

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 7283/2021

BEFORE: MR. KALIM ARSHAD KHAN, ... CHAIRMAN
MISS FAREEHA PAUL ... MEMBER (E)

Shafqat Ali S/O Afsar Ali Warder attached to Internment Centre,
Lakki Marwat..... (Appellant)

Versus

1. Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
 2. Superintendent Central Prison, Peshawar.
 3. Superintendent Circle Headquarter Prison, Peshawar.
- (Respondents)

Mr. Yasir Saleem,
Advocate

... For appellant

Mr. Muhammad Adeel Butt,
Additional Advocate General

... For respondents

Date of Institution..... 28.07.2021
Date of Hearing..... 06.12.2022
Date of Decision..... 06 .12.2022

JUDGEMENT

FAREEHA PAUL, MEMBER (E): The service appeal in hand has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 11.03.2021 whereby the appellant was awarded major penalty of reduction to lowest stage in present time scale for two years, against which his departmental appeal was rejected vide order dated 18.06.2021 communicated to him on 30.06.2021. It has been prayed that on acceptance of this appeal, the impugned orders dated 11.03.2021 & 18.06.2021 might be set aside and the appellant might be restored to his



original stage in time scale with all back, consequential benefits and wages of service.

2. Brief facts of the case, as given in the memorandum of appeal, are that the appellant was appointed as Warder in the year 2007. He, while performing his duties in Central Prison Peshawar, without being issued a charge sheet and conducting inquiry, was served with show cause notice dated 02.03.2021, containing some baseless and concocted facts. He replied to the notice by refuting the allegations. Without considering his defence reply and without conducting impartial inquiry, the appellant was awarded major penalty of reduction to lowest stage in present scale for two years and the absence period w.e.f. 14.02.2021 to 09.03.2021 was also treated as leave without pay vide order dated 11.03.2021. Feeling aggrieved the appellant filed departmental appeal which was rejected on 18.06.2021, communicated to him on 30.06.2021; hence the instant appeal.

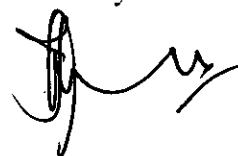
3. Respondents were put on notice who submitted written replies/comments on the appeal. We have heard the learned counsel for the appellant as well as the learned Additional Advocate General for the respondents and perused the case file with connected documents in detail.

4. Learned counsel for the appellant after presenting the case in detail contended that no proper procedure was followed before awarding the major penalty. The appellant was neither served with charge sheet and statement of allegations nor any regular and impartial inquiry was conducted



in the matter and that the appellant was not given proper opportunity of personal hearing and thus was condemned unheard. The learned counsel further apprised the bench that the appellant met with an accident which resulted in injuries to his leg and back for which he was getting medical treatment and as per doctor's advice he remained on bed rest, which was evident from the medical prescriptions. He argued that all the medical documents were duly submitted to the competent authority, however, the same were ignored by him. According to him the appellant had sufficient leave at his credit and that his absence period could be validly adjusted towards that available leave account. He requested that the appeal might be accepted as prayed for.

5. Learned Additional Advocate General, while rebutting the arguments of learned counsel for the appellant, contended that the appellant had never performed duty with zeal and zest as was evident from the record and that there were 10 red entries in his service book. According to him the Superintendent Central Prison, Peshawar reported vide No. 702 dated 01.03.2021 that the appellant was granted two days casual leave on 10.02.2021 and was required to resume his duty on 14.02.2021 but he absented himself without any reason, therefore, a show cause notice was sent on his home address. The learned AAG contended that the appellant was given full opportunity of personal hearing and having unsatisfactory reply, as well as owing to his previous bad record, he was awarded major penalty of reduction to lower stage in present time scale for a period of two years

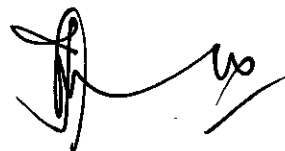


after observing all the codal formalities. He requested that the appeal might be dismissed.

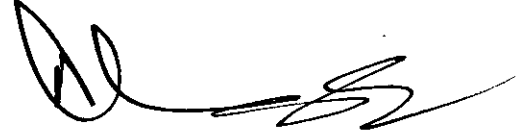
6. After hearing the arguments and going through the record presented before us, it is evident that the appellant while attached to Central Prison Peshawar as Warder was granted two days casual leave but when he failed to resume his official duties, disciplinary action was initiated against him. He was issued a show cause notice with a tentative punishment of removal from service. Record indicates that he was given an opportunity of personal hearing also by the Superintendent, Circle Headquarters Prison, D.I.Khan and when he could not defend his case with documentary evidence, the appellant was awarded penalty of reduction to lower stage in present time scale for two years.

7. The plea taken by the appellant that he met an accident and got injured has not been supported by any documentary evidence i.e. no application for leave, either earned or medical, is available on record. Mere medical prescriptions are not enough to justify the absence of a civil servant from his official duties. Moreover prison rules are very clear for applying for leave and getting it sanctioned from the competent authority. Absence of a civil servant, even for one day, without sanctioned leave, tantamounts to misconduct and is liable to be proceeded against.

8. In view of the above discussion, service appeal in hand is dismissed. Parties are left to bear their own costs. Consign.



9. *Pronounced in open court in Peshawar and given under our hands
and seal of the Tribunal this 6th day of December, 2022.*



(KALIM ARSHAD KHAN)
Chairman



(FAREEHA PAUL)
Member (E)

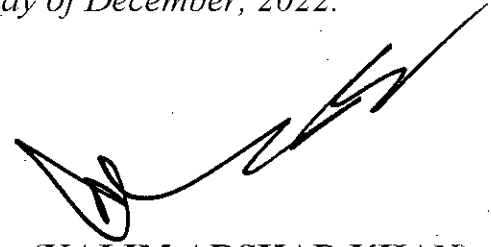
Service Appeal No. 7283/2021

06th Dec 2022 Mr. Yasir Saleem Advocate for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present. Arguments heard and record perused.

2. Vide our detailed judgement containing 05 pages, service appeal in hand is dismissed. Parties are left to bear their own costs.

Consign.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 6th day of December, 2022.*



(KALIM ARSHAD KHAN)
Chairman

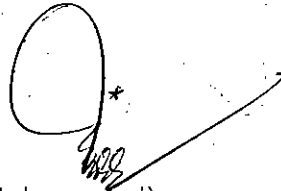


(FARZEHA PAUL)
Member (E)

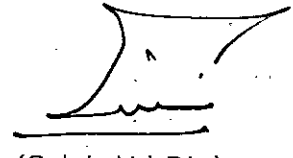
10.10.2022

Junior of learned counsel for the appellant present. Mr. Muhammad Riaz Khan Painsdakhel, Assistant Advocate General for the respondents present.

Junior of learned counsel for the appellant submitted rejoinder, copy of which handed over to learned Assistant Advocate General. Junior of learned counsel for the appellant sought adjournment on the ground that learned counsel for the appellant is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments before the D.B on 06.12.2022.



(Mian Muhammad)
Member (E)

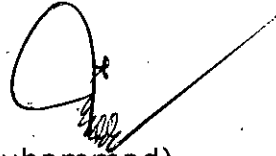


(Salah-Ud-Din)
Member (J)

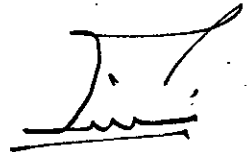
09.05.2022

Nemo for the appellant. Mr. Suleman, Senior Instructor alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present and submitted comments, which are placed on file.

Notice for prosecution of the appeal be issued to the appellant as well as his counsel through registered post and to come up for rejoinder, if any, as well as arguments on 15.07.2022 before the D.B.



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

15.07.2022

Clerk of learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that his counsel is busy in the august Peshawar High Court, Peshawar. Last opportunity given. To come up for rejoinder, if any, as well as arguments on 10.10.2022 before the D.B.



(Rozina Rehman)
Member (J)




(Salah-ud-Din)
Member (J)

08.10.2021

Mr. Yasir Saleem, Advocate, for the appellant present.
Preliminary arguments heard.

Points raised need consideration, hence the appeal is admitted to regular hearing subject to all legal and valid objections. The appellant is directed to deposit security and process fee within 10 days, where-after notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments before the D.B on 12.01.2022.

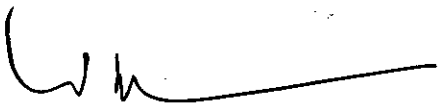
Deposited
Security or Process Fee


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

12.01.2022

Junior to counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG for respondents present.

