

28.07.2016

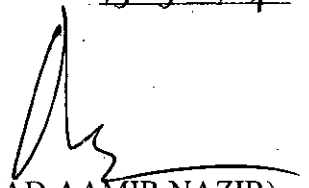
Appellant in person and Mr. Sheryar, ASJ and Mr. Gohar Ali, Asstt. for the official respondents and private respondents No. 3 to 5 in person present. Written reply by all the respondents submitted. The appeal is assigned to D.B for rejoinder and final hearing for 23.11.2016.


Chairman

23.11.2016

Counsel for the appellant, Additional AG for official respondents No.1 & 2 and private respondents No. 3 & 4 in person present. Learned counsel for the appellant submitted rejoinder, copy whereof handed over to learned Additional AG. To come up for arguments on 15.3.17 before D.B.


(ABDUL LATIF)
MEMBER

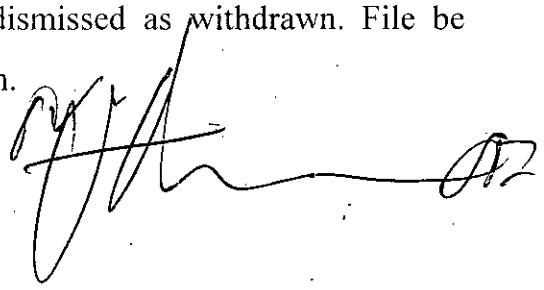

(MUHAMMAD AAMIR NAZIR)
MEMBER


15.03.2017

Appellant with clerk to counsel for appellant and Addl: A.G for respondents present. Appellant requested for withdrawal of the instant appeal. In this respect his signature also obtained in the margin of the order sheet. As such the appeal in hand is hereby dismissed as withdrawn. File be consigned to the record room.

Announced:
15.03.2017


(ASHFAQUE TAJ)
MEMBER


(MUHAMMAD AAMIR NAZIR)
MEMBER


17301-1900898.5

11.04.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant is Wardans BPS-5 and was entitled to promotion as Head Warder BPS-7 being senior and fit but ignored and juniors to appellant promoted vide impugned order dated 28.5.2015 where-against appellant preferred departmental appeal on 5.12.2015 which was not responded and hence the instant service appeal on 28.3.2016.

Appellant Deposited
Security & Process Fee

That the impugned order is violative of provisions of section 9 of Khyber Pakhtunkhwa Civil servants Act read with rules 6 of Khyber Pakhtunkhwa Civil Servants, (Appointment Promotion and Transfer) Rules, 1989.

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 1.6.2016 before S.B.


Chairman

01.06.2016



Appellant in person and Mr. Sohrab, Junior Clerk for official respondents No. 1 & 2 and private respondents No. 3, 4, 5 in person present. Requested for adjournment. To come up for written reply/comments of all the respondents on 28.07.2016 before S.B.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 312/2016


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	30.03.2016	<p>The appeal of Mr. Abid Hussain resubmitted today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	30.3.16	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>14-4-16</u></p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Abid Hussain Warder Central Prison Peshawar received to-day i.e. on 28.03.2016 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Copies of Service record mentioned in para-2 of the memo of appeal (Annexure-A) are not attached with the appeal which may be placed on it.

No. 498 /S.T,

Dt. 29/3 /2016



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Noor Muhammad Khattak Adv. Pesh.

Note:

Sir,

That objection No.1 has been removed and as to the objection No.2 the service record of the appellant has already been attached as annexure-A pages 5, 6, and 7. It is therefore, most humbly requested that the appeal may be put up before the bench.


30/3/2016.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 312 /2016

ABID HUSSAIN

VS

I.G. PRISON & OTHERS

INDEX

S. NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of appeal	1-3.
2.	Condonation application	4.
3.	Record	A	5- 7.
4.	Seniority list	B	8- 12.
5.	Impugned order	C	13- 15.
6.	Departmental appeal	D	16.
7.	Vakalat nama	17.

APPELLANT

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL No. 312 /2016

C.W.P. Proceeds
Service Tribunal
Diary No. 276
dated 28-03-2016

Mr. Abid Hussain, Warder (BPS-5),
Central Prison Peshawar **appellant**

VERSUS

- 1- The Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar.
- 2- The Superintendent Central Prison Peshawar, Khyber Pakhtunkhwa, Peshawar.
- 3- Mr. Rahamdad Khan, Head warder (BPS-07),
Sub Jail Charsadda, District Charsadda.
- 4- Mr. Shah Faisal, Head Warder (BPS-07),
Central Prison, Peshawar.
- 5- Mr. Mohammad Umar, Head Warder (BPS-07)
Central Prison, D.I Khan.

..... **RESPONDENTS**

APPEAL UNDER SECTION-4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974
AGAINST THE IMPUGNED NOTIFICATION DATED
28.5.2015 COMMUNICATED TO THE APPELLANT
ON 12.11.2015 WHEREBY JUNIOR TO APPELLANT
HAS BEEN PROMOTED TO THE POST OF HEAD
WARDER (BPS-07) BY IGNORING THE APPELLANT
AND AGAINST NOT TAKING ACTION ON THE
DEPARTMENTAL APPEAL OF APPELLANT WITHIN
THE STATUTORY PERIOD

PRAYER: That on acceptance of this appeal the impugned order dated 28.5.2015 communicated to appellant on 12.11.2015 may very kindly be set aside and the respondents may kindly be directed to consider the appellant for promotion to the post of Head Warder (BPS-07) from the date when his juniors were promoted i.e. w.e.f. 28.5.2015 with all monetary benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

re-submitted to day
and filed:

30/3/16
Registrar

R.SHEWETH:
ON FACTS:

- 1- That appellant was appointed as Warder (BPS-05) in the respondents Department on the proper recommendation of Departmental selection committee vide order dated 1.8.1995.

That right from appointment till date the appellant has served the respondent Department quite efficiently and up to the entire satisfaction of his superiors.

- 2- That during service the appellant has under gone through all requisite courses and has served the respondent Department at far flung areas of the province. Copies of the record is attached as annexure **A.**
- 3- That according to the seniority list of warder (BPS-05) the seniority of the appellant was placed at serial No.510 while that of the private respondents were placed at serial No.522, 523 and 524 respectively. Copy of the seniority list is attached as annexure **B.**
- 4- That vide impugned Notification dated 28.5.2015 communicated to appellant 12.11.2015 the private respondents who are junior to the appellant has been promoted to the post of Head Warder (BPS-07) while the appellant who is much more senior than that of private respondents has been ignored without any reason and clear justification. Copy of the impugned Notification is attached as annexure **C.**
- 5- That appellant feeling aggrieved from the Notification dated 28.5.2015 communicated to appellant 12.11.2015 filed Departmental appeal but no reply has been received so far. Copy of the Departmental appeal is attached as annexure **D.**

GROUND:

- A- That the impugned Notification dated 28.5.2015 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That the appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondent violated article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That it is very much clear from the seniority list of Warders that the appellant is senior to that of private respondents No.3 to 5 but inspite of that the appellant has been superseded by the respondents by not promoting the appellant to the post of Head warder (BPS-07) whereas junior colleague of the appellant has been promoted.

