
DHQ HOSPITAL HARIPUR  
OUT-PATIENTS DEPARTMENT

NAME \_\_\_\_\_  
YEARLY NO. \_\_\_\_\_  
DATE \_\_\_\_\_  
DISEASE \_\_\_\_\_

FACE VALUE RUPEES 5/-

29/6/2013

Uremia  
Blurred vision  
Nausea

cap. Frusemide  
N. Veran  
hyp. lysavit

admission bed rest for  
3 days

Dr. Mansoor Qasim  
Medical Officer  
D.H.Q Haripur

Senior Registrar  
Orthopaedic Unit  
D.H.Q. Haripur

Certified that the above mentioned prescription is a fake document. It doesn't bear my handwriting and fake seal.

Dr. Mansoor Qasim  
MBBS, RMP  
DHQ Hospital  
Haripur

ATTESTED

MBBS, RMP  
DHQ Hospital  
Haripur

14

DHIS-02

# OUT DOOR PATIENT TICKET

District

Facility Name

Name

Father's/Husband's Name

Age

Sex

CRP No:

Monthly OPD Serial No. 82470

Provisional Diagnosis

Date 13-8-13

Admission  
D. Reg  
Amst  
CP. Esp  
Kb. Wv  
Urea RE

Clinical Findings / Investigations / Treatment / Referred / Test Findings  
Cough  
7-Tonsamin  
Pacstik

esp. Tonsamin  
esp. Corespom  
Pacstik  
bed rest  
16-8-13

Dr. Siddhar Khan  
M.B.B.S (OO)  
M.P.H. (S.U)  
Medical Officer  
D.H.Q. Hospital, Hapur  
79 days

accords IIS force prescription. It does not  
recons my hand writing and signature

23/07/2015

Dr. Siddhar

ATTESTED

Inspector  
16/15  
4-8-20

Superintendent  
Judicial Lockup

01/8/14

15

9s limit Hemmed B-

4254310713 03-01-1971 27-JUL-12 11:09:43

MAKREZZYAN

Age 30

ORTHOPAEDICS

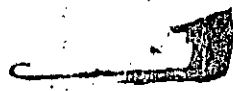
F. H. Name PAZAL BERMAN

Pain both knees  
Difficultly in walking

Swollen  
Both knees

Rest for  
14 days

Dr. J. A. ...



2  
1/2  
1/2  
1/2

Chymol gel

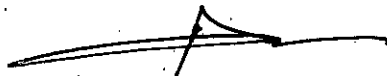
2 cells

2. ...

Junior Registrar  
Orthopaedic Unit  
LPM Peshawar

Junior Registrar  
Orthopaedic Unit  
Peshawar

ATTESTED



## CHARGE SHEET

B (16)

I, **Kifayatullah Khan**, I.G.Prisons Khyber Pakhtunkhwa Peshawar , as competent authority, hereby charge you **Mr.Jangrez Khan** as follows :

That you, while posted as Senior Assistant Superintendent Jail (BPS-14) at **Central Prison Bannu** committed the following irregularities:

You while attached to Central Prison Bannu, Superintendent Central Prison Bannu vide his letter No.1076-WE dated 25-3-2013 (copy enclosed) has reported that you have left the jail premises on 22-3-2013 and proceeded to home without prior permission of the competent authority. After serving notice you submitted medical certificates for the period of your willful absence from 22-3-2013 to 18-8-2013(150 days) which upon verification, Medical Superintendent concerned conveyed vide their attached letters, that the following medical certificates are fake/bogus, thus you have committed grave misconduct on his part:-

1.	Medical certificate from 15-4-2013 to 21-4-2013	(07 days) MS Mardan.
2.	Medical certificate from 22-4-2013 to 5-5-2013	(14 days) -do-
3.	-do- from 6-5-2013 to 12-5-2013	(07 days) -do-
4.	Medical certificate from 29-6-2013 to 02-7-2013	(04 days).M/S Haripur
5.	Medical certificate from 03-7-2013 to 06-7-2013	(04 days). -do-
6.	Medical certificate from 07-7-2013 to 13-7-2013	(07 days). -do-
7.	Medical certificate from 14-7-2013 to 20-7-2013	(07 days). -do-
8.	Medical certificate from 23-7-2013 to 5-8-2013	(14 days) M/S LRH
9.	Medical certificate from 06-8-2013 to 12-8-2013	(07 days). M/S Haripur
10.	Medical certificate from 13-8-2013 to 16-8-2013	(04 days). -do-
	Total:-	75 days

- For the reasons above, you appear to be guilty of inefficiency/misconduct under rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules,2011 and have rendered yourself liable to all or any of the penalties specified in rule-4 of the rules ibid.
- You are, therefore required to submit your written defense within seven days of the receipt of this **Charge Sheet** to the Inquiry Officer , as the case may be.
- Your written defense, if any, should reach the Inquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.
- Intimate whether you desire to be heard in person .
- A statement of allegations is enclosed.

INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA PESHAWAR.

ATTESTED

P-E

BST Reply

17

To,

The Inquiry Officer,  
Superintendent Central Jail D.I.Khan

Subject:

CHARGE SHEET

Sir,

Reference Inspector General of Prisons Khyber Pakhtunkhwa Peshawar  
Endorsement No.23757-759 -we dated 22/09/2014.

In this connection it is submitted that:-

1. I am suffering from stomach problem, chronic allergy and Hamaorad since long. On several times get treatment for the same from Medical Officer Central Prison Bannu during 2013.
2. That presently ~~jo~~ continue my treatment for said illness from a homeo physician at Tank for the last three months report duly attested by medical officer Police and FC Hospital Tank attached for perusal.
3. That my wife is also ill/suffering from tension/depression since 2008 and her illness increased due to sudden death of my young son in NIPA Hostel at Lahore during training in July 2012.
4. That in view of above situation I applied four months earned leave from central Prison Bannu, but was not granted by Inspector General of Prison, despite I have not avail any earned leave or medical leave during my entire service for more than thirty years. (except instant)
5. That in February 2013 my transfer was ordered by the then minister for Jails from Central Prison Bannu to Central Prison Haripur on compassionate grounds, but was not complied, despite arrival of substitute at Bannu and latter on said orders was cancelled, by IG Prisons.
6. That on 22/03/2013 the Medical Officer Central Prison Bannu on my illness advised me rest and due to non availability any attendant or urdly with me I proceed to my home and remained on Medical leave upto 18/08/2013.
7. That during my said Medical leave the Inspector General of Prisons KPK Peshawar asked the Director General Health Service KPK Peshawar for arranging starting Medical Board for examination of my illness. The standing Medical Board twicely examined me in Police and services Hospital Peshawar i-e on 12/06/2013 and thereafter on 21/08/2013, and justified my illness/Medical leave (copy attached).
8. That second opinion of the Medical Board receive to prisons Inspectorate on 29/08/2013, but was not complied so far after more than ~~one~~ year, despite that about ~~eight~~ <sup>five</sup> years earned leave is available in my credit, to draw my Arrear pay.
9. That actually I have become victim to the sheebais of Mr. Zafar Iqbal Deputy Superintendent, now posted as Deputy Director in his own pay scale BPS-17 in Prisons Inspectorate for below reasons, (a) Recording true statement in an inquiry against Mr. Abdul Qayyum Deputy Superintendent (Deep friend of Mr. Zafar Iqbal) in a case using filthy/abusive language towards Sahibzada Shah Jahan in Central Prison Peshawar in the presence of several staff member on an official matter, conducted by Ex-Superintendent Jail Mr. Saad-Ullah Khan lying on record in Prisons Inspectorate, (b) submission of complaint by a female convicted prisoner Mst. Fozia both verbally and writtenly against Zafar Iqbal Deputy Supdt: in Central Prison Bannu, to Supdt: Jail Sahibzada Shah Jahan, in 02/2014 stated therein that Zafar Iqbal blackmailing/harassment her in female section for his ulterior motives to which your good self conducted inquiry recently.
10. That Mr. Zafar Iqbal Deputy Supdt: have better terms with present Inspector General of Prisons as such soon after taken over charge of the Prisons Department Zafar Iqbal was transferred from Central Jail Bannu to prisons

ATTACHED

P-2

18

inspectorate in March 2014, within six months of his posting to that Jail against normal tenure of three years and accommodated in prisons inspectorate as Deputy Director in his own pay scale BPS-17, in addition as personal staff officer as well as public information officer.

11. That in view of the above facts, on reaching to prisons inspectorate in first instance my transfer was ordered from central prison Bannu to Judicial Lockup Tank in the said month of March 2014 despite I belong to Mardan District and have completed normal tenure at central Prison Bannu from 04/11 to 31/03/2014.
12. That after issuance my transfer orders on Fax, Mr. Zafar Iqbal compelled Supdt: central Prison Bannu repeatedly on phone for my immediate leaving for Tank, so I took over charge at Judicial Lockup Tank on 04/04/2014.
13. That during my duties at Judicial Lockup Tank, on my repeated request after (70) days, only two days station leave i-e for 14,15/06/2014 was granted to me by Assistant Inspector General in the absence of Inspector General of Prisons, that too on telephonic request of one Shafqat from Deputy Commissioner Officer Tank.
14. That on expiry of said two days station leave, Zafar Iqbal checked me on phone at Tank on 16/06/2014 and called my explanation through Inspector General of Prisons for non arrival at Tank in time on 16/06/2014 and warned writtenly for no fault.
15. That prisons Inspectorate cannot reject/challenge/ignore or pass decision/opinion of two medical Board as such previously case of no officer/official sent back to concerned authority after medical Board decision, but only to the personal grudges of Mr. Zafar Iqbal Deputy Director, the Inspector General of Prisons Continuously treated me discriminately for the last six month and tried to torched/harm me on any way, which is injustice and does not suit to Head of the Department to treat his subordinate on like dislike manner.
16. Beside facts stated above I have no political influences (like other upper staff of prisons department who were posted on station of their choice) I have made a rolling stone by the prison inspectorate since 2005 in the below jail of the province (despite exemplary thirty years service record); as is evident from my ACRs in the Prisons Inspectorate;

1. Sub Jail Batagram Kohistan

2. Central Jail Haripur

3. Sub Jail Dassu Hazara

4. Distt: Jail Lower Dir

5. Central Jail Bannu

6. Judicial Lockup Tank

Keeping in view the above stated facts available on record, instead of adopting discriminatory/treatment with me, the case may be referred to Medical Board for third opinion as required.