Reply/comments on behalf of respondents are still awaited. Learned Additional Advocate General sought time for submission of reply/comments. Last opportunity is granted to respondents to furnish reply/comments on or before next date, failing which their right to submit reply/comments shall be deemed as struck off by virtue of this order. To come up for arguments before the D.B on 09.05.2022.




(Atiq-Ur-Rehman Wazir)
Member (E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7283 /2021


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	20/08/2021	<p>The appeal of Mr. Shafqat Ali resubmitted today by Mr. Yasir Saleem 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> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>08/10/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

The appeal of Mr. Shafqat Ali son of Afsar Ali, Warder Attached to Interment Centre Lakki Marwat received today i.e. on 28.06.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Affidavit may be got attested by the Oath Commissioner.
- 2- Appeal has not been flagged/marked with annexures' marks.
- 3- Check list is not attached with the appeal.
- 4- Annexures-A&B of the appeal are illegible which may be replaced by legible/better one.

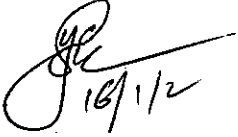
No. 1432 /S.T,

Dt. 29/07 /2021


REGISTRAR,
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Yasir Saleem Adv. Pesh.

R/sir
Resubmitted after removing
all the objection.


16/12

KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

CHECK LIST

Shajjat Ali

Versus

Gmt

..... Appellant

..... Respondents

S NO	CONTENTS	YES	NO
1.	This petition has been presented by: <u>YASIR SALEEM Advocate High Court</u>	√	
2.	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	√	
3.	Whether appeal is within time?	√	
4.	Whether the enactment under which the appeal is filed mentioned?	√	
5.	Whether the enactment under which the appeal is filed is correct?	√	
6.	Whether affidavit is appended?	√	
7.	Whether affidavit is duly attested by competent Oath Commissioner?	√	
8.	Whether appeal/annexures are properly paged?	√	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	√	
10.	Whether annexures are legible?	√	
11.	Whether annexures are attested?		
12.	Whether copies of annexures are readable/clear?	√	
13.	Whether copy of appeal is delivered to AG/DAG?	√	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	√	
15.	Whether numbers of referred cases given are correct?	√	
16.	Whether appeal contains cutting/overwriting?	x	
17.	Whether list of books has been provided at the end of the appeal?	√	
18.	Whether case relate to this court?	√	
19.	Whether requisite number of spare copies attached?	√	
20.	Whether complete spare copy is filed in separate file cover?	√	
21.	Whether addresses of parties given are complete?	√	
22.	Whether index filed?	√	
23.	Whether index is correct?	√	
24.	Whether Security and Process Fee deposited? On _____		No
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On _____	√	
26.	Whether copies of comments/reply/rejoinder submitted? On _____		
27.	Whether copies of comments/reply/rejoinder provided to opposite party? On _____		No

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name:- YASIR SALEEM

Signature:- [Signature]

Dated:- 16/8/21

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

**SCANNED
KPST
Peshawar**

Appeal No. _____/2021

Shafqat AliAppellant
VERSUS


Inspector General of Prisons, Khyber Pakhtunkhwa & others
.....Respondents

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Service Appeal with affidavit		1-4
2.	Copy of show cause notice dated 02.03.2021	A	5
3.	Copy of order dated 11.03.2021	B	6
4.	Copies of departmental appeal and order dated 18.06.2021	C&D	7-8
5.	Copies of the medical prescriptions	E	9-13
6.	Wakalatnama		14

Through:


Appellant


YASIR SALEEM
Advocate High Court
Peshawar

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

7283
Appeal No. _____/2021

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 7373

Dated 28/7/2021

Shafqat Ali S/o Afsar Ali Warder attached to Interment Centre Lakki Marwat.
.....Appellant

VERSUS

1. Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar.
2. Superintendent Central Prison, Peshawar.
3. Superintendent Circle Headquarter Prison, D.I Khan.

.....Respondents

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, AGAINST THE ORDER DATED 11.03.2021, WHEREBY THE APPELLANT HAS BEEN AWARDED MAJOR PENALTY OF "REDUCTION TO LOWEST STAGE IN PRESENT TIME SCALE FOR TWO YEARS" AGAINST WHICH HIS DEPARTMENTAL APPEAL DATED NIL HAS ALSO BEEN REJECTED VIDE ORDER DATED 18.06.2021 COMMUNICATED TO THE APPELLANT ON 30.06.2021.

Prayer in Appeal: -

Filed to-day
On acceptance of this appeal the impugned orders dated 11.03.2021 & 18.06.2021 may kindly be set aside and the appellant may be restored to his original stage in time scale with all back and consequential benefits and wages of service.

Respectfully Sheweth,

The Appellant humbly submit as under

1. That the appellant has been appointed in the year 2007 as a Warder.

Re-submitted to-day
and filed.

Registrar
20/8/21

2. That during the whole service career the appellant perform his duties with zeal and devotion and without any complaint with regard to his duties.
3. That while performing his duties as a Warder, without issuing charge sheet and without conducting inquiry the appellant was served with show cause notice dated 02.03.2021 containing some baseless and concocted facts, which was also replied by the appellant by refuting the allegations. **(Copy of show cause notice dated 02.03.2021 is attached as annexure A).**
4. That without considering his defence reply and without conducting impartial inquiry, the appellant was awarded major penalty of reduction to lower stage in present time scale for two years and the absence period w.e.f. 14.02.2021 to 09.03.2021 has also been treated as leave without pay vide order dated 11.03.2021. **(Copy of order dated 11.03.2021 is attached as annexure B).**
5. That feeling aggrieved the appellant filed his departmental appeal, however, the same has also been rejected vide appellate order dated 18.06.2021 communicated to the appellant on 30.06.2021. **(Copies of departmental appeal and order dated 18.06.2021 are attached as annexure C&D).**
6. That the impugned orders dated 11.03.2021 & 18.06.2021 are illegal unlawful, without lawful authority and against the law and facts hence liable to be set aside inter alia on the following grounds.

\GROUNDS OF SERVICE APPEAL:

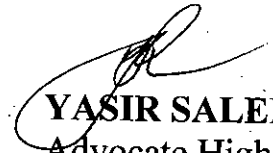
- A. That the Appellant has not been treated in accordance with law, and his rights secured and guaranteed under the Law and Constitution have been violated.
- B. That no proper procedure has been followed before awarding the major penalty. The appellant was neither served with charge sheet and segment of allegations nor any regular and impartial inquiry was conducted in the matter, thus the impugned orders are liable to be set aside on this score alone.
- C. That the Appellant has not been given proper opportunity of personal hearing before the issuance of the impugned orders hence he has been condemned unheard.
- D. That the appellant met with an accident few months ago which resulted in his leg and back injuries for which the appellant has been getting medical treatment and as per doctor advise he remained on bed rest which is evident from the medical prescriptions. (Copies of the medical prescriptions are attached as annexure E).
- E. That all the medical documents was duly submitted to the competent authority, however, the same was illegally ignored which act of the authority was illegal by itself.
- F. That even otherwise the appellant has at his credit leave in his account and his absence period can be validly adjusted towards his leaves.

G. That the Appellant seeks leave of this Honorable Court to take additional grounds at the time of arguments.

It is therefore most humbly prayed that on acceptance of this appeal the impugned orders dated 11.03.2021 & 18.06.2021 may kindly be set aside and the appellant may be restored to his original stage in time scale with all back and consequential benefits and wages of service.


Appellant

Through:


YASIR SALEEM
Advocate High Court
Peshawar

AFFIDAVIT:

It is solemnly affirm and declare on oath that the contents of the above **Appeal** is true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honorable Tribunal.


DEPONENT



5

Annex
A

**SHOW CAUSE NOTICE UNDER RULES (D) READ WITH RULES OF THE
PUNJAB PUKHTUNKHWA GOVERNMENT SERVANTS (EFFICIENCY &
DISCIPLINE) RULES, 2011.**

You warder (BPS-07) Shafqat Ali S/o Afsar Ali attached to Central Prison Peshawar (for temporary duties) were granted 03 days casual leave on 10.02.2021 and were due to resume duty on 14.02.2021 but you failed to resume duty at Central Prison Peshawar on due date and still at large.

I, Muhammad Binyamin Superintendent Headquarter Prison Dikhan competent authority, am satisfied by the report submitted by the Superintendent Central Prison Peshawar and there is no need of holding any further inquiry.

Now therefore, you above named warder are hereby called upon to show cause within 07 days of receipt of this notice as to why the punishment of Removal from Service may not be awarded to you for your above stated act of negligence and mis-conduct.

In case your reply does not reach this office within stipulated period ex-party action shall be taken against you.

You may appear before the undersigned for personal hearing on 02-3-2021 if you wish to.

