

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

BEFORE: **KALIM ARSHAD KHAN ... CHAIRMAN**  
**MUHAMMAD AKBAR KHAN... MEMBER (Executive)**

*Service Appeal No.1621/2023*

Date of presentation of Appeal.....31.07.2023

Date of Hearing.....16.04.2024

Date of Decision.....16.04.2024

**Shah Hussain S/O Sultan Hussain, (Warder) Central Prison, Mardan.**  
**R/O Mohallah Boki, Kot Ismail Zai, P.O. Garhi Kapura, Tehsil &**  
**District Mardan. ....Appellant**

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Home, Civil Secretariat, Peshawar.
2. Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
3. Superintendent Central Prison, Mardan.
4. Superintendent Sub-Jail, Mardan. ....(Respondents)

Present:

Mr. Kaleem Ullah, Advocate.....For the appellant

Mr. Umair Azam, Additional Advocate General,.....For respondents

.....  
**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974, AGAINST THE PARTIAL ORDER DATED 03.07.2023 OF THE RESPONDENT NO. 2 WHEREBY THE DEPARTMENTAL APPEAL WAS PARTIALLY ALLOWED AND THE APPELLANT WAS REINSTATED TO HIS SERVICE, HOWEVER THROUGH IMPUGNED ORDER DATED 03.07.2023 THE APPELLANT WAS PUNISHED IN THE SHAPE OF REDUCTION TO LOWER STAGES FOR A PERIOD OF 2 YEARS.**

JUDGMENT

**KALIM ARSHAD KHAN CHAIRMAN:** Appellant was serving as  
Warder with the respondent-department and his services were placed  
at the disposal of Superintendent Jail Saidu vide order dated  
22.12.2022 when he had allegedly serious body pain and visited Saidu

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Peshawar

Hospital, Swat, for medical treatment, where the doctor had recommended him three days' complete bed rest; that he approached his high-ups and produced medical prescriptions, who, on receipt of the medical documents from the appellant, had directed him verbally to have bed rest; that on 26.12.2022 paternal aunt of the appellant had died and he had also been feeling severe body pain and cardiac problems, so he again visited DHQ hospital Mardan for treatment, where he was provided medical treatment and was advised for four days' bed rest; that on 02.01.2023, the appellant submitted arrival at the Central Prison Saidu, Swat, where the then Superintendent Jail did not allow the appellant to resume his duty asking him to wait till arrival of the regular Superintendent Central Prison Saidu, Swat; that on 10.01.2023, the regular Superintendent assumed the charge; that the appellant appeared before the Superintendent Jail Saidu alongwith relevant medical documents on 11.01.2023, but on 11.01.2023 the appellant was posted at the disposal of Superintendent Central Prison Mardan, however, the official of interment Central Malakand/high-ups relieved the appellant from duty on 11.01.2023 and directed him to join duty at the Central Prison Mardan; that on 14.01.2023, the appellant submitted arrival at the Central Prison Mardan, where-after show-cause notice was issued to him for the period of absence i.e from 24.12.2022 to 10.01.2023; that the appellant made verbal submission as well as submitted written reply alongwith relevant documents to the Superintendent Central Prison Mardan but vide order dated



18.03.2023, he was removed from service; that feeling aggrieved from the order dated 18.03.2023, the appellant filed departmental appeal on 21.03.2023; that the Inspector General of Prisons got verified the medical documents, submitted by the appellant, which were found authentic; that respondent No. 2 i.e Inspector General of Prisons partially accepted the departmental appeal on 03.07.2023 and reinstated the appellant on duty, however, he was awarded the penalty of reduction into two lower stages for two years and absence period from 24.12.2022 as well as intervening period from the date of removal to the date of reinstatement was treated as leave without pay, hence, this appeal mainly on the grounds that the appellant was not treated in accordance with law and rules.

2. On admission of the appeal for regular hearing, notices were issued to the respondents. In the reply, the respondents referred to a number of punishments awarded to the appellant at different points of time justifying the impugned punishment. It is noted that a number of replies were evasive especially para-5, which pertains to factum of ailment of the appellant, para-10 regarding arrival of the appellant to Central Prison Mardan on 14.01.2023 and para-14 regarding verification of the medical documents.

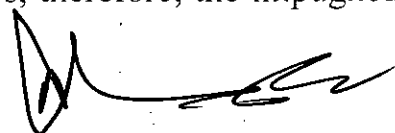
3. We have heard learned counsel for the appellant and learned Additional Advocate General for the respondents.

4. The learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the



learned Additional Advocate General controverted the same by supporting the impugned order (s).

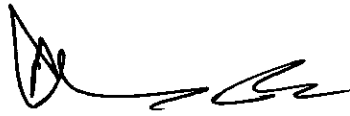
5. The impugned order dated 18.03.2023 passed by the Superintendent Circle Headquarter Prison Mardan shows that the appellant was proceeded under Rules-3 & 9 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 but there is nothing on the file to show that either of these rules were followed by the competent Authority. The appellate authority while accepting the appeal had also mentioned in the appellate order that the competent authority had not fulfilled the legal procedure/formalities as laid down in Rules 5 & 7 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, while the only allegation against the appellant was that he could not produce the medical certificate to the competent Authority within time. But as against the same, the medical illness of the appellant was not only admitted but the receipt of medical documents from the appellant were also admitted, which were duly verified and found correct. In such eventuality the appellant also has been reinstated treating his absence period as on medical leave but for no good reason the appellant was awarded another punishment of reduction to two lower stages for a period of two years and absence as well as intervening period as leave without pay. When the appellate authority itself found and we also find that the competent authority has not followed the procedure provided in the rules, therefore, the impugned



*Service Appeal No.1621/2023 titled "Shah Hussain versus Government of Khyber Pakhtunkhwa through Secretary Home, Civil Secretariat, Peshawar and others", decided on 16.04.2024 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Mr. Muhammad Akbar Khan, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.*

punishment was not justified nor could be that sustained, therefore, on allowing this appeal we set-aside the impugned orders and order that period of absence of the appellant from 24.12.2022 to 10.01.2023 shall be treated as on medical leave, while the period out of service shall be dealt with as leave of the kind due. Costs shall follow the event. Consign.

6. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 16<sup>th</sup> day of April, 2024.*



**KALIM ARSHAD KHAN**  
Chairman

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PESHAWAR



**MUHAMMAD AKBAR KHAN**  
Member (Executive)


\*Naeem Amin\*

13<sup>th</sup> Dec. 2023

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KPST  
Peshawar

1. Junior to counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General alongwith Mr. Mustafa Law Officer for the respondents present.
2. Reply on behalf of the respondents has been submitted through office. To come up for arguments on 16.04.2024 before D.B. P.P given to the parties.

\*Muazem Shah\*


  
(Kalim Arshad Khan)  
Chairman

**ORDER**

16<sup>th</sup> April, 2024

1. Learned counsel for the appellant present. Mr. Umair Azam, Additional Advocate General for the respondents present. Arguments heard and record perused.
2. Vide our judgment of today placed on file, on allowing this appeal we set-aside the impugned orders and order that period of absence of the appellant from 24.12.2022 to 10.01.2023 shall be treated as on medical leave, while the period out of service shall be dealt with as leave of the kind due. Costs shall follow the event. Consign.

3. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 16<sup>th</sup> day of April, 2024.*

  
(Muhammad Akbar Khan)  
Member (Executive)

  
(Kalim Arshad Khan)  
Chairman

\*Naveem Amin\*

SCANNED  
KPST  
Peshawar

25 Sep, 2023

01. Learned counsel for the appellant present and heard.

02. Point raised need consideration. The appeal is admitted to full hearing subject to all just and legal objections by the other side. The appellant is directed to deposit security fee within 10 days. The respondents be summoned through TCS, the expenses of which be deposited by the appellant within three days. To come up for reply/comments on 10.11.2023 before the S.B. Parcha Peshi given to the learned counsel for the appellant.

SCANNED  
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Peshawar


  
(FAREEHA PAUL)  
Member (E)

*\*Fazle Subhan, P.S\**

10<sup>th</sup> Nov, 2023

1. Learned counsel for the appellant present. Mr. Habib Anwar, Additional Advocate General alongwith Mr. Suleman, Law Officer for the respondents present.

2. Written reply/comments on behalf of the respondents have not been submitted. Representative of the respondents seeks time to submit the same on the next date. To come up for written reply/comments on 13.12.2023 before S.B. P.P given to the parties.

  
(Kalim Arshad Khan)  
Chairman

*\*Adnan Shuaib \**

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Peshawar

FORM OF ORDER SHEET

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KPST  
Peshawar

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

Appeal No. 1621/2023

S No.	Date of order proceedings	Order or other proceedings with details of order
1-	07/08/2023	The appeal of Mr. Shah, Hussain filed by Mr. Kaleem Ullah Advocate. It is fixed for hearing before Single Bench at Peshawar on 9-8-23

By the order of the court



09<sup>th</sup> Aug. 2023

01. Nemo for the appellant.

*On 20/09/23 counsel was informed telephonically for the date fixed (25/09/23) for Mohamir*

02. Notice be issued to the appellant and his counsel. To come up for preliminary hearing on 25.09.2023 before the S.B.

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Peshawar

(~~FARIHA PAUL~~)  
Member (E)

\*Fazle Subhan, P.S\*



The appeal of Mr. Shah Hussain son of Sultan Hussain Warden Central Prison Mardan received today i.e on 31.07.2023 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Check list is not attached with the appeal.
- 2- Appeal has not been flagged/marked with annexures marks.
- 3- The authority whose order is challenged has not been arrayed/made a necessary party.
- 4- Three more copies/sets of the appeal along with annexures i.e. complete in all respect for Tribunal and one for each respondent may also be submitted with the appeal.

No. 2060 /S.T.

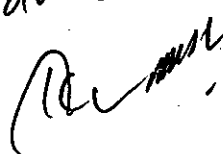
DC 01/08 /2023.



REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Kaleem Ullah Adv.  
High Court Peshawar.

*By* Re submitted after necessary completion  
of correction

Advocate  


**BEFORE THE HON'BLE  
SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,  
PESHAWAR**

# CHECK LIST

S. No.	Contents	Yes	No
1	This petition has been presented by:	✓	
2	Whether Counsel / Petitioner / Respondent / Deponent have signed the requisite documents?	✓	
3	Whether the enactment under which the case / petition is filed mentioned?	✓	
4	Whether the enactment under which the case / petition is filed is correct?	✓	
5	Whether affidavit is appended?	✓	
6	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
7	Whether petitioner/annexure are properly paged?	✓	
8	Whether annexures are certified?	✓	
9	Whether certificate regarding filing any earlier appeal/petition non the subject, furnished?	✓	
10	Whether annexure are legible?	✓	
11	Whether annexure are attested?	✓	
12	Whether Special Power of Attorney Filed?		
13	Whether Special Power of Attorney attested?		
14	Whether copy of application is delivered to A.G./D.A.G.?	✓	
15	Whether Appeal, Revision application is within time?	✓	
16	Whether value for the purpose of court fee and jurisdiction given in the relevant column of the opening sheet is correct?		
17	Whether Power of Attorney of the Counsel engaged is attested and signed by all petitioners/appellants/respondents?	✓	
18	Whether complete spare copy is filed in separate file cover?	✓	
19	Whether numbers of referred cases given/are correct?		
20	Whether petition being sent by post?		
21	Whether appeal/petition contains cuttings/overwriting?		
22	Whether appeal/revision/writ petition is competent?	✓	
23	Whether list of books has been provided at the end of the petition?		
24	Whether case related to this Court?	✓	
25	Whether case related to this Bench?	✓	
26	Whether petition drafted by a competent person?	✓	
27	Whether name of Jail in which appellant/petitioner/respondent is confined given?		
28	Whether copies of annexures are readable/clear?	✓	
29	Whether Court Fee stamps affixed?		
30	Whether Court Fee stamps annexed are sufficient?		
31	Whether certified copies of impugned order/decreed sheet before District Judge have been filed? / <i>Authorities</i>	✓	

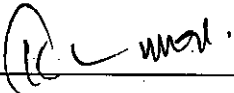
32	Whether in view of Order 43 Rule 3 CPC / Rule 2(3) Chapter-4-1, Vol: V of High Court Rules & Orders, Notice along with copy of appeal/petition and annexures has been sent to respondents?		
33	Whether Judicial Officer whose orders are challenged mentioned at the bottom of the panel of respondents?		
34	Whether index filed?	✓	
35	Whether index is correct?	✓	
36	Whether copies of comments/reply/rejoinder provided to opposite party?		
37	Whether addresses of parties given are complete?	✓	
38	Whether addresses of parties are complete?	✓	
39	Whether list of LRs of petitioner filed?		
40	Whether copy of list of LRs of respondents as filed before Courts below or, if not, a certificate to this effect attached?		
41	Whether opening sheet filed?		
42	Whether opening sheet is correct-/ complete?		
43	Whether approved file cover used?>	✓	
44	Whether separate application filed for each prayer?		✓
45	Whether separate request has been made for interim relief in writ petition?		
46	Whether security of Rs. 10,000/- deposited with review petition?		
47	Whether review petition filed and certified by the Advocate who had argued the case resulting into order review of which is sought?		
48	Whether purpose of the document filed explained?	✓	
49	Whether respondents sued by name in the CoC?		