*indifferent*

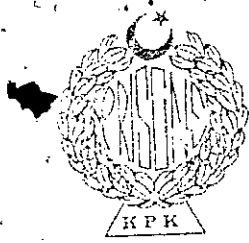
*Yours obediently*

*(Jangzeb Khan)  
S.A.S.*

*Judicial lockup  
Tank.*

**ATTESTED**

*[Signature]*



OFFICE OF THE  
INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA PESHAWAR.

NO.

3685

DATED

16-02-2015

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ORDER

In exercise of powers conferred under Rule-14 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, having considered the charges, evidence on record, the explanation of the accused officer as well as recommendation of the Inquiry Officer and after affording the opportunity of personal hearing, the undersigned being competent authority, hereby award major penalty of "Reduction to lower post i.e Assistant Superintendent Jail (BPS-14) for a period of five years" to Mr. Jangrez Khan Senior Assistant Superintendent Jail attached to Judicial Lockup Tank for his misconduct/willful absence as well as submission of Fake medical certificates. The below noted period containing 75 days for which he produced fake medical certificates is hereby treated as leave without pay :-

1. Medical certificate from 15-4-2013 to 21-4-2013 (07 days).
  2. Medical certificate from 22-4-2013 to 5-5-2013 (14 days)
  3. Medical certificate from 6-5-2013 to 12-5-2013 (07 days)
  4. Medical certificate from 29-6-2013 to 02-7-2013 (04 days).
  5. Medical certificate from 03-7-2013 to 06-7-2013 (04 days).
  6. Medical certificate from 07-7-2013 to 13-7-2013 (07 days).
  7. Medical certificate from 14-7-2013 to 20-7-2013 (07 days).
  8. Medical certificate from 23-7-2013 to 5-8-2013 (14 days)
  9. Medical certificate from 06-8-2013 to 12-8-2013 (07 days).
  10. Medical certificate from 13-8-2013 to 16-8-2013 (04 days).
- Total:- 75 days

In addition, the medical certificates for 75 days which details given below as verified by the Medical Superintendents concerned, is hereby treated as leave on medical grounds on full average pay subject to title in favour of the above named officer:-

1. Medical certificate from 17-8-2013 to 18-8-2013 (02 days).
  2. Medical certificate from 22-3-2013 to 26-3-2013 (05 days).
  3. Medical certificate from 27-3-2013 to 30-3-2013 (04 days).
  4. Medical certificate from 31-3-2013 to 03-4-2013 (04 days).
  5. Medical certificate for 07-4-2013 (01 day).
  6. Medical certificate from 21-7-2013 to 22-7-2013 (02 days).
  7. Medical certificate from 13-5-2013 to 26-5-2013 (14 days)
  8. Medical certificate from 27-5-2013 to 02-6-2013 (07 days)..
  9. Medical certificate from 3-6-2013 to 16-6-2013 (14 days).
  10. Medical certificate from 17-6-2013 to 20-6-2013 (04 days).
  11. Medical certificate from 21-6-2013 to 24-6-2013 (04 days).
  12. Medical certificate from 25-6-2013 to 28-6-2013 (04 days).
  13. Medical certificate from 4-4-2013 to 6-4-2013 (03 days)
  14. Medical certificate from 8-4-2013 to 12-4-2013 (05 days)
  15. Medical certificate from 13-4-2013 to 14-4-2013 (02 days)
- Total:- 75 days.

INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA PESHAWAR.

ENDST; NO. 3685-901.

Copy of the above is forwarded to:-

1. The Superintendent, Central Prison Bannu for information and necessary action with reference to this office endst; No.23757-59 dated 22-9-2014.
2. The Superintendent, Judicial Lockup Tank for information and necessary action.
3. The District Accounts Officers Bannu & Tank for information.
4. Mr. Binyamin Khan Superintendent Central Prison D.I.Khan (Inquiry Officer) for information with reference to his letter No.11719-WE dated 20-10-2014.

INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA PESHAWAR.

No. 25  
dt. 18/2/015

APPROVED

*Last Reply*

BEFORE THE WORTHY SECRETARY GOVERNMENT OF KHYBER  
PAKHTUNKHWA HOME AND TRIBAL AFFAIRS DEPARTMENT, PESHAWAR

SERVICE REPRESENTATION NO. 2 /2015.

E  
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20

JANGREZ KHAN S/O FAZAL REHMAN SENIOR ASSISTANT SUPERINTENDENT  
JUDICIAL LOCKUP TANK, DISTRICT TANK  
(APPELLANT)

VERSUS

THE INSPECTOR GENERAL OF PRISONS KHYBER PAKHTUNKHWA PESHAWAR  
(RESPONDENT)

SERVICE REPRESENTATION AGAINST ORDER NO.3685  
DATED.16/02/2015 RECEIVED AT TANK ON 19/02/2015

The appellant amongst other grounds respectfully submits as follows:-

- (1) That the appellant remained posted at district jail Timergara from January 2010 till the end of April 2011. and later on assumed duties at central prison Peshawar on 18-04-2011 and then at central prison Bannu as senior assistant superintendent w.e.f. 24-08-2011. During 2011 various ailments inflicted the appellant. Copies of medical prescription as well as original already submitted to respondent.
- (2) In July 2012 Muhammad Asif son of the appellant died in terrorist attack during training at Lahore, Which trauma deranged the entire family and due such eventful episode appellant moved an application for 4 months earned leave which was declined by the respondent authority and such leave was the entitlement of the appellant under leave rules 1981 and under advice of medical officer central prison Bannu, the appellant proceeded on medical leave w.e.f. from 22/03/2013 is required under rule 1096 of Pakistan Prisons Rules till 18/08/2013. Original as well as copies of all medical prescription submitted to the Respondent.
- (3) The Respondent authority referred the appellant to standing medical board police and services hospital Peshawar and the said board affirmed stated ailments of the appellant on 12/06/2013, 21/08/2013 attested copies enclosed, but these reports were not properly examined by the Respondent authority and were underrated by the said authority.
- (4) One Zafar Iqbal Principal Staff Officer-Cum- public information officer of Inspector General Peshawar as known bias against the appellant and his "real danger bias" worked against the appellant and the appellant was transferred from central prison Bannu to judicial lockup tank. The appellant Assumed duties at tank on 04-04-2014 And all the medical records of the appellant were almost wiped off and instead Mr. Binyamin khan of the central prison D.I.KHAN was nominated as inquiry officer vide inspector general of prison No.23756 Dated 22/09/2014 copy enclosed.

*J. Z. entered*



(5) The appellant submitted reply to the show cause notice dated 18-10-2014 to the inquiry officer.

(6) The inquiry officer did not punctiliously adopt the procedure warranted under E&D rules 2011 and the inquiry officer did not offer the opportunity of full-scale defense and cross-examination of the accusing officer OR his witnesses. Copy of his report before personal hearing was not furnished which is a serious omission interning drastic irregularity in the exercise of jurisdiction so vested.

(7) The appellant was called for personal hearing on 04/02/2015 by the acting Inspector General of Prisons, but no material oral cross-examination was done since there is no memos of hearing available on record.

(8) The Inquiry officer has assumed for himself the status of authority by making "penalty specific" report dated 20/10/2014 against the intention of notification No. SOR-V(EAD)14 dated 28/03/2014, copy enclosed and his report is thus subjectively formulated when the reporting Medical officer of Mardan and Haripur had not been orally examined by the inquiry officer on oath which is a material irregularity on his report.

(9) The ailments once diagnosed by the competent medical professionals are continual infirmities and require continuous treatment and even in the absence of medical certificates, the ailment ensure and in such compulsive situation "the leave even not due" is permissible on compassionate grounds and such leave can be adjusted against future earned leave and the penalty thus imposed is not in accordance with rules of proportionality and lenient view may be the demand of law.

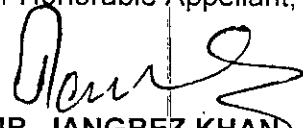
It is therefore PRAYED that the impugned orders dated 16/02/2015 may kindly be set aside and the appellant may be re-instated in his grade BPS-16 with all back benefits.

The appellant also wishes to be heard in person.

With Regards,

Dated... 12-3-2015

Your Honorable Appellant,

  
( MR. JANGREZ KHAN )  
Assistant Superintendent  
Incharge Judicial Lockup Tank.

**ATTESTED**



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HOME & TRIBAL AFFAIRS DEPARTMENT

No. SO (Prisons)/8-3/HD/2015/Vol-III- BC-113969

F  
22

IN THE COURT OF HOME SECRETARY KHYBER PAKHTUNKHWA  
(APPELLATE AUTHORITY)

PRIS  
Inspector  
Admin Off

JANGREZ KHAN : APPELLANT

No. 164  
07-5-05

VERSUS

INSPECTOR GENERAL OF PRISONS KHYBER PAKHTUNKHWA

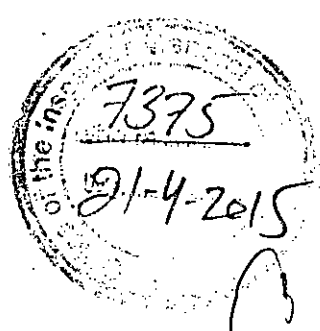
Departmental Appeal of Mr. Jangrez Khan S/O Fazal Rehman Senior Assistant Superintendent Judicial Lockup Tank, District Tank against the order of Inspector General of Prisons Khyber Pakhtunkhwa issued office order No. 3685 dated 16/02/2015.

**ORDER**

2. In exercise of powers conferred under Rule-14 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, having considered the charges, evidence on record, the explanation of the accused officer as well as recommendation of the Inquiry Officer and after affording the opportunity of personal hearing, Inspector General of Prisons, awarded major penalty of "Reduction to lower post i.e. Assistant Superintendent Jail (BPS-14) for a period of five years" to Mr. Jangrez Khan Senior Assistant Superintendent Jail attached to Judicial Lockup Tank for his misconduct/willful absence as well as submission of Fake medical certificates.

3. After going through the facts of the case, record on file and comments provided by Inspector General of Prisons, Khyber Pakhtunkhwa, the appellant was given personal hearing. In his personal hearing, the appellant failed to put forward any plausible argument in his defence. I see no reason to interfere with the order to the Inspector General of Prisons, Khyber Pakhtunkhwa. The appeal is rejected and the appellant may be informed accordingly.

