

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

In the matter of

Service Appeal No. 281/2024

Armanullah s/o Muhammad Ali Jan, Ex-Warder R/o SerdiKhelBakaKhel,
District Bannu. Ex-warder, Sub Jail Miranshah

.....(Appellant)


VERSUS

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

..... (Respondents)

INDEX

S.NO.	DESCRIPTION OF DOCUMENTS	Annex	Page No.
1-	Joint Para-wise comments	-	1-3
2-	Affidavit	-	4
3-	Report of Superintendent Sub Jail Miransha	A	5
4-	KP Prison Rule No. 1083	B	6
5-	Notice for resumption of duty	C	7
6-	Disciplinary Action	D	8-9
7-	Inquiry Report	E	10-12
8-	Final Showcause Notice	F	13
9-	KGN Hospital Bannu Report	G	14
10-	Removal from service order	H	15
11-	Call for personal hearing by Inquiry officer	I	16
12-	Statement of appellant before inquiry officer	J	17-18
13	Decision regarding departmental appeal	K	19


Deponent

08-05-24
Peshawar

①

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

In the matter of

Service Appeal No. 281/2024

Armanullah s/o Muhammad Ali Jan, Ex-Warder R/o SerdiKhelBakaKhel,

District Bannu. Ex-warder, Sub Jail Miranshah

..... (Appellant)

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 12388

Dated 25-04-24

VERSUS

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

.....(Respondents)

SUBJECT: JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO 01 & 02

Respectfully Sheweth;

PRELIMINARY OBJECTION:

- i. That the present service appeal is incompetent in its present form.
- ii. That the appellant has got no locus standi to file the instant appeal.
- iii. That the appellant is been estopped by his own conduct to file appeal.
- iv. That the appellant has not come to this Honorable Service Tribunal with clean hands.
- v. That the present appeal is bad for mis-joinder and non-joinder of necessary parties.
- vi. That the present appeal is badly Time-barred.
- vii. That the present appeal is not based on solid ground liable to be dismissed with cost.

OBJECTION ON FACTS

1. Pertains to record.
2. Incorrect. As per report of Superintendent Sub Jail Miranshah vide No. 308 dated 17.07.2023(copy attached as **Annex A**) ex-warder Arman ullah (appellant) was advised 03 days bed rest by doctor up to 21.06.2023. On 22.06.2023 he was supposed to resume duty but did not resume duties. In such like situation, whenever he was required to submit an application to the competent authority under Rules 1083 of KP Prison Rules 2018 (copy attached as **Annex-B**) WHICH PROVIDES THAT WHEVNER any subordinate officer/official 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 but he failed to comply with the referred rules. He was habitual and had been instructed several times to be punctual but of no avail. Notice for resumption of duty was sent on his home address vide No. 3929 dated 27.07.2023 (copy attached as **Annex C**). The appellant resumed his duty on 05.08.2023, therefore, disciplinary action was initiated against him vide No. 4354 dated 23.08.2023 for his wilful absence w.e.f 22.06.2023 to 04.08.2023 (attached as **Annex D**).The inquiry officer submitted his report (attached as **Annex-E**) in which he stated that the appellant had not

sent the medical certificates to the jail on regular basis instead he brought them to him for his face saving. Moreover, the medical rest he produced were issued to him with the stamp of medical officer who give him medical rest for two weeks on single certificate although the medical officer can only issue 03 days medical rest. Moreover, the inquiry officer further stated that medical certificate produced by appellant was tempered as its stamp was original but the rest was photocopy and its date was changed to 05.07.2023 and in the same medical rest there was erasing made after words "printed by" in the upper right corner and date in the upper left corner was mismatching with the date in right side. The appellant was served upon final show cause notice vide No.4969-70 dated 28.09.2023 with opportunity of personal hearing on 06.10.2023 (attached as **Annex-F**)

It is pertinent to mention here during personal hearing with respondent No. 01 on 06.10.2023 the appellant stated that he was suffering from kidney disease and produced an ultrasound report of KGN Hospital Bannu which was checked, however, it was clearly mentioned in the report that both kidneys are normal (copy attached as **Annex G**).The appellant being habitual, malingerer, having 09 red entries in his service book and due to unsatisfactory reply, he was awarded major penalty of **Removal from Service** by respondent No.01 vide No.5132 dated 06.10.2023 (copy attached as **Annex-H**).