- D- That the respondent department acted in arbitrary and malafide manner by not promoting the appellant to the post of Head Warder (BPS-07).
- E- That the respondent Department discriminated the appellant while issuing the impugned Notification dated 28.5.2015.
- F- That the respondents violated the Civil servant Act 1973 as well as appointment promotion and transfer Rules 1989 while issuing the impugned Notification dated 28.5.2015.
- G- That respondents not treated the appellant in accordance with law and Rules and as such the respondents violated the norms of natural justice while issuing the impugned Notification dated 28.5.2015.
- H- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

DATED: 24.3.2016

APPELLANT



MOHAMMAD ABID HUSSAIN

THROUGH:



**NOOR MOHAMMAD KHATTAK
ADVOCATE**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2016

ABID HUSSAIN VS I.G. PRISON & OTHERS

APPLICATION FOR CONDONATION OF
DELAY IN FILING THE ABOVE NOTED
APPEAL

R.SHEWETH:

- 1- That the appellant has filed an appeal along with this application in which no date has been fixed so far.
- 2- That the appellant prays for the condonation of delay in filing the above noted appeal inter alia on the following grounds:

GROUND OF APPLICATION:

- A- That valuable rights of the appellant are involved in the case hence the appeal deserve to decide on merit.
- B- That it has been the consistent view of the Superior Courts that cases should be decided on merit rather on technicalities including the limitation. The same is reported in 2004 PLC (CS) 1014 and 2003 PLC (CS) 76.

It is therefore prayed that on acceptance of this application the delay in filing the above noted appeal may please be condoned.

Dated: 25.3.2016.

APPELLANT



ABID HUSSAIN

THROUGH:



NOOR MOHAMMAD KHATTAK
ADVOCATE

6



GOVERNMENT OF PAKISTAN
MINISTRY OF INTERIOR
(INTERIOR DIVISION)

CENTRAL JAIL STAFF TRAINING INSTITUTE LAHORE.

Serial No. PC-00949

This is to certify that

Mr. MUHAMMAD ABID HUSSAIN

Designation WARDER

Central/District Jail/Office PESHAWAR

PROMOTION TRAINING Attended the 44TH HEAD WARDERS/S.R. WARDERS
Course held from 09-10-2000

to 18-01-2001 and Qualified the Final Examination in

Grade 'B-'

The main subjects included :

- Pakistan Prison Rules
- Social Science
- Law
- Islamiat/Pakistaniat
- Services Rules & Regulations
- Drill/Parade/Musketry
- General Subjects.

~~Position XXXXXX~~

Dated :— 18-01-2001

Seal

Programme Coordinator

Countersigned

~~VICERPRINCIPAL~~

[Signature]
PRINCIPAL

ATTESTED

[Signature]

FINAL GRADING

a.	AI	=	Outstanding	90 - 100%
b.	A	=	Above Average	80 - 89%
c.	B+	=	High Average	65 - 79%
d.	B	=	Average	50 - 64%
e.	B-	=	Low Average	40 - 49%
f.	C	=	Below Average	30 - 39%
g.	FAIL	=	Inadequate	Less than 30% Marks

B-8

FINAL SENIORITY LIST OF WARDERS (BPS-5) OF NWFP PRISONS DEPARTMENT.

New PB NO.	Old PB No.	Name with Parentage	Designation	Date of Appointment	Date of Birth	Qualification if any.	Domicile District
1	644	Habibullah S/o Karim Khan	Warder	01/11/1976	1/10/56	Nil	Bannu
2	658	Noorullah S/o Fazal Mola	Warder	09/03/1977	18/03/53	Nil	Charsada
3	667	Aurangzeb S/o Raheem Khan	Warder	28/03/1977	23/12/56	Nil	Charsadda
4	746	Amanullah Khan S/o Khushrat Khan	Warder	20/05/1979	1958	Illetrate	Chitral
5	759	Abdul Ghafoor S/o Sammar Khan	Warder	12/04/1980	24/02/58	Nil	Bannu
6	765-B	Zahir Gul s/o Rehmat Gul	Warder	14/05/1980	12/5/62	Primary	Charsadda
7	782	Qamar Zaman S/o Habib ur Rahman	Warder	02/11/1980	30-10-1958	Primary	Charsada
8	789	Akhtar Muner S/o Khan Khel	Warder	14/11/1980	14/11/62	NIL	Mardan
9	790	Farhad Ali S/O Mir Nawab Khan	Warder	16-11-1980	15-11-1958	NIL	Swabi
10	796	Khan Bahadur s/o Abdul Wahab	Warder	21/01/1981	23-01-1959	NIL	Mardan
11	801	Khanan Khan S/o Musharaf Din	Warder	07-02-1981	01-07-1963	Nil	Nowshera
12	820	Gulzar Khan S/o Rohuddin	Warder	01/07/1981	1/7/63	Primary	Mardan
13	820-B	Safdar Khan S/o Firdos Khan	Warder	01/07/1981	19/07/57	Nil	Charsada
14	823	Muhammad Ayub S/o Dino Khan	Warder	21/07/1981	14/03/59	5th Class	Chitral
15	833	Mohammad s/o Lal Mohammad	Warder	05/11/1981	06-06-1967	Primary	Peshawar
16	839	Lal Mohd: s/o Khuaja Muhd:	Warder	22/12/1981	14-01-1964	5 class	Swabi
17	841	Noor Shah s/o Gul Dad	Warder	03/01/1982	04-04-1956	NIL	Mardan
18	866	Noor Ayaz Shah S/o Malang Shah	Warder	16/05/1982	7/1/60	Nil	Bannu
19	835	Amin Jan s/o Mohammad Jan	Warder	01/11/1982	5/21/05	5 class	Charsadda
20	868	Sajawal Shah S/o Karim Shah	Warder	05/01/1983	1/1/64	Nil	Charsada
21	876	Muhd: Hashim S/o Ghulam Qasim	Warder	16/01/1983	1/12/64	Nil	DIK
22	878	Manzoor Khan S/o Bustan	Warder	22/01/1983	1962	Nil	Mansehra
23	881	Gul Sher S/o Sher Muhammad	Warder	01/02/1983	20/12/1948	Nil	Dir
24	884	Gul Badshah s/o Abdul Manan	Warder	17/03/1983	15-03-1963	Nil	Charsadda
25	893	Niyamat Qayum S/o Ebadat Khan	Warder	15/04/1983	1/1/55	Nil	Chitral
26	898	Muhd: Quraish Khan s/o Noshad Khan	Warder	26/04/1983	1/30/64	Nil	Swabi
27	900	Hussain Ahmad S/o Noor Said	Warder	23/05/1983	23/05/65	Nil	Mardan