Handwritten signature and date: 07/5/05



Home Secretary  
Khyber Pakhtunkhwa

Announced  
17<sup>th</sup> April, 2015

Handwritten signature and date: 27/04/15

File B-16  
to B-14

ATTESTED

## وکالت نامہ

قیمت ایک روپیہ

کورٹ فیس

بعدالت جناب

سروس ٹریبونل گنڈاپور

منجانب

فنگلن نریمان بنام مگر جنیل خان صاحب

دعویٰ یا جرم

تفصیل دعویٰ یا جرم

سروس ٹریبونل

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے بیرونی وجوہ بندی برائے پیشی یا تصفیہ مقدمہ بمقام

معدالت جو سفٹی ایئر ڈسٹ + جمہور علی خان ایئر ڈسٹ

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے۔ کہ میں ہر پیشی پر خود یا بذریعہ مختیار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا۔ اگر پیشی پر مظہر حاضر نہ ہوا۔ اور مقدمہ میزبانی غیر حاضری کی وجہ سے کسی طور میرے برخلاف ہو گیا۔ تو صاحب موصوف اسکے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے۔ اور مقدمہ صدر پکھری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختانہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کھل ساختہ پر داخست صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ، یا جواب دعویٰ، یا درخواست اجرائے ڈگری و نظر ثانی اپیل نگرانی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی قسم یا ڈگری کرانے اور ہر قسم کا روپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور اس پر ثالثی یا راضی نامہ و فیصلہ بر حلف کرنے، اقبال دعویٰ کا بھی اختیار ہوگا، اور بصورت مقرر ہونے تاریخ پیش مقدمہ مذکورہ بیرون از پکھری صدر بیرونی مقدمہ مذکورہ نظر ثانی و اپیل و نگرانی و برآمدگی مقدمہ سفٹی ڈگری یکطرفہ یا درخواست حکم استغاثی یا قرتی یا گرفتاری قبل از فیصلہ اجرائے ڈگری بھی صاحب موصوف کو بشرط ادائیگی عینہ مختانہ بیرونی کا اختیار ہوگا اور تمام ساختہ پر داخل صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا۔ کہ مقدمہ مذکورہ یا اس کے کسی جزو کی کارروائی یا بصورت درخواست نظر ثانی اپیل یا نگرانی یا دیگر معاملہ مقدمہ مذکورہ کسی دوسرے وکیل یا بیرونی کو اپنے بجائے یا اپنے ہمراہ مقرر کریں۔ اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے۔ جیسے صاحب موصوف کو حاصل ہیں۔ اور دوران مقدمہ میں جو کچھ ہر جانہ التوا پڑے گا۔ وہ صاحب موصوف کا حق ہوگا۔ مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیشی نہ کریں۔ اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لیا ہے۔ تاکہ سند رہے۔

20

مورخہ \_\_\_\_\_ ماہ \_\_\_\_\_

مضمون وکالت نامہ سن لیا ہے۔ اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

المب  
المب  
المب

ATTACHED

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

In the matter of  
Service Appeal No.735/2015  
Jangrez Khan  
Assistant Superintendent Jail,  
Incharge Judicial Lockup Tank.....**Appellant.**

**VERSUS**

- 1- **Secretary to Government** of Khyber Pakhtunkhwa,  
Home and T.A Department.
- 2- **Inspector General of Prisons,**  
Khyber Pakhtunkhwa Peshawar.
- 3- **Superintendent,**  
Headquarter Prisons Peshawar.
- 4- **Superintendent,**  
Central Prison Bannu .....**Respondents**

**Preliminary Objections.**

- i. That the appellant has got no cause of action.
- ii. That the appeal is incompetent and is not maintainable in its present form.
- iii. That the appellant is estopped by his own conduct to bring the present appeal.
- iv. That the appellant has no locus standi.
- v. That the appeal is bad for mis joinder and non-joinder of necessary parties.
- vi. That the appeal is time barred.

**FACTS**

- 1- Pertains to record, needs no comments.
- 2- Incorrect, the medical prescription submitted by the appellant have proved fake / bogus as per inquiry proceedings, hence the plea of the appellant is not based on facts (copy annexed as "A").
- 3- Correct to the extent that Charge Sheet was served upon the appellant but his reply / response to the Charge Sheet was not found satisfactory thus he was accordingly proceeded according to law ( Copy of Charge Sheet and statement of allegations are annexed B& C and reply is "D").
- 4- Incorrect, misleading. After completion and adaptation of all codal formalities in accordance with the E & D Rules on

maturity of Departmental proceedings. On the basis of recommendation the penalty was imposed upon the appellant as outcome of the said inquiry proceedings. (Copy of the inquiry report is as "E" and final Show Cause Notice reply is "F" & "G").


- 5- Pertains to record however detail reply on the grounds are as under.

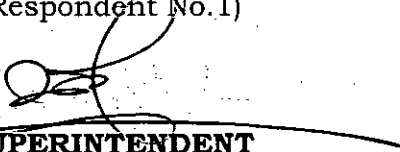
**GROUND:** -

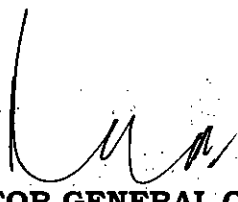
- A. Incorrect, misleading. The orders were issued within the parameters of relevant Law / Rules.
- B. Incorrect, misleading. None of the authority can impose any sort of penalty without any cause. The plea of the appellant is baseless.
- C. Incorrect, misleading. The inquiry officer thoroughly examined the medical prescriptions, checked its validity and after full satisfaction declared it fake / bogus, hence. The plea of the appellant is not based on facts.
- D. Incorrect, misleading. All stages as per E & D Rules were accordingly entertained including personal hearing etc.
- E. Incorrect, misleading. The recommendations made by the inquiry officer are in accordance with the E & D Rules. The plea of the appellant is mere a lame excuse.
- F. The plea of the appellant, though having its admissibility is within the leave rules but its adaptation needs proper formation and without proper documentation such expectation that it will be done itself is an ill-logical idea / concept of the appellant that is not tenable by law.
- G. The medical prescriptions have proved fake / bogus as per inquiry proceedings, thus the plea of the appellant is not convincing.
- H. Incorrect, misleading. False statement as elaborated above including personal hearing all stages have been entertained.


I. No comments.

In view of the above Para-wise comments, the appeal of Assistant Superintendent Jail Jangrez Khan may please be dismissed with costs.

  
**SECRETARY TO GOVERNMENT**  
Of Khyber Pakhtunkhwa  
Home and Tribal Affairs Department  
(Respondent No. 1)

  
**SUPERINTENDENT**  
Headquarter Prisons Peshawar  
(Respondent No. 3)

  
**INSPECTOR GENERAL OF PRISONS**  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No. 2)

  
**SUPERINTENDENT**  
Central Prison Bannu  
(Respondent No. 4)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

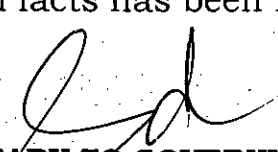
In the matter of  
Service Appeal No.735/2015  
Jangrez Khan  
Assistant Superintendent Jail,  
Incharge Judicial Lockup Tank.....**Appellant.**

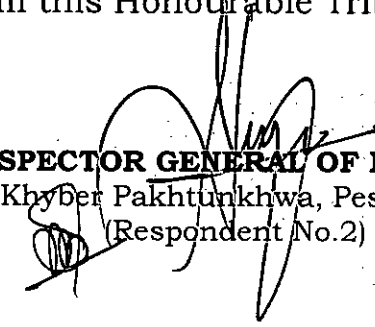
**VERSUS**

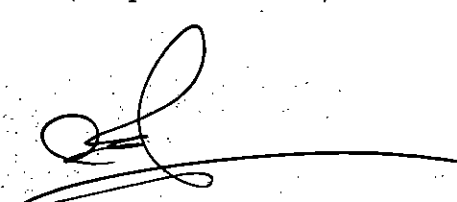
- 1- **Secretary to Government** of Khyber Pakhtunkhwa,  
Home and T.A Department.
- 2- **Inspector General of Prisons,**  
Khyber Pakhtunkhwa Peshawar.
- 3- **Superintendent,**  
Headquarter Prisons Peshawar.
- 4- **Superintendent,**  
Central Prison Bannu .....**Respondents**


**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENTS NO. 1 TO 4.**

We the undersigned respondents do hereby the solemnly affirm and declare that the contents of the Para-wise comments on the above cited appeal are true and correct to the best of our knowledge and belief and that no material facts has been kept secret from this Honourable Tribunal.

  
**SECRETARY TO GOVERNMENT**  
Of Khyber Pakhtunkhwa  
Home and Tribal Affairs Department  
(Respondent No.1)

  
**INSPECTOR GENERAL OF PRISONS**  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No.2)

  
**SUPERINTENDENT**  
Headquarter Prisons Peshawar  
(Respondent No. 3)

  
**SUPERINTENDENT**  
Central Prison Bannu  
(Respondent No. 4)



Annex-A

Urgent

Confidential

Resd

OFFICE OF THE  
INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA  
PESHAWAR

091-9210334, 9210406 091-9213445

No. 17510 - 1-WE

Dated 06-06-2014

To

The Medical Superintendent,  
DHQ Hospital Haripur.

Subject:- VERIFICATION OF MEDICAL CERTIFICATE IN RESPECT OF  
MR. JANGREZ KAHN SENIOR ASSISTANT SUPERINTENDENT JAIL.

Memo:

I am directed to forward herewith photocopies of the below noted medical certificates of the above named officer for verification and early return so that to dispose off his medical leave case:-

1. Medical certificate from 13-5-2013 to 26-5-2013 (02 weeks) P-323/er
2. Medical certificate from 27-5-2013 to 02-6-2013 (07 days) P-325/er
3. Medical certificate from 3-6-2013 to 16-6-2013 (02 weeks) P-327/er
4. Medical certificate from 17-6-2013 to 20-6-2013 (04 days) P-329/er
5. Medical certificate from 21-6-2013 to 24-6-2013 (04 days) P-331/er
6. Medical certificate from 25-6-2013 to 28-6-2013 (04 days) P-333/er
7. Medical certificate from 29-6-2013 to 02-7-2013 (04 days) P-335/er
8. Medical certificate from 03-7-2013 to 06-7-2013 (04 days) P-337/er
9. Medical certificate from 07-7-2013 to 13-7-2013 (07 days) P-339/er
10. Medical certificate from 14-7-2013 to 20-7-2013 (07 days) P-341/er
11. Medical certificate from 06-8-2013 to 12-8-2013 (07 days) P-345/er
12. Medical certificate from 13-8-2013 to 16-8-2013 (04 days) P-347/er

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





**OFFICE OF THE MEDICAL SUPERINTENDENT**

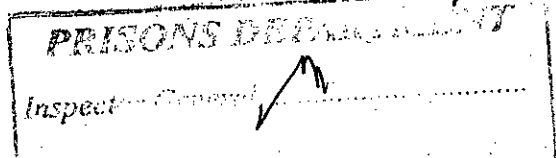
**D.H.Q. Teaching Hospital Haripur**

Telephone #: 0995-611850 Fax #: 0995- 610069

No: 4093 /MS/DHQ/(H)

Dated Haripur the: 26/7/2014

✓ The Inspector General  
Prisons  
Khyber Pakhtunkhwa Peshawar



Subject: VERIFICATION OF MEDICAL CERTIFICATE IN RESPECT OF MR. JANGREZ KHAN SENIOR ASSISTANT SUPERINTENDENT JAIL.