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

Name: Kaleem Ullah

Cell No: 0310-0099726

E-mail kaleem.adv1984@gmail.com

Signature 

Dated: 27<sup>th</sup> July, 2023

**BEFORE THE HONOURABLE  
SERVICE TRIBUNAL, KP PESHAWAR**

Service Appeal No. 1621 /2023

**Shah Hussain**

(Appellant)


**V E R S U S**

Govt. of KPK through Secretary Home and others

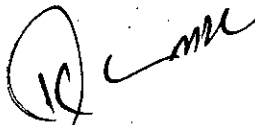
(Respondents)

**INDEX**

S. No.	Documents	Annexure	Page No.
1	Service Appeal a/w Affidavit		1-10
2	Copy of service certificate	A	11
3	Copy of order dated 22.12.2022	B	12
4	Copy of medical prescription	C	13-14
5	Copy of medical prescription	D	15-16
6	Copy of orders dated 26.12.2022 and relieving order dated 11.01.2023	E	17-18
7	Copy of show cause notice	F	19
8	Copy of order dated 18.03.2023	G	20
9	Copy of departmental appeal	H	21-22
10	Copies of medical verification reports	I	23-28
11	Copy of order dated 03.07.2023	J	29
12	Wakalat Nama		30

  
Appellant *Shah Hussain*

Through

  
Kaleem Ullah

Advocate High Court,  
Peshawar

Dated: 27.07.2023

Revised Page  
no-1

**BEFORE THE HONOURABLE  
SERVICE TRIBUNAL, KP PESHAWAR**

Service Appeal No. 1621 /2023

Shah Hussain S/o Sultan Hussain (Warden) Central Prison,  
Mardan R/o Mohallah Boki, Kot Ismail Zai, P.O. Garhi Kapura,  
Tehsil & District Mardan

(Appellant)

**V E R S U S**

- 1) Govt. of KPK through Secretary Home, Civil Secretariat,  
Peshawar
- 2) Inspector General of Prisons, Khyber Pakhtunkhwa,  
Peshawar
- 3) Additional Inspector General of Prison Khyber  
Pakhtunkhwa Peshawar
- 4) Superintendent Circle Hqs. Prison Mardan
- 5) Superintendent Central Prison, Mardan
- 6) Superintended Sub-Jail, Mardan

(Respondents)

Re-submitted to -day  
and filed.

**Appeal Under Section 4 of the Khyber  
Pakhtunkhwa Service Tribunal Act 1974,  
against the partial order dated  
03.07.2023 of the respondent No. 2**

(1)

**BEFORE THE HONOURABLE  
SERVICE TRIBUNAL, KP PESHAWAR**

Service Appeal No. 1621 /2023

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 6756

Dated 31/07/23

**Shah Hussain** S/o Sultan Hussain

(Warden) Central Prison, Mardan

R/o Mohallah Boki, Kot Ismail Zai, P.O. Garhi Kapura, Tehsil &  
District Mardan

\_\_\_\_\_ (Appellant)

**VERSUS**

Filed day

Registrar

31/7/23

- 1) Govt. of KPK through Secretary Home, Civil Secretariat,  
Peshawar
- 2) Inspector General of Prisons, Khyber Pakhtunkhwa,  
Peshawar
- 3) Superintendent Central Prison, Mardan
- 4) Superintended Sub-Jail, Mardan

\_\_\_\_\_ (Respondents)

**Appeal Under Section 4 of the Khyber**

**Pakhtunkhwa Service Tribunal Act 1974,**

**against the partial order dated**

**03.07.2023 of the respondent No. 2**

(2)

03.07.2023 of the respondent No. 2  
whereby the departmental appeal was  
partially allowed and the appellant was  
reinstated to his service, however through  
impugned order dated 03.07.2023 the  
appellant was punished in the shape of  
Reduction to lower stages for a period of  
2 years.

Prayer:

On acceptance of the instant appeal, the  
order dated 03.07.2023 of respondent No. 2  
and the impugned order dated 18.03.2023  
may kindly be set aside and the appellant's  
service position may kindly be restored and  
thereby the pay to which the appellant  
according to experience & seniority is  
entitled may kindly be granted to the  
appellant as well as the pay during the  
period during which the appellant was  
removed from service may also be restored  
to the appellant and the seniority of the

**appellant may kindly be restored with all back benefits.**

**Respectfully Sheweth,**

Facts giving rise to the present appeal are as under:

- 1) That the appellant was appointed as Warder in respondent's department on 21.05.2012. (Copy of service certificate is attached as Annexure A)
- 2) That after his appointment, the appellant joined the respondent's department and performed his duties in great zeal and enthusiasm to the best of his ability and honesty.
- 3) That during the entire period of his service, no complaint has ever been reported against the appellant.
- 4) That on 22.12.2022 the appellant was posted at the disposal of the Superintendent Jail Saidu for duty purpose. (Copy of order dated 22.12.2022 is attached as Annexure B)
- 5) That the appellant felt severe body pain and visited the Saidu Hospital, Swat for his medical treatment where the doctor on duty recommended the appellant for 3



days complete bed rest. (Copy of medical prescription is attached as Annexure C)

- 6) That the appellant approached his highups and produced the medical prescriptions to their satisfaction, whereby the respondents received the medical documents from appellant and verbally directed the appellant to have bed rest.
- 7) That in the meanwhile on 26.12.2022 the paternal aunt of the appellant died, furthermore the appellant also felt sever body pain and cardiac problems, so the appellant again visited DHQ Hospital Mardan for his medical treatment where the appellant was provided basic medical treatment and was advised for 4 days bed rest. (Copy of medical prescription is attached as Annexure D)
- 8) That on 02.01.2023 the appellant showed his arrival at Central Prison Saidu, Swat, where the then posted Superintendent Jail namely Said Rahim Shah did not allow the appellant to resume his duties and asked the appellant to wait till the arrival of regular Superintendent Central Prison Saidu, Swat.
- 9) That on 10.01.2023 the regular Superintendent Central Prison Saidu, Swat took the charge and the appellant appeared before the regular Superintendent Central

Prison Saidu, Swat along with all the relevant medical documents, however on 11.01.2023 the appellant was posted at disposal of the Superintendent Central Prison Mardan for further duty. It is important to mention here that on 26.12.2022 the respondent No. 3 transferred the appellant from Interment Center Malakand to Central Prison Mardan, however the official of Interment Center Malakand / highups relieved the appellant from duty on 11.01.2023 and directed the appellant to join his duty within 3 days at Central Prison Mardan. (Copy of orders dated 26.12.2022 and relieving order dated 11.01.2023 are attached as Annexure E)

- 10) That on 14.01.2023 the appellant made his arrival to the Central Prison, Mardan, where-after show cause notice was issued to the appellant for the period of absence i.e. from 24.12.2022 to 10.01.2023. (Copy of show cause notice is attached as Annexure F)
- 11) That the appellant verbally as well as through written reply submitted his stance to the Superintendent Central Prison, Mardan along with all the medical documents.
- 12) That the respondents without adopting legal and proper proceedings and without giving any opportunity of hearing to the appellant, proceeded against the

appellant and vide its impugned order dated 18.03.2023 the respondent No. 3 punished the appellant in term of "removal of service" and his absence was treated as leave without pay. (Copy of order dated 18.03.2023 is attached as Annexure G)

- 13) That feeling aggrieved from the above said impugned order dated 18.03.2023 the appellant preferred departmental appeal before the respondent No. 2 on 21.03.2023 and produced all the relevant document in the shape of medical certificates. (Copy of departmental appeal is attached as Annexure H)
- 14) That the respondent No. 2 through its official verified the medical documents submitted by the appellant to the respondent and found as authentic. (Copies of medical verification reports are attached as Annexure I)
- 15) That the respondent No. 2 accepting the partially departmental appeal of the appellant vide its order dated 03.07.2023 by reinstating the appellant on his duty, however the appellant was punished through said order dated 03.07.2023 in the following terms **"Reduction to lower stages in 2 lower stages for the period of 2 years further the absence period w.e.f. 24.12.2022 to 10.01.2023"** as well as intervening period i.e. from the date of removal form service to the

7

date of reinstatement in service was treated as leave without pay. (Copy of order dated 03.07.2023 is attached as Annexure J)

- 16) That impugned order of the respondent No. 2 is against law, facts and fundamental rights of the appellant.
- 17) That feeling aggrieved from the above said impugned orders, the appellant has no other efficacious, speedy remedy, hence to approach this hon'ble tribunal for redressal of his grievances, inter alia, on the following grounds.

#### GROUNDS

- a) That the impugned order is against the law facts material available on record, hence not tenable in the eyes of law.
- b) That the respondents have not treated appellant in accordance with law, rules, policy on subject and acted in violation of Article 4 and 25 of the Constitution of Islamic Republic of Pakistan and unlawfully issued impugned orders which are unjust, unfair and hence not sustainable in the eyes of law.
- c) That the discrimination has been made while issuing


the impugned orders by the respondents.

- d) That the impugned orders are against law and fundamental rights of the appellant, hence the same needs to be set aside and the actual service position of the appellant may kindly be restored according to his seniority and experience.
- e) That genuine reasons have been advanced by the appellant to the respondents for his absence from duty which were thoroughly verified by the respondents through its officials, however despite of the genuine reason the same was not considered.
- f) That any other grounds will be raised with permission during the course of arguments.

**It is, therefore, humbly requested that on acceptance of the instant appeal, the order dated 03.07.2023 of respondent No. 2 and the impugned order dated 18.03.2023 may kindly be set aside and the appellant's service position may kindly be restored and thereby the pay to which the appellant according to experience & seniority is entitled may kindly be granted to the appellant as well as the pay during the period**

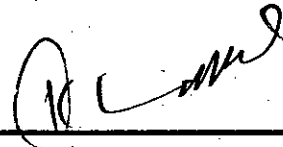
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during which the appellant was removed from service may also be restored to the appellant and the seniority of the appellant may kindly be restored with all back benefits.

 SHAH A HUSSAIN

Appellant

Through



**Kaleem Ullah**

Advocate High Court,  
Peshawar

Dated: 13.12.2022

**Note:** No such service appeal on the same subject matter has earlier been filed before this honourable court.

  
ADVOCATE

10

**BEFORE THE HONOURABLE  
SERVICE TRIBUNAL, KP PESHAWAR**

Service Appeal No. \_\_\_\_\_/2023

**Shah Hussain**

\_\_\_\_\_  
(Appellant)

**VERSUS**

Govt. of KPK through Secretary Home and others

\_\_\_\_\_  
(Respondents)

**AFFIDAVIT**

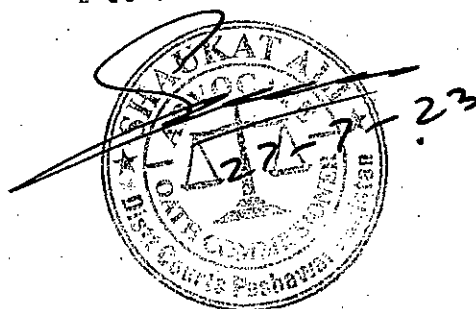
I, **Shah Hussain** S/o Sultan Hussain (Warden) Central Prison, Mardan R/o Mohallah Boki, Kot Ismail Zai, P.O. Garhi Kapura, Tehsil & District Mardan, do hereby solemnly affirm and declare on Oath that the contents of instant "**SERVICE APPEAL**" are true and correct to the best of my knowledge and belief and nothing has been concealed from this honourable court.

16/01-5442892-1  
Shah Hussain

DEPONENT



**ATTESTED**





(11)

OFFICE OF THE  
SUPERINTENDENT  
CENTRAL PRISON MARDAN  
Phone/Fax: 0937-843114  
E-Mail: mardanjail@gmail.com

CP Mardan CP Mardan CP Mardan CP Mardan CP Mardan CP Mardan CP Mardan CP Mardan CP Mardan CP Mardan CP Mardan CP Mardan CP Mardan CP Mardan CP Mardan CP Mardan

## SERVICE CERTIFICATE

It is certified that Mr. Shah Hussain s/o Sultan Hussain NIC 16101-5442892-1 is permanent government employee serving as Warder (BPS-05) in the Khyber Pakhtunkhwa Prisons Department since 21-05-2012 and currently attached to Central Prison Mardan.

*MS*  
12/17/18  
SUPERINTENDENT  
CENTRAL PRISON MARDAN  
*[Signature]*  
SUPERINTENDENT  
Central Prison Mardan

*Attested by*  
*Advocate*  
*[Signature]*  
KALEEM ULLAH  
ADVOCATE  
Peshawar High Court



OFFICE OF THE  
SUPERINTENDENT  
DISTRICT JAIL SWAT

Phon. Fax: 0946-9240400 Email: [swat@swat.gov.pk](mailto:swat@swat.gov.pk)

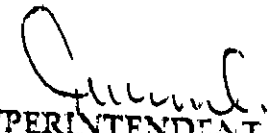
No 3040

Dated, 20/12/22

RELIEVING DOCKET / OFFICE ORDER

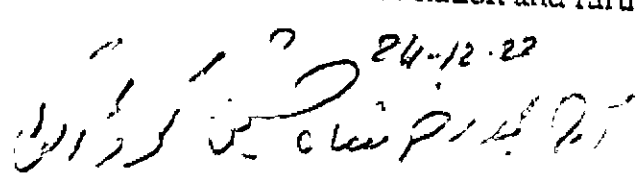
As per exigency of services, the following Watch & Ward Staff are hereby directed to report to the Centres noted against their name, for further duties there unmediately

S.No.	Name of Warder	From	To
1.	Kalim ul Allah (Warder)	District Jail Swat	Internment Center Paithom
2.	Tausif ur Rahman (Warder)	Internment Center Paithom	District Jail Swat
3.	Shah Hussain (Warder)	Internment Center Paithom	District Jail Swat

  
SUPERINTENDENT  
DISTRICT JAIL SWAT

Enclst: No. 1

Copy of the above is forwarded to the Incharge, Internment Center Paithom Swat for information and further necessary action.