ATTACHED

283	1318	Imtiaz Khan S/o Muhd: Sher	Warder	02/07/1988	17/05/62	Matric
284	1320	Ghafar Ali S/o Nawab Khan	Warder	19/07/1988	1/4/63	Matric
285	1321	Fazal Muhammad s/o Amir Mohammad	Warder	20/07/1988	4/4/68	Primary
286	1324	Amjid Ali s/o Sharbat Ali	Warder	10/08/1988	1/5/58	Matric
287	1324-A	Dilaram Khan S/o Khan Zaman	Warder	10/08/1988	1/9/68	-
288	1325	Muhd: Farid S/o Muhd: Ashraf	Warder	11/08/1988	02/04/--	Middle
289	1330	Banaras Khan s/o Mohabbat Khan	Warder	14/09/1988	1/1/67	Primary
290	1331	Jan Bahadur S/o Abdul Ayan	Warder	18/09/1988	3/5/70	Primary
291	1333	Sultan Afsar S/o Khan Afsar	Warder	20/09/1988	-	-
292	1334	Liyaaat Ali S/o Khybar Khan	Warder	22/09/1988	1964	Nil
293	1335	Shamsher Khan Farvesh Khan	Warder	25/09/1988	1/10/63	Nil
294	1337	Abdul Zahoor S/o Saifoor Khan	Warder	11/10/1988	17/08/66	B.A
295	1338	Bismiullah Jan s/o Turab Khan	Warder	13/10/1988	5/2/65	7 class
296	1340	Fayaz Muhd: S/o Faqir Muhd:	Warder	17/10/1988	20/03/68	6th
297	1341-A	Kiramat ullah S/o Muhd: Rafiq	Warder	23/10/1988	15/06/70	-
298	1342	Jehan Zeb S/o Shah Jehan	Warder	24/10/1988	25/01/65	Primary
299	1343	Ahmad Nawaz S/o Khybar Zaman	Warder	31/10/1988	1972	Nil
300	1344	Mehar Wali S/o Sheraz Ali	Warder	31/10/1988	15/03/55	Nil
301	1345	M.Ayaz S/o Sher Muhd:	Warder	06/11/1988	14/04/63	Nil
302	1346	Saeed Ahmad S/o Muhd: Suleman	Warder	21/11/1988	15/12/69	Primary
303	1349	Fazal Hadi S/o Abdul Hakim	Warder	10/12/1988	1/1/67	-
304	1350	Hamesh Gul s/o Lihaz Gul	Warder	11/12/1988	20-04-1969	8 class
305	1352	Noor Zaman S/o Mir Akbar Khan	Warder	12/10/1989	13/03/70	F.A
306	1354	Hazrat Muhammad S/o Muhd: Khan	Warder	14/10/1989	1968	Middle
307	1356	Shah Said S/o Hazrat Said	Warder	15/10/1989	1966	Middle
308	1357	Lajbar Khan S/o Nowshad Khan	Warder	15/10/1989	4/4/69	Matric
309 /	1358	Amir Badshah S/o Pir Badshah	Warder	16/10/1989	1964	5th
310	1359	Gul Raif S/o Ghulam Qaisar	Warder	17/10/1989	1/1/63	Nil
311	1360	Alamgir s/o Zardullah	Warder	17/10/1989	18-02-1967	8 class
312	1361	Nisar Muhd: S/o Ali Azghar	Warder	10/10/1989	1965	-do-
313	1362	Jamsher Khan S/o Mukaram Khan	Warder	22/10/1989	15/01/68	Matric
314	1363	Azbar Khan S/o Hameed Gul	Warder	25/10/1989	25/10/65	Nil

ATTACHED

315	1364	Asfandyar Khan s/o Murad Khan	Warder	08/11/1989	1/6/60	Metric
316	1365	Shah Nawaz S/o Hashim Khan	Warder	14/11/1989	-	Matric
317	1366	Noor-ul-Amin S/o Gul Noor	Warder	14/11/1989	1/7/71	5th
318	1367	Abdul Mastan s/o Zabita Khan	Warder	15/11/1989	20-13-1966	Metric
319	1368	Amin Khan S/o Hussain Khan	Warder	15/11/1989	12/1/70	Matric
320	1369	Muslim Khan S/o Muqarab Khan	Warder	16/11/1989	1958	Nil
321	1373	Muhabat Khan S/o Muqarab Khan	Warder	19/11/1989	1962	Primary
322	1375	Fida Muhd: S/o Muhd: Akram	Warder	23/11/1989	25/06/65	9th
323	1376	Muhd: Usman S/o Amir Bahadar	Warder	29/11/1989	13/10/65	Primary
324	1377	Zaheerullah S/o Fareed Khan	Warder	02/12/1989	1968	Primary
325	1378	Habibullah S/o Shah Jehan	Warder	17/12/1989	4/4/57	Nil
326	1378-A	Manzoor Hussain S/o G.Rasool	Warder	17/12/1989	1/12/64	Nil
327	1379	Izat Khan S/o Sharif Khan	Warder	20/12/1989	2/2/65	9th
328	1380	Ikram Bahadar S/o Mir Ghawaz	Warder	21/12/1989	12/5/69	Matric
329	1381	Niaz Muhd: S/o Ghulam Khan	Warder	02/01/1990	15/01/65	Matric
330	1382	Shaukat Hussain S/o Zarif Khan	Warder	10/01/1990	4/4/66	U/Matric
331	1383	Mustajab Khan S/o Mirtanat Shah	Warder	14/01/1990	7/5/64	8th Class
332	1383-A	Muhd: Habib S/o Sher Balang	Warder	14/01/1990	1/3/65	8th Class
333	1384	Sher Zaman S/o Bahadur Bacha	Warder	15/01/1990	11/1/55	Nil
334	1385	Javed Shah S/o Umer Shah	Warder	16/01/1990	22/06/67	Nil
335	1386	Akhtar Kamal S/o Najeem Khan	Warder	22/01/1990	30/04/70	5th
336	1387	Inayat-ur-Rehaman S/o Inayat Khan	Warder	24/01/1990	1/7/68	7th
337	1388	Fazali Amin S/o Abdur Razaq	Warder	25/01/1990	1973	Nil
338	1389	Arshad Jalal S/o Jalal Din	Warder	29/01/1990	6/11/63	Matric
339	1392	Sher Akbar S/o Sher Aziz	Warder	01/02/1990	4/2/66	Nil
340	1393	Gul Nabi s/o Ashraf Khan	Warder	01/02/1990	1/2/72	Primary
341	1394	Mohammad Zeroon s/o Muhd: Zaman	Warder	01/02/1990	5/24/05	Matric
342	1395	Johar Ali S/o Noor Habib	Warder	01/02/1990	21/01/64	F.A
343	1396	Anwar Sher S/o Jamsher Khan	Warder	01/02/1990	19/09/68	Nil
344	1400	M.Amin S/o M.Akram	Warder	11/02/1990	23/02/66	Nil
345	1401	Ali Haider S/o Mehmood Khan	Warder	11/02/1990	5/10/70	F.A
346	1402	Raj Wali S/o Masoom Shah	Warder	14/02/1990	22/04/68	Matric