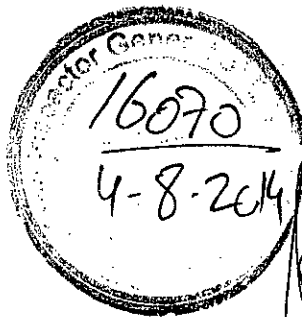
Please refer to your office letter No. 17518 dated 26-06-2014 regarding the subject captioned above.

In response to your letter under reference, District Cardiologist DHQ Hospital Haripur was directed to investigate the matter and submit his detailed report.

The District Cardiologist DHQ Hospital Haripur submitted self contained report (in original) alongwith statements of the concerned doctors on the OPD Tickets which are sent herewith for further necessary action please.

**Encl: As stated.**

*Sullabullah*  
Medical Superintendent  
DHQ Hospital Haripur



*05-8-14*

To,

The Medical Superintendent  
DHQ Hospital Haripur

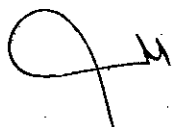
Subject: **VERIFICATION OF MEDICAL CERTIFICATE IN RESPECT OF MR. JANGREZ KHAN SENIOR ASSISTANT SUIRINTENDENT JAIL.**

Please refer to the Inspector general Prisons KPK Peshawar letter No. 17518 dated 26-06-2014, marked to the undersigned for verification of medical leave issued by various doctors of DHQ Hospital Haripur.

The factual position is as under:

S:#	Duration	Period	Remarks
1	13-5-13 to 26-5-13	2-Weeks	Issued by Dr. Ehtisham M.O. DHQ Hospital Haripur. He verified his sign, stamp & writing
2	27-5-13 to 02-6-13	07-days	
3	03-6-13 to 16-6-13	2-Weeks	
4	17-6-13 to 20-6-13	04-Days	
5	21-6-13 to 24-6-13	04-Days	
6	25-6-13 to 28-6-13	04-Days	
7	29-6-13 to 02-7-13	04-Days	Issued by (So claimed) Dr. Mansoor Qasim M.O. DHQ Hospital Haripur but he declared them <u>as fake</u>
8	03-7-13 to 06-7-13	04-Days	
9	07-7-13 to 13-7-13	07-Days	Issued by (So claimed) Dr. Ali Abbas Orthopedic Surgeon DHQ Hospital Haripur but he declared them <u>as fake</u>
11	06-8-13 to 12-8-13	07-Days	
10	14-7-13 to 20-7-13	07-Days	Issued by the LRH Peshawar, Hence not relates to this hospital.
12	13-8-13 to 16-8-13	04-Days	Issued by (So claimed) Dr. Dildar M.O. DHQ Hospital Haripur but he declared them <u>as fake</u>

The documents received through above mentioned letter are returned herewith.

  
(Dr. Ghulam Kibriya)  
District Cardiologist  
DHQ Hospital Haripur

verification



**OFFICE OF THE  
MEDICAL SUPERINTENDENT  
DHQ HOSPITAL HARIPUR**  
PH: NO. 0995-611850 / FAX NO. 0995-610069  
No: 4709 /Estt./ Dated: 04/08/2014

137  
537

To,

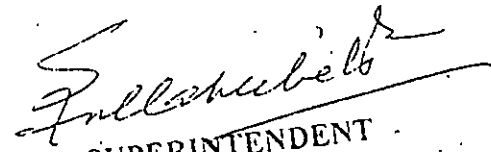
The Assistant Director (Admin)  
For Inspector General of Prisons,  
Khyber Pakhtunkhwa Peshawar.

Subject: VERIFICATION OF MEDICAL LEAVE

Memorandum

Reference your letter NO. 8/2-J-1981/21063-INF/WE, dated 12/08/2014, on the subject cited above.

In this context the verification of medical leave in respect of Mr. Jangrez Khan Senior Asstt: Superintendent Jail is checked from Hospital record and signature of concerned doctor is found incorrect & bogus.  
Submitted for your information and further necessary action.

  
MEDICAL SUPERINTENDENT  
DHQ HOSPITAL HARIPUR

Azhar



**DIRECTORATE GENERAL HEALTH SERVICES,  
KHYBERR PAKHTUNKHWA, PESHAWAR**

*All communications should be addressed to the Director General Health Services Peshawar and not to any official by name.*  
Exchange # 091-9210187, ☎ Tele # 9210196 Fax # 091-9210230

No. 7418 /Medical

Dated 27 /10/2014

To

The Assistant director (Admn)  
Inspector General of Prisons  
Khyber Pakhtunkhwa.

<b>PRISON DEPARTMENT</b>	
Inspector General.....	<i>A</i>
A.I.G.....	<i>J</i>
Admn Officer.....	<i>J</i>

Subject: VERIFICATION OF MEDICAL CERTIFICATE IN RESPECT OF MR. JANGREZ KHAN SENIOR ASSSTT: SUPERINTENDENT JAIL

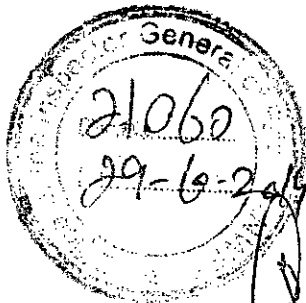
I am directed to refer to your Endst: No.22611 dated 05/09/2014 on the subject noted above and to enclose a copy of letter bearing Endorsement No. 5246-47/Estt: dated 11/10/2014 alongwith its enclosure received from Medical Superintendent DHQ Hospital, Haripur which is self explanatory for information and further necessary action.

*J*  
✓ DEPUTY DIRECTOR (ADMN) 23-10-14  
DIRECTORATE GENERAL HEALTH SERVICES, KHYBER PAKHTUNKWA, PESHAWAR. *h*

No. \_\_\_\_\_ /Medical

Copy forwarded to the Medical Superintendent DHQ Hospital, Haripur w/r to his letter referred above for information.

*Sd/-*  
DEPUTY DIRECTOR (ADMN)  
DIRECTORATE GENERAL HEALTH SERVICES, KHYBER PAKHTUNKWA, PESHAWAR. *M*



*29/10/14*

*MFA*  
*90*



**OFFICE OF THE  
MEDICAL SUPERINTENDENT  
DHQ HOSPITAL HARIPUR**

PH: NO. 0995-611850 / FAX NO. 0995-610069  
No: 5246-47 /Estt:/ Dated: 11 /10/2014

To,

The Assistant Director Medical  
Director General Health Services,  
Khyber Pakhtunkhwa Peshawar.

Subject: VERIFICATION OF MEDICAL CERTIFICATE IN RESPECT OF MR.  
JANGREZ KHAN ASSISTANT SUPERINTENDENT JAIL.

Memo: Reference your letter NO. 7311, dated 25/09/2014, on the subject cited above.

Submitted that the verification of medical leave in respect of Mr. Jangrez Khan Assistant Superintendent Jail has already sent to Assistant Director Admin for Inspector General of Prisons Khyber Pakhtunkhwa Peshawar vide this office letter No. 4709/Estt., dated 04/09/2014 (copy attached).

Submitted for your information and further necessary action please.

*Encl: 1*  
MEDICAL SUPERINTENDENT  
DHQ HOSPITAL HARIPUR

Cc:  
1. Assistant Director Admin for Inspector General Prisons KPK Peshawar, for information.

*Sd*  
MEDICAL SUPERINTENDENT  
DHQ HOSPITAL HARIPUR



565  
19

OFFICE OF THE MEDICAL SUPERINTENDENT  
POLICE AND SERVICES HOSPITAL, PESHAWAR  
GOVT. OF KHYBER PAKHTUNKHWA.  
Phone: 091 9210509 Exchange: 091 9223472 Fax: 091 9210543

No. 5142-43 MS/SMB/2013-14


Dated 29 /08/2013.

The Assistant Director (Admin.)  
For Inspector General of Prisons  
Khyber Pakhtunkhwa Peshawar.

Subject: - STANDING MEDICAL BOARD.

Memo:-

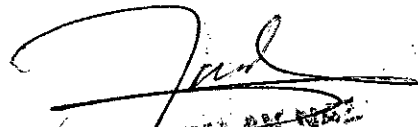
Mr. Jangrez Khan Senior Assistant Superintendent Jail was examined by the Standing Medical Board held in this office on 21/08/2013. The proceedings of the Standing Medical Board are sent herewith for further necessary action.

  
Chairman  
Standing Medical Board  
Medical Superintendent  
Police/Service Hospital  
Peshawar

Cc.

- Director General Health Services, Khyber Pakhtunkhwa Peshawar for information.

Attested

  
DR. FALAK NAZEEM  
D.O. F.C.M. (TANK)

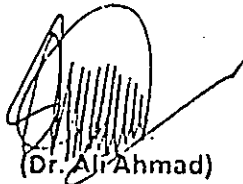
5621

OFFICE OF THE CHAIRMAN STANDING MEDICAL BOARD/MEDICAL SUPERINTENDENT  
POLICE/SERVICES, HOSPITAL PESHAWAR.

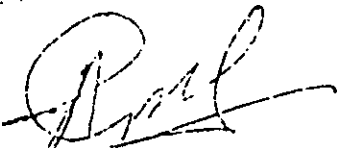
The Standing Medical Board comprising the following members assembled in the office of the Medical Superintendent Police/Services, Hospital Peshawar to examine, Mr. Jangrez Khan Senior Assistant Superintendent Jail:

The Standing Medical Board is of the opinion that the previous medical leave justified. No further medical leave to be verified unless countersigned by M/S Police/Service Hospital Peshawar.

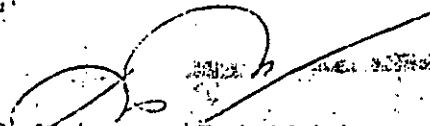
STATION PESHAWAR.  
DATED: 21/08/2013.