  
24-12-22  
3

  
SUPERINTENDENT  
DISTRICT JAIL SWAT

13

KALEEM ULLAH  
ADVOCATE  
Peshawar High Court



# SAIDU GROUP OF TEACHING HOSPITALS SAIDU SHARIF SWAT

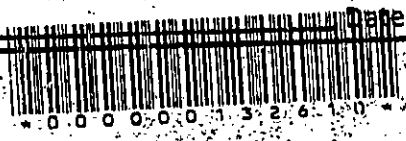
Ph. 0946-9240126-27 Email: [mssthswat@yahoo.com](mailto:mssthswat@yahoo.com)

## CASUALTY/TRAUMA UNIT

Rs:10/-

Printed By: Mubashir

MR No 132610  
 Name: Shah Hussain S/D/W: \_\_\_\_\_  
 Gender: Male Age: 31 Years Address: Mardan  
 Yearly No: 132610/217 Department: Medical Casualty Date: 24-DEC-22 12:06 PM



### Complaints:

*cl*  
 - left sided chest pain  
 - comp. M. chest

### Physical Examination:

### Investigations:

*Ech*

### Provisional Diagnosis:

*acute aya*

Rx

- TAB: - Normal - 400  
 - TAB: - Normal - 1-1  
 - ECG: - Normal - 1-1  
 - ECG: - Normal - 1-1  
 - Hb: - 11.4 g/dl  
 - Hct: - 35.0 %  
 - WBC: - 11.4 x 10<sup>9</sup>/L  
 - Platelets: - 114 x 10<sup>9</sup>/L  
 - Urea: - 11.4 mg/dl  
 - Creatinine: - 1.1 mg/dl  
 - ALT: - 11.4 U/L  
 - AST: - 11.4 U/L  
 - ALP: - 11.4 U/L  
 - GGT: - 11.4 U/L  
 - Bilirubin: - 1.1 mg/dl  
 - Urine: - Normal  
 - CXR: - Normal  
 - Echo: - Normal  
 - Doppler: - Normal  
 - ECG: - Normal  
 - Hb: - 11.4 g/dl  
 - Hct: - 35.0 %  
 - WBC: - 11.4 x 10<sup>9</sup>/L  
 - Platelets: - 114 x 10<sup>9</sup>/L  
 - Urea: - 11.4 mg/dl  
 - Creatinine: - 1.1 mg/dl  
 - ALT: - 11.4 U/L  
 - AST: - 11.4 U/L  
 - ALP: - 11.4 U/L  
 - GGT: - 11.4 U/L  
 - Bilirubin: - 1.1 mg/dl  
 - Urine: - Normal  
 - CXR: - Normal  
 - Echo: - Normal  
 - Doppler: - Normal  
 - ECG: - Normal

Dr. Kaleem Ullah  
 SAIDU SHARIF SWAT  
 Peshawar High Court

Follow up: \_\_\_\_\_ Doctor Name: \_\_\_\_\_ Signature: \_\_\_\_\_

*Kaleem Ullah*  
KALEEM ULLAH  
ADVOCATE  
Peshawar High Court

(14)



# SAIDU GROUP OF TEACHING HOSPITALS SAIDU SHARIF SWAT

Ph. 0946-9240126-27 Email: [mssthswat@yahoo.com](mailto:mssthswat@yahoo.com)

## CASUALTY/TRAUMA UNIT

Rs: 10/-

MR No: 161074 Printed By: Salmankhane  
Name: Shah Hussain S/D/W: S/O SULTAN HUSSAIN  
Gender: Male Age: 31 Years Address: MARDAN  
Yearly No: 161074 / 271 Department: Medical Casualty Date: 02-JAN-23  
03:36 PM

Complaints:

Rx



*entire*  
*of*

*My Pyelo*  
*in*

Physical Examination:

Investigations:

*- TS Lumen*  
*1-1*

*- TS Patuma*  
*1-1-1*

Provisional Diagnosis:

*Acute Bad*

*rest for @2 days*

*Dr. Mohammad Iqbal*  
CMO  
Saidu Teaching Hospital  
District Swat

Follow up: \_\_\_\_\_ Doctor Name: \_\_\_\_\_ Signature: \_\_\_\_\_

MALEEM ULLAH  
ADVOCATE  
Peshawar High Court

115

**OUT-PATIENTS DEPARTMENT**  
**DISTRICT HEAD QUARTER** Rs. 10/-  
**TEACHING HOSPITAL MARDAN**

NAME W. P. A. C.  
YEARLY NO. 61  
DATE 28-12-22

Investigation

chest p.

Pf. 1457 10

- Mr. N. S. J. J.
- Mr. P. J.
- Mr. M. S. J.
- Mr. L. P. J.

Adv. Badar J. J.  
Govt. @ Camp, ref 28/1/23

*[Faint signature and stamp]*

(16)

KALEEM ULLAH  
ADVOCATE  
Peshawar High Court

**OUT-PATIENTS DEPARTMENT**  
**DISTRICT HEAD QUARTER** Rs. 10/-  
**TEACHING HOSPITAL MARDAN**

NAME Shah Hussain  
YEARLY NO. 187  
DATE 4 - 1 - 23

Investigation

R-77

Care of patient  
in the ward

5000 - Raltin

222

Del. Aspire  
1mb

patient

to be treated

on 1-1-23

Bed rest for three (03) days

on 1-1-23

*[Faint handwritten text]*



(17)

OFFICE OF THE  
SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN  
E-mail: mardanjail@gmail.com.  
Phone/Fax: 0937-843114

ADVOCATE  
JAWAHIR RIGH COURT

No. **5100/PB** Dated: 26/12/2022.

**OFFICE ORDER.**

Following posting/transfers is hereby ordered in the public interest:-

Sr	Name of Official	Designation	From	To
1	Nawroz Khan S/O Khani Mula	Warder	SJ Malakand	DJ Timergara, against vice No. 14
2	Abimgir S/O Ali Said	Warder	SJ Malakand	DJ Timergara, against vice No. 15
3	Tariq Ullah S/O Sherin Khan	Warder	DJ Timergara	SJ Dir Upper, against vice No. 16
4	Muhammad Ilyas S/O Haidar Khan	Warder	CP Mardan	DJ Timergara, against vice No. 05
5	Muhammad Ibrar S/O Zafar iqbal	Warder	DJ Timergara	CP Mardan, against vice No. 04
6	Mujeeb Ullah S/O Bakht Sher Khan	Warder	CP Mardan	DJ Timergara, against vice No. 07
7	Muhammad Ayaz S/O Ahmad Khan	Warder	DJ Timergara	CP Mardan, against vice No. 06
8	Ahsan Ullah S/O Sahib Zada	Warder	CP Mardan	DJ Timergara, against vice No. 09
9	Muhammad Sulaiman S/O Amir Zada	Warder	DJ Timergara	CP Mardan, against vice No. 08
10	Ihsan Ullah Shah S/O Shah Ullah	Warder	DJ Timergara	CP Mardan, against vice No. 17
11	Shah Hussain S/O Sultan Hussain	Warder	I/C Malakand	CP Mardan, against Vacant post.

12. Order regarding transfer of Warder Hameed Gul S/O Asa Gul from Central Prison Mardan to For the purpose of duty attached to I/C Palthom and for the purpose of pay attached to I/ C Malakand, issued vide this office order No. 4376/PB dated 24.10.2022 is hereby withdraw /cancelled, against vacant post.

13. Order regarding transfer of Warder Amjid Ali Khar S/O Maidar Khan from Sub Jail Dir Upper to District Jail Chitral issued vide this office order No. 4866/PB dated 12.12.2022 is hereby cancelled, against vacant post.

14. Order regarding transfer of Warder Fawad Ali S/O Abdul Rauf from Sub Jail Malakand to District Jail Timergara issued vide this office order No. 4866/PB dated 12.12.2022 is hereby cancelled, against vice No. 01.

15. Order regarding transfer of Warder Ijaz S/O Gul Karim from Sub Jail Malakand to District Jail Timergara issued vide this office order No. 4866/PB dated 12.12.2022 is hereby cancelled, against vice No. 02.

16. Order regarding transfer of Warder Ihsan Ali S/O Ijaz Ali Shah from Sub Jail Dir Upper to Central Prison Mardan issued vide this office order No. 4866/PB dated 12.12.2022 is hereby amended and he is posted to District Jail Timergara, against vice No. 03.

17. Order regarding transfer of Warder Muhammad Sabir Khan S/O Shakoor Dada from District Jail Chitral to Central Prison Mardan issued vide this office order No. 4866/PB dated 12.12.2022 is hereby cancelled, against vacant post, vice No. 13.

18. Order regarding transfer of Warder Zubair Khan S/O Shah Naeer Khan from District Jail Timergara to Central Prison Mardan issued vide this office order No. 4600/PB dated 15.11.2022 is hereby cancelled, against vice No. 10.

Note: 1- All officials shall be relieved of their duties immediately by making local arrangement under intimation to all concerned.

2- No TA/DA allowed to officials at Serial No. 04, 05, 06, 07 & 08 on this account.

  
SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

Encl No. **5101-11/-** Dated. 26-12-2022.

Copy of the above is forwarded to:-

1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information with reference to his office letter No. 44048 dated. 12-12-2022, please.
2. Deputy Inspector General of Prisons, Regional Prisons office Mardan for information, please.
3. The I/O to Special Assistant to Chief Minister for Prisons Khyber Pakhtunkhwa, Peshawar.
4. The Superintendent Central Prison Mardan.
5. The Superintendent District Jail Timergara/Chitral.
6. The Superintendent Sub Jail Malakand/Dir Upper.
7. In-Charge Interment Centre Malakand.
8. The District Accounts Officer concerned.

For information and necessary action please.

  
SUPERINTENDENT

118



OFFICE OF THE SUPERINTENDENT  
SUB JAIL/ INTERNMENT CENTRE MALAKAND

No. 1500 1972

Subject: RELIEVING DOCKET

SUPERINTENDENT  
INTERNMENT CENTRE/ SUB JAIL  
MALAKAND

Encl. No.

SUPERINTENDENT  
INTERNMENT CENTRE/ SUB JAIL  
MALAKAND

19

KALEEM ULLAH  
ADVOCATE  
Peshawar High Court

No: \_\_\_\_\_ Dated: \_\_\_\_\_

**SHOW CAUSE NOTICE UNDER RULE-5 READ WITH RULE-7 OF THE KHYBER PAKHTUNKHWA GOVERNMENT SERVANTS (EFFICIENCY & DISCIPLINE) RULE 2011.**

You, **Warder Shah Hussain S/O Sultan Hussain** then attached to Interment Centre Malakand for pay purpose and for the purpose of duty attached with Interment Centre Paithom and now attached to Central Prison Mardan was relieved for temporary duty from Interment Centre Paithom to District Jail Swat on 24-12-2022 but you failed to report for duty and absented yourself from duties and Jail Premises without prior permission and sanction of leave from the competent authority and reported back for duties on 10-01-2023 after eighteen (18) days wilful absence, which constitute gross misconduct on your part.

1. Superintendent Headquarter Prison Mardan, as competent authority, am satisfied by the report received vide letter No. 267/WE dated. 03.02.2023 of the Superintendent Sub Jail Malakand and **there is no need of holding any further inquiry.**

Now therefore, you the above named Warder are hereby called to show cause within seven (07) days of the receipt of this notice as to why you should not be **Removal from service** for your above stated act of misconduct.

In, case your reply does not reach to this office within the stipulated period, it shall be presumed that you have no defense to put in and in that case, ex-parte action shall be taken against you.

Also intimate this office whether you desired to be heard in person or not.

SUPERINTENDENT  
CIRCLE HQS PRISON MARDAN

Endorsement No. 563-67 / Dated. 15/02/2023.

Copy of the above is forwarded to:-

1. The Worthy Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information, please.
2. The Superintendent Central Prison Mardan for information with reference to his letter No. Referred to above and with that one copy of the Show Cause Notice duly signed and dated by the accused official as a token of its receipt may be return to this office for record, please.
3. The Superintendent Sub Jail Malakand with reference to his office No. referred to above.
4. The Superintendent District Jail Swat for information.
5. Above name Warder C/O Superintendent Central Prison Mardan.

SUPERINTENDENT  
CIRCLE HQS PRISON MARDAN





20

KALEEM ULLAH  
ADVOCATE  
Federal High Court

OFFICE OF THE SUPERINTENDENT CIRCLE HQS. PRISON MARDAN

No. \_\_\_\_\_ /PB Dated: \_\_\_/03/2023, E-Mail: mardanjail@gmail.com, 0937-843114  
**OFFICE ORDER**

**WHEREAS**, the accused official/Warder Shah Hussain S/O Sultan Hussain while attached to Interment Center Malakand for the purpose of pay and for the purpose of duty attached to Interment Center Paithom and now attached to Central Prison Mardan was proceeded against under Rule-3 read with 9 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges of his misconduct as mentioned in the Show Cause Notice No. 563-67 dated.15-02-2023 served upon him on his misconduct/wilful absence.

**AND WHEREAS**, the accused official/warder failed to furnished his written reply/defence to the competent authority within stipulated time period.

**AND WHEREAS**, the undersigned being competent authority granted him the opportunity of personal hearing on 10-03-2023 as provided for under rules ibid. The accused official completely failed to defend his case with documentary proof/evidence.