[Signature]
SUPERINTENDENT
CIRCLE HQS PRISON DIKHAN

Endst No.. 783-85 dated 02-03-2021.

Copy of the above is forwarded to :-

1. Inspector General Of Prisons Khyber Pakhtunkhwa Peshawar for information please.
2. Superintendent Central Prison Peshawar for information w/r to his No. 702 dated 01.03.2021, a copy of show cause notice duly signed / dated by the accused warder may please be returned to this Headquarters as a token of receipt and office record.
3. Warder (BPS-07) Shafqat Ali s/o Afsar Ali B/O Mithakhail, P.O Mithakhail Mandan Road, Bannu. 03329131994

Registered

[Signature]
SUPERINTENDENT
CIRCLE HQS PRISON DIKHAN

SHOW CAUSE NOTICE UNDER RULE-5 (I) READ WITH RULE -3 OF THE KHYBER PAKHTUNKHWA GOVERNMENT SERVANTS (EFFICIENCY & DISCIPLINE) RULES, 2011.

You warder (BPS-07) Shafqat Ali S/o Afsar Ali attached to Central Prison Peshawar (for temporary duties) were granted two days casual leave on 10.02.2021 and with due to resume duty on 14.02.2021 but failed to resume duty at Central Prison Peshawar on due date and still ate large .

I, Muhammad Binyamin Superintendent Headquarter Prison DI Khan competent authority, am satisfied by report submitted by the Superintendent Central Prison Peshawar and there is no need of holding any further inquiry.

Now, therefore, you above named warder are hereby called upon to show cause within 07 days of receipt of this notice as to why the punishment of removal from services may not be awarded to you for your above stated act of negligence and misconduct.

In case your reply does not reach this office within stipulated period ex-party Action shall be taken against you.

You may appear before the undersigned for personal hearing on 09.03.2021, if you wish to.

**SD/-
SUPERINTENDENT
CIRCLE HQS PRISON DI KHAN**

Endst No. 783-85 dated 02.03.2021.

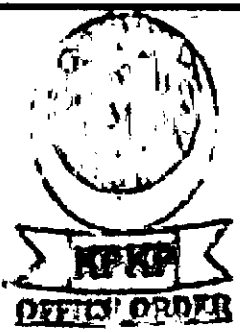
Copy of the above is forwarded to: -

1. Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information please.
2. Superintendent Central Prison Peshawar for information, w/r to his No. 702 dated 01.03.2021, a copy of show cause notice duly signed / dated by the accused warder may please be returned to this Headquarter as a token of receipt and office record.
3. Warder (BPS-07) Shafqat Ali S/o Afsar Ali R/o Mthakhail, P.O Mithakhail Mandan Road, Bannu. 03329131994.

B

Annex

B



OFFICE OF THE SUPERINTENDENT
PRISONS CIRCLE HEAD QUARTERS DIKHAN
No. _____ / P.O. Date 17.03.2021
FAX No. (095-821100)
E-mail: _____

WHEREAS, the accused official Mr. Shafiq Ali s/o Afaz Ali attached to Internment Centre Lakki Marwat for pay purpose and for temporary duties attached to Central Prison Peshawar was punished under Rule-14 of Khyber Pakhtunkhwa Government Service (Efficiency & Discipline) Rules, 2011 for the charges that he was granted two days casual leave on 10.02.2021 by the superintendent Central Prison Peshawar and was due to resume duty on 14.02.2021 but he failed to resume duty on due date

AND WHEREAS, he furnished reply but the same was found unsatisfactory.

AND WHEREAS, the undersigned being competent authority granted him the opportunity of personal hearing on 09.03.2021 as provided for under rules ibid. The accused official completely failed to defend his case with documentary proof/evidence.

NOW therefore, in exercise of powers conferred under Rule-14(5) of Khyber Pakhtunkhwa Government Service (Efficiency & Discipline) Rules 2011, having considered the charges, evidence on record, the explanation of the accused official and after affording the opportunity of personal hearing, the undersigned being competent authority, hereby award major penalty of "REDUCTION TO LOWEST STAGE IN PRESENT TIME SCALE FOR TWO YEARS" to Mr. Shafiq Ali s/o Afaz Ali attached to Internment Centre Lakki Marwat for pay purpose and for temporary duties attached to Central Prison Peshawar for his willful absence. The period of his absence w.e.f 14.02.2021 to 09.03.2021 is hereby treated as Leave Without Pay.

Sd/
SUPERINTENDENT
CIRCLE HQS PRISON DIKHAN

Endorsement No. 229-33

Copy of the above is forwarded to:-

1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information.
2. Superintendent Central Prison Peshawar for information and necessary action.
3. The Superintendent Internment Centre Lakki Marwat. Necessary entry may please be made in the Register Book of official concerned under proper attention.
4. DAO Lakki.
5. Warden Shafiq Ali s/o Afaz Ali attached to Internment Centre Lakki Marwat for pay purpose and for temporary duties attached to Central Prison Peshawar.

Sd/
SUPERINTENDENT
CIRCLE HQS PRISON DIKHAN

**OFFICE OF THE SUPERINTENDENT
PRISONS CIRCLE HEAD QUARTERS D.I KHAN**

No. _____ / PB Date 11.03.2021

PH&FAX / No. 0966-9280299

OFFICE ORDER

WHEREAS, the accused official Mr. Shafqat Ali S/o Afsar Ali attached to increment Centre Lakki Marwat for pay purpose and for temporary duties attached to Central Prison Peshawar was proceeded against under Rule 3 of Khyber Pakhtunkhwa Government Services (Efficiency & Discipline) Rules, 2011 for the charges that he was granted two days causal leave on 10.02.2021 by the superintendent Central Prison Peshawar and was due to resume duty on 14.02.2021 but he failed to resume duty on due date.

AND WHEREAS, he furnished reply but the same was found unsatisfactory.

AND WHEREAS, the undersigned being competent authority granted him the opportunity of personal hearing on 09.03.2021 as provided for under rules ibid. the accused official completely failed to defend his case with documentary proof / evidence.

NOW therefore, in exercise of powers conferred under Rule 14(5) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, having considered the charges, evidence on record, the explanation of the accused official and after affording the opportunity of personal hearing, the undersigned being competent authority, hereby award major penalty of "REDUCTION TO LOWEST STAGE IN PRESENT TIME SCALE FOR TWO YEARS" to Mr. Shafqat Ali S/o Afsar Ali attached to interment Centre Lakki Marwat for pay purpose and for temporary duties attached to Central Prison for his willfull absence. The period of his absence w.e.f. 14.02.2021 to 09.03.2021 is hereby treated as Leave Without Pay .

SD/-
SUPERINTENDENT
CIRCLE H/QS PRISON DI KHAN

Endorsement No. 929-33/

Copy of the above is forwarded to: -

1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information.
2. Superintendent General Prison Peshawar for information and necessary action.
3. The Superintendent Intemanent Centre Lakki Marwat Necessary entry may please be made in the service book of official concerned under proper attestation.
4. DAO Lakki.
5. Warder Shafqat Ali S/o Afsar Ali attached to Interment Centre Lakki Marwat for pay purpose and for temporary duties attached to Central Prison Peshawar.

Sd/-
SUPERINTENDENT
CIRCLE H/QS PRISON DI KHAN

بخدمت جناب آئی جی جیل خانہ جات خیبر پختونخواہ (P) Annex

عنوان: ڈیپارٹمنٹل اپیل۔ (C)

جناب والا!