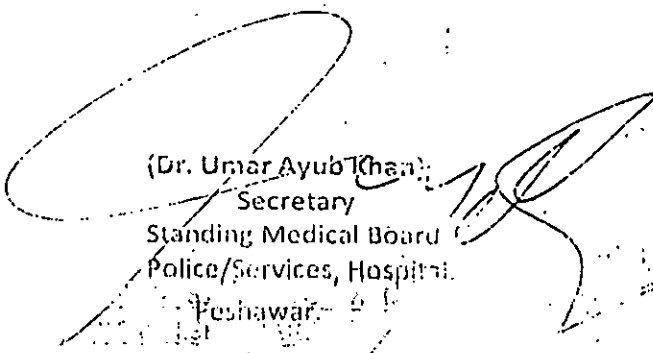
(Dr. Ali Ahmad)  
Chairman  
Standing Medical Board  
Medical Superintendent  
Police/Services, Hospital,  
Peshawar.



(Dr. Amair Ullah)  
Ophthalmologist  
Police/Services, Hospital,  
Peshawar.

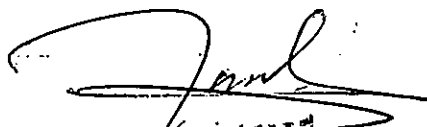


(Dr. Muhammad Tariq Mehr)  
Physician  
Khyber Teaching Hospital,  
Peshawar...Member...



(Dr. Umar Ayub Khan)  
Secretary  
Standing Medical Board  
Police/Services, Hospital,  
Peshawar.

Attested



Dr. FALAK NAEEM  
M.O. F.C.H. (Tanki)

Annex-B

52

**CHARGE SHEET**

I, **Kifayatullah Khan**, I.G.Prisons Khyber Pakhtunkhwa Peshawar , as competent authority, hereby charge you **Mr.Jangrez Khan** as follows :

That you, while posted as Senior Assistant Superintendent Jail (BPS-14) at **Central Prison Bannu** committed the following irregularities:

You while attached to Central Prison Bannu, Superintendent Central Prison Bannu vide his letter No.1076-WE dated 25-3-2013 (copy enclosed) has reported that you have left the jail premises on 22-3-2013 and proceed to home without prior permission of the competent authority. After serving notice you submitted medical certificates for the period of your willful absence from 22-3-2013 to 18-8-2013(150 days) which upon verification, Medical Superintendent concerned conveyed vide their attached letters, that the following medical certificates are fake/bogus, thus you have committed grave misconduct on his part:-

- |     |   |                        |
|-----|---|------------------------|
| 1.  | Medical certificate from 15-4-2013 to 21-4-2013 | (07 days) MS Mardan.   |
| 2.  | Medical certificate from 22-4-2013 to 5-5-2013  | (14 days) -do-         |
| 3.  | -do- from 6-5-2013 to 12-5-2013                 | (07 days) -do-         |
| 4.  | Medical certificate from 29-6-2013 to 02-7-2013 | (04 days).M/S Haripur  |
| 5.  | Medical certificate from 03-7-2013 to 06-7-2013 | (04 days). -do-        |
| 6.  | Medical certificate from 07-7-2013 to 13-7-2013 | (07 days). -do-        |
| 7.  | Medical certificate from 14-7-2013 to 20-7-2013 | (07 days). -do-        |
| 8.  | Medical certificate from 23-7-2013 to 5-8-2013  | ( 14 days) M/S LRH     |
| 9.  | Medical certificate from 06-8-2013 to 12-8-2013 | (07 days). M/S Haripur |
| 10. | Medical certificate from 13-8-2013 to 16-8-2013 | (04 days). -do-        |
|     | Total:-   | 75 days                |

2. For the reasons above, you appear to be guilty of inefficiency/misconduct under rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules,2011 and have rendered yourself liable to all or any of the penalties specified in rule-4 of the rules ibid.

3. You are, therefore required to submit your written defense within seven days of the receipt of this **Charge Sheet** to the Inquiry Officer , as the case may be.

4. Your written defense, if any, should reach the Inquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.

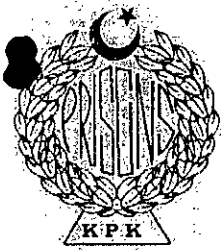
5. Intimate whether you desire to be heard in person .

6. A statement of allegations is enclosed.

*Received one copy*  
*H/4*  
*01/14*

*mmw 22/4*  
**INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA PESHAWAR.**





*Annex-C*

OFFICE OF THE  
INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA PESHAWAR.

489

NO. 8/2-J-1981/23756

DATED 22/09/2014

**DISCIPLINARY ACTION**

I, **Kifayatullah Khan**, I.G.Prisons Khyber Pakhtunkhwa as the competent authority, am of the opinion that **Mr.Jangrez Khan, Senior Assistant Superintendent I/C Judicial Lockup Tank** has rendered himself liable to be proceeded against, as he committed the following acts/ omissions, within the meaning of Rule-3 of the Khyber Pakhtunkhwa Government Servants(Efficiency & Discipline) Rules, 2011.

**STATEMENT OF ALLEGATIONS**

He while attached to Central Prison Bannu, Superintendent Central Prison Bannu vide his letter No.1076-WE dated 25-3-2013 (copy enclosed) has reported that he has left the jail premises on 22-3-2013 and proceeded to home without prior permission of the competent authority. After serving notice he submitted medical certificates for the period of his willful absence from 22-3-2013 to 18-8-2013 (150 days) which upon verification Medical Superintendent concerned conveyed vide their attached letters, that the following medical certificates are fake/bogus, thus he has committed grave misconduct on his part:-

- |                |     |   |                        |                |
|----------------|-----|---|------------------------|----------------|
| <u>P-183/4</u> | 1.  | Medical certificate from 15-4-2013 to 21-4-2013   | (07 days) MS Mardan.   | <i>P-465/4</i> |
| <u>P-319</u>   | 2.  | Medical certificate from 22-4-2013 to 5-5-2013    | (14 days) -do-         |                |
| <u>P-321</u>   | 3.  | -do- from 6-5-2013 to 12-5-2013                   | (07 days) -do-         |                |
| <u>P-415</u>   | 4.  | Medical certificate from 29-6-2013 to 02-7-2013   | (04 days).M/S Haripur  | <i>P-399/4</i> |
| <u>P-417</u>   | 5.  | Medical certificate from 03-7-2013 to 06-7-2013   | (04 days). -do-        |                |
| <u>P-339</u>   | 6.  | Medical certificate from 07-7-2013 to 13-7-2013   | (07 days). -do-        |                |
| <u>P-421</u>   | 7.  | Medical certificate from 14-7-2013 to 20-7-2013-- | (07 days). -do--       | <i>P-479/4</i> |
|                | 8.✓ | Medical certificate from 23-7-2013 to 5-8-2013    | (14 days) M/S LRH      | <i>P-477/4</i> |
| <u>P-409</u>   | 9.  | Medical certificate from 06-8-2013 to 12-8-2013   | (07 days). M/S Haripur |                |
| <u>P-423</u>   | 10. | Medical certificate from 13-8-2013 to 16-8-2013   | (04 days). -do-        |                |
|                |     | Total:-   | 75 days                |                |

- For the purpose of inquiry against the said accused with reference to the above allegations, **Mr.Binyamin Khan, Superintendent Central Prison D.I.Khan** is hereby appointed as Inquiry Officer under Rule-10(1)(a) of the ibid rules.
- The Inquiry Officer shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.
- The accused and a representative of this office shall join the proceedings on the date, time and place fixed by the Inquiry officer.

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

ENDST;NO. 23757-759 *J.W.R.*

Copy of the above is forwarded to:

- Mr.Binyamin Khan, Superintendent Central Prison D.I.Khan, the Inquiry Officer for initiating proceedings against the accused under the provisions of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011. A copy of charge sheet is enclosed herewith.
- Mr.Jangrez Khan, Senior Assistant Superintendent I/C Judicial Lockup Tank with the direction to appear before the Inquiry Officer, on the date, time and place fixed by the Inquiry Officer, for the purpose of inquiry proceedings. Charge sheet in duplicate is sent herewith. One copy of the same duly signed and dated by you may be returned to this office in token of its receipt.
- The Superintendent, Central Prison Bannu, for information.

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

P-I

Ammed-D

52

To,

The Inquiry Officer,  
Superintendent Central Jail D.I.Khan

Subject: CHARGE SHEET

Sir,

Reference Inspector General of Prisons Khyber Pakhtunkhwa Peshawar  
Endorsement No.23757-759 -we dated 22/09/2014.

In this connection it is submitted that:-

1. I am suffering from stomach problem, chronic allergy and Hamaorad since long. On several times get treatment for the same from Medical Officer Central Prison Bannu during 2013.
2. That presently I continue my treatment for said illness from a homeo physician at Tank for the last three months report duly attested by medical officer Police and FC Hospital Tank attached for perusal.
3. That my wife is also ill/suffering from tension/depression since 2008 and her illness increased due to sudden death of my young son in NIPA Hostel at Lahore during training in July 2012.
4. That in view of above situation I applied four months earned leave from central Prison Bannu, but was not granted by Inspector General of Prison, despite I have not avail any earned leave or medical leave during my entire service for more than thirty years. (except instant)
5. That in February 2013 my transfer was ordered by the then minister for Jails from Central Prison Bannu to Central Prison Haripur on compassionate grounds, but was not complied, despite arrival of substitute at Bannu and latter on said orders was cancelled, by IG Prisons.
6. That on 22/03/2013 the Medical Officer Central Prison Bannu on my illness advised me rest and due to non availability any attendant or urdly with me I proceed to my home and remained on Medical leave upto 18/08/2013.
7. That during my said Medical leave the Inspector General of Prisons KHYBER PAKHTUNKHWA Peshawar asked the Director General Health Service KHYBER PAKHTUNKHWA Peshawar for arranging starting Medical Board for examination of my illness. The standing Medical Board twicely examined me in Police and services Hospital Peshawar i-e on 12/06/2013 and thereafter on 21/08/2013, and justified my illness/Medical leave (copy attached).
8. That second opinion of the Medical Board received to prisons Inspectorate on 29/08/2013, but was not complied so far after more that one year, despite that about eight years earned leave is available in my credit to draw my Arrear pay.
9. That actually I have become victim to the sheerbais of Mr. Zafar Iqbal Deputy Superintendent, now posted as Deputy Director in his own pay scale BPS-17 in Prisons Inspectorate for below reasons.
  - a) Recording true statement in an inquiry against Mr. Abdul Qayyum Deputy Superintendent (Deep friend of Mr. Zafar Iqbal) in a case using filthy/abusive language towards Sahibzada Shah Jahan in Central Prison Peshawar in the presence of several staff member, on an official matter, conducted by Ex-Superintendent Jail Mr. Saad Ullah Khan, lying on record in Prisons Inspectorate.
  - b) submission of complaint by a female convicted prisoner Mst. Fozia both verbally and writtenly against Zafar Iqbal Deputy Supdtt: in Central Prison

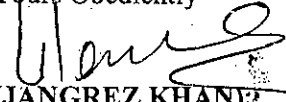
Bannu, to Supdt: Jail Sahibzada Shah Jahan, in 02/2014 stated therein that Zafar Iqbal blackmailing/harassment her in female section for his ulterior motives to which your good self conducted inquiry recently.