3. That notice for resumption of duty was issued to the appellant on his home address vide No. 3929 dated 27.07.2023 as he had absented himself from duty and jail premises w.e.f 22.06.2023. The appellant resumed his duty on 05.08.2023, therefore, the appellant is misleading and concealed the facts and he was on duty at Sub Jail Miranshah on 27.07.2023.
4. Incorrect.Proper disciplinary action was initiated against the appellant attached as **Annex-D** and inquiry officer was nominated. He was provided proper opportunity of personal hearing on 06.09.2023 by the inquiry officer vide his No. 5077 dated 30.08.2023 attached as **Annex-I**. The appellant appeared before the inquiry officer on due date and had submitted his statement before inquiry officer attached as **Annex-J**. Final show cause notice was issued to him in which he was again given opportunity of personal hearing on 06.10.2023 vide No. 4969-70 dated 28.09.2023.
5. Detail of this Para is elaborated in Para-04 above.
6. That the appellant was served final show cause notice with opportunity of personal hearing on 06.10.2023. During course of personal hearing the appellant could not justify his absence. He produced medical certificate in his defence issued by Department of Radiology KGN Hospital Bannu and said that he was suffering from kidney disease, however, when checked it was clearly written that **"both kidneys are normal in size, shape and echogenicity. No calculus or hydronephrosis seen"** attached as **Annex-G**. It clearly showed that the appellant is malingerer, habitual and had no cogent reason for his wilful absence, therefore, he was awarded major penalty of removal from service.
7. That the departmental appeal of the appellant was rejected by respondent No.02 being without any substance & facts and devoid of merit attached as **Annex-K**.

OBJECTION ON GROUNDS.

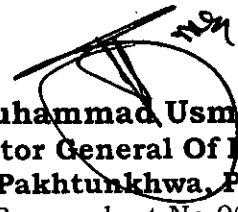
- a. As elaborated in para-2 of objection on facts.
- b. As elaborated in para-4 & 6 of objection on facts.
- c. As elaborated in para-2 & 6 of objection on facts.
- d. As elaborated in Para-2 of objection on facts.
- e. Incorrect. That after carrying out proper disciplinary proceedings as per rules the respondent No. 01 was the competent authority to award major penalty of removal from service to the appellant.
- f. That the impugned orders passed by respondents No. 01 & 02 are legal and lawful.

PRAYER:

It is therefore most humbly prayed that on acceptance of this instant reply/Para-wise comments on behalf of respondent No. 01 & 02 the appeal of the appellant may please kindly be dismissed being devoid of merit & Law.



Sami Ullah Khan
Superintendent
Circle Headquarter Prison DIKhan
(Respondent No.01)



Muhammad Usman
Inspector General Of Prisons
Khyber Pakhtunkhwa, Peshawar
(Respondent No.02)

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

In the matter of

Service Appeal No. 281/2024

Armanullah s/o Muhammad Ali Jan, Ex-Warder R/o SerdiKhelBakaKhel,
District Bannu. Ex-warder, Sub Jail Miranshah

.....(Appellant)

VERSUS

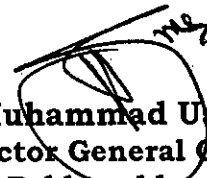
1. The Superintendent, Circle Headquarter Prison D.I.Khan.
 2. The Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar.
- (Respondents)

COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENTS No. 1 & 2.

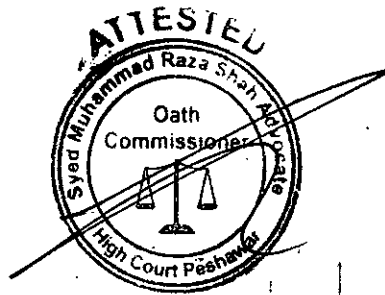
We, the following undersigned respondents do hereby solemnly affirm and declare that the contents of the joint Para-wise comments in the above cited appeal are true and correct to the best of our knowledge and belief and that no material/ facts have been kept concealed from this Honorable Service Tribunal. We further stated on oath that in this case, the answering respondents have neither been made ex-parte nor their defense has been struck off.