منوڈبانہ گزارش ہے کہ وارڈ شفقت علی ولد افسر علی آپ کے زیر سایہ محکمہ جیل خانہ جات میں اپنے فرائض احسن سرانجام دے رہا

ہے۔

جناب عالی! وارڈ شفقت علی کا کچھ عرصہ پہلے بنوں میں موٹر سائیکل ایکسڈنٹ ہوا تھا جس میں فدوی شدید زخمی ہوا تھا اور پاؤں اور کمر کی تکلیف میں مبتلا ہو چکا تھا لیکن جب فدوی کا ٹرانسفر لکی جیل ہوا اور لکی سے پشاور عارضی طور پر بھیجا گیا۔ پشاور سے چھٹی پر آتے ہوئے فدوی کے کمر اور پاؤں کا درد دوبارہ شروع ہوا۔

فدوی کی چھٹی 10/02/2021 سے 14/02/2021 تک ہے اور فدوی نے 12/02/2021 کو ہسپتال جوائن کیا جو کہ

میڈیکل کاغذات میں صاف ظاہر ہے۔

جناب عالی! بیماری ہر انسان پر آتی ہے لیکن اگر قانونی پہلو کو بھی Follow کریں تو محکمہ کو چاہئے کہ اس کی ذمہ داری کے

بجائے اسے حوصلہ دیں۔

جناب عالی! باوجود اس کے کہ میں نے مکمل کاغذات CP D.I.Khan میں پیش کی لیکن اس کے باوجود مجھے

ڈبل سزا دی گئی جو کہ سراسر ظلم اور نا انصافی ہے۔

لہذا آپ سے عاجزانہ گزارش ہے کہ مجھے دی گئی سزا ختم کر کے میرے میڈیکل کو قانون کے مطابق ریوٹیشن کے بعد میری غیر

حاضری کو میڈیکل Leave میں تبدیل کیا جائے۔ میں تاحیات آپ کے لئے دعا گو رہوں گا۔

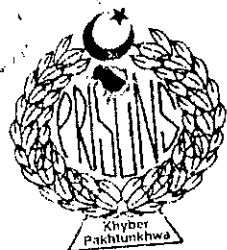
عین نوازش ہوگی

المعارض

آپ کا تابعدار وارڈر

شفقت علی ولد افسر علی

ATTESTED
to be true copy
ALYAN



OFFICE OF THE
INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

No. Estb/Ward/Orders/ 18097

091-9213445

Dated: 18-06-2021

8

Annex

ORDER

WHEREAS, **Warder Shafqat Ali S/O Afsar Ali** while attached to Interment Centre Lakki Marwat for pay purpose and for temporary duties attached to Central Prison Peshawar was awarded the major penalty of "**Reduction to the Lowest Stage and Present Time scale for Two years**" by Superintendent HQs DI Khan vide his office order NO 928-33 dated 11-03-2021 due to his willful absence w.e.f 14-02-2021 to 09-03-2021.

AND WHEREAS, the said Warder preferred his departmental appeal for setting-aside the penalty awarded to him, which was examined in light of the available record of the case and it was observed that the appellant is habitual and penalty awarded to him by the competent authority due to his willful absence from duty w.e.f 14-02-2021 to 09-03-2021 after observing all legal and codal formalities as required under E&D Rules 2011.

NOW THEREFORE, keeping in view the facts on record, the provision of rules in vogue and in exercise of powers conferred under Rule-17 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 read with Rule-05 of Khyber Pakhtunkhwa Service Appeal Rules 1986, the decision of the competent authority is upheld and appeal of the appellant is hereby rejected being without any substance.

INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA, PESHAWAR.

ENDST; NO. 18098-101/

Copy of the above is forwarded to:-

1. The Superintendent, Headquarters Prison DI Khan for information and necessary action with reference to his letter No. 1966 dated 27-05-2021.
2. The Superintendent Central Prison Peshawar for information.
3. Incharge Internment Centre Lakki Marwat for information and necessary action. He is directed to inform the appellant accordingly and to make necessary entry in his Service Book under proper attestation.
4. Warder Shafqat Ali S/o Afsar Ali C/O Incharge Internment centre Lakki Marwat for information.

10/1/2021
at 22-6-21

18-06-2021

ASSISTANT DIRECTOR
INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

M.T.I DHQ Teaching Hospital Bannu
Out Patient Department

Annex

Name

U. S. A. Khan

(8) (9) (E)

OPD No:

302K

176620

Date:

12/2/21

Mas
 Movidak
 19 01 / story
 Libner
 19 /
 P
 P
 Gausam
 21 222
 Pellom
 19 / 0 5 2
 A/C
 CB
 100
 fe
 A

to be true
Adm.

(10)

OPD No: 17/1/22

176088

Date: 19/2/22

176087

Medical

A/C

0 1

0 1

0 1

young

low back pain
 Fever
 GBS

Aspirin

2 1 2 + 2

Calc P.

MP

Adx

MP

CBC

sp. for

X-ray 3p

MP

Drill

(31)

MP

M. I. I DHQ Teaching Hospital Bannu
Out Patient Department

11

Name: Y. S. S. S.

OPD No: 1125 179832

Date: 2-6-19-1

injury
" 041
" 10/10/19-1

A/C
- Fever
- GBA
- Nausea

for
" 10/10/19-1
" 10/10/19-1
" 10/10/19-1

Pres
" 10/10/19-1
" 10/10/19-1

Adm
X-ray
L.S.G
CBE
D.V.C.A

for
" 10/10/19-1

Signature
Date

M. T. I DHQ Teaching Hospital Bannu

Out Patient Department

12

Name: Wahid

201585

OPD No: 5686

Date: 3/3/21

A/C

- Fever
- G.B.A
- vomiting

- Tab - Muband Levo
 1 - 1

- Tab - metoclopramide
 1 - 1

Adm

- CBC
- urine R/B
- H/P

→ Tab Macrobid 500
 1 - 1

→ Tab. Thelaprazolam
 1 - 1

Bed Rest for 1 week

[Signature]

V. P. DHO Teaching Hospital Bannu

Out Patient Department

204518

13

Name: _____

[Handwritten signature]

OPD No: _____

Date: _____

10/3/11

ALC

No gelium
complaints
intelligible

Fit for duty

[Handwritten signature]

[Handwritten signature]

POWER OF ATTORNEY

14

In the Court of Service Tribunal Peshawar

_____ } For
_____ } Plaintiff
_____ } Appellant
Shajgal Ali } Petitioner
_____ } Complainant

VERSUS

Inspector General of Prisons, Kpts others } Defendant
_____ } Respondent
_____ } Accused
_____ }

Appeal/Revision/Suit/Application/Petition/Case No. _____ of _____
Fixed for _____

I/We, the undersigned, do hereby nominate and appoint

YASIR SALEEM,
JAWAD UR REHMAN &
PIRZADA MUHAMMAD TAYAB AMIN Advocates Peshawar

my true and lawful attorney, for me in my same and on my behalf to appear at _____ to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions. An appeal, statements, accounts, exhibits. Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc, and to apply for and issue summons and other writs or sub-poena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at _____
the _____ day to _____ the year _____

Executant/Executants _____
Accepted subject to the terms regarding fee _____

Jawad Ur Rehman

JAWAD UR REHMAN
Advocate High Court

M. Tayab

PIRZADA MUHAMMAD TAYAB AMIN
Advocate Peshawar

&

Yasir Saleem
YASIR SALEEM
Advocate High Court, Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

In the matter of
Service Appeal No. 7283 of 2021
Shafqat Ali Ex- Warder

(Appellant)

VERSUS

1. The Inspector General of Prisons Khyber Pakhtunkhwa, Peshawar and others

(Respondents)

INDEX

S.#	DESCRIPTION OF DOCUMENTS	Annex	Page No.
1	Para-wise comments/reply	-	1---3
2	Affidavit	-	4
3	Service Record	A	5
4	Disciplinary Action Dated 01-03 -2021	B	6
5	Show Cause Notice Dated 02-03-2021	C	7
6	Office Order Dated 11-03-2021	D	8
7	Departmental Appeal Dated 06-04-2021	E	9-12
8	I.G Prison Office Order Dated 18-06-2021	F	13


Deponent

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No. 7283/2021

Shafqat Ali s/o Afsar Ali Warder attached to Internment Centre Lakki Marwat.

..... (Appellant)

VERSUS

1. The Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
2. The Superintendent Central Prison Peshawar.
3. The Superintendent, Circle Head Quarter Prison D.I.Khan.

..... (Respondents)

Subject: JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS 1,2 & 3 ARE AS UNDER

Respectfully Sheweth;

Preliminary objections

1. That the Present service appeal is incompetent in its present form.
2. That the appellant has got no locus standi to file the instant appeal.
3. That the appellant has estopped by his own conduct to file appeal.
4. That the appellant has not come to this Honourable Service Tribunal with clean hands.
5. That the present appeal is bad for mis- joinder and non-joinder of necessary parties.
6. That the present appeal is badly Time-barred.