10. That Mr. Zafar Iqbal Deputy Supdt: have better terms with present Inspector General of Prisons as such soon after taken over charge of the Prisons Department Zafar Iqbal was transferred from Central Jail Bannu to prisons inspectorate in March 2014, within six months of his posting to that Jail against normal tenure of three years and accommodated in prisons Inspectorate as Deputy Director in his own pay scale BPS-17, in addition as personal staff officer as well as public information officer.
11. That in view of the above facts, on reaching to prisons inspectorate in first instance my transfer was ordered from central prison Bannu to Judicial Lockup Tank in the said month of March 2014, despite I belong to Mardan District and have completed normal tenure at central Prison Bannu from 04/11 to 31/03/2014.
12. That after issuance my transfer orders on Fax, Mr. Zafar Iqbal compelled Supdt: central Prison Bannu repeatedly on phone for my immediate leaving for Tank, so I took over charge at Judicial Lockup Tank on 04/04/2014.
13. That during my duties at Judicial Lockup Tank, on my repeated request after (70) days, only two days station leave i-e for 14,15/06/2014 was granted to me by Assistant Inspector General in the absence of Inspector General of Prisons, that too on telephonic request of one Shafqat from Deputy Commissioner Officer Tank.
14. That on expiry of said two days station leave, Zafar Iqbal checked me on phone at Tank on 16/06/2014 and called my explanation through Inspector General of Prisons for non arrival at Tank in time on 16/06/2014 and warned writtenly for no fault.
15. That prisons Inspectorate cannot reject/challenge/ignore or pass decision/opinion of two medical Board as such previously case of no officer/official sent back to concerned authority after medical Board decision, but only to the personal grudges of Mr. Zafar Iqbal Deputy Director, the Inspector General of Prisons Continuously treated me discriminately for the last six months and tried to torched/harm me on any way, which is injustice and does not suit to Head of the Department to treat his subordinate on like dislike manner.
16. Beside facts stated above I have no political influences (like other upper staff of prisons department who were posted on station of their choice), I have made a rolling stone by the prison Inspectorate since 2005 in the below jail of the province (despite exemplary thirty years service record):, as is evident for my ACRs in the Prisons Inspectorate:;

1. Sub Jail Batagram 2. Central Jail Haripur 3. Sub Jail Dassu Hazara Kohistan
4. Distt: Jail Lower Dir 5. Central Jail Bannu 6. Judicial Lockup Tank

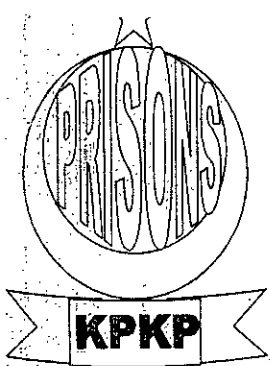
Keeping in view the above stated facts available on record, instead of adopting discriminatory/indifferent treatment with me, the case may be referred to Medical Board for third opinion as required.

Yours Obediently

  
(JANGREZ KHAN)  
S.A.S

Judicial Lockup Tank

18/4/2014



( Annex - E )

OFFICE OF THE  
SUPERINTENDENT  
CENTRAL PRISON D.I.KHAN

No. 11719-WE / Dated 20/10/2014

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

Subject: DISCIPLINARY ACTION.

R/Sir,

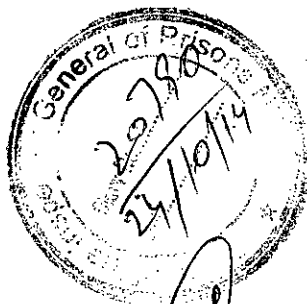
Kindly refer to your No.8/2-J-1981/23756 dated 22-9-2014.

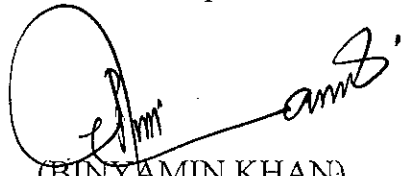
Keeping in view the record in hand, confirmation certificate by different medical officers report of the Superintendent Jail it is clear crystal that the medical presented by Mr. Jangraiz Khan Senior Assistant Superintendent Jail are invalid and bogus. However to complete the inquiry. Mr. Jangraiz Khan Senior Assistant Superintendent Jail was directed vide this office No.11644 dated 17-10-2014 to attend the office alongwith his defence in writing if any. Mr. Jangraiz Khan Senior Assistant Superintendent Jail vide his No.659-WE dated 18-10-2014 shows his inability for personal attendance however sent his reply.


I gone through the record, his reply does not coincide with the record nor allegation.

### RECOMMENDATION

For the purpose major penalty is recommended, however if competent authority look into his personal life and order some leniency, then he is empowered so.



  
(BINYAMIN KHAN)  
SUPERINTENDENT  
CENTRAL PRISON DIKHAN  
(INQUIRY OFFICER)

  
29/10/14

Annex - F

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**SHOW CAUSE NOTICE**

I, **Kifayatullah Khan**, I.G.Prisons Khyber Pakhtunkhwa, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, do hereby serve you, **Mr. Jangrez Khan, Senior Assistant Superintendent Jail (BPS-16) Incharge Judicial Lockup Tank**, as followed :-

- i. That consequent upon the completion of inquiry conducted against you by the Inquiry Officer for which you were given opportunity of hearing and;
- ii. On going through the findings and recommendations of the Inquiry Officer, the material on record and other connected papers including your defence before the Inquiry Officer, I am satisfied that you have committed the following acts/omissions specified in rule-3 of the said rules:-

You while attached to Central Prison Bannu, Superintendent Central Prison Bannu vide his letter No.1076-WE dated 25-3-2013 has reported that you have left the jail premises on 22-3-2013 and proceeded to home without prior permission of the competent authority. After serving notice you submitted medical certificates for the period of your willful absence from 22-3-2013 to 18-8-2013 (150 days), which upon verification, Medical Superintendent concerned conveyed vide their attached letters, that the following medical certificates are fake/bogus, thus you have committed grave misconduct on your part:-

1.	Medical certificate from 15-4-2013 to 21-4-2013	(07 days) MS Mardan.
2.	Medical certificate from 22-4-2013 to 5-5-2013	(14 days) -do-
3.	-do- from 6-5-2013 to 12-5-2013	(07 days) -do-
4.	Medical certificate from 29-6-2013 to 02-7-2013	(04 days). M/S Haripur
5.	Medical certificate from 03-7-2013 to 06-7-2013	(04 days). -do-
6.	Medical certificate from 07-7-2013 to 13-7-2013	(07 days). -do-
7.	Medical certificate from 14-7-2013 to 20-7-2013	(07 days). -do-
8.	Medical certificate from 23-7-2013 to 5-8-2013	(14 days) M/S LRH
9.	Medical certificate from 06-8-2013 to 12-8-2013	(07 days). M/S Haripur
10.	Medical certificate from 13-8-2013 to 16-8-2013	(04 days). -do-
	Total:-	75 days

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the major penalty of "**Removal from Service**" under rule-4 of the said rules.
3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
4. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.
5. A copy of the findings of the Inquiry Officer is enclosed.

*Received*  
*12/10/14*  
*10-014*

*mmw 21/12*  
**INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA PESHAWAR.**

I « Annex-9 »

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To,

**The Inspector General of Prison,  
Khyber Pakhtunkhwa Peshawar.**

Through: **PROPER CHANNEL**

Subject: **SHOW CAUSE NOTICE**

Sir,

Reference: Your letter No. 29629-WP dated 03-12-2014.

In this connection it is submitted that inquiry report recorded by Mr. Binyamin Khan Superintendent Central Prison D.I.Khan, received with your letter under reference is totally incorrect as is evident from the following facts: -

- i) That inquiry officer does not touch my reply about my illness duly justified twicely by standing medical board on 12-06-2013 and 21-08-2013, arranged by the Director General Health services Khyber Pakhtunkhwa Peshawar on the recommendation of your good self (attested copies enclosed).
- ii) That the inquiry officer also ignored my present suffering in the said illness/ continued treatment from the last four months, duly certified by homeo physician Mr. Sultan Mehmood at Tank and verified by Medical Officer incharge Police and F.C hospital Tank (attested copy attached).
- iii) That the inquiry officer also not discussed my genuine grievances and discriminatory treatment of the department, with me in connection of posting/transfer/not granting earned leave, once applied in entire service due said illness in the year 2013, already mentioned in reply to inquiry officer.
- iv) That I am suffering from the illness in question since 2011 and remained under Homeo treatment from private Homeo Physician at Mardan from March 2012 to March 2013 and these facts may be confirmed from my casual leave applications on record at Central prison Bannu and proof can also be provided from Homeo Physician at Mardan if desired.
- v) That the undersigned is serving in prisons department Khyber Pakhtunkhwa from the last thirty five years, very efficiently and honestly (including more than twelve years in prisons inspectorate) Peshawar. During said long service period of (35) years the undersigned never absented from duty, nor avail any earned leave OR medical leave. As regard the present medical leave, the undersigned suffering from three illness i.e. Hamarade, old stomach ulcer problem and cronic allergy, due to - - -

P-2 - contd - - -

P-2

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said reasons I went to different Hospitals for checkup / treatment, where examined by doctor on duty on OPD chit, prescribed treatment/ rest accordingly, which are genuine as is evident from re-verified one for two weeks from LRH Peshawar, previously declared as fake.

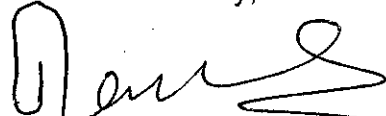
vi) That in view of above facts after physical examination of the undersigned, the standing medical board at Police and services Hospital Peshawar twicely justified illness as well as leave on this account.