347	1403	Murad S/o Raheem Khan	Warder	15/02/1990	14/02/1966	Nil
348	1403-A	Anwar Ali S/o Jaipur	Warder	16/02/1990	3/3/68	Nil
349	1404	Amir Faraz S/o Zairif Khan	Warder	18/02/1990	15/11/64	Middle
350	1405	Zakir Ullah s/o Abid Ullah	Warder	01/02/1990	8/2/70	Primary
351	1406	Sabir Khan S/o Aziz Khan	Warder	20/02/1990	16/02/67	Middle
352	1407	Niaz Ali s/o Tawab Khan	Warder	25/02/1990	12/1/63	Matric
353	1409	Muhd: Ilyas S/o Kala Khan	Warder	06/03/1990	1967	Middle
354	1410	Mir Qabaz S/o Sahar Gul	Warder	13/03/1990	1965	Nil
355	1411	Abdullah Jan S/o Bawar Khan	Warder	01/04/1990	15/04/64	Matric
356	1413	Habib-ur-Rehman S/o Rehman Gul	Warder	05/04/1990	9/1/71	Nil
357	1415	Habib Ullah s/o Bacha Khan	Warder	22/04/1990	5/18/05	NIL
358	1418	Gulab Hussain s/o Amir Hussain	Warder	05/05/1990	7/2/70	Primary
359	1420	Umar Daraz S/o Musli Khan	Warder	30/05/1990	1/2/73	Middle
360	1421	Habib Khan /so Shahbaz Khan	Warder	31/05/1990	1/7/61	Primary
361	1424	Liyaqat Ali S/o Abdur Rehman	Warder	30/06/1990	5/4/65	Matric
362	1425	Qadir Khan S/o Azhar Khan	Warder	01/07/1990	22/05/71	Nil
363	1426	Aziz Muhd: S/o Amir Afzal	Warder	01/07/1990	22/11/58	Matric
364	1428	Muhammad Raheem S/O Abdur Raheem	Warder	19-07-1990	12-06-1972	Primary
365	1429	Bashir Ullah S/o Farid Gul	Warder	26/07/1990	23/05/96	9th
366	1430	Muhd: Bashir S/o Ali Rehman	Warder	30/07/1990	18/04/70	Matric
367	1431	Maqbool Hussain s/o Sher Farzand	Warder	31/07/1990	5/20/05	Primary
368	1432	Saeed Rehman S/o Habib-ur-Rehman	Warder	08/08/1990	8/8/67	Nil
369	1433	Aman ullah S/o Nawar Khan	Warder	11/08/1990	21/01/65	Primary
370	1434	Kosar Ali s/o Qambar Gul	Warder	13/08/1990	5/20/05	Primary
371	1436	Maazullah s/o Shah Khail	Warder	18/08/1990	29-10-1970	Matric
372	1438	Niyaz Muhd: S/o Sultan Muhd:	Warder	19/08/1990	31/12/60	Nil
373	1439	Shahzad Gul s/o Taza Gul	Warder	20/08/1990	12/5/70	Primary
374	1440	Mohammad Zakriya s/o Iqbal Shah	Warder	26/08/1990	1/7/70	Metric
375	1441	Akbar Khan S/o Fam jan	Warder	05/09/1990	23/08/67	F.A
376	1442	Ijaz Ali S/o Zardullah	Warder	16/09/1990	1/1/69	Matric
377	1443	Mumber Khan S/o Sadbar	Warder	17/09/1990	6/7/69	Matric
378	1444	Saeed Khan s/o Ghulam Mohammad	Warder	19/09/1990	2/10/68	Primary

ATTESTED



379	1445	Gul Faqir S/o Hamza Din	Warder	23/09/1990	17/12/66	Nil
380	1446	Inayat-ur-Rehman S/o Saleh Rehman	Warder	16/10/1990	1/4/71	Middle
381	1447	Yahya-ud-Din S/o Roshan Din	Warder	01/11/1990	9/2/68	Matric
382	1448	Muhd: Khalid S/o Inayatullah	Warder	06/11/1990	1/3/63	F.A
383	1450	Rehmat Shah S/o Akbar Shah	Warder	12/11/1990	18-04-1971	Middle
384	1450-A	M.Javed Iqbal S/o Muhd: Hayat	Warder	15/11/1990	1/1/67	Primary
385	1452	Muhd: Akbar S/o Ismail	Warder	26/11/1990	1/9/66	Middle
386	1456	Riaz S/o Amir Khan	Warder	11/12/1990	1970	Matric
387	1458	Saeed-ur-Rehman S/o Wilayat Khan	Warder	06/01/1991	5/9/71	6th
388	1459	Razeen Ahmad S/o Shehzada Khan	Warder	16/01/1991	6/1/69	Primary
389	1461	Muhd: Islam S/o Muhd: Alam	Warder	26/01/1991	1/3/73	Nil
390	1462	Ayub Nawaz S/o Aziz Khan	Warder	30/01/1991	1967	Nil
391	1463	Saleem Nawaz S/o Yarmullah	Warder	02/02/1991	7/10/67	Matric
392	1464	Ahmad Said s/o Sayed Zahir Shah	Warder	01/04/1991	7/12/66	Primary
393	1465	Ijaz Khan s/o Khushal Khan	Warder	01/04/1991	3/1/67	Metric
394	1466	Shakir Khan s/o Fazal Rabbi	Warder	11/04/1991	30-10-1969	Primary
395	1467	Sherin Rehman S/o Saif-ur-Rehman	Warder	01/05/1991	1/7/69	Primary
396	1468	Muhd: Khan S/o Babozai	Warder	06/05/1991	1967	Nil
397	1469	Shereen Zada S/o Bacha gai	Warder	06/05/1991	8/5/68	M.A
398	1471	Anwar Zaib s/o Feroz Khan	Warder	15/06/1991	20-10-1963	7 Class
399	1472	Assadullah S/o Fida Muhd:	Warder	16/06/1991	1/4/71	Matric
400	1473	Qazi Hasbun Ullah s/o Qazi Rafi Ullah	Warder	18/06/1991	22-04-1972	FA
401	1475	Murad Ahmad S/o Muhd: Ghulam	Warder	18/06/1991	18/06/70	Matric
402	1475-A	Tafseel Ahmad s/o Mohammad Jamil	Warder	18/06/1991	5/25/05	Middle
403	1477	Azghar Khan S/o Rahman ullah	Warder	19/06/1991	1/7/72	-do-
404	1481	Hidayat s/o Hussain Khan	Warder	26/06/1991	5/23/05	NIL
405	1482	Jan Ali S/o Azeem Khan	Warder	01/07/1991	25/11/72	Nil
406	1483	Bazir Khan S/o Amir Zaman	Warder	01/07/1991	10/8/64	Matric
407	1484	Sher Zaman S/o Shamshad Khan	Warder	15/07/1991	1969	Nil
408	1487	Muhd: Ashiq S/o Mir Fazalullah	Warder	27/07/1991	1/7/70	Primary
409	1490	Tufail Muhd: Naseer Muhd:	Warder	12/08/1991	17/09/67	Nil
410	1491	Fazal Manan S/o Fazal Akbar	Warder	12/08/1991	1969	U/Matric