Factual Objection

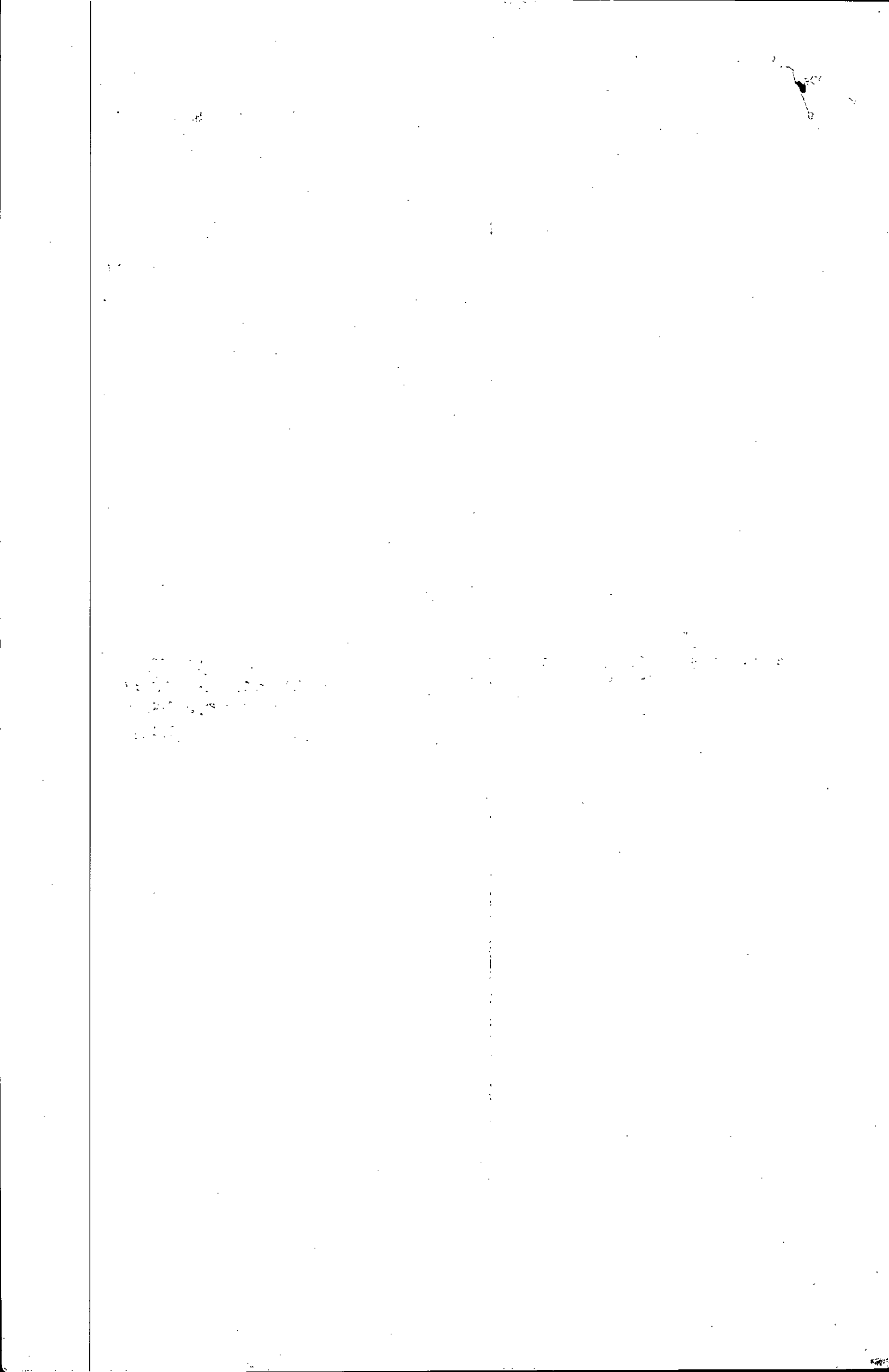
1. No comments.
2. That the appellant never performed duty with zeal and zest as evident from the record that there are 10 red entries (with 04 major penalties) in his service book (attached as Annexure-A)
3. That the Superintendent Central Prison Peshawar reported vide No. 702 dated 01.03.2021 (attached as Annexure B) that the appellant was granted 02 casual leave on 10.02.2021 and was due to resume duty on 14.02.2021 but he absented himself without any reason. Therefore,

show cause notice (attached as Annexure-C) was sent on his home address with personal hearing date for 09.03.2021.

4. That the appellant was given full opportunity of personal hearing and having unsatisfactory reply as well as owing to his previous bad record he was awarded major penalty of **"Reduction to lower stage in present time scale for a period of two years"**.
5. That departmental appeal of the appellant was rejected by the respondent No.01 being without any substance (attached as annexure D).
6. That the impugned orders of respondent No. 01 and 03 dated 11.03.2021 and 18.06.2021 are legal and justified orders which is passed after observing all the codal formalities (orders attached as Annexure E & F).

GROUND

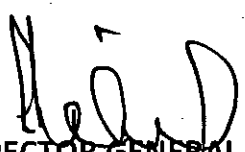
- A. That the appellant has been treated in accordance with law.
- B. That legal proceedings have been carried out against the appellant. The appellant was served with show cause notice by respondent No.03 with personal hearing date 09.03.2021. However, the reply of appellant was found unsatisfactory and therefore he was awarded major penalty of **"Reduction to lowest stage in present time scale for a period of two years"**.
- C. That the appellant was awarded full opportunity of personal hearing before the respondent No.03 on 09.03.2021.
- D. That the previous record of the appellant shows that he had least interest in the duties and often remained absent from duty.
- E. That the appellant was heard in person by the competent authority but his reply was found unsatisfactory.
- F. Incorrect and not admitted. The appellant has already earned his leave at his credit and at that time no credit leave was remained in his credit.



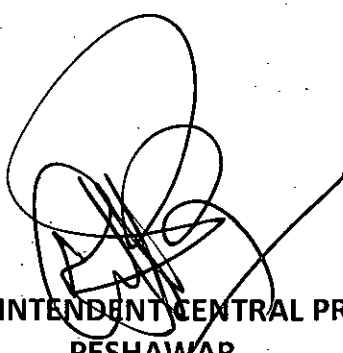
G. That the respondents would also seek permission of this honuralbe Service Tribunal to raise additional objection at the time of arguments.

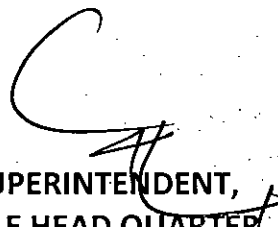
Prayer

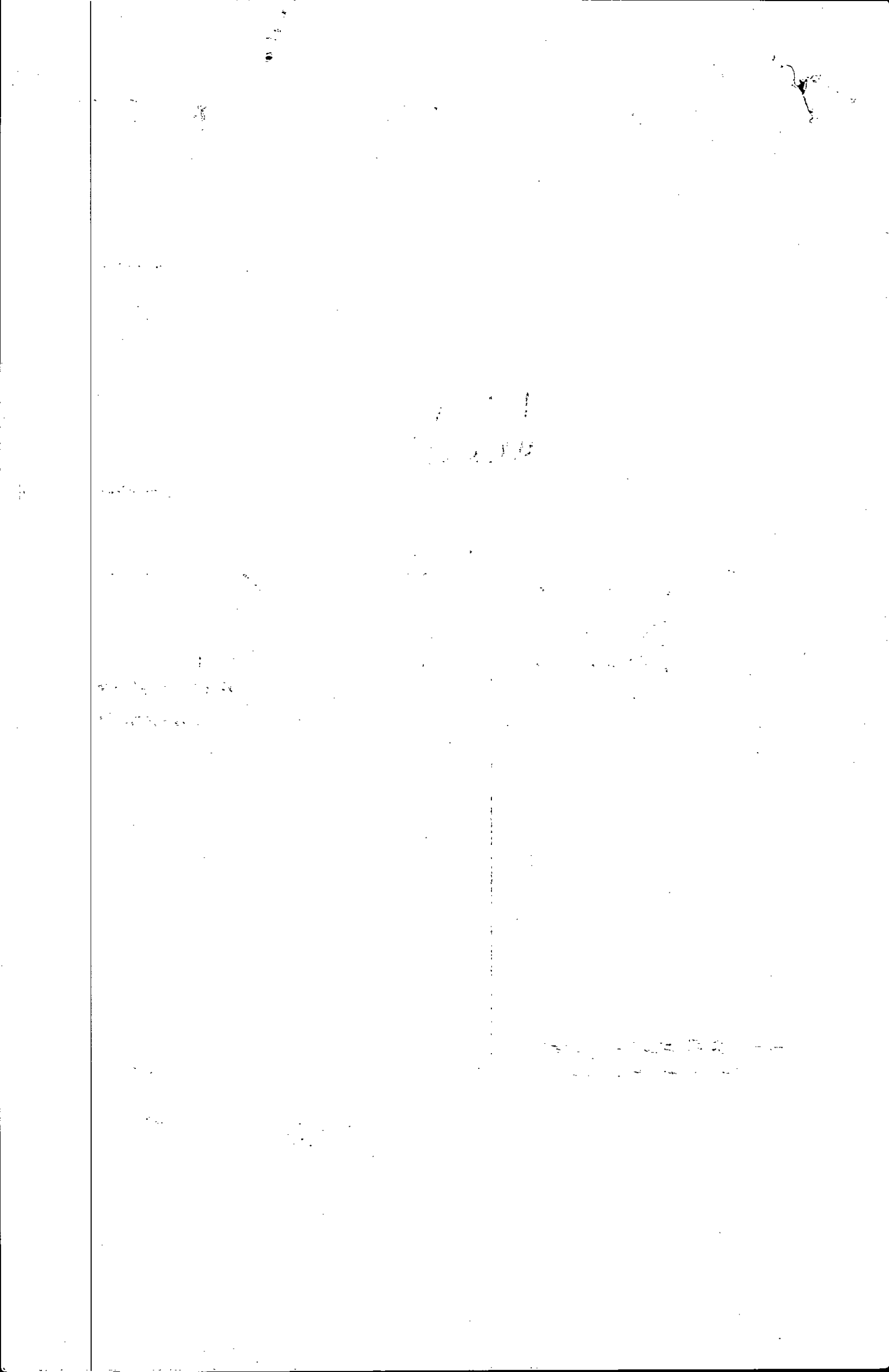
It is therefore most humbly prayed that on the acceptance of this Joint Para wise comments on behalf of Respondents 1 to 3 the appeal of the appellant may kindly be dismissed being devoid of merit and law.


INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA
PESHAWAR
(RESPONDENT NO. 01)

27/11/2022


SUPERINTENDENT CENTRAL PRISON,
PESHAWAR,
(RESPONDENT NO. 02)


SUPERINTENDENT,
CIRCLE HEAD QUARTER,
PRISONS, DIKHAN.
(RESPONDENT NO. 03)



BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No. 7283/2021

Shafqat Ali s/o Afsar Ali Warder attached to Internment Centre Lakki Marwat.

..... (Appellant)

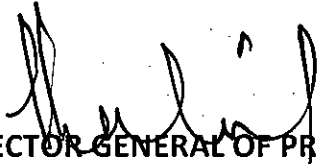
VERSUS

1. The Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
2. The Superintendent Central Prison Peshawar.
3. The Superintendent, Circle Head Quarter Prison D.I.Khan.

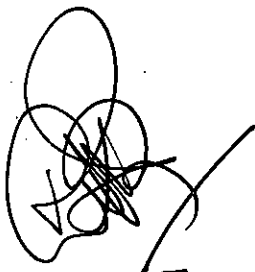
..... (Respondents)


COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 1 2 & 3

We the following respondents do hereby solemnly affirm and declare that the contents of Para-wise Comments are true and correct to the best of our Knowledge and belief and nothing have been concealed from this Honorable Service Tribunal.


INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA
PESHAWAR
(RESPONDENT NO. 01)

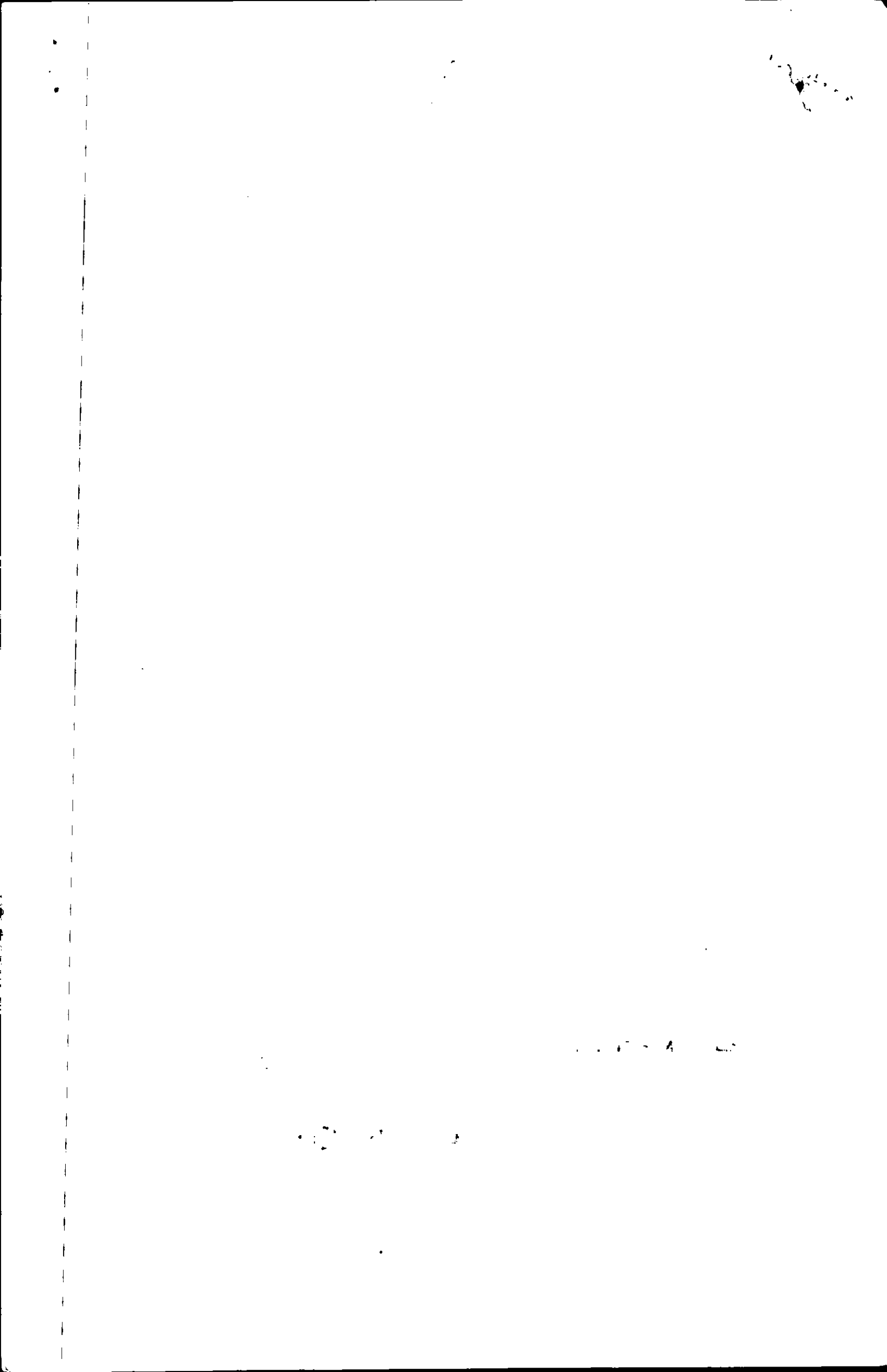
14/01/2022


~~THE SUPERINTENDENT OF PRISONS,~~
~~CENTRAL PRISON PESHAWAR,~~
~~PESHAWAR~~
(RESPONDENT NO. 02)


SUPERINTENDENT,
CIRCLE HEAD QUARTER,
PRISONS, DIKHAN.
(RESPONDENT NO. 03)

ATTESTED





Amicus - A



OFFICE OF THE SUPERINENDENT
PRISONS CIRCLE HEAD QUARTER D.I.KHAN
No. _____ / HQ Date _____
PH&FAX \No. 0966-9280299
cpdikhan1@gmail.com

Table-B

S.No	Detail of penalties awarded
01	<u>25.06.2009</u> Termination by Supdt H/Q prison Peshawar.
02	<u>04.08.2010.</u> Stoppage (1) Annual increment by Supdt: Supdt H/Q prison Peshawar
03.	<u>23.11.2012.</u> Removal from service for submitting fake Medical Certificate for his absence period by Supdt H/Q prison Bannu.
04.	<u>17.01.2014.</u> Removal from service for by Supdt Circle H/Q prison D.I. Khan .
05.	<u>05.03.2020</u> Stoppage (1) Annual Increment for one year & absent period without pay by Supdt: Circle H/Q prison D.I.Khan
06	<u>30.06.2020</u> Stoppage (3) Annual Increment for (03) years for misconduct by Supdt: Circle H/Q prison D.I.Khan
07	<u>13.01.2021</u> Stoppage (1) Annual Increment for one year for his misconduct ,and creating disturbance among staff By Supdt: Circle H/Q prison D.I.Khan
08	<u>17.02.2021</u> censure & period of absence treated as without pay By Supdt: Circle H/Q prison D.I.Khan
09	<u>08.04.2021</u> Reduction to lowest stage in time pay scale for two years & period of absence treated as leave without pay By Supdt: Circle H/Q prison D.I.Khan
10	<u>03.05.2021</u> Stoppage of (1) increment for (1) year & period of absence treated as without pay By Supdt: Circle H/Q prison D.I.Khan

SUPERINTENDENT
CIRCLE H/Q PRISON DIKHAN

(Handwritten signature)

"Annexure-8"

IMG-20210302

OFFICE OF THE
SUPERINTENDENT
HEADQUARTER PRISON PESHAWAR
No: 702 P/B Dt: 01/03/2021

To,
The Superintendent,
Headquarters Prison D.I Khan.