Keeping in view my long illness, old age, non availing any earned/medical leave during service, except instant having about five years earned leave in credit, two opinion of medical board, as well as thirty five years clear record service career in prison department, the undersigned may kindly be exonerated from the said illegal/base less charges and oblige.

The undersigned also desired to be heard in person.

Encl: Sicc Nos

Your's obediently,



(MR. JANGREZ KHAN (S.A.S)  
Judicial Lockup Tank.

22/12/014



OFFICE OF THE  
INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA PESHAWAR.

NO. 8/2-J-1981/3685

DATED 16-02-2015

**ORDER**

In exercise of powers conferred under Rule-14 of Khyber Pakhtunkhwa Government Servants(Efficiency & Discipline) Rules 2011, having considered the charges, evidence on record, the explanation of the accused officer as well as recommendation of the Inquiry Officer and after affording the opportunity of personal hearing, the undersigned being competent authority, hereby award major penalty of "Reduction to lower post i.e Assistant Superintendent Jail (BPS-14) for a period of five years" to Mr.Jangrez Khan Senior Assistant Superintendent Jail attached to Judicial Lockup Tank for his misconduct/willful absence as well as submission of Fake medical certificates. The below noted period containing 75 days for which he produced fake medical certificates is hereby treated as leave without pay :-

1.	Medical certificate from 15-4-2013 to 21-4-2013	(07 days).
2.	Medical certificate from 22-4-2013 to 5-5-2013	(14 days)
3.	Medical certificate from 6-5-2013 to 12-5-2013	(07 days)
4.	Medical certificate from 29-6-2013 to 02-7-2013	(04 days).
5.	Medical certificate from 03-7-2013 to 06-7-2013	(04 days).
6.	Medical certificate from 07-7-2013 to 13-7-2013	(07 days).
7.	Medical certificate from 14-7-2013 to 20-7-2013	(07 days).
8.	Medical certificate from 23-7-2013 to 5-8-2013	(14 days)
9.	Medical certificate from 06-8-2013 to 12-8-2013	(07 days).
10.	Medical certificate from 13-8-2013 to 16-8-2013	(04 days).
	Total:-	75 days

In addition, the medical certificates for 75 days which details given below as verified by the Medical Superintendents concerned, is hereby treated as leave on medical grounds on full average pay subject to title in favour of the above named officer:-

1.	Medical certificate from 17-8-2013 to 18-8-2013	(02 days).
2.	Medical certificate from 22-3-2013 to 26-3-2013	(05 days).
3.	Medical certificate from 27-3-2013 to 30-3-2013	(04 days).
4.	Medical certificate from 31-3-2013 to 03-4-2013	(04 days).
5.	Medical certificate for 07-4-2013	(01 day).
6.	Medical certificate from 21-7-2013 to 22-7-2013	(02 days).
7.	Medical certificate from 13-5-2013 to 26-5-2013	(14 days)
8.	Medical certificate from 27-5-2013 to 02-6-2013	(07 days)..
9.	Medical certificate from 3-6-2013 to 16-6-2013	(14 days).
10.	Medical certificate from 17-6-2013 to 20-6-2013	(04 days).
11.	Medical certificate from 21-6-2013 to 24-6-2013	(04 days).
12.	Medical certificate from 25-6-2013 to 28-6-2013	(04 days).
13.	Medical certificate from 4-4-2013 to 6-4-2013	(03 days)
14.	Medical certificate from 8-4-2013 to 12-4-2013	(05 days)
15.	Medical certificate from 13-4-2013 to 14-4-2013	(02 days)
	Total:-	75 days.

INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA PESHAWAR.

ENDST;NO. 3686-901.

Copy of the above is forwarded to :-

1. The Superintendent, Central Prison Bannu for information and necessary action with reference to this office endst; No.23757-59 dated 22-9-2014.
2. The Superintendent, Judicial Lockup Tank for information and necessary action.
3. The District Accounts Officers Bannu & Tank for information.
4. Mr.Binyamin Khan Superintendent Central Prison D.I.Khan (Inquiry Officer) for information with reference to his letter No.11719-WE dated 20-10-2014.

INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA PESHAWAR.





**OFFICE OF THE  
INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR**

☎ 091-9210334, 9210406      📠 091-9213445

No. 8/2-J-1981/7258 I., WE

Dated 27-03-2015 I.,

To

The Secretary to Government of Khyber Pakhtunkhwa,  
Home and T.As Department,  
Peshawar.

**Subject:- DEPARTMENTAL APPEAL AGAINST THE OFFICE ORDER NO.8/2-J-1981/3685 DATED 16-2-2015 PASSED BY THE INSPECTOR GENERAL OF PRISONS KHYBER PAKHTUNKHWA PESHAWAR.**

Sir,

I am directed to refer to the subject and to convey that Superintendent Central Prison Bannu had reported vide his letter No.1076-WE dated 25-3-2013 (copy enclosed) that Mr.Jangrez Khan Senior Assistant Superintendent Jail left the jail premises on 29-3-2013 and proceed to home without prior permission of the competent authority. Accordingly Superintendent Central Prison Bannu was directed vide this office letter No.9204 dated 29-3-2013(copy enclosed) to serve a notice on him at his home address with the direction to resume duties immediately and explain cause of his willful absence. In response, he served a notice on him vide his letter No.2221 dated 09-4-2013(copy enclosed). Later-on, he instead of resuming duties at Central Prison Bannu submitted medical certificates with effect from 22-3-2013 to 18-8-2013. Superintendent Central Prison Bannu vide his letter No.947-WE dated 05-3-2014(copy enclosed) submitted his medical leave case in the light of opinion of Standing Medical Board (copy enclosed) wherein Board concerned opinioned that the previous medical leave is justified, however, the authority concerned before sanctioning his medical leave for the period from 22-3-2013 to 18-8-2013 sent photocopies of his medical certificates to Medical Superintendents concerned for verification vide this office letters No.17518-WE dated 26-6-2014, No.17519-WE dated 26-6-2014, No.17520-WE dated 26-6-2014 & No.17521-WE dated 26-6-2014(copies enclosed).

In response vide letters No.4093 dated 26-7-2014, No.8863 dated 01-9-2014, No.28005 dated 02-9-2014 & No.4709 dated 04-9-2014(copies enclosed) Medical Superintendents concerned has intimated that his medical certificates for the below noted period declared Fake/bogus:-

- |     |   |                        |
|-----|---|------------------------|
| 1.  | Medical certificate from 15-4-2013 to 21-4-2013 | (07 days) MS Mardan.   |
| 2.  | Medical certificate from 22-4-2013 to 5-5-2013  | (14 days) -do-         |
| 3.  | -do- from 6-5-2013 to 12-5-2013                 | (07 days) -do-         |
| 4.  | Medical certificate from 29-6-2013 to 02-7-2013 | (04 days).M/S Haripur  |
| 5.  | Medical certificate from 03-7-2013 to 06-7-2013 | (04 days). -do-        |
| 6.  | Medical certificate from 07-7-2013 to 13-7-2013 | (07 days). -do-        |
| 7.  | Medical certificate from 14-7-2013 to 20-7-2013 | (07 days). -do-        |
| 8.  | Medical certificate from 23-7-2013 to 5-8-2013  | (14 days) M/S LRH      |
| 9.  | Medical certificate from 06-8-2013 to 12-8-2013 | (07 days). M/S Haripur |
| 10. | Medical certificate from 13-8-2013 to 16-8-2013 | (04 days). -do-        |
|     | <b>Total:-</b>                                  | <b>75 days</b>         |

Departmental proceeding was initiated against the above named officer and Mr.Binyamin Khan Superintendent Central Prison D.I.Khan was appointed as Inquiry Officer in the case vide this office endst; No.23757-759 -WE dated 22-9-2014(copy enclosed).

The Inquiry Officer concerned submitted his findings vide his letter No.11719-WE dated 20-10-2014(copy enclosed) according to which the charges of willful absence as well as submission of fake/bogus medical certificates stood proved against him. As required, final Show Cause Notice was served on him vide this office letter No.8/2-J-1981/29629-WE dated 03-12-2014 (copy enclosed). He furnished his reply but the same was found un-satisfactory, however, before passing final orders the opportunity of personal hearing was also afforded to him vide this office letter No. 8/2-J-1981/2487 dated 30-1-2015 (copy enclosed).

As the charges stood proved against him, upon completion of procedural formalities, he was warded the major penalty of "Reduction to lower post i.e Assistant Superintendent Jail(BPS-14) for a period of five years" vide this office order No. 8/2-J-1981/3685 dated 16-2-2015 (copy enclosed).

c/o P-2



**OFFICE OF THE  
INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR**

☎ 091-9210334, 9210406 🏠 091-9213445

No. \_\_\_\_\_ 1.,

Dated 27-03-2015 1.,

P-2-

Now feeling aggrieved with the above decision, he has preferred his departmental appeal for setting aside the penalty awarded to him. *Which is enclosed herewith*

As no solid grounds have been given by the appellant in his appeal, therefore, the same may please be rejected.

His history of service is as under:-

S.No.	Name of official.	Rank	D/O birth.	D/O appointment.	Penalties awarded previously.
1.	Mr.Jangrez Khan.	Asstt; Supdt; Jail(BPS-14).	01-5-1960	12-10-1978	He was awarded the penalty of " <b>Censure</b> " in a case regarding Discrepancies/fraud were found in Arms and Ammunition stock of CP Peshawar vide office Order No.118 dated 02-1-2013

Yours Obediently,

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

541

BEFORE THE WORTHY SECRETARY GOVERNMENT OF KHYBER  
PAKHTUNKHWA HOME AND TRIBAL AFFAIRS DEPARTMENT, PESHAWAR

SERVICE REPRESENTATION NO. 7 /2015.