**AND WHEREAS**, the accused official/warder is habitual of absenting himself from line and duties without permission and sanction of leave and undisciplined, having lethargic duty attitude, which is crystal cleared from his service book record, as the inquiry against the said accused official with Mr. Bakht Rawan Deputy Superintendent District Jail Timergara of Twenty Eight (28) days wilful absence from Sub Jail Malakand is also pending, the accused official absented himself Twenty Two (22) days from duties later on, his absence period converted into **Earned Leave** vide Superintendent HQ's Prison Haripur Order No. 2984 dated 29-10-2013, the accused official awarded the punishment of **Stoppage of One Annual Increment** and period of absentees of 19 days treated as leave without pay vide Superintendent HQ's Prison Mardan Order No. 1978-81 dated 29-06-2016, the accused official again absented himself Thirty One (31) days in which Twenty Four (24) days were treated leave on medical ground and remaining Seven (07) days were treated as leave without pay vide Superintendent HQ's Prison Mardan Order No. 2257-59 dated 23-07-2016, stoppage of 01 annual increment for one year and 15 days absent period treated as leave without pay vide Superintendent HQ's Prison Mardan Order No. 1690 dated 03-12-2019. Moreover, awarded major penalty of stoppage of 05 annual increments for 05 years for absentees vide Superintendent HQ's Prison Mardan Order No. 1684-89 dated 03-12-2019. Also, awarded the minor penalty of **"CENSURE"** vide Superintendent HQ's Prison Mardan Order No. 1703 dated 03-12-2019. Furthermore, awarded the minor penalty of **"CENSURE" and Stoppage of 06 annual Increment for 06 years** vide Superintendent HQ's Prison Mardan Order No. 1697 dated 03-12-2019. Stoppage of 01 increment due to his wilful absence of 07 days which were treated as leave without pay vide Superintendent HQ's Prison Mardan Order No. 969-73 dated 11-06-2020, awarded major penalty to the accused official **"Remove from Services"** due to misconduct/wilful absence of 44 days vide Superintendent HQ's Prison Mardan Order No. 975-79/PB dated 11-06-2020. Later on, **"re-instated into service"** upon acceptance of appeal to the Worthy Inspector General of Prisons Khyber Pakhtunkhwa, Peshawar and punishment of **Stoppage of 03 annual increments for 03 years** is modified and converted into withholding of 01 annual increment for 01 year vide office order No. 3494 dated 24-01-2020. Also, awarded the punishment of stoppage 03 annual increments for 03 years for his misbehave and quarrelled with line Muharrar vide Superintendent HQ's Prison Mardan Order No. 1847-50 dated 31-12-2019.

**NOW THEREFORE**, in exercise of powers conferred under Rule-14(5) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, being 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 after observing all legal procedural formalities, is hereby awarded the major penalty of **"Removal from service"** with immediate effect to the accused official/ Warder Shah Hussain S/O Sultan Hussain attached to Central Prison Mardan for his misconduct/ wilful absence, his absence period with effect from 24-12-2022 to 10-01-2023 eighteen (18) days, he is not entitled for any remuneration under rule 19 of the Khyber Pakhtunkhwa Government Servant Revised Leave Rule 1981.

SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

Endst: No. 932-39 / Dated: 18/03/2023

Copy of the above is forwarded to:-

1. The Worthy Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information, please.
2. The Superintendent Central Prison Mardan, for information and necessary action, please.
3. To the Superintendent District Jail Swat, for information.
4. The Superintendent Sub Jail Malakand for information with reference to his office letter No. 246/WE date 01-02-2023.
5. The Incharge Interment Center Malakand/Paithom, for information.
6. The District Accounts Officer, Mardan for information and necessary action please.
7. Official concerned C/O Superintendent Central Prison Mardan.

SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

KALEEM ULLAH  
ADVOCATE  
Peshawar High Court

7

21

To,

The Honorable Inspector General,  
Prison K.P Peshawar.

Subject: Appeal against the order of superintendent Circle HQS prison Mardan dated 18-03-2023 vide which the appellant was removed from service.  
removed

Respected Sir,

Facts:

The appellant while attached to interment Center Malakand for the purpose of duty attached to interment Center Pathan and now attached to central prison Mardan was departmentally proceeded against for previous misconduct including absence from service w.e. from 24.12.2022 to 10.01.2023. After giving show cause notice the appellant was removed from his service through letter No.932-39 dated 18.03.2023 by worthy Superintendent aggrieved this appeal for re-instatement in service.

Grounds for Appeal:

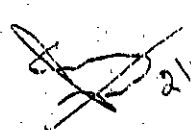
1. That the order of Learned Superintendent of Jail Mardan is against Law and facts on record.
2. That the appellant has been removed from service without conducting any departmental inquiry.
3. That the appellant had not absented himself willingly from his duty.
4. That actually the appellant was transferred on 26.12.2022 from ICM Malakand to Mardan.
5. That on transfer appellant was not relieved from duty inspite of the fact that appellant was ill and was under treatment in Govt. Saidu Group of Teaching Hospital Saidu Sharif Swat. (Copy of Medical Certificate attached)
6. That on 26.12.2022 my Aunt who was in the place of my mother died.
7. That the appellant informed his superior about illness and death of Aunt and was allowed three days leave for her Funeral ceremony. (Death Certificate attached)

8. That in the mean time my illness aggravated and the appellant went to DHQ Hospital Mardan, where the appellant was advised for 4 days complete bed rest. (Medical certificate enclosed)
9. That after expiry of medical rest the appellant went to his point of duty at Swat.
10. That however the Superintendent of Jail had gone for training and the acting Superintendent of Jail namely Said Rahim Shah did not allow me to resume duty and asked for waiting till the arrival of Superintendent of Jail Swat.
11. That in the meantime Superintendent of Jail on 10.01.2023 took the charge and the appellant apprised him all the situation where upon warning was issued and the appellant remained on duty.
12. That on 11.01.2023 the appellant was relieved and after three days joining time the appellant made his report in Mardan on 14.01.2023 and the appellant remained on duty at Mardan Jail till his removal from service.
13. That the appellant has just been removed from service on previous some punishment which was awarded on departmental rivalry and the appellant has already suffered financially and mental agony for the said punishes and legally cannot be reasonable ground for removal.
14. That the appellant has got more than 10 years service in credit and has to support singly a large family including mother and father.

In view of the above it is humbly submitted that the impugned order of my removal from service may kindly be set aside and the appellant may kindly be re-instated in service in greater interest of justice. The appellant shall pray for your long and prosperity.

yours obediently,

Cell: 0345-9239917,  
0336-0979874

  
21-03-2023  
Warder Shah Hussain



23  
Mardan Medical Complex,  
Teaching Hospital Mardan

No. 2703 MMC

Dated, 18-05/2023

KALEEM ULLAH  
ADVOCATE  
Peshawar High Court

To

ASSISTANT DIRECTOR,  
INSPECTORATE GENERAL OF PRISONERS  
KHYBER PAKHTUNKHWA PESHAWAR.

Sub: VERIFICATION/AUTHENTICATION.

Memo,

Reference to the office letter No.15491-WE, dated: 20/04/2023 on the subject cited above and to state that the Medical REST Certificate in respect of Warder Shah Hussain S/O Sultan Hussain is returned duly verified and found correct as confirmed by concerned Department.

Hospital Director  
MTL, MMC Mardan

# OFFICE OF THE MEDICAL SUPERINTENDENT

SAIDU GROUP OF TEACHING HOSPITAL SAIDU SHARIF SWAT

Ph: 0946-9240126-27, Fax: 0946-9240122



No. 6382/G-1

Dated 05/05/2023

To Assistant Director,  
Inspectorate General of Prisons,  
Khyber Pakhtunkhwa, Peshawar.

TO	_____
DATE	_____
BY	_____
ADD.	_____

24  
  
KALEEM ULLAH  
ADVOCATE  
Peshawar High Court

Subject: VERIFICATION OF MEDICAL REST CERTIFICATE IN R/O WARDER (BPS-07)  
SHAH HUSSAIN S/O SULTAN HUSSAIN.

Memo.

Reference your letter No.15489/WE dated 20-04-2023 on the subject noted above.

The OPD Slip having yearly No. 161074 in respect of Mr. Shah Hussain S/O Sultan Hussain Warder (BPS- 07) of your department, is duly verified and found correct.

The OPD slip for the period of 24-12-2022 to 26-12-2022 has not been attached to this letter.

Submitted for information and further necessary action please.

MEDICAL SUPERINTENDENT  
SAIDU SHARIF HOSPITAL, SWAT



*Kajal*  
*Uyesh*

INSPECTORATE GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR

01-818334-211240 01-81832485

<https://www.facebook.com/igprisons>

[prisonsig@gmail.com](mailto:prisonsig@gmail.com)

No. 17641 / 1155

Dated. 10-05-2023

*25*  
*Al*  
**HALEEM ULLAH**  
ADVOCATE  
Peshawar High Court

To.

The Medical Superintendent,  
Saidu Group of Teaching Hospitals,  
Saidu Sharif Swat

Subject.

VERIFICATION OF MEDICAL REST CERTIFICATES FOR THE PERIOD OF  
24-12-2022 TO 26-12-2022.

Memo;

I am directed to refer to your letter No. 8222 dated. 06-05-2023 and this office letter No. 15489 dated. 20-04-2023 and to forward herewith a copy of medical rest certificate for the period mentioned above issued from Casuality/Trauma Unit of your hospital in favor of Mr Shah Hussain S/o Sultan Hussain Warden (BPS-07) presently posted at Central Prison Warden for verification

The same may be returned at the earliest after doing the needful for further course of action by this office please.

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

KALEEM ULLAH  
ADVOCATE  
Peshawar High Court

No. 15490 INE  
Dated 20-04-2023



The Medical Superintendent,  
District Headquarter Teaching Hospital  
Mardan

Subject: VERIFICATION OF MEDICAL REST CERTIFICATES FOR THE PERIOD OF  
29-12-2022 TO 01-01-2023 AND 04-01-2023 TO 06-01-2023

Memo:  
I am directed to refer to the subject and to forward herewith copies of medical rest certificates for the below noted periods issued from the doctor concerned at the outpatient Department of your hospital in favor of Mr. Shah Hussain S/o Sultan Hussain, Warder (BPS-07) presently posted at Central Prison Mardan for verification:

- 1 29-12-2022 TO 01-01-2023 (04 days)
- 2 04-01-2023 TO 06-01-2023 (03 days)

The same may be returned at the earliest after doing the needful for further course of action by this office please.

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

1/6 OPD

For not verifications -  
Bismit ph -

*[Handwritten signature]*

Verified

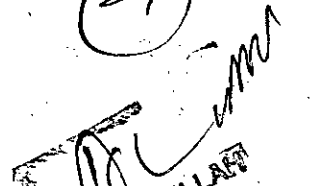
*[Faint official stamp]*



OFFICE OF THE MEDICAL SUPERINTENDENT  
DISTRICT HEADQUARTERS HOSPITAL MARDAN  
Ph # 0937-9230148, Fax # 9230228  
medsup@170210145@gmail.com

No. 3038 MSA/A (Dated Mardan the 20/04/2023)

(27)

  
KALEEM ULLAH  
ADVOCATE  
Peshawar High Court

To


The Assistant Director  
Inspectorate General of Prisons  
Khyber Pakhtunkhwa Peshawar

Subject

VERIFICATION OF MEDICAL REST CERTIFICATES  
FOR THE PERIOD OF 29.12.2022 TO 01.01.2023 AND  
04.01.2023 TO 06.01.2023.

Memo

Reference your letter No 1490/AWE dated 20.04.2023 on the subject noted above and it is stated that the requisite medical rest in respect of Mr. Shah Hussain S/O Sultan Hussain, Warder, duly verified by the Doctor concerned of this hospital is returned herewith in original for further necessary action as desired please.

  
Medical Superintendent,  
D.H.Q Teaching Hospital,  
Mardan.



28

**OFFICE OF THE MEDICAL SUPERINTENDENT**

SAIDU GROUP OF TEACHING HOSPITAL SAIDU SHARIF SWAT  
Ph: 0946-9240126-27, Fax: 0946-9240122



*KALEEMULLAH*  
ADVOCATE  
Peshawar High Court

No. 3506/5-3

Dated 06/06/2023

To

The Assistant Director  
Inspectorate General of Prisons,  
Khyber Pakhtunkhwa, Peshawar.

Subject: VERIFICATION OF MEDICAL REST CERTIFICATE IN R/O WARDER SHAH  
HUSSAIN S/O SULTAN HUSSAIN

Memo.

Reference your letter No. 16931 dated 08-05-2023 on the subject noted  
above.

The OPD Slip (Slip attached herewith) having yearly No. 132610/217 in  
respect of Mr. Shah Hussain S/O Sultan Hussain Warder (BPS- 07) of your  
department, is duly verified and found correct.

*[Signature]*  
MEDICAL SUPERINTENDENT  
S G T H, Saidu Sharif, Swat



(29)

KALEEM ULLAH  
ADVOCATE  
Peshawar High Court

OFFICE OF THE  
INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR

091-9210334, 9210406 091-9213445

No. Estb/Ward./Orders/ 24227-1

Dated 13-07-2023

**ORDER:**

**WHEREAS,** Warder Shah Hussain S/O Sultan Hussain presently posted at Central Prison Mardan was awarded the major penalty of "Removal from Service and his absence period was treated as "Leave Without Pay" by the Superintendent Headquarters Prison Mardan vide his office order No. 931-39 dated 18-03-2023 due to his misconduct /willful absence from 24-12-2022 to 10-01-2023.

**AND WHEREAS,** the said Warder preferred his departmental appeal against the said penalty and requested for setting aside the same as well as reinstatement in service.