Sami Ullah Khan
Superintendent
Circle Headquarter Prison DIKhan
(Respondent No.01)



Muhammad Usman
Inspector General Of Prisons
Khyber Pakhtunkhwa, Peshawar
(Respondent No.02)



24 APR 2024



OFFICE OF THE
SUPERINTENDENT
SUB JAIL, MIRAN SHAH
Email: miranshahjail@gmail.com



No. 302

Date: 17/07/2023

To

The Superintendent,
Circle HQ Prison, DI Khan.

SUBJECT: DISCIPLINARY ACTION

R/Sir,

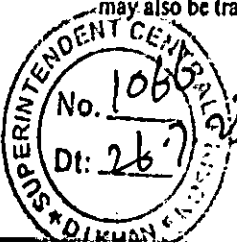
It is stated that the Warders mentioned below has committed the act of willful absence/overstay with their own sweet will / without prior permission or other valid cause. Details are as under:

S.No	Name of Warder	Date of Absence / Overstay	Period of Absence	Detailed
1.	Warder Muhammad Azam	10/06/2023 to 12/06/2023	03 days	Overstayed for three days beyond 05 days of casual leave.
		19/06/2023 to 21/06/2023	03 days	Overstayed for three days beyond 02 days of casual leave
		03/07/2023 to 05/07/2023	03 days	He was allowed 5 days leave on 27-06-2023 and was strictly directed to resume duty on due date and time. But he didn't bother and overstayed for three days.
2.	Warder Arman Khan	22/06/2023 to till date	Still absent	He was prescribed three days bed rest by doctor upto 21-06-2023. On 22-06-2023, he was supposed to resume his duty but he didn't. He was contacted twice by line Muharrar before Eid -ul -Adha to resume his duty but he failed to do so and is still absent. After Eid -ul-Adha, he is not attending the call of line Muharrar.

1. Warder Azam is habitual, always desert from line and duty and thus creating bad example For other staff and is spoiling the discipline of the jail staff. He has already misbehaved with line Muharrar twice.

It is, therefore, requested that, apart from initiating disciplinary action, he may be transferred to other jail because sub jail Miran shah is very small and his above -mentioned behavior and action also affect good staff members.

2. Warder Arman is also habitual and is well known to all. He has been instructed several times to be punctual but of no avail. It is, therefore, requested that, apart from initiating disciplinary action, he may also be transferred to other jail on administrative grounds.



DK
P.B.
For inquiry

SUPERINTENDENT
SUB JAIL MIRAN SHAH

6

1080. Prohibition against business and pecuniary transactions.---(1) No prison officer shall directly or indirectly engage in any trade, business or employment other than his legitimate duties.

(2) No prison officer shall lend money to, borrow money from, enter into any pecuniary transaction with, or incur any obligation in favor of any other officer or any prisoner.

1081. Residential quarters.---(1) Rent free residential quarters shall ordinarily be provided at each prison for the Superintendent, Deputy Superintendent, Senior Assistant Superintendent, Assistant Superintendents, Senior Medical Officer, Medical Officer, Pharmacy Technician, Assistants and Clerical Staff, Storekeepers, Instructors, Teachers, Head Warders and the Warders.

(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.



OFFICE OF THE
SUPERINTENDENT
CIRCLE HEADQUARTER PRISONS D.I.KHAN
0966-9280299, cpdikhan1@gmail.com
No. 3929 / Date: 27/7/2023

7

REGISTERED

To,

Warder Arman Ullah,
R/O Sardi Khel P/O Custom Mandi,
Tehsil Baka Khel, District Bannu
Cell# 0332-9625946.


Subject: NOTICE FOR RESUMPTION OF DUTY.

Memo,

It is to inform you that as per report of Superintendent Sub Jail Miranshah you were prescribed 03 days bed rest upto 21.06.2023 and you were due to resume your duty on 22.06.2023 but you have absented yourself from duty as well as jail premises w.e.f 22.06.2023 and still at large.