(11)

411	1492	Tafseel Muhd: s/o Zareen Khan	Warder	02/09/1991	22/02/67	7th Class
412	1493	Shamshad S/o Fazal Rabi	Warder	14/09/1991	5/2/72	Middle
413	1486	Hassan Karim S/o Karim Dad	Warder	27/09/1991	1969	Matric
414	1495	Rabnawaz S/o Muhd: Nawaz	Warder	07/10/1991	1/1/65	Matric
415	1496	Jehan Dad S/o Wali Dad	Warder	12/10/1991	20/05/72	Nil
416	1497	Manzoor Rahman S/o Muqadar	Warder	15/10/1991	15/04/71	8th
417	1499	Zahoorullah s/o Faqir Jan	Warder	23/10/1991	15-04-1971	Metric
418	1500	Raheem Khan S/o Shahbaz Khan	Warder	26/10/1991	28/02/72	Middle
419	1501	Qayyum Nawaz S/o Maik Faraz	Warder	30/10/1991	1/1/70	Nil
420	1504	Ihsan Ali Shah S/o Telawat	Warder	02/12/1991	15/12/66	Primary
421	1506	Ali Sher s/o Ghulam Hussain	Warder	23/12/1991	2/3/71	Metric
422	1508	Daulat Khan s/o Mohammad Zaman	Warder	29/12/1991	12/9/73	Metric
423	1509	Hayatullah S/o Purdil	Warder	07/01/1992	26/12/64	Matric
424	1510	Alam Zeb S/o Fazli khaliq	Warder	07/01/1992	5/1/71	M.A
425	1510-A	Muhd: Javed S/o Muhd: Hayat	Warder	21/01/1992	12/11/92	Matric
426	1511	Javed Iqbal s/o Haji Mohammad	Warder	26/01/1992	20-01-1968	Matric
427	1513	Abdur Rahman S/o Gul rehman	Warder	01/02/1992	6/2/67	Matric
428	1515	Bahawar Khan S/o Saeed-ur-Rahman	Warder	02/02/1992	15/10/70	F.A
429	1516	Mehboob Ahmad S/o Muhd: Zareen	Warder	04/02/1992	10/1/73	Middle
430	1522	Muhd: Saeed S/o Muhd: Aslam	Warder	19/02/1992	4/4/72	9th
431	1523	Bashir Ahmad S/o Mina Muhd:	Warder	19/02/1992	15/04/71	Matric
432	1524	Mir Dad S/o Sher Afzal	Warder	20/02/1992	3/8/69	Nil
433	1525	Said Ahmad S/o Mir Abbas Khan	Warder	23/02/1992	6/9/69	Nil
434	1527	Rahman Ullah S/o Sher Bahadur	Warder	29/02/1992	10/10/72	Matric
435	1530-A	Mushtaq S/o Gul Rehman	Warder	11/03/1992	1/4/73	Matric
436	1531	Chisti Gul S/o Syed Ahmad	Warder	28/03/1992	1970	Nil
437	1532	Gul Sher s/o Ghulam Hussain	Warder	29/03/1992	1/1/63	NIL
438	1533	Muhd: IbRaheem s/o Abdul Hamid	Warder	01/04/1992	4/6/67	Metric
439	1534	Sher Nawab S/o Gul Nawab	Warder	08/04/1992	28/03/68	-
440	1535	Asghar Khan S/o Sangeen Khan	Warder	08/04/1992	2/2/74	Middle
441	1536	Abdul Hamid S/o Abdul Qayyum	Warder	25/04/1992	4/10/72	Matric
442	1537	Ali Sher S/o Muhd: Nazir	Warder	28/04/1992	20/09/64	6th

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475	1579	Fida Muhd: S/o Dost Muhd:	Warder	24/08/1993	15/03/69	Matric
476	1580	Muhd: Nasir S/o Haji Muhd:	Warder	24/08/1993	1/1/70	B.A
477	1578	Mujadad S/o Saleem Khan	Warder	28/08/1993	4/1/74	Matric
478	1582	Zahoor Khan S/o Abdul Ghafoor	Warder	28/08/1993	1974	Matric
479	1581	Javid Iqbal S/o Abdul Rauf	Warder	29/08/1993	20/04/1971	-do-
480	1585	Salim Khan s/o Abdur Rehman	Warder	01/09/1993	1/1/75	Primary
481	1586	Ghulam Haider S/o Safdar Khan	Warder	11/09/1993	1973	Nil
482	1587	Muhtaram Khan s/o Muslim Khan	Warder	14/09/1993	1/3/71	Primary
483	1588	Inam Sher Alam S/o Khaider Khan	Warder	14/09/1993	10/7/72	Matric
484	1590-A	Janas Khan s/o Raza Khan	Warder	14/09/1993	2/3/75	Metric
485	1593	Said Rahman S/o Gul Zada	Warder	15/09/1993	12/4/73	Matric
486	1593-A	Inamullah s/o Karimullah	Warder	18/09/1993	22-02-1973	Metric
487	1594	Tasuaf Hussain Akhtar S/o Muhd: Ali	Warder	18/09/1993	26/04/70	Matric
488	1595	Sohaib Niaz S/o Umar Baz	Warder	25/09/1993	3/2/75	Matric
489	1597	Mohib Ullah Sher s/o Saleem Sher	Warder	19/10/1993	19-05-1968	BA
490	1598	Hameed Khan S/o Daraz Khan	Warder	20/10/1993	15/03/67	Matric
491	1596	Muhd: Matloob S/o Muhd: Din	Warder	11/10/1993	1969	Primary
492	1601	Mehboob Ilahi S/o Allah Detta	Warder	23/10/1993	7/2/78	Matric
493	1602	Abdur Raziq S/o	Warder	23/10/1993	1965	Nil
494	1617	Muhd: Yousaf S/o Ghulam Rahman	Warder	24/10/1993	18/02/69	F.A
495	1604	Abdul Samad Baig s/o Abdul Ghani Baig	Warder	11/06/1994	3/4/69	B.A
496	1610	Dad Mohammad s/o Nasrullah Khan	Warder	25/06/1994	12/3/71	Metric
497	1611	Zahid Rehman S/o Gul Hussan	Warder	29/06/1994	6/2/76	Matric
498	1612	Mohammad Arif s/o Muhd: Azam	Warder	30/06/1994	20-05-1974	Matric
499	1613	Allah Datta S/o Qadir Baskhsh	Warder	24/07/1994	11/1/70	Matric
500	1614	Saeed Khan s/o Abdul Malik	Warder	24/07/1994	15-04-1974	Matric
501	1614-A	Muhd: Yousaf Khan /so Umar Gul	Warder	30/07/1994	20-03-1972	FA
502	1615	Qasim Khan s/o Saad Ullah	Warder	13/08/1994	15-10-1974	9 class
503	1616	Syed Muslim Shah s/o Syed Younas Shah	Warder	22/08/1994	3/10/73	Metric
504	1617	Muhd: Shafiq S/o Rehmat Din	Warder	24/10/1994	11/3/68	Matric
505	1618	Temrez Ahmad S/o Ali Jan	Warder	09/10/1994	31/01/59	Nil
506	1621-A	Hijab Ullah s/o Abdur Rashid Khan	Warder	25/12/1994	10/2/76	FA