**AND WHEREAS,** he was afforded an opportunity of personal hearing on 11-04-2023. During the course of hearing, he explained his position and produced medical rest certificates/ medical reports for his absence period. Moreover, his appeal was examined in light of the available record of the case and it was observed that the competent authority has not fulfilled the legal procedure/ formalities in the said proceedings as laid down in Rule-5 & 7 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. He had failed to produce his medical certificates to the competent authority within time. However, his medical rest certificates were sent to the quarter concerned for verification, which have been verified as conveyed by MS, DHQ Teaching Hospital Mardan vide his letter No. 3028/MS/PA dated 02-05-2023, MS, SGTSH Saidu Sharif vide letters No. 6222 dated 05-05-2023 and No. 8506 dated 06-06-2023 and Hospital Director MTI, MMC Mardan vide No. 2703 dated 18-05-2023. Hence, plea of the appellant is partially justified. Thus, the penalty imposed by the competent authority is found very harsh.

**NOW THEREFORE,** having considered the charges, evidences/facts on record, the explanation of the accused official, 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, appeal of the appellant is hereby accepted and decision of the Superintendent Headquarter Prison Mardan is hereby set aside. He is reinstated into Government Service with immediate effect. His major penalty of "Removal from Service" is hereby converted into "Reduction to two lower stages for a period of two years". The absence period w.c.f. 24-12-2022 to 10-01-2023 as well as his intervening period i.e. from the date of removal from service to the date of reinstatement in service is hereby treated as leave without pay.

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

ENDST; NO. 24228-31/.

Copy of the above is forwarded to:

1. The Superintendent, Headquarters Prison Mardan for information and necessary action with reference to his letter No. 1022/PB dated 28-03-2023.
2. The Superintendent, Central Prison Mardan for information and necessary action. He is directed to inform the appellant accordingly and also make necessary entry in his Service Book under proper attestation.
3. The District Accounts Officer concerned for information.
4. The appellant concerned C/O Superintendent Central Prison Mardan for information and necessary action.

**DEPUTY DIRECTOR (ADMN)  
INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA PESHAWAR**

# وکالت نامہ

بعدالت جناب سرخوس ٹریبیونل KPK گیسٹا

موردہ

مقدمہ

دعویٰ

جرم

2023ء، منجانب ایڈووکیٹ اسحاق حسین

1923-11-13

0310009726

شاہ حسین نام حکومت

باعث تحریرے آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطہ بیروی و جواب دہی وکل کارروائی، متعلقہ

آن مقام لیسٹاؤرہ کیلئے حکم اللہ ایڈووکیٹ

مقرر کر کے اقرار کیا جاتا ہے۔ کہ وکیل موصوف کو مقدمہ کی کل کارروائی کا مکمل اختیار حاصل ہوگا

نیز وکیل صاحب کو مرضی دعویٰ داخل کرنے، جواب دعویٰ، اپیل، نظر ثانی کا بھی اختیار حاصل ہو

گا نیز وکیل صاحب بصورت ڈگری برخلاف من اختیار دہندہ اپیل، مگرانی، نظر ثانی از عدالت ابتداء

تا عدالت انجمن یعنی سپریم کورٹ آف پاکستان دائر کر سکتا ہے وکیل موصوف بصورت عدم بیروی

کارروائی یکطرفہ یا ڈگری یکطرفہ بیکطرفہ بیکطرفہ درخواست دائر کر سکتا ہے اور وکیل موصوف میری جانب

سے مقدمہ میں بصورت ڈگری چیک یا نقد روپیہ کی صل میں وصولی کر سکے گا اور مزید یہ کہ وکیل

موصوف مقدمہ مذکورہ کی کل یا جزوی کارروائی کیلئے اپنی بجائے دیگر وکیل بھی اپنے ساتھ مقرر کر سکتا

ہے جس کو بھی وہ جملہ اختیار حاصل ہو سکے جو کہ وکیل موصوف کو حاصل ہیں مجھے اس صورت میں

تمام ساختہ پر داخلہ منظور و قبول ہوگا لہذا میں نے وکالت نامہ بذات تحریر کر کے اس پر دستخط نشان

انگشت ثبت کر دیا ہے تاکہ سند ہے۔

Accepted

54/2023

2023

الرقوم 26 مارچ 2023

وہ ال کے لئے منظور ہے۔

لسٹاؤرہ

بمقام

شاہ حسین

3766

Phov-

Treasury / Sub-Treasury  
Chalan of Cash paid into the Peshawar  
State Bank of Pakistan

CHALAN NO. Peshawar

To be filled in by the remitter				To be filled in by the Departmental officer or the Treasury	
By whom tendered	Name or Designation and address of the person on whose behalf money is paid	Full particulars of the remittances and of authority (if any)	Amount	Gr-11215 Head of Account 3501001	Order to the Bank *

Name  
**CHAIRMAN  
Service Tribunal  
KPK, Peshawar**

*Security fee (Refundable)  
Rs-100/- One Hundred only  
in appeal No. 1621/23  
Shah Hussain*

Date  
Correct  
Received and grant receipts.  
Signature and full designation of the officer ordering the money to be paid in

Signature \_\_\_\_\_ Total (A) 100/-

(a) (in words) Rupees

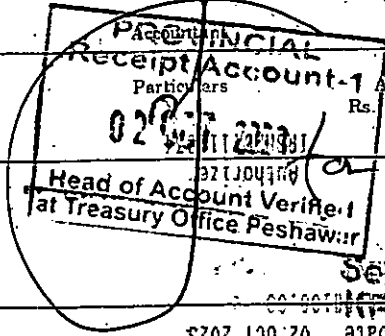
\* To be used only in the case of remittances to Bank through an officer of the Government.

Received \_\_\_\_\_ Date \_\_\_\_\_

Treasurer \_\_\_\_\_ Treasury Officer \_\_\_\_\_

Manager \_\_\_\_\_

Particulars \_\_\_\_\_ Amount \_\_\_\_\_  
Rs. \_\_\_\_\_ Paisa \_\_\_\_\_



Coin.  
Notes (with details)  
Cheques (with details)  
Total :

**CHAIRMAN  
Service Tribunal  
KPK, Peshawar**

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

In the matter of

Service Appeal No.1621/2023

Shah Hussain ,Warder

Attached to Central Prison Mardan

**Khyber Pakhtunkhwa  
Service Tribunal**

Diary No. 9275 ..... (Appellant)

Dated 13/12/2023

**VERSUS**

1. The Government of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs Department, Secretariat Peshawar.
2. The Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
3. The Additional Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
4. The Superintendent Circle HQs Prison, Mardan, District Mardan.
5. The Superintendent, Central Prison Mardan ..... (Respondents)

**INDEX**

SCANNED  
K  
Peshawar

13/12/23

S.No.	DESCRIPTION OF DOCUMENTS	Annexure	Page No.
1-	Para wise comments/reply/Affidavit	-----	1-----5
2	Copy of Relieving Docket No.61-66 dated.11-01-2023 of Superintendent/In-Charge Internment Centre Malakand	-----	6
3	Copy of Superintendent Circle HQs Prison Mardan Order No.1977 dated 29-06-2016	A	7
4	Copy of Superintendent Circle HQs Prison Mardan Order No.2543 dated 27-08-2016	B	8
5	Copy of Superintendent Circle HQs Prison Mardan Order No1690/PB dated 03-12-2019	C	9
6	Copy of Inspector General of Prisons,Khyber Pakhtunkhwa Order No.3495-99 dated.24-01-2020 and Copy of Superintendent Circle HQs Prison Mardan Orders 1846 dated.31-12-2019	D	10----11
7	Copy of Superintendent Circle HQs Prison Mardan Order No.974 dated 11-06-2020	E	12
8	Copy of Superintendent Circle HQs Prison Mardan Order No.25999 dated 28-07-2020	F	13
9	Copy of Superintendent Circle HQs Prison Mardan Order No.931 dated 18-08-2023	G	14
10	Copy of Inspector General of Prisons,Khyber Pakhtunkhwa Order No.24227 dated.03-07-2023	H	15
11	Copy of Superintendent Circle HQs Prison Mardan Order No.2021/PB dated 25-07-2023	I	16
12	Copy of Rule 1083 of Khyber Pakhtunkhwa Prison Rule 2018	J	17----18
13	Copy of Rule No.13 of Khyber Pakhtunkhwa, Government Servants Revised Leave Rules 1981	K	19----20
<b>Total</b>			<b>20 Pages</b>

  
Deponent

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

In the matter of

Service appeal No. 1621/2023

Shah Hussain, Warder,

Attached to Central Prison Mardan. ----- (Appellant)

----VERSUS----

SCANNED  
KPST  
Peshawar  
13/12/23

1. The Government of Khyber Pakhtunkhwa through Secretary Home, Civil Secretariat Peshawar.
2. The Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
3. The Additional Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
4. The Superintendent Circle HQS Prison, Mardan, District Mardan.
5. The Superintendent, Central Prison Mardan.

(Respondents)

**Subject: JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDANTS NO. 1 TO 5.**

**PRELIMINARY OBJECTIONS**

1. That the appeal is incompetent, badly time barred and is not maintainable in its present form.
2. That the appellant is estopped by his own conduct to bring the present appeal.
3. That the appellant has got no cause of action.
4. That the appellant has no locus standi.
5. That the appellant is bad for mis-joinder and non-joinder of necessary party.
6. That the appeal is hit by laches.

**RESPECTFULLY SHEWETH.**

1. Pertains to record, hence no comment.
2. Correct to the extent that the appellant joined Prison service as warder on appointment and is servicing up to date.
3. Incorrect and misleading as the appellant is habitual in absenting himself from duties without permission and sanction of leave from the competent authority and violating rules for which he was awarded the following punishments while attached to various Jails of the province.
  - i. At District Jail Chitral he was awarded the punishment of **stoppage of one annual increment without future effect** and absence period w.e.f 15.04.2016 to 03.05.2016 was ordered to be treated as leave without pay by the Competent Authority vide order No.1978-81 dated 29.06.2016. **(Copy attached as Annex-A).**
  - ii. Upon completion of proceedings under KP Govt Servants (E&D Rules) 2011 initiated vide Superintendent Circle HQs Prison Mardan order No. 2257-59 dated 23.07.2016, the period of absence w.e.f 09.06.2016 to 11.07.2016 (31 days) was ordered to be treated as leave on medical grounds for 24 days and **remaining 07 days is treated as extra ordinary leave without pay** vide Superintendent HQs Prison Mardan Order No. 2544-47 dated 27.08.2016. **(Copy attached as Annex-B).**

- iii. Awarded penalty of stoppage of **one (01) increment for one year** and absence period w.e.f 05.08.2019 to 20.08.2019 fifteen (15) days was ordered to be treated as leave without pay vide Superintendent HQs Prison Mardan order No. 1690 dated 03.12.2019. **(Copy attached as Annex-C).**
- iv. Awarded the penalty of "**Censure**" and absence period w.e.f 15.10.2019 to 21.10.2019 seven (07) days absence period was ordered to be treated as leave without pay vide Superintendent HQs Prison Mardan order No. 1697 dated 03.12.2019.
- v. Awarded the penalty of "**Censure**" and absence period w.e.f 22.09.2019 to 29.09.2019 seven (07) days absence period was ordered to be treated as leave without pay vide Superintendent HQs Prison Mardan order No. 1703 dated 03.12.2019.
- vi. Awarded penalty of **five (05) increments stopped for five years** which was later on converted to the punishment of stoppage of **01 annual increments for one (01) year** for his misconduct and quarreled with line Muharrar vide Inspector General of Prisons Khyber Pakhtunkhwa Peshawar order No. 3495-99 dated 24.01.2020. **(Copy attached as Annex-D).**
- vii. Awarded the penalty of stoppage of **One increment for one year** to the appellant for his misconduct / negligence in the performance of duty / wilful absence w.e.f 21.03.2020 to 28.03.2020 seven (07) days absence period was ordered to be treated as leave without pay vide Superintendent Circle HQs Prison Mardan order No. 969-73 dated 11.06.2020.
- viii. **Awarded the major punishment of "Removal from Service"** for his misconduct/wilful absence w.e.f 13.04.2020 to 28.05.2020 forty four (44) days. By the competent authority vide order No. 975-79 dated 11.06.2020. **(Copy attached as Annex-E).** However, the Major penalty of **Removal from Service** is was converted to minor penalty of **withholding of increments for three years** and the absence period as well as intervening period from the date of removal from service to the date of re-instatement was ordered to be treated as leave without pay by the Appellate Authority vide order No. 25999 dated 28.07.2020. **(Copy attached as Annex-F).**
- ix. The appellant was awarded major penalty of "**Removal from Service**" with immediate effect for his misconduct/wilful absence his absence period w.e.f 24.12.2022 to 10.01.2023 (18) days he is not entitled for any remuneration by the competent authority vide order No. 932-39 dated 18.03.2023. **(Copy attached as Annex-G).** **However, Re-instated into Service** and his major penalty of Removal from Service was converted into "**Reduction to Lower Stage for period of Two years**" and the absence period w.e.f 24.12.2022 to 10.01.2023 as well as his intervening period i.e. from the date of removal from service to the date of re-instatement into service were ordered to be treated as leave without pay by the Appellate Authority vide order No. 24227 dated 03.07.2023. **(Copy attached as Annex-H).**
- x. The appellant was awarded minor penalty of "**Censure**" for violating of Rules 1083 for his misconduct/wilful absence w.e.f 03.09.2022 to 01.10.2022 (F.N) 28 days were ordered to be treated as leave on medical grounds subject to title under the rules by the Competent Authority vide Order No. 2021 dated 25.07.2023. **(Copy attached as Annex-I)**

4. Correct, pertains to record, hence no comment.

5. No Comments.

6. Incorrect and misleading as the appellant submitted the medical certificates to the Inquiry Officer when inquiry was initiated against him, thus he violated the Rule 1083 of Khyber Pakhtunkhwa Prison Rules 2018. **(Copy attached as Annex-J)**
7. Incorrect and misleading as the appellant was relieved for temporary duty from Internment Centre Paithom to District Jail Swat on 24-12-2022 but he failed to report for duty at District Jail Swat and absented himself from duty without prior permission and sanction of leave from the competent authority and reported for duty on 10-01-2023 at District Jail Swat after eighteen (18) days willful absence.
8. Incorrect and misleading, as Superintendent District Jail Swat vide his office Endst No. 129 dated 17-01-2023 informed the Competent Authority that the appellant reported for duty on 11-01-2023 after eighteen (18) days willful absence w.e.f 24-12-2022 to 10-01-2023 and was relieved for Central Prison Mardan on the same date.
9. Incorrect and misleading. As already explained in para-07.
10. Pertains to record, hence no Comments.
11. Incorrect and misleading. As already explained in para-06.
12. Incorrect and misleading. The appellant was given the opportunity of personal hearing by the then Competent Authority on 10-03-2023, however, the appellant completely failed to defend his case with evidences.
13. Pertains to record, hence no Comments.
14. Pertains to record, hence no Comments.
15. Pertains to record, hence no Comments.
16. Incorrect, as the competent authority issued the order after fulfilling all codal and legal formalities as required under the Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline Rules 2011.
17. Incorrect, as the appellant was granted remedy of converting the major penalty of Removal from Service to Reduction to lower stage for a period of 02 years in the said order by the Appellate Authority.

#### **GROUND.**

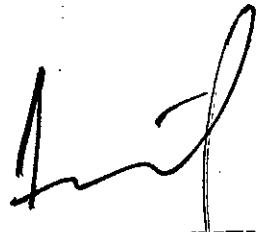
- A. Incorrect and misleading as the order of the Competent Authority and Appellate Authority are in accordance with the Law and Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011.
- B. Incorrect and misleading, as the Appellant has been treated in accordance with the Law and as per procedure laid down in the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules and articles 4 and 25 of the Constitution of the Islamic Republic of Pakistan 1973 have not been violated by the respondents and are not liable to be set aside.
- C. Incorrect, misleading as the appellant has been treated in accordance with the Law and rules.
- D. Incorrect and misleading. As explained in para-16 & 17.
- E. Incorrect, misleading as the Appellant did not produce or send Medical Rest Certificate to the concerned authority when it was advised by the Doctor violating Rules 1083 of the Khyber Pakhtunkhwa Prison Rules 2018 and preventing the leave sanctioning authority authority to obtain second opinion of the Civil Surgeon or Medical Board as admissible under rule 13 of the Khyber Pakhtunkhwa, Government Servants Revised Leave Rules 1981. **(Copy attached as Annex-K)**
- F. Any other ground will be replied with the prior permission of the Service Tribunal at the time of arguments.



**PRAYER**

Keeping in view the above mentioned facts/comments/submission, it is humbly prayed that his appeal may kindly be dismissed with cost, being baseless and devoid of facts.

(Mr, Abid Majeed)



**SECRETARY TO GOVERNMENT  
HOME & TAS DEPARTMENT  
KHYBER PAKHTUNKHWA**

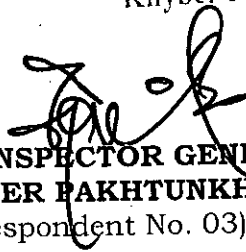
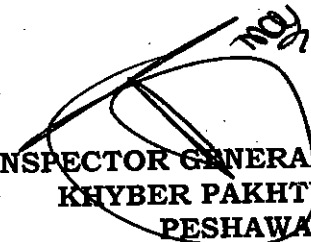
(Respondent No. 01)

Home Secretary,  
Khyber Pakhtunkhwa

**INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA  
PESHAWAR**

(Respondent No. 02)

(Usman Mehsud)



(Hameed ur Rahman)

**ADDITIONAL INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA**

(Respondent No. 03)



**SUPERINTENDENT  
CIRCLE HQS PRISON MARDAN**

(Respondent No. 04)

**SUPERINTENDENT  
CIRCLE HQS PRISON MARDAN**

(Muhammad Arif)



**SUPERINTENDENT  
CENTRAL PRISON MARDAN**

(Respondent No. 05)

**SUPERINTENDENT  
CENTRAL PRISON  
MARDAN**

(Muhammad Arif)

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

In the matter of

Service appeal No. 1621/2023

Shah Hussain, Warder,

Attached to Central Prison Mardan. ----- (Appellant)

----VERSUS----

1. The Government of Khyber Pakhtunkhwa through Secretary Home, Civil Secretariat Peshawar.
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3. The Additional Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
4. The Superintendent Circle HQS Prison, Mardan, District Mardan.
5. The Superintendent, Central Prison Mardan.

(Respondents)

**COUNTER AFFIDAVIT ON BEHALF OF RESPONDANTS NO. 1 TO 5**

We, the respondents, do hereby solemnly affirm and declare on oath that the contents of the reply/Para wise comments are true and correct to the best of our knowledge and belief and nothing material fact has been concealed and kept secret from this Honorable Tribunal. *It is further stated on oath that in this appeal, the answering respondents have neither been placed ex parte nor their defense have been struck off.*

*(Mr. Abid Majeed)*  
**SECRETARY TO GOVERNMENT  
HOME & TAS DEPARTMENT  
KHYBER PAKHTUNKHWA**

(Respondent No. 01)

Home Secretary,  
Khyber Pakhtunkhwa

*(Usman Mehsud)*  
**INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA  
PESHAWAR**

(Respondent No. 02)

*(Hameed ur Rahman)*  
**ADDITIONAL INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA**

(Respondent No. 03)

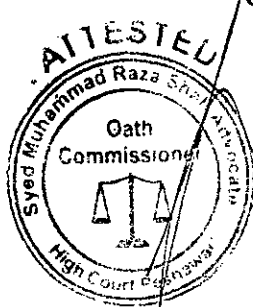
*(Muhammad Arif)*  
**SUPERINTENDENT  
CIRCLE HQS PRISON MARDAN**

(Respondent No. 04)

**SUPERINTENDENT  
CIRCLE HQS PRISON MARDAN**

*(Muhammad Arif)*  
**SUPERINTENDENT  
CENTRAL PRISON MARDAN**  
(Respondent No. 05)

**SUPERINTENDENT  
CENTRAL PRISON  
MARDAN**



30 NOV 2023

(B) set

3 0 NOV 58



OFFICE OF THE SUPERINTENDENT  
SUB JAIL/ INTERNMENT CENTRE MALAKAND  
Tel: 0032-402030 Fax: 0032-402059

No. \_\_\_\_\_ Dated. // 11/01/2023

To,

Mr. Shah Hussain Warder (BPH-07)  
Attached to Internment Centre, Malakand.

Subject: RELIEVING DOCKET

Memo,

Under the instructions contained in the Superintendent Circle HQ. n Prison Mardan, Order No.5100 /PB, dated:2612.2022. You are hereby relieved of your temporary duties at Internment Centre Paitham today on 11-01-2023 and directed to report the Superintendent Central Prison Mardan for further duty there.

You are allowed Three days days joining time.

*Sd*  
SUPERINTENDENT  
INTERNMENT CENTRE/ SUB JAIL  
MALAKAND

Endst No; 61-661

Copy of the above is forwarded to:

1. The Superintendent Circle Headquarter Prison Mardan for information with reference to his office Order No. quoted above please.
2. The Superintendent Central Prisons Mardan for information please.
3. The Superintendent District Jail Swat for information please.
4. The Incharge Internment Centre Paitham for information with the requested to relieve the warder concern to the Superintendent Central Prison Mardan.
- ✓ 5. The District Accounts Officer Malakand for information please.
6. The District Accounts Officer Mardan for information please.

*Attested /*  
SUPERINTENDENT  
INTERNMENT CENTRE/ SUB JAIL  
MALAKAND

SUPERINTENDENT  
CENTRAL PRISON  
MARDAN

OFFICE ORDER

Upon of completion of proceedings under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 initiated vide Superintendent Circle Headquarters Prison Mardan endorsement No. 1674-76 dated 16-05-2016, in respect of Warder Shah Hussain S/O Sultan Hussain attached to District Jail Chitral is hereby awarded the penalty of STOPPAGE OF ONE (01) ANNUAL INCREMENT with further orders as under: -

2- His absence period w.e.f 15-04-2016 to 03-05-2016 (18 days) is hereby treated as leave without pay.

Endorsement No: 1978-81 / P.C. 29/6  
SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

Copy of the above is forwarded to the:-

- 1- Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar please.
- 2- Superintendent District Jail Chitral with reference to his memo No.350/WE dated 07-05-2016. Proper entry at this effect may be made in his Service Book.
- 3- District Accounts Officer, Chitral.
- 4- Official concerned C/O Superintendent District Jail Chitral.

29/6/2016  
SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

Attested

Orani

SUPERINTENDENT  
CENTRAL PRISON  
MARDAN

OFFICE ORDER

Upon completion of proceedings under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 initiated vide Superintendent Circle Headquarters Prison Mardan endorsement No. 2257-59 dated 23-07-2016, the period w.e.f 09/06/2016 (A.N) to 11/07/2016 (F.N) (31 days) in respect of warder Shah Hussain attached to District Jail Chitral is hereby treated as leave on Medical Ground for 24 days and remaining 07 days is treated as extra ordinary leave without pay.

*[Signature]*  
SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

Endorsement No: 2544-47 /-

Copy of the above is forwarded to the: -

- 1- Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar for information please.
- 2- Superintendent District Jail Chitral for information with reference to his letter No.599/WE dated 13-07-2016. (Proper entry at this effect may be made in his Service Book).
- 3- District Accounts Officer, Chitral.
- 4- Official concerned C/O Superintendent District Jail Chitral.

*[Signature]*  
SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

Attested

*[Signature]*

**SUPERINTENDENT  
CENTRAL PRISON  
MARDAN**

No. 1690/PB Dated: 03/12/2019, E-Mail: mardanjail@gmail.com,

09/07-843114

**OFFICE ORDER**

WHEREAS, accused official/ Warder Shah Hussain s/o Sultan Hussain while attached to District Jail Timergara and now attached to Central Prison Mardan was charged within the meaning of Rule-3 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges of his misconduct contained in statement of Allegations/ Charge sheet served upon him vide this Headquarter endorsement No. 1192-95 dated. 22-08-2019, wherein Mr. Muhammad Naeem Deputy Superintendent, Judicial Lockup Malakand was appointed as Inquiry Officer.

AND WHEREAS, he furnished his written reply/defence to the Inquiry Officer without any documentary proof/evidence and the allegations/charges against him were proved.

AND WHEREAS, the accused official was proceeded against under Rule-14(4) for the charges of his misconduct/ absence from duty, as mentioned in the Show cause Notice vide No. 1546-49 dated. 07-11-2019.

AND WHEREAS, he did not furnished his written reply/defence within the stipulated period. He is directed again and again but he didn't submit his written reply.

AND WHEREAS, the undersigned being competent authority granted him the opportunity of personal hearing on 02-12-2019 as provided for under rules ibid. The accused official completely failed to defend his case with documentary proof/evidence. In addition to this concerned official is habitual of absenting himself from line and duties and indiscipline, lethargic duty attitude, which is crystal cleared from their service record.

NOW THEREFORE, in exercise of powers conferred under Rule-14(5) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, having considered the Inquiry report, charges levelled against him and evidence on record, the undersigned being Competent Authority, after observing all legal procedural formalities, hereby award the penalty of "one (01) increment stopped for one (01) year" to Mr. Shah Hussain s/o Sultan Hussain attached to Central Prison Mardan for his misconduct / absence WEF 05-08-2019 to 20-08-2019 fifteen (15) days. He is not entitled for any remuneration for the absence period under rule 19 of the Khyber Pakhtunkhwa Government Servant Revised Leave/Rules 1981..

Endst: No. 1691-96/PB Dated: 03/12/2019.

SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

Copy of the above is forwarded to:-

- 1- The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information please.
- 2- The Superintendent Central Prison Mardan for information and necessary action.
- 3- The Superintendent District Jail Timergara for information with reference to his letter No. 1629 dated. 20-08-2019 please.
- 4- Mr. Muhammad Naeem Deputy Superintendent Judicial Lockup Malakand (Inquiry Officer) for information please.
- 5- The District Accounts Officer Mardan for information and necessary action please.
- 6- The above named Warder C/O Superintendent Central Prison Mardan.

Assessed  
SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

SUPERINTENDENT  
CENTRAL PRISON  
MARDAN

ORDER:

WHEREAS, Warder Shah Hussain S/o Sultan Hussain while attached to Central Prison Mardan was awarded the minor penalty of "stoppage of 03 increments for 03 years by the Superintendent Headquarters Prison Mardan vide his office No. 1847-50 dated 31-12-2019.

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 charges leveled against the appellant were proved.

AND WHEREAS, he was afforded an opportunity of personal hearing on 21-01-2020. During the course of hearing, he explained his position and found that the penalty imposed upon him by the competent authority is very harsh.

NOW THEREFORE, keeping in view the facts on record, the provision of rules in vogue and in exercise of power conferred under Rule-5(c) of Khyber Pakhtunkhwa Civil Servants Appeal Rules 1986, the minor penalty of "withholding of 03 increments for 03 years" is hereby modified and converted into withholding of "01 increment for 01 year".

ADDITIONAL INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA, PESHAWAR.

Endst; No. 3495-99

Copy of the above is forwarded to:-

- 1. The Superintendent Headquarter Prison Mardan for information and necessary action with reference to his letter No. 1825 dated 26-12-2019.
- 2. The Superintendent Central Jail Mardan for information.
- 3. The Superintendent District Jail Timergara for information.
- 4. District Accounts Officer concerned for information.