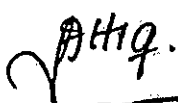
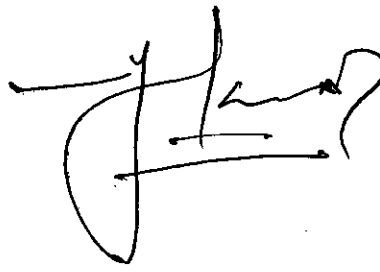

Therefore, you are required to immediately resume your duty at Sub Jail Miranshah otherwise ex-parte action will be taken against you which may amount to your removal from service.

Endorsement No. 3930 27/7/2023
Copy of the above is forwarded to the Superintendent Sub Jail Miransha for information w/r to his No.308 dated 17.07.2023.


SUPERINTENDENT
CIRCLE H/QS PRISON DIKHAN


SUPERINTENDENT
CIRCLE H/QS PRISON DIKHAN

22-06-2023 - to - 15-07-2023



8

OFFICE OF THE
SUPERINTENDENT
CIRCLE HEADQUARTER PRISON D.I.KHAN
0966-9280299, Qpedikhan1@gmail.com
No. 6354 / Date: 23.8.23

DISCIPLINARY ACTION

I, Sami Ullah Khan, Superintendent Headquarter Prison D.I.Khan as competent authority, am of the opinion that Warder Arman ullah attached to Sub Jail Miranshah has rendered himself liable to be proceeded against him committed the following acts of misconduct within the meaning of Section 3 of the Khyber Pakhtunkhwa (Efficiency & Discipline) Rule 2011.

STATEMENT OF ALLEGATIONS.

1. Warder Arman ullah attached to Sub Jail Miranshah was prescribed 03 days bed rest by doctor upto 21.06.2023. on 22.06.2023 he was supposed to resume duty but did not resume duties. Notice for resumption of duty was sent on his home address vide No. 3929 dated 27.07.2023 for resumption of duty at Sub Jail Miransha. He resumed his duty on 05.08.2023. Thus he absented himself w.o.f 22.06.2023 to 04.08.2023. He is habitual of absenting himself from duties and jail premises.
2. Mr. Atiq Ur Rehman Assistant Superintendent Jail attached to Central Prison D.I.Khan is hereby appointed as Inquiry Officer under Rule-10(1)(a) of Efficiency & Discipline Rules-2011.
3. The Inquiry Officer shall in accordance with the provisions of the Ordinance provide a reasonable opportunity of hearing to the accused, record his findings and make within fifteen days of receipt of this order, recommendation as to punishment or other appropriate action against the accused officials.
4. The accused official and a well conversant representative of the department shall join the proceedings at the date, time & place fixed by the Inquiry Officer.

SUPERINTENDENT
CIRCLE H/QS PRISON DIKHAN

Endst: No. 6355-57 dated: 23 / 8 / 2023

Copy of the above is forwarded to the:-

1. Mr. Atiq Ur Rehman Assistant Superintendent Jail attached to Central Prison D.I.Khan is hereby appointed as Inquiry Officer for initiating proceedings against the above named warder under the meaning of Section 3 of the Khyber Pakhtunkhwa (Efficiency & Discipline) Rule 2011.
2. Warder Arman Ullah attached to Sub Jail Miranshah with the directions to appear before the Inquiry Officer for the purpose of inquiry proceedings.
3. Superintendent Sub Jail Miransha for information w/r to No. 308 dated 17.07.2023 & with the request to produce the relevant record before the Inquiry Officer and assist them during the inquiry proceedings. One copy of the same duly signed and dated by above named officials may be returned to this office as a token of receipt.

SUPERINTENDENT
CIRCLE H/QS PRISON DIKHAN

CHARGE SHEET

I, Sami Ullah Khan, Superintendent Headquarter Prison D.I.Khan, as competent authority, hereby charge Warder Arman ullah attached to Sub Jail Miranshah as follow:

You warder Arman ullah attached to Sub Jail Miranshah were prescribed 03 days bed rest by doctor upto 21.06.2023. on 22.06.2023 you were supposed to resume duty but you did not resume duties. Notice for resumption of duty was sent on your home address vide No. 3929 dated 27.07.2023 for resumption of duty at Sub Jail Miransha. You resumed your duty on 05