Subject: **DISCIPLINARY ACTION.**
Memo;

It is stated that the following warders temporary attached to Central Prison Peshawar was granted two-days casual leaves for personal hearing on 10-02-2021 and has to resume their duty on 14-02-2021 but they failed to do so and still at large from their allotted duties as well as Jail premises without prior permission of the competent authority:-

1. Warder Shafqat Ali
2. Warder Sami Ullah

Therefore, it is requested that strict disciplinary action may be initiated against them and their monthly salary be stopped / freezed immediately under intimation to this Headquarters Prison.

[Signature]
SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR
E-mail: haprisonpeshawar@gmail.com

Endst: No. _____
Copy of the above is forwarded to the Superintendent Central Prison Peshawar for information with reference to his letter No. 2457/WE date 26-02-2021.

[Signature]
SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR
E-mail: haprisonpeshawar@gmail.com

[Handwritten signature]
[Handwritten initials]

SHOWCAUSE NOTICE UNDER RULE-5 (I) READ WITH RULE-7 OF THE KHYBER PUKHTUNKHWA GOVERNMENT SERVANTS (EFFICIENCY & DISCIPLINE) RULES.2011.

You warder (BPS-07) Shafqat Ali S/o Afsar Ali attached to Central Prison Peshawar (for temporary duties) were granted two days casual leave on 10.02.2021 and was due to resume duty on 14.02.2021 but you failed to resume duty at Central Prison Peshawar on due date and still at large.

I, Muhammad Binyamin Superintendent Headquarter Prison DIKhan competent authority, am satisfied by the report submitted by the Superintendent Central Prison Peshawar and there is no need of holding any further inquiry.

Now therefore, you above named warder are hereby called upon to show cause. Within 07 days of receipt of this notice as to why the punishment of Removal from Service may not be awarded to you for your above stated act of negligence and mis-conduct.

In case your reply does not reach this office within stipulated period ex-party Action shall be taken against you.

You may appear before the undersigned for personal hearing on 03-03-2021, if you wish to.

SUPERINTENDENT
CIRCLE/H/QS PRISON DIKHAN

Endst No.. 783-85 dated 02/03/2021

Copy of the above is forwarded to :-

1. Inspector General Of Prisons Khyber Pakhtunkhwa Peshawar for information please.
2. Superintendent Central Prison Peshawar for information w/r to his No. 702 dated 01.03.2021, a copy of show cause notice duly signed / dated by the accused warder may please be returned to this Headquarter as a token of receipt and office record.
3. Warder (BPS-07) Shafqat Ali s/o Afsar Ali R/O Mithakhail, P.O Mithakhail Mandan Road, Bannu. 03329131994

Rednu-As lower
stage

SUPERINTENDENT
CIRCLE/H/QS PRISON DIKHAN

9/8

Annexure "D"



OFFICE OF THE SUPERINENDENT
PRISONS CIRCLE HEAD QUARTER D.I.KHAN
No. 928 / PB Date 11-03-2021
PH&FAX \No. 0966-9280299
cpdikhan1@gmail.com

WHEREAS, the accused official Mr. Shafqat Ali s/o Afsar Ali attached to Internment Centre Lakki Marwat for pay purpose and for temporary duties attached to Central Prison Peshawar was proceeded against under Rule-3 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges that he was granted two days casual leave on 10.02.2021 by the superintendent Central Prison Peshawar and was due to resume duty on 14.02.2021 but he failed to resume duty on due date.

AND WHEEAS, he furnished reply but the same was found unsatisfactory.

AND WHEEAS, the undersigned being competent authority granted him the opportunity of personal hearing on 09.03.2021 as provided for under rules ibid. The accused official completely failed to defend his case with documentary proof/evidence.

NOW therefore, in exercise of powers conferred under Rule-14(5) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, having considered the charges, evidence on record, the explanation of the accused official and after affording the opportunity of personal hearing, the undersigned being competent authority, hereby award major penalty of "REDUCTION TO LOWEST STAGE IN PRESENT TIME SCALE FOR TWO YEARS" to Mr. Shafqat Ali s/o Afsar Ali attached to Internment Centre Lakki Marwat for pay purpose and for temporary duties attached to Central Prison Peshawar for his willful absence. The period of his absence w.e.f 14.02.2021 to 09.03.2021 is hereby treated as Leave Without Pay.

Endorsement No. 929-33

SUPERINTENDENT
CIRCLE HQS PRISON DIKHAN

Copy of the above is forwarded to:-

1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information.
2. Superintendent Central Prison Peshawar for information and necessary action.
3. The Superintendent Internment Centre Lakki Marwat. Necessary entry may please be made in the Service Book of official concerned under proper attestation.
4. DAO Lakki.
5. Warder Shafqat Ali s/o Afsar Ali attached to Internment Centre Lakki Marwat for pay purpose and for temporary duties attached to Central Prison Peshawar.

SUPERINTENDENT
CIRCLE HQS PRISON DIKHAN

بخدمت جناب آئی جی جیل خانہ جات خیبر پختونخواہ

عنوان: ڈیپارٹمنٹل اپیل۔

SEEN	
I.G.	
V.I.C.	
D.D.	
A.D.	

جناب والا!

منووبانہ گزارش ہے کہ وارڈ شفقت علی ولد افسر علی آپ کے زیر سایہ محکمہ جیل خانہ جات میں اپنے فرائض احسن سرانجام دے رہا ہے۔

جناب عالی! وارڈ شفقت علی کا کچھ عرصہ پہلے بنوں میں موٹر سائیکل ایکسڈنٹ ہوا تھا جس میں فدوی شدید زخمی ہوا تھا اور پاؤں اور کمر کی تکلیف میں مبتلا ہو چکا تھا لیکن جب فدوی کا ٹرانسفر کی جیل ہوا اور لکی سے پشاور عارضی طور پر بھیجا گیا۔ پشاور سے چھٹی پر آتے ہوئے فدوی کے کمر اور پاؤں کا درد دوبارہ شروع ہوا۔

فدوی کی چھٹی 10/02/2021 سے 14/02/2021 تک ہے اور فدوی نے 12/02/2021 کو ہسپتال جوائن کیا جو کہ میڈیکل کاغذات میں صاف ظاہر ہے۔

جناب عالی! بیماری ہر انسان پر آتی ہے لیکن اگر قانونی پہلو کو بھی Follow کریں تو محکمہ کو چاہئے کہ اس کی دل ازاری کے بجائے اسے حوصلہ دیں۔

جناب عالی! باوجود اس کے کہ میں نے مکمل کاغذات CP D.I.Khan میں پیش کی لیکن اس کے باوجود مجھے

اڈیل سزا دی گئی جو کہ سراسر ظلم اور نا انصافی ہے۔

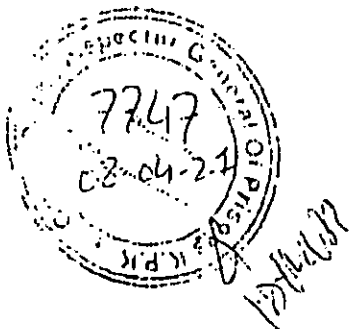
لہذا آپ سے عاجزانہ گزارش ہے کہ مجھے دی گئی سزا ختم کر کے میرے میڈیکل کو قانون کے مطابق ویریفیکیشن سے بعد میری غیر حاضری کو میڈیکل Leave میں تبدیل کیا جائے۔ میں تا حیات آپ کے لئے دعا گو ہوں گا۔

عین نوازش ہوگی

العارضی

آپ کا تالیف دار وارڈر

6-4-2021
شفقت علی ولد افسر علی





INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

996

091- 9210334, 9210406

091- 9213445

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

No. ICL 11825 1-WE

Dated. 14-04-2021 1-

To,

The Superintendent,
Circle Headquarters Prison D.I Khan.

Subject:- DEPARTMENTAL APPEAL.
Memo:

I am directed to refer to the subject and to forward herewith a copy of departmental appeal (self-explanatory) submitted by Warder **Shafqat Ali S/O Afsar Ali** attached to CP Peshawar for temporary duties and for pay purpose attached to IC Lakki Marwat on the captioned subject for information.