T.

for n.a. pl. d.w. o/s/c.o/o/s  
of  
Superdt  
29/1/2020

ASSISTANT DIRECTOR  
FOR INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA PESHAWAR.

Attested

[Signature]

SUPERINTENDENT  
CENTRAL PRISON  
MARDAN



OFFICE ORDER/CORRIGENDUM.

Office order issued vide this Headquarters No. 1483/PB dated 03.12.2019 may be read as follows.

WHEREAS, accused official/ Warder Shah Hussain s/o Sultan Hussain while attached to District Jail Timergara and now attached to Central Prison Mardan was charged within the meaning of Rule-3 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges of his misconduct contained in statement of Allegations/ Charge sheet served upon him vide this Headquarter endorsement No. 1348-51 dated. 23-09-2019, wherein Mr. Hashmat Ullah Deputy Superintendent, Central Prison Mardan was appointed as Inquiry Officer.

AND WHEREAS; he furnished his written reply/defence to the Inquiry Officer without any documentary proof/evidence and the allegations/charges against him were fully proved.

AND WHEREAS, the accused official was proceeded against under Rule-14(4) for the charges of his misconduct/ quarrel with line Muharrar, as mentioned in the Show cause Notice vide No. 1571-74 dated. 11-11-2019.

AND WHEREAS, he did not furnished his written reply/defence within the stipulated period. He is directed again and again but he didn't submit his written reply.

AND WHEREAS, the undersigned being competent authority granted him the opportunity of personal hearing on 02-12-2019 as provided for under rules ibid. The accused official completely failed to defend his case with documentary proof/evidence. In addition to this concerned official is habitual of absenting himself from line and duties and indiscipline, lethargic duty attitude, which is crystal cleared from their service record. He is also an aggressive person habitual of exchanging harsh language with his colleagues.

NOW THEREFORE, in exercise of powers conferred under Rule-14(5) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, having considered the Inquiry report, charges levelled against him and evidence on record, the undersigned being Competent Authority, after observing all legal procedural formalities, hereby award the penalty of " Three (03) increments stopped for three (03) years" to Mr. Shah Hussain s/o Sultan Hussain attached to Central Prison Mardan for his misconduct / quarrel with line Muharrar.

Endst: No. 1197-50 /PB Dated: 31/12/2019.

Copy of the above is forwarded to:-

- 1- The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information with refer to his office letter No. 41562 dated 20-12-2019 please.
- 2- The Superintendent Central Prison Mardan for information and necessary action.
- 3- The Superintendent District Jail Timergara for information please.
- 4- The above named Warder C/O Superintendent Central Prison Mardan.

SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

SUPERINTENDENT  
CENTRAL PRISON  
MARDAN

OFFICE OF THE SUPERINTENDENT CIRCLE HQS. PRISON MARDAN

No. 974/PB Dated: 11/06/2020, E-Mail: mardanjail@gmail.com,

0937-843114

**OFFICE ORDER.**

WHEREAS, accused official/ Warder Shah Hussain s/o Sultan Hussain attached to Central Prison Mardan was proceeded against under Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges of his misconduct as mentioned in the Show Cause Notice No. 878-81 dated. 02-06-2020 served upon him on his absence.

AND WHEREAS, he furnished his written reply/defence with documentary proof/evidence which were found un-satisfactory.

AND WHEREAS, the undersigned being competent authority granted him the opportunity of personal hearing on 11-06-2020 as provided for under rules ibid. The accused official completely failed to defend his case with documentary proof/evidence. In addition to this concerned official is habitual of absenting himself from line and duties and indiscipline, lethargic duty attitude, which is crystal cleared from their service record.

NOW THEREFORE, in exercise of powers conferred under Rule-14(5) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, being 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 after observing all legal procedural formalities, hereby award Major penalty of "Removal from Service" with immediate effect to accused official Shah Hussain s/o Sultan Hussain attached to Central Prison Mardan for his misconduct / wilful absence WEF 13-04-2020 to 28-05-2020 forty four (44) days. He is not entitled for any remuneration for the absence period under rule 19 of the Khyber Pakhtunkhwa Government Servant Revised Leave Rules 1981.

SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

Endst: No. 975-79/-

Copy of the above is forwarded to:-

1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information please.
2. The Superintendent Central Prison Mardan for information and necessary action please.
3. The Superintendent District Jail Buner at Daggar for information with reference to his letter No. 1746 dated. 23-04-2020 please.
4. The District Accounts Officer Mardan for information and necessary action please.
5. The Warder concerned C/O Superintendent Central Prison Mardan.

*12-06-2020*  
*Shah Hussain*

*[Signature]*  
SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

*Attested*

*[Signature]*

SUPERINTENDENT  
CENTRAL PRISON  
MARDAN

OFFICE OF THE  
INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR

91-9210334, 9210406 991-9213449

No. Estb/Ward-Orders 100/25999/1

Dated 28-07-2020

**ORDER:**

**WHEREAS,** Warder Shah Hussain S/O Sultan Hussain while attached to Central Prison Mardan was awarded the major penalty of "Removal from service" by the Superintendent Headquarters Prison Mardan vide his office order No. 074 dated 11-06-2020.

**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 charges leveled against the appellant was proved.

**AND WHEREAS,** he was afforded an opportunity of personal hearing on 21-07-2020. During the course of hearing, he explained his position and his plea is found partially justified and the penalty imposed upon him by the competent authority is very harsh.

**NOW THEREFORE,** keeping in view the facts on record, the provision of rules in vogue and in exercise of power conferred under Rule-5(c) of Khyber Pakhtunkhwa Civil Servants Appeal Rules 1986, the major penalty of "Removal from service" is hereby converted into minor penalty i.e. "Withholding of increments for three years" and "the absence period as well as intervening period (i.e from the date of removal from service to the date of reinstatement of service) shall be treated as leave without pay".

On re-instatement in service, he is hereby posted to District Jail Swat against the vacant post.

ADDITIONAL INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA, PESHAWAR.

Endst; No. 26000-03

Copy of the above is forwarded to:-

1. The Superintendent, Headquarters Prison Mardan for information and necessary action with reference to his letter No. 1067 dated 26-06-2020.
2. The Superintendent Central Prison Mardan for information and necessary action.
3. The Superintendent District Jail Swat for information and necessary action.
4. District Accounts Officer Mardan & Swat for information.

ASSISTANT DIRECTOR,  
INSPECTORATE GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR

28-07-2020

CS Scanned with CamScanner

*Attested*

*[Signature]*

**SUPERINTENDENT  
CENTRAL PRISON  
MARDAN**

WHEREAS, the accused official/Warder Shah Hussain S/O Sultan Hussain while attached to Internment Center Malakand for the purpose of pay and for the purpose of duty attached to Internment Center Parthom and now attached to Central Prison Mardan was proceeded against under Rule-3 read with 9 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges of his misconduct as mentioned in the Show Cause Notice No. 502/01 dated 15-02-2023 served upon him on his misconduct/wilful absence.

AND WHEREAS, the accused official/warder failed to furnish his written reply/defence to the competent authority within stipulated time period.

AND WHEREAS, the undersigned being competent authority granted him the opportunity of personal hearing on 10-03-2023 as provided for under rules ibid. The accused official completely failed to defend his case and documentary proof/evidence.

AND WHEREAS, the accused official/warder is habitual of absents himself from line and duties without permission and sanction of leave and undisciplined, having lethargic duty attitude, which is crystal cleared from his service book record, as the inquiry against the said accused official with Mr. Bakht Rawan Deputy Superintendent District Jail Timergara of Twenty Eight (28) days wilful absence from Sub Jail Malakand is also pending, the accused official absented himself Twenty Two (22) days from duties later on, his absence period converted into Earned Leave vide Superintendent HQ's Prison Haripur Order No. 2984 dated 29-10-2013, the accused official awarded the punishment of Stoppage of One Annual Increment and period of absentees of 19 days treated as leave without pay vide Superintendent HQ's Prison Mardan Order No. 1978-81 dated 29-06-2016, the accused official again absented himself Thirty One (31) days in which Twenty Four (24) days were treated leave on medical ground and remaining Seven (07) days were treated as leave without pay vide Superintendent HQ's Prison Mardan Order No. 2257-59 dated 23-07-2016, stoppage of 01 annual increment for one year and 15 days absent period treated as leave without pay vide Superintendent HQ's Prison Mardan Order No. 1690 dated 03-12-2019. Moreover, awarded major penalty of stoppage of 05 annual increments for 05 years for absentees vide Superintendent HQ's Prison Mardan Order No. 1684-89 dated 03-12-2019. Also, awarded the minor penalty of "CENSURE" vide Superintendent HQ's Prison Mardan Order No. 1703 dated 03-12-2019. Further awarded the minor penalty of "CENSURE" and Stoppage of 06 annual Increment for 06 years vide Superintendent HQ's Prison Mardan Order No. 1697 dated 03-12-2019. Stoppage of 01 increment due to his wilful absence of 07 days which were treated as leave without pay vide Superintendent HQ's Prison Mardan Order No. 969-73 dated 11-06-2020, awarded major penalty to the accused official "Remove from Services" due to misconduct/wilful absence of 14 days vide Superintendent HQ's Prison Mardan Order No. 975-79/PB dated 11-06-2020. Later on, "re-instated into service" upon acceptance of appeal to the Worthy Inspector General of Prisons Khyber Pakhtunkhwa, Peshawar and punishment of Stoppage of 03 annual Increments for 03 years is modified and converted into withholding of 01 annual increment for 01 year vide office order No. 3494 dated 24-01-2020. Also, awarded the punishment of stoppage 03 annual increments for 03 years for his misbehave and quarrelled with line Muharrar vide Superintendent HQ's Prison Mardan Order No. 1847-50 dated 31-12-2019.

NOW THEREFORE, in exercise of powers conferred under Rule-14(5) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, being considered the charges, evidence on record and explanation of the accused official and after affording the opportunity of personal hearing, the undersigned being competent authority after observing all legal procedural formalities, is hereby awarded the major penalty of "Removal from service" with immediate effect to the accused official/ Warder Shah Hussain S/O Sultan Hussain attached to Central Prison Mardan for his misconduct/ wilful absence, his absence period with effect from 24-12-2022 to 10-01-2023 eighteen (18) days, he is not entitled for any remuneration under rule 19 of the Khyber Pakhtunkhwa Government Servant Revised Leave Rules 1981

Order No. 932-39-1. Dated: 18/03/2023

Copy of the above is forwarded to:-

1. The Worthy Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information, please.
2. The Superintendent Central Prison Mardan, for information and necessary action, please.
3. To the Superintendent District Jail Swat, for information.
4. The Superintendent Sub Jail Malakand for information with reference to his office letter No. 246/WB dated 01/02/2023.
5. The Incharge Internment Center Malakand/Parthom, for information.
6. The District Accounts Officer, Mardan for information and necessary action please.
7. Official concerned C/O Superintendent Central Prison Mardan.

SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

SUPERINTENDENT  
CENTRAL PRISON  
MARDAN



**ORDER:**

**WHEREAS**, Warder Shah Hussain S/O Sultan Hussain presently posted at Central Prison Mardan was awarded the major penalty of "Removal from Service and his absence period was treated as "Leave Without Pay" by the Superintendent Headquarters Prison Mardan vide his office order No. 931-39 dated 18-03-2023 due to his misconduct /willful absence from 24-12-2022 to 10-01-2023.

**AND WHEREAS**, the said Warder preferred his departmental appeal against the said penalty and requested for setting aside the same as well as reinstatement in service.

**AND WHEREAS**, he was afforded an opportunity of personal hearing on 11-04-2023. During the course of hearing, he explained his position and produced medical rest certificates/ medical reports for his absence period. Moreover, his appeal was examined in light of the available record of the case and it was observed that the competent authority has not fulfilled the legal procedure/ formalities in the said proceedings as laid down in Rule-5 & 7 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. He had failed to produce his medical certificates to the competent authority within time. However, his medical rest certificates were sent to the quarter concerned for verification, which have been verified as conveyed by MS, DHQ Teaching Hospital Mardan vide his letter No. 3028/MS/FA dated 02-05-2023, MS, SOTH Saidi Sharif vide letters No. 6222 dated 05-05-2023 and No. 8506 dated 06-06-2023 and Hospital Director MTI, MMC Mardan vide No. 2703 dated 18-05-2023. Hence, plea of the appellant is partially justified. Thus, the penalty imposed by the competent authority is found very harsh.

**NOW THEREFORE**, having considered the charges, evidences/facts on record, the explanation of the accused official, 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, appeal of the appellant is hereby accepted and decision of the Superintendent Headquarter Prison Mardan is hereby set aside. He is reinstated into Government Service with immediate effect. His major penalty of "Removal from Service" is hereby converted into "Reduction to two lower stages for a period of two years". The absence period w.e.f. 24-12-2022 to 10-01-2023 as well as his intervening period i.e. from the date of removal from service to the date of reinstatement in service is hereby treated as leave without pay.

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

ENDST. NO. 2422-8-31/-

Copy of the above is forwarded to:

1. The Superintendent, Headquarters Prison Mardan for information and necessary action with reference to his letter No. 1022/PB dated 28-03-2023.
2. The Superintendent, Central Prison Mardan for information and necessary action. He is directed to inform the appellant accordingly and also make necessary entry in his Service Book under proper attestation.
3. The District Accounts Officer concerned for information.
4. The appellant concerned C/O Superintendent Central Prison Mardan for information and necessary action.

**DEPUTY DIRECTOR (ADMN)  
INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA PESHAWAR**

*Attested*

*[Signature]*

**SUPERINTENDENT  
CENTRAL PRISON  
MARDAN**

OFFICE OF THE SUPERINTENDENT CIRCLE HQS. PRISON MARDAN

No. 2021 /PB Dated: 25/07/2023, E-Mail: mardanjail@gmail.com, 0937-843114

OFFICE ORDER.

WHEREAS, accused official/ Warder Shah Hussain S/O Sultan Hussain then attached to Sub Jail/Interment Center Malakand and now attached to Central Prison Mardan was charged within the meaning of Rule-3 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges of his misconduct contained in statement of Allegations/ Disciplinary Action served upon him vide this Headquarter endorsement No. 4413-17 dated. 24.10.2022, wherein Mr. Bakht Rawan, Deputy Superintendent District Jail Timergara is appointed as Inquiry officer.

AND WHEREAS, he furnished his written reply/defence to the Inquiry officer with documentary proof/evidence and the allegations/charges against him were partially proved.

AND WHEREAS, the accused official was proceeded against under Rule-14(4) for the charges of his misconduct/ willful absence, as mentioned in the Show Cause Notice vide No. 1869-71 dated. 10.07.2023.

AND WHEREAS, he furnished his written reply/defence with documentary proof/evidence which was found satisfactory.

AND WHEREAS, the undersigned being competent authority granted him the opportunity of personal hearing on 24.07.2023 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 Inquiry report, charges levelled against him and evidence on record, the undersigned being competent authority after observing all legal procedural formalities, he is hereby awarded minor penalty of "Censure" for violating Rule 1083 of the Khyber Pakhtunkhwa Prison Rules 2018 to the accused official/ Warder Shah Hussain S/O Sultan Hussain attached to Central Prison Mardan for his misconduct/ wilful absence w.e.f 03.09.2022 to 01.10.2022 (F.N) Twenty Eight (28) days, is hereby ordered to be treated as leave on medical grounds subject to title, under the rules.

Endst: No. 2022-26 /PB Dated: 25/07/2023.

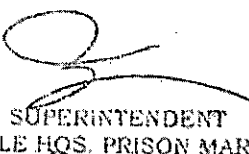
Copy of the above is forwarded to:-

- 1- The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information please.
- 2- The Superintendent Sub Jail/Interment Center Malakand for information, please.
- 3- Mr. Bakht Rawan, Deputy Superintendent District Jail Timergara for information with reference to his inquiry report/ letter No.505/WE dated, 17.04.2023, please.
- 4- The District Accounts Officer Mardan for information and necessary action please.
- 5- The above named Warder C/O Superintendent Central Prison Mardan.

Attested



**SUPERINTENDENT  
CENTRAL PRISON  
MARDAN**

  
SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

27/7

**GOVERNMENT OF THE KHYBER PAKHTUNKHWA  
HOME AND TRIBAL AFFAIRS DEPARTMENT.**

**NOTIFICATION**

*Peshawar, dated the 14<sup>th</sup> March 2018.*

**No.SO(P&R)HD/3-3/2018.**-In exercise of the powers conferred by section 59 of the Prisons Act, 1894 (IX of 1894) and in supersession of rules issued in this behalf, the Government of the Khyber Pakhtunkhwa is pleased to make the following rules, namely:

**THE KHYBER PAKHTUNKHWA  
PRISONS RULES, 2018.**

**Chapter-1  
General Provision**

**1. Short title and commencement.**---(1) These rules may be called the Khyber Pakhtunkhwa Prisons Rules, 2018.

(2) It shall come into force at once.

**2. Definitions.**---(1) In these rules, unless otherwise prescribed the following expressions shall have the meaning hereby respectively assigned to them, that is to say-

- (a) "Act" means the Prisons Act, 1894 (Act IX of 1894);
- (b) "Additional Inspector General" means Additional Inspector General of Prisons appointed by Government under these rules;
- (c) "Assistant Superintendent" means Assistant Superintendent of the Prisons and includes Senior Assistant Superintendent or Senior Lady Assistant Superintendent appointed by Government;
- (d) "Central Prison" means a Central Prison declared as such by Government;
- (e) "Chief Warder" means Chief Warder either male or female, as the case may be, in respective ward in a Prison;
- (f) "Code" means the Code of Criminal Procedure, 1898 (V of 1898);
- (g) "condemned prisoner" means prisoner sentenced to death and his sentence of death confirmed by the Supreme Court of Pakistan;

*Attested*

**SUPERINTENDENT  
CENTRAL PRISON  
MARDAN**

(2) Every prison official for whom the residential quarters are not available in prison shall reside within such distance from the prison as the Superintendent may direct.

**1082. Leave to Subordinate Officers.**---(1) No subordinate officer shall, at any time, without the permission of the Deputy Superintendent, if such officer is subordinate to him, and, in any other case, of the Superintendent, be absent from the prison premises, whether by day or night.

(2) The Deputy Superintendent shall not, without the sanction of the Superintendent, grant leave of absence to any subordinate officer, or permit any such officer to remain absent, for any period exceeding four hours at any one time.

(3) Whenever any leave is granted by the Deputy Superintendent to any subordinate officer he shall, at the time the leave is granted, record the fact, and the period of leave in his report book.

(4) Every subordinate officer shall immediately on return from leave report the fact to the Deputy Superintendent, who shall forthwith record his arrival in his report book.

(5) The Deputy Superintendent shall similarly record in his report book, all leave granted by the Superintendent and all reports made of return from leave.

(6) Fifteen (15) days recreation leave shall be granted to every employee of Department once in a calendar year on rotation basis.

**1083. Absence caused by illness or other unavoidable cause.**---Whenever any subordinate officer is at any time prevented by sudden illness or other unavoidable cause, from attending the prison or performing his duties he shall forth-with give notice to the Superintendent along with his reasons for absence. The Superintendent shall then make suitable arrangements for the due performance of his duties.

**1084. Acquaintance with these rules and directions.**---It shall be the duty of every prison officer to make himself thoroughly acquainted with the duties of his office and these rules and directions. He shall discharge his duties with zeal, efficiency, honesty, alacrity and regularity.

**1085. Note Book.**---Every subordinate officer shall keep a notebook with him in which he shall record every order given to him by his superior officers.

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

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

Attested

  
SUPERINTENDENT  
CENTRAL PRISON  
MARDAN



## <sup>1</sup>[Khyber Pakhtunkhwa] Civil Servants Revised Leave Rules, 1981

No. FD. SO (SR-IV) 5-54 / 80 (Vol:II) dated 17-12-1981.---In exercise of the powers conferred by section 26 of the <sup>2</sup>[Khyber Pakhtunkhwa] Civil Servants Act, 1973 (<sup>3</sup>[Khyber Pakhtunkhwa] Act XVIII of 1973) and in supersession of this Department's Notification No. FD.SO(SR-IV) 1-17/78, dated the 20<sup>th</sup> November, 1979, the Governor of the <sup>4</sup>[Khyber Pakhtunkhwa] is pleased to make the following rules namely:--

**1. Short title, commencement and application.**---(1) These rules may be called the <sup>5</sup>[Khyber Pakhtunkhwa] Civil Servants Revised Leave Rules, 1981.

(2) They shall come into force at once.

(3) They shall apply to all Civil Servants under the rule making authority of the Governor except those who opted not to be governed by the <sup>6</sup>[Khyber Pakhtunkhwa] Civil Servants Leave Rules, 1979.

**2. Admissibility of Leave of Civil Servant.**---Leave shall be applied for, expressed and sanctioned in terms of days and shall be admissible to a civil servant at the following rate and scale:---

(i) A civil servant shall earn leave only on full pay. It shall be calculated at the rate of four days for every calendar months of the period of duty rendered and credited to the leave account as "leave on fully pay" duty period of 15 days or less in a calendar month being ignored and those of more than 15 days being treated as a full calendar month, for the purpose. If a civil servant proceeds on leave during a calendar month and returns from it during another calendar month and the period of duty in either month is more than 15 days, the leave to be credited for both the incomplete months will be restricted to that admissible for one full calendar month only.

(ii) The provisions of clause (i) will not apply to vacation departments. A civil servant of a vacation department may earn leave on full pay as under:--

(a) When he avails himself of vacation in a calendar year. At the rate of one day of every calendar month of duty rendered;

(b) When during any year he is prevented from availing himself of the full vacation. As for a civil servant in non-vacation Department for that year; and

(c) When he avails himself of only a part of the vacation. As in (a) above plus such proportion of thirty days as the number of days of vacation not taken bears to the full vacation.

<sup>1</sup> Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>2</sup> Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>3</sup> Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>4</sup> Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>5</sup> Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>6</sup> Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

Attested

**SUPERIN**  
**CENTRAL PRISON**  
**MARDAN**

(6) Leave salary to be paid during maternity leave shall be regulated as for other leave, in accordance with the formula provided in rule 8.

(7) The leave salary to be paid during maternity leave will, therefore, remain unaffected even if any increment accrues during such leave and the effect of such an increment will be given after the expiry of maternity leave.

**11. Disability Leave.**---(1) Disability leave may be granted outside leave account on each occasion upto a maximum of seven hundred and twenty days on such medical advice as the head of office may consider necessary, to a civil servant, other than civil servant in part time service, disabled by injury, ailment or disease contracted in course or in a consequence of duty or official position.

(2) The leave salary during disability leave shall be equal to full pay for the first one hundred and eighty days and on half pay for the remaining period.

**12. Extraordinary Leave (Leave without Pay).**---(1) Extraordinary leave may be granted on any ground upto a maximum period of five years at a time; provided that the civil servant to whom such leave is granted has been in continuous service for a period of not less than ten years. In case a civil servant has not completed ten years of continuous service, extraordinary leave without pay for a maximum period of two years may be granted at the discretion of the leave sanctioning authority. This leave can be granted irrespective of the fact whether a civil servant is a permanent or temporary employee.

(2) The maximum period of extraordinary leave without pay combined with leave on full pay and leave on half pay shall be subject to the limit of 5 years prescribed in FR-18, i.e. the maximum period of extraordinary leave without pay that would be admissible to a civil servant who has rendered continuous service for a period of not less than 10 years shall be 5 years less the period of leave on full pay and leave on half pay so combined.

<sup>9</sup>[(3) Extraordinary leave may be granted retrospectively in lieu of absence without leave.]

**13. Leave on Medical Certificate.**---Leave applied for on medical certificate shall not be refused. The authority competent to sanction leave may, however, at its discretion, secure a second medical opinion by requesting the Civil Surgeon or the Medical Board to have the applicant medically examined. The existing provisions contained in Supplementary Rules 212, 213 and Rule 220 to 231 for the grant of leave on medical grounds will continue to apply.

**14. Leave Preparatory to Retirement.**---The maximum period upto which a Civil Servant may be granted leave preparatory to retirement shall be 365 days only. It may be taken subject to availability in the leave account, either on full pay or partly on full pay and partly on half pay, or entirely on half pay, at the discretion of the Civil Servant and it will not extend beyond the age of superannuation.

**15. Recreation Leave.**---Recreation leave may be granted for fifteen days once in a calendar year, the debit to the leave account may, however, be for ten days leave on full pay;

Provided that such leave shall not be admissible to a Civil servant in a vacation department.

**Note:** Casual Leave (as Recreation Leave) shall, however, continue to be granted for 10 days only subject to other conditions under Government instructions.

**16. Leave Ex-Pakistan.**---(1) Leave Ex-Pakistan may be granted on full pay to a civil servant who applied for such leave or who proceeds abroad during leave, or takes leave while posted abroad or is otherwise on duty abroad and makes a specific request to that effect.

(2) The leave pay to be drawn abroad shall be restricted to a maximum of three thousand rupees per month.

<sup>9</sup>. Sub-rule (3) of rule 12 added by Notification NO. FD.SO(SR-IV)5-54/80 (Vol.II), dated 01.06.1982.

Attested

**SUPERINTENDENT  
CENTRAL PRISON  
MARDAN**



OFFICE OF THE  
INSPECTORATE GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR  
☎ 091-9210334, 9210406 🏠 091-9213445

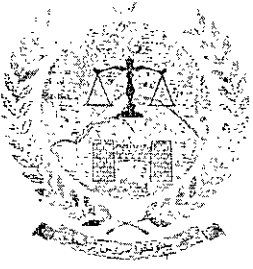
No. \_\_\_\_\_  
Dated \_\_\_\_\_

## AUTHORITY LETTER

Mr. Sulaiman, Law Officer (BPS-17) attached to the office of Inspector General of Prisons Khyber Pakhtunkhwa Peshawar is hereby authorized to make affidavit, to file comments/reply/report and to attend the Lower Courts, Ombudsperson, Khyber Pakhtunkhwa Service Tribunal, Peshawar High Court Peshawar, Supreme Court of Pakistan Islamabad, Federal Shariat Court, meeting of scrutiny committee at Law Department and also to attend the office of Advocate General Khyber Pakhtunkhwa at Peshawar on each and every date of hearing, on behalf of the Inspector General of Prisons Khyber Pakhtunkhwa.

  
INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR

(Usman Mehsud)



**KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL, PESHAWAR**

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

No. 1209 /ST Dated 9/5 /2024

Ph:- 091-9212281  
Fax:- 091-9213262

To

The Inspector General of Prison,  
Khyber Pakhtunkhwa Peshawar.

Subject

**JUDGMENT IN SERVICE APPEAL NO. 1621/2023 TITLED SHAH HUSSAIN – VERSUS- THE GOVERNMENT OF- KHYBER PAKHTUNKHWA THROUGH SECRETARY HOME CIVIL SECRETARIAT PESHAWAR AND OTHERS**

Dear Sir,

I am directed to forward herewith a certified copy of order dated. 16.4.2024, passed by this Tribunal in the above mentioned service appeal for compliance.

*Encl. As above.*

(AAMIR FAROOQ KHATTAK)  
ASSISTANT REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL,  
PESHAWAR.