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507	1622	Riaz Muhammad S/o Muhd: Afzal	Warder	28/01/1995	6/11/71	Matric
508	1624	Muhd: Naeem S/o Muhd: Nazif	Warder	25/06/1995	1/4/74	Matric
509	1625	Sadarat Khan s/o Arsala Khan	Warder	24/07/1995	15-05-1969	FA
510	1626	Muhd: Abid Hussain s/o Khadim Hussain	Warder	01/08/1995	5/10/78	Matric
511	1628	Rasheed Khan s/o Fazal Khan	Warder	27/08/1995	5/1/74	Matric
512	1629	Ali Akbar S/o Muhd: Israil	Warder	30/08/1995	11/9/74	Matric
513	1632	Amjid Ail S/O Umar Ali	Warder	22/10/1995		Matric
514	1633	Mohammad Khalid s/o Fazal Mohd:	Warder	22/10/1995	7/4/70	BA
515	1638	Mohammad Nasir s/o Shahzad Gul	Warder	15/11/1995	5/2/75	Matric
516	1642	Shah Zarin S/o Kachkool	Warder	10/01/1996	27/03/70	Matric
517	1643	Liaqat Ali s/o Amir Alam	Warder	16/01/1996	13-08-1975	Middle
518	1648	Rashid Khan S/o Nazir Dad	Warder	13/05/1996	10/1/75	Matric
519	1650	Muhd: Yaqoob S/o Islam	Warder	18/06/1996	20/03/70	Matric
520	1630	Nadeem Khan s/o Abdul Qayum	Warder	20/09/1996	2/4/71	Matric
521		Said Naveed Ali Shah s/o Syed Abid Ali Shah	Warder	03/11/1996	13-12-1975	Matric
522		Rahamdad Khan s/o Pir Mohammad	Warder	03/11/1996	27-06-1976	Middle
523		Shah Faisal s/o Karim Khan	Warder	07/11/1996	1/1/76	Matric
524		Muhd: Umar Khan S/o Abdul Qadar	Warder	15/11/1996	28/03/72	B.A
525		Shahqaisar S/o Abdul Jalil	Warder	18/11/1996	1/3/76	Matric
526		Qasair Nawaz S/o Surajum	Warder	02/01/1997	8/3/73	F.A
527		Shaid Aslam S/o Abdul Salam	Warder	20/09/1997	3/6/73	Matric
528		Azizullah S/o Aminullah	Warder	25/09/1997	1/9/75	Matric
529		Abdul Hayat S/o Wasel Khan	Warder	26/09/1997	25/11/1974	Matric
530		Muhd: Imran S/o Muhd: Afzal	Warder	26/09/1997	1/12/75	Matric
531		Mukhtiar S/o Raheem Bakshs	Warder	27/09/1997	12/3/77	Matric
532		Zarwali Khan S/o Sifat Khan	Warder	27/09/1997	3/8/77	Matric
533		Irshad Ahmad S/o	Warder	28/09/1997	5/9/76	Matric
534		Afsar s/o Atlas Khan	Warder	29/09/1997	3/4/72	9 class
535		Bakht Ali S/o Babuzai	Warder	30/09/1997	-----	F.A
536		Mumtaz Ali S/o Abdul Matin	Warder	30/09/1997	19/07/77	Matric
537		Mohammad Ayaz s/o Abdur Rashid	Warder	30/09/1997	6/8/78	Matric
538		Zainullah S/o	Warder	01/10/1997	10/3/73	F.A



SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR
No. 460 /P.B/ Dt: 28/05/2015

OFFICE ORDER

C-13

As recommended by the Departmental Selection Committee No. 4 in meeting held on 28-05-2015 in office of the undersigned, the following Warders (BPS-05) are hereby promoted to the rank of Head Warder (BPS-07) with immediate effect.

S.#	NAME WITH PARENTAGE	PRESENT POSTING
1	Amir Badshah s/o Pir Badshah	Central Prison Peshawar
2	Muhammad Islam s/o Muhammad Alam	Central Prison Haripur
3	Shireen Zada s/o Bachagai	District Jail Timergara
4	Rab Nawaz s/o Muhammad Nawaz	-do-
5	Hussan Karim s/o Karim Dad	District Jail Mansehra
6	Zahoorullah s/o Faqir Jan	Central Prison Peshawar
7	Ali Sher s/o Ghulam Hussain	District Jail Mardan
8	Daula Khan s/o Muhammad Zaman	Central Prison Peshawar
9	Abdur Rahman s/o Gul Rahman	District Jail Timergara
10	Syed Abbas Shah s/o Syed Abid Shah	Central Prison Peshawar
11	Noorul Ameen s/o Sher Muhammad	Central Prison Peshawar
12	Alamzeb s/o Sher Muhammad	Central Prison Peshawar
13	Muhammad Saeed s/o Muhammad Aslam	Central Prison Haripur
14	Bashir Ahmad s/o Mian Muhammad	Central Prison Haripur
15	Rahmanullah s/o Sher Bahadur	Central Prison Bannu
16	Mehboob Ahmad s/o Muhammad Zareen	District Jail Mansehra
17	Ilyas Khan s/o Sarfaraz Khan	District Jail Swat
18	Abdul Hameed s/o Abdul Qayum	Central Prison Haripur
19	Ashraf Ali s/o Musharaf Khan	District Jail Daggar
20	Hayatullah s/o Purdil Khan	Central Prison Peshawar
21	Alamzeb s/o Fazli Khaliq	Central Prison Haripur

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22	Usman Akbar s/o Shah Moos Khan	Central Prison Peshawar
23	Shakirullah s/o Fateh Khan	Central Prison D.I.Khan
24	Nasir Khan s/o Shahzad Gul	District Jail/HSP Mardan
25	Asghar Khan s/o Sangeen Khan	District Jail Timergara
26	Alamzeb s/o Gul Rahman	Central Prison Haripur
27	Mushtaq Ahmad s/o Gul Rahman	Central Prison Peshawar
28	Sajjad Ali s/o Jamalud Din	District Jail Mardan
29	Jan Ali s/o Shah Pasand Khan	Central Prison Peshawar
30	Asmat Ali s/o Khushdil Khan	District Jail Mardan
31	Saeed Khan s/o Abdul Malik	Central Prison Peshawar
32	Rahamdad Khan s/o Pir Khan	Sub Jail Charsadda
33	Rasheed Khan s/o Nazeer Dad	Central Prison Bannu
34	Shah Faisal s/o Karim Khan	Central Prison Peshawar
35	Muhammad Umar Khan s/o Abdul Qadir	Central Prison D.I.Khan
36	Mukaram Khan s/o Zewar Shah	Sub Jail Charsadda

SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR

Endorsement No: 461-83 /-

Copy of the above is forwarded to the:

- 1- Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar.
- 2- Superintendent Circle Headquarters Prison Haripur & D.I.Khan.
- 3- Superintendent Central Prison Peshawar, Haripur, Bannu & D.I.Khan.
- 4- Superintendent District Jail Timergara, Mansehra, Daggar, Mardan Swat.
- 5- Superintendent Sub Jail Charsadda.
- 6- Accountant General Khyber Pakhtunkhwa, Peshawar.
- 7- District Accounts Officer Haripur, Bannu, D.I.Khan Timergara, Mansehra Daggar Mardan, Swat & Charsadda.

ATTESTED

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Service registers and service sheet - Monthly statement of offences and punishments

Rule 1120.-- (i) A service Register shall be maintained, at the Headquarters Prison of each circle, containing the particulars of appointment, promotion, house district, place in which service has been passed, rewards, offences, punishments and leave with the dates in each case, of every warder in the circle.

(ii) The Superintendent of each prison in the circle shall send to the Superintendent of the Headquarters Prison by the 10th of each month, a complete and correct copy of the entries, in the Warder services books for the preceding month for record in the services register of the circle.

(iii) In the same statement shall be shown the offences committed by and the punishment awarded to the warders.

Explanations.-- Temporary warders, who have been punished, shall not be shown in the list and warder officiating, as bead-warders should be shown in their substantive grades.

Promotion of warders

Rule 1121.-- (i) The Superintendent of each Headquarters Prison shall, subject to the general control of the Inspector-General, promote warders to headquarter and head-warders to chief warders. All promotions shall be made by selection on merit. When the Superintendent promotes a warder otherwise than by seniority on the gradation list, he shall report the circumstances to the Inspector-General for his sanction.

(ii) No warder shall be promoted as head warder and a head-warder as chief warder unless these official shall have successfully undergone the promotion course for each cadre organized at the Training institute.

(iii) Illiterate warders shall not be promoted to any capacity whether temporary or permanent.

(iv) Warder who have completed 5 years service or Matriculate warders or warders with conspicuous prison service who have completed 3 years service, have not received any punishment during the last two years, are efficient in drill and are markmen shall be eligible for promotion

(v) Warders showing exceptional gallantry in prison service may, however, be promoted irrespective of other qualifications with the prior sanction of the Inspector-General

When a warder gets leave or is suspended

Rule 1122.-- When a warder is granted leave or suspended, the Superintendent of the prison to which the warder is at the time attached shall make his own arrangements for carrying on the work of the absentee

Warders on transfer to be relieved on fixed date

Rule 1123.-- Superintendent of Headquarters Prison, when ordering transfer of warders, shall fix the date on which the warders concerned shall be relieved, allowing sufficient time for his instructions to be received and acted upon. The warders shall be relieved on the dates fixed unless it is not practicable on account of sickness or some equally important reason, in which case the warders should be relieved at the earliest and intimation shall be sent to the Superintendent of the Headquarters Prison. No casual or other leave shall be granted to any warder who is under order of transfer.

ATTESTED

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To,

The Superintendent
Headquarters Prisons Peshawar.

D-16

Subject: - APPLICATION FOR GRANT OF PROMOTION WITH SENIORITY

Respected Sir,

The applicant humbly submits as under:-

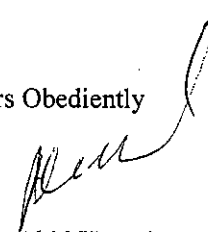
- 1- That the applicant was appointed on 01-08-1995 as Warder (BPS-05) and served in Prisons Department for last 20 years and has spotless service record in his credit.
- 2- That the applicant has performed his duties in various Jails of Province with full honesty, devotion and entire satisfaction of his superiors and never given any chance of complaint to anyone.
- 3- That the applicant has completed 44th Warders / Senior Warders Promotion Training Course in 2001 and having matriculate education and fit for promotion in all respect as per requirement of Promotion Rules.
- 4- That the applicant while attached to Central Jail Mardan was ignored his due promotion due to non availability of his service book while his Junior were promoted from Warder (BPS-05) to Head Warders (BPS-7) attached to various Jails of Province vide Office Order No. 484/PB dated 28-5-2015 whose service books were duly communicated to Superintendent Headquarters for promotion.

In light of above submission it is humbly requested to kindly grant the applicant antedated promotion with seniority

I shall be very much thankful, prayerful for your good health, long life and further achievement in your future life for this act of kindness.

Dated: 5-12-2015

Yours Obediently


Warder Abid Hussain
attached to Central Prison Peshawar.

ATTESTED



VAKALATNAMA

IN THE COURT OF KPK Service Tribunal Peshawar

_____ OF 2016

Abid Hussain

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

L.G. Prison & others

(RESPONDENT)
(DEFENDANT)

I/We Abid Hussain

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ____/____/2016

Abid

CLIENT

AK
ACCEPTED
NOOR MOHAMMAD KHATTAK
(ADVOCATE)

OFFICE:

Room No.1, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.

Phone: 091-2211391

Mobile No.0345-9383141

لغات جدا - پنج - مسوول ٹریبونل جینرل کونسل

جدا -

میں حلفہ بیان کرتا ہوں بیماری پر فوشن میں

نہ بیماری ذاتی کاوش نہ فوشن میں

جنگہ نزلہ سے لکھتے کھٹی رن نام و ڈران کو حالہ

صبرٹ کو کھت ترقی دی جاتی ہے - جو کہ عام شہر

پر پورا اثر ہے -

صاری پر فوشن کی سے پہلے نام رکھا اور نزلہ سے فوشن

جی سرکاری بھی نہ بھی جاتی ہے - مگر واڈر عابدین

کا رکھا اور نزلہ سے بھی کئی دفعہ ڈیمانڈ باوجود

صبرٹ کو کھت ترقی نہیں جاتی - اس لئے واڈر عابدین

رکن تصور واڈر نہیں - جس سے سلیشن کھٹی کوئی

S. Faizal 28-7-16

صبرٹ واڈر شاہ فاضل
حال سیکرٹری جیل کراچی

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

In the matter of

Appeal No. 312/ 2016

Mr. Abid Hussain Warder (BPS-05)

Central Prison Peshawar ----- **Appellant**

---VERSUS---

- 1- The Inspector General of Prisons Khyber Pakhtunkhwa, Peshawar.
- 2- The Superintendent Central Prison Peshawar, Khyber Pakhtunkhwa.
- 3- Mr. Rahamdad Khan, Head Warder (BPS-07), Sub Jail Charsadda, Distt: Charsadda
- 4- Mr. Shah Faisal, Head Warder (BPS-07) Central Prison, Peshawar.
- 5- Mr. Muhammad Umar, Head Warder (BPS-07) Central Prison D.I.Khan --- **Respondents**

WRITTEN STATEMENT ON BEHALF OF THE RESPONDENTS

PRELIMINARY OBJECTIONS

- 1- That the appeal is badly time barred.
- 2- That the appeal is incompetent and is not maintainable in its present form.
- 3- That the appellant is estopped by his own conduct to bring the present appeal.
- 4- That the appellant has got no cause of action.
- 5- That the appellant has no locus standi.
- 6- That the appellant is bad for mis-joinder and non-joinder of necessary party.
- 7- That the appeal is hit by laches.
- 8- That this forum does not have jurisdiction to entertain the instant appeal being promotion matter.

RESPECTFULLY SHEWETH.

PARA-WISE COMMENTS ON BEHALF OF THE RESPONDENT NO. 1 & 2 ARE AS UNDER: -

- 1- Pertains to the record, needs no comments.
- 2- Pertains to the record, needs no comments.
- 3- Pertains to the record, needs no comments.
- 4- The appellant was senior than his co-Warders but his case was deferred by the Promotion Committee No. 4 due to non-receipt of his Service Record from District Jail Mardan despite of several correspondences.

Next page...

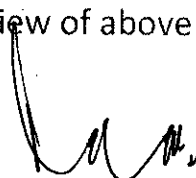
- 5- The appellant was required to submit his appeal at the right forum i.e. I.G Prisons Khyber Pakhtunkhwa for the redressal of his grievances. At this score too, the appeal is liable to be dismissed.

GROUNDS.


- A- Not admitted, the impugned order dated 28-05-2015 is covered by law, norms of justice and rules.
- B- Not admitted. The appellant has been treated in accordance with the law & rules.
- C- As elaborated in Para-4 above.
- D- Not admitted, as already elaborated in Para (A) above.
- E- Not admitted, as already elaborated in Para (A) above.
- F- Not admitted, as already elaborated in para-4 and (A) above.
- G- Not admitted, as already elaborated in para-4 and (A) above.
- H- Subject to contest.

PRAYER

In view of above the appeal may graciously be dismissed with cost.

1- 
Inspector General of Prisons
Government of Khyber
Pakhtunkhwa
Peshawar.
RESPONDENT NO. 1

21/7/16

2- 
Superintendent
Central Prison Peshawar
RESPONDENT NO. 2.

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

In the matter of

Appeal No. 312/ 2016

Mr. Abid Hussain Warder (BPS-05)

Central Prison Peshawar -----

Appellant

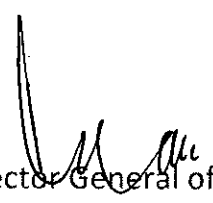
---VERSUS---

- 1- The Inspector General of Prisons Khyber Pakhtunkhwa, Peshawar.
- 2- The Superintendent Central Prison Peshawar, Khyber Pakhtunkhwa.
- 3- Mr. Rahamdad Khan, Head Warder (BPS-07), Sub Jail Charsadda, Distt: Charsadda
- 4- Mr. Shah Faisal, Head Warder (BPS-07) Central Prison, Peshawar.
- 5- Mr. Muhammad Umar, Head Warder (BPS-07) Central Prison D.I.Khan --- **Respondents**


COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENT.

We, the respondents do hereby solemnly affirm and declare that the contents of the para-wise comments on the above noted appeal are true and correct to the best of our knowledge and belief and that no material/ facts have been kept concealed from this Honourable Tribunal.

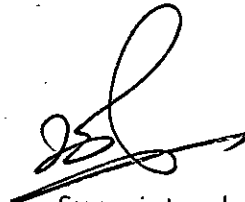
1-


Inspector General of Prisons
Government of Khyber Pakhtunkhwa
Peshawar.

RESPONDENT NO. 1


21/7/16

2-


Superintendent
Central Prison Peshawar
RESPONDENT NO. 2.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 312/201

ABID HUSSAIN

VS

I.G. PRISON & OTHERS

REJOINDER ON BEHALF OF APPELLANT IN
RESPONSE TO THE REPLY SUBMITTED BY
THE RESPONDENTS

R/SHEWETH:

PRELIMINARY OBJECTIONS:

(1 TO 8)

All the preliminary objections raised by the respondents are incorrect, baseless and not in accordance with law and rules rather the respondents are estopped due to their own conduct to raise any objection at this stage of the appeal.

ON FACTS:

- 1- Admitted correct hence need no comments.
- 2- Admitted correct hence need no comments.
- 3- Admitted correct hence need no comments.
- 4- Incorrect and not replied accordingly. That vide impugned Notification dated 28-05-2015 communicated to the appellant on 12-11-2015 the private respondents who were much more junior to the appellant have been promoted to the post of Head Warder (BPS-07) and the appellant inspite of eligibility and seniority has been ignored on no fault on his part.
- 5- Incorrect and not replied accordingly. That the appellant filed his Departmental appeal before the respondents in time but no reply has been received within the statutory period.

GROUND:

(A TO H):

All the grounds of main appeal are correct and in accordance with law and prevailing rules and that of the respondent are incorrect and baseless hence denied. That the

impugned Notification dated 28-05-2015 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside. That the respondent Department acted in arbitrary and malafide manner by not promoting the appellant to the post of Head Warder (BPS-07). That the respondents violated the civil servant Act 1973 as well as appointment, promotion and transfer Rules, 1989 while issuing the impugned Notification dated 28-05-2015.

It is therefore most humbly prayed that on acceptance of this rejoinder the appeal of the appellant may be accepted as prayed for.

APPELLANT

Abid

MOHAMMAD ABID HUSSAIN

THROUGH:

NK

**NOOR MOHAMMAD KHATTAK
ADVOCATE**