Please look into the matter and your views/comments alongwith history of his service on the below noted format may be furnished to this office for further necessary action:-

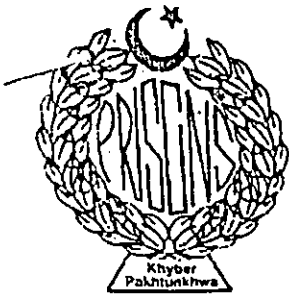
S.No.	Name & Parentage	Rank	Date of Birth	Date of appointment.	Detail Of Postings	Penalty if any awarded
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See 1088/PB
[Signature]

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

14/4/2021

INSUPERINTENDENT CENTRAL PRISON
No. 270
Dt. 30-4-2021
D.I. KHAN * NO. 21



INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

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prisonsig@gmail.com

REMINDER

No. ICC-14157
Dated. 18-05-2021

To,

The Superintendent,
Circle Headquarters Prison D.I Khan.

Subject:- DEPARTMENTAL APPEAL.
Memo:

I am directed to refer to this office letter No. 11815/WE dated 14-04-2021 on the subject and to convey that the requisite views/comments are still awaited from your end which may be expedited without further loss of time.

[Signature]
ASSISTANT DIRECTOR

INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

[Signature] 18/5/2021

[Handwritten signature]



PRISONS
PESHAWAR

PRISONS
PESHAWAR



OFFICE OF THE SUPERINENDENT
 PRISONS CIRCLE HEAD QUARTER D.I.KHAN
 No. 1966/W/4 HQ Date 27-05-2021
 PH&FAX \No. 0966-9280299
 cpdikhan1@gmail.com

The Inspector General Of Prisons,
 Khyber Pakhtunkhwa Peshawar.

Subject: DEPARTMENTAL APPEAL.

Respected Sir,

Kindly refer to your memo No. 11815-/we dated 14.04.2021 and No. 14157 dated 18.05.2021.

It is submitted that the superintendent HeadQuarter Prison Peshawar reported vide No. 702 dated 01.03.2021 that warder Shafqat Ali s/o Afsar Ali was granted 02 days casual leave for personal hearing at Central Prison DIKhan on 14.02.2021 and was required to resume duty on 14.02.2021 but he failed and absented himself.

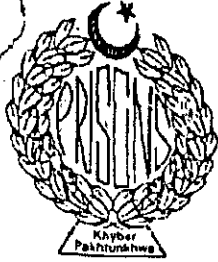
Showcause Notice No. 783-85 dated 02.03.2021 was sent on his home address with personal hearing date fixed for 09.03.2021. The said warder appeared before the undersigned on 09.03.2021.

During the course of personal hearing his reply was found unsatisfactory and having no cogent reason for his absence and being habitual of absenting himself, major penalty of Reduction to lowest stage in present time scale for two years was awarded to above mentioned warder.

S. No	Name and parentage	Rank	Date of birth	Date of appointment	Detail of postings	Penalty if any
01	Shafqat Ali s/o Afsar Ali	Warder		07.10.2007	Given in table-A	Given in table-B

Table-A

S. No	Detail of postings		
	From	To	Date
01	District Jail Manshera	Central Prison Bannu	21.02.2008
02	Central Prison Bannu	District Jail Maneshra	30.04.2008
03	District Jail Manshera	Central Prison Bannu	30.11.08
04	Central Prison Bannu	Central Prison DIKhan	09.05.2009
05	Central Prison D.I.Khan	Central Prison Bannu	27.08.2010
06	Central Prison Bannu	Central Prison D.I.Khan	05.04.2013
07	Central Prison D.I.Khan	Central Prison HARIPUR	25.01.2019
08	Central Prison Haripur	Central Prison Bannu	05.08.2019
09	Central Prison Bannu	Internment Centre Lakki Marwat	30.06.2020



ORDER

Amended "F"
OFFICE OF THE
INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

91-9210334, 9210406

091-9213445

No. Estb/Ward/Orders/

18097-

Dated

18-06-2021

WHEREAS, **Warder Shafqat Ali S/O Afsar Ali** while attached to Interment Centre Lakki Marwat for pay purpose and for temporary duties attached to Central Prison Peshawar was awarded the major penalty of "**Reduction to the Lowest Stage and Present Time scale for Two years**" by Superintendent HQs DI Khan vide his office order NO 928-33 dated 11-03-2021 due to his willful absence w.e.f 14-02-2021 to 09-03-2021.

AND WHEREAS, the said **Warder** preferred his departmental appeal for setting-aside the penalty awarded to him, which was examined in light of the available record of the case and it was observed that the appellant is habitual and penalty awarded to him by the competent authority due to his willful absence from duty w.e.f 14-02-2021 to 09-03-2021 after observing all legal and codal formalities as required under (E&D) Rules 2011.

NOW THEREFORE, keeping in view the facts on record, the provision of rules in vogue and in exercise of powers conferred under Rule-17 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 read with Rule-05 of Khyber Pakhtunkhwa Service Appeal Rules 1986, the decision of the competent authority is upheld and appeal of the appellant is hereby rejected being without any substance.

INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA, PESHAWAR.

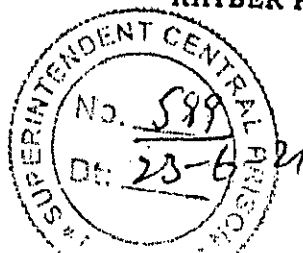
ENDST; NO. 18098-101,

Copy of the above is forwarded to:-

1. The Superintendent, Headquarters Prison DI Khan for information and necessary action with reference to his letter No. 1966 dated 27-05-2021.
2. The Superintendent Central Prison Peshawar for information.
3. Incharge Internment Centre Lakki Marwat for information and necessary action. He is directed to inform the appellant accordingly and to make necessary entry in his Service Book under proper attestation.
4. **Warder Shafqat Ali S/o Afsar Ali C/O Incharge Internment centre Lakki Marwat** for information.

ASSISTANT DIRECTOR

INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR



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

Rejoinder
In
Service Appeal No. 7283/2021

Shafqat AliPetitioner

V E R S U S

I.G Prison & othersRespondents

**REJOINDER TO THE COMMENTS FILED BY
RESPONDENTS.**

Respectfully Sheweth:

The petitioner submits as under: -

1. That all the preliminary objections raised by the respondents are incorrect, false, irrelevant without lawful authority. The appellant being an aggrieved person has cause of action and locus standi to file the instant appeal. He has come to this Hon'ble court with clean hands and nothing has been concealed from this Hon'ble Tribunal and this Hon'ble Tribunal has the jurisdiction to entertain the plea. The appeal is well within time, moreover no rule of estoppel is applicable in the instant case.

On Facts:

1. No comments.
2. Contents of para 2 of the appeal true and correct. Reply given is not correct, as the matter of fact not a single allegation were proved and on every occasion and this is the reason that the appellant is till on the role of the department.
3. Contents admitted to the extent grant of two days leave. However since the appellant met with an accident, therefore, due to this medical inability he could not join his duties immediately. It is pertinent to mention here that no departmental proceedings as per law has been initiated prior to the imposition of penalty.
4. Contents incorrect. Neither any charge sheet nor any inquiry which was the mandate of law were conducted in order to dig out the truth in the matter.

5. In reply to para 5 it is submitted that the departmental appeal was rejected illegally in violation of general clauses act.
6. Contents of para 6 of the appeal are true and correct reply given is incorrect, hence denied.

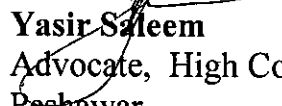
GROUND:

A-G. Incorrect. Neither any regular inquiry nor any personal hearing was given to the appellant. All the points raised in the grounds being legal shall be substantiated during the course of arguments.

It is, therefore, most humbly prayed that in the light of foregoing facts, the appeal may kindly be accepted as prayed for.


Appellant

Through

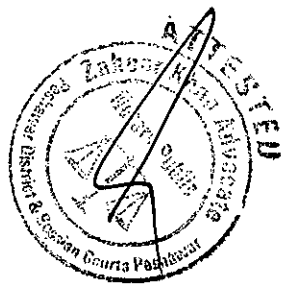

Yasir Saleem
Advocate, High Court
Peshawar.

Date:08.10.2022

AFFIDAVIT

It is hereby solemnly affirm and declare that the contents of the **Rejoinder** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal


DEPONENT



BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.

Rejoinder
In
Service Appeal No. 7283/2021

Shafqat AliPetitioner

V E R S U S

I.G Prison & othersRespondents

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GROUNDS:

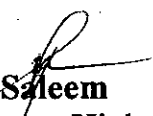
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It is, therefore, most humbly prayed that in the light of foregoing facts, the appeal may kindly be accepted as prayed for.

Through


Appellant

Date:08.10.2022


Yasir Saleem
Advocate, High Court
Peshawar.

AFFIDAVIT

It is hereby solemnly affirm and declare that the contents of the **Rejoinder** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal


DEPONENT