ANGREZ KHAN S/O FAZAL REHMAN SENIOR ASSISTANT SUPERINTENDENT  
JUDICIAL LOCKUP TANK, DISTRICT TANK  
(APPELLANT)

VERSUS

THE INSPECTOR GENERAL OF PRISONS KHYBER PAKHTUNKHWA PESHAWAR  
(RESPONDENT)

SERVICE REPRESENTATION AGAINST ORDER NO.3685  
DATED:16/02/2015 RECEIVED AT TANK ON 19/02/2015

The appellant amongst other grounds respectfully submits as follows:-

- (1) That the appellant remained posted at district jail Timergara from January 2010 till the end of April 2011 and later on assumed duties at central prison Peshawar on 18-04-2011 and then at central prison Bannu as senior assistant superintendent w.e.f. 24-08-2011. During 2011 various ailments afflicted the appellant. Copies of medical prescription as well as original already submitted to respondent.
- (2) In July 2012 Muhammad Asif son of the appellant died in terrorist attack during training at Lahore, which trauma deranged the entire family and due such eventful episode appellant moved an application for 4 months earned leave which was declined by the respondent authority and such leave was the entitlement of the appellant under leave rules 1981 and under advice of medical officer central prison Bannu, the appellant proceeded on medical leave w.e.f. from 22/03/2013 as required under rule 1096 of Pakistan Prisons Rules till 18/08/2013. Original as well as copies of all medical prescription submitted to the Respondent.
- (3) The Respondent authority referred the appellant to standing medical board police and services hospital Peshawar and the said board affirmed stated ailments of the appellant on 12/06/2013, 21/08/2013 attested copies enclosed, but these reports were not properly examined by the Respondent authority and were underrated by the said authority.
- (4) One Zafar Iqbal Principal Staff Officer-Cum- public information officer of Inspector General Peshawar as known bias against the appellant and his "real danger bias" worked against the appellant and the appellant was transferred from central prison Bannu to judicial lockup tank. The appellant assumed duties at tank on 04-04-2014. And all the medical records of the appellant were almost wiped off and instead Mr. Binyamin Khan of the central prison D.I.KHAN was nominated as inquiry officer vide inspector general of prison No.23756 Dated 22/09/2014 copy enclosed.

P-2-Contd.

(5) The appellant submitted reply to the show cause notice dated 18-10-2014 to the inquiry officer.

(6) The inquiry officer did not punctiliously adopt the procedure warranted under E&D rules 2011 and the inquiry officer did not offer the opportunity of full-scale defense and cross-examination of the accusing officer OR his witnesses. Copy of his report before personal hearing was not furnished which is a serious omission interning drastic irregularity in the exercise of jurisdiction so vested.

(7) The appellant was called for personal hearing on 04/02/2015 by the acting Inspector General of Prisons, but no material oral cross-examination was done since there is no memos of hearing available on record.

(8) The Inquiry officer has assumed for himself the status of authority by making "penalty specific" report dated 20/10/2014 against the intention of notification No. SOR-V(E&D) dated 28/03/2014, copy enclosed and his report is thus subjectively formulated when the reporting Medical officer of Mardan and Haripur had not been orally examined by the inquiry officer on oath which is a material irregularity on his report.

(9) The ailments once diagnosed by the competent medical professionals are continual infirmities and require continuous treatment and even in the absence of medical certificates, the ailment ensure and in such compulsive situation "the leave even not due" is permissible on compassionate grounds and such leave can be adjusted against future earned leave and the penalty thus imposed is not in accordance with rules of proportionality and lenient view may be the demand of law.

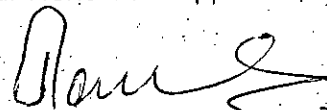
It is therefore PRAYED that the impugned orders dated 16/02/2015 may kindly be set aside and the appellant may be re-instated in his grade BPS-16 with all back benefits.

The appellant also wishes to be heard in person.

With Regards,

Dated 12-3-2015

Your Honorable Appellant,

  
( MR. JANGREZ KHAN )  
Assistant Superintendent  
Incharge Judicial Lockup Tank.



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**OFFICE OF THE  
INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR**

NO. 7454

DATED 24-03-2014

**ORDER**

Following postings/transfers are hereby ordered in the public interest:-

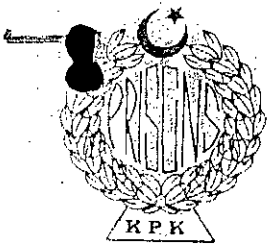
S.No.	Name of Officer with BPS & designation.	From	To
1.	Mr.Samiullah Deputy Superintendent Jail (BPS-17).	Under order of transfer from DJ Timergara to CP Bannu vide office order No.6683 dated 14-3-2014.	DJ Kohat vice No.2.
2.	Sardar Zaman Babar Deputy Superintendent Jail (BPS-17).	DJ Kohat.	CP Haripur and posting of Senior Asstt; Supdt; Jail Mujeeb -ur-Rehman may be read against the existing vacant post of SAS (BPS-16).
3.	Mr.Tahir Shabaz Khan Wazir, Deputy Superintendent Jail (BPS-17).	DJ Karak.	CP Bannu vice No.1 above.
4.	Mr.Baitullah, Senior Assistant Superintendent Jail (BPS-16).	CP Haripur.	CP Peshawar vice No.5.
5.	Mr.Muhammad Hamid, Senior Assistant Superintendent Jail (BPS-16).	CP Peshawar.	Judicial Lockup Swabi vice No.6.
6.	Mr.Junaid Muhammad, Senior Assistant Superintendent Jail (BPS-16).	Judicial Lockup Swabi.	CP Haripur vice No.4 above.
7.	Syed Akhtar Hussain Shah, Senior Assistant Superintendent Jail (BPS-16).	CP Haripur.	DJ Mansehra vice No.8.
8.	Mr.Abdul Bari, Senior Assistant Superintendent Jail (BPS-16).	DJ Mansehra.	CP Haripur vice No.7 above.
9.	Mr.Muhammad Jamil, Senior Assistant Superintendent Jail (BPS-16)	Central Prison Bannu.	Central Prison D.I.Khan vice No.10.
10.	Mr.Muhammad Ayub, Senior Assistant Superintendent Jail (BPS-16).	Central Prison D.I.Khan.	CP Haripur vice No.11.
11.	Mr.Noor-ul-Basar, Senior Assistant Superintendent Jail (BPS-16).	CP Haripur.	DJ Timergara vice No.12.
12.	Mr.Sayyar Ahmad, Senior Assistant Superintendent Jail (BPS-16).	DJ Timergara.	DJ Karak against the vacant post and as a Incharge vice No.3 above.
13.	Mr.Jangrez Khan, Senior Assistant Superintendent Jail (BPS-16).	CP Bannu.	Judicial Lockup Tank against the vacant post as Incharge.
14.	Mr.Gul Alam, Senior Assistant Superintendent Jail (BPS-16).	CP D.I.Khan and temporary attached to J/L Tank.	CP Bannu vice No.13 above.

**NOTE**

- i. Arrival and departure report should be sent to all concerned.
- ii. All should be relieved of their duties immediately by making local arrangement.
- iii.No TA /DA is allowed to officers at S.No.1,2,4,5,7,9,10 & 12 above on this account.
- iv. No joining time is allowed.

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

C/O P-2



OFFICE OF THE  
INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR

NO. \_\_\_\_\_

DATED 24-3-2014

ENDST;NO. 7455-75 1.

Copy of the above is forwarded to :-

1. The Secretary to Government of Khyber Pakhtunkhwa Home & T.As Department Peshawar, for information with reference to Home Department letter No.1/30-SO(Prisons)HD/2012/Vol-XI dated 27-2-2014.
2. The Accountant General Khyber Pakhtunkhwa Peshawar, for information.
3. The Superintendents, Central Prison Peshawar, Haripur, Bannu & D.I.Khan.
4. The Superintendents, District Jail Mansehra, Kohat, Karak & Timergara.
5. The Superintendent, Judicial Lockup Swabi & Tank.

For information and necessary action.

6. The District Accounts Officers Mansehra, Haripur, Kohat, Karak, Bannu, D.I.Khan, Swabi & Tank for information.
7. PS to Advisor to Chief Minister (For Prisons) Khyber Pakhtunkhwa for information with reference to his DO letter No.Adv/CM/Prisons/2014 dated 21-3-2014..

  
INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA PESHAWAR



Seminar appeal No. 735/2815 in of Olayo

Recd

Received a sum of Rs. 1000/- one  
thousand from the representative  
of I.C. Prisons Office on account  
of cost of fine today dated,  
23/6/2016.

23/6  
Jangrez Khan  
Petitioner

**BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.**

Service Appeal No. 735/2015

Jangrez Khan

VS

Secretary Home, KPK, etc:

.....

**REJOINDER ON BEHALF OF APPELLANT**

.....

**RESPECTFULLY SHEWETH:**

**Preliminary Objections:**

(i-vi) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

**FACTS:**

- 1 No comments endorsed by the respondents department which means that they have admitted Para-1 of the appeal as correct.
- 2 Incorrect. While para-2 of the appeal is correct as mentioned in the main appeal of the appellant. Moreover, in similar nature service appeal No. 1941/2011 and Appeal no1495/2011 had been decided by the Hon'able Tribunal and kind enough Accept the appeal and case was remanded to the Department for fresh inquiry so the appellant has the similar placed person and entitled for the same relief.
- 3 Partially admitted correct by the respondents, while the rest of the reply is incorrect. While rest of the para-3 of the appeal is correct.
- 4 Incorrect. While Para-4 of the appeal is correct as mentioned in the main appeal of the appellant. Moreover, there was no codal formality was fulfilled by the Department before issuing the impugned order.
- 5 Para-5 is not denied by the respondent which means they have admitted Para-5 of the appeal as correct. Moreover, The appellant has good cause of action and his appeal is liable to be accepted.




**GROUNDS:**

- A) Incorrect. While Para-A of grounds of the appeal is correct as mentioned in the main appeal of the appellant. Moreover, the impugned orders are against the law, rules policy & facts and norms of justice.
- B) Incorrect. While Para-B of grounds of the appeal is correct as mentioned in the main appeal of the appellant.
- C) Incorrect. While Para-C of grounds of the appeal is correct as mentioned in the main appeal of the appellant. the ex-party action was taken against the appellant.
- D) Incorrect. While Para-D of grounds of the appeal is correct as mentioned in the main appeal of the appellant.
- E) Incorrect. While Para-E of grounds of the appeal is correct as mentioned in the main appeal of the appellant.
- F) Incorrect. While Para-F of grounds of the appeal is correct as mentioned in the main appeal of the appellant.
- G) Incorrect. While Para-G of grounds of the appeal is correct as mentioned in the main appeal of the appellant.
- H) Incorrect. While Para-H of grounds of the appeal is correct as mentioned in the main appeal of the appellant.
- I) Legal.

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

**APPELLANT**

**Through:**

  
**(M. ASIF YOUSAFZAI)**  
**ADVOCATE, PESHAWAR.**

**AFFIDAVIT**

It is affirmed and declared that the contents of rejoinder and appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from the Hon'able Tribunal.

  
**DEPONENT**



KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1405 /ST

Dated 16-8- / 2019

To


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

Subject: -

JUDGMENT IN APPEAL NO. 735/2015, MR. JANGREZ KHAN.

I am directed to forward herewith a certified copy of Judgement dated 09.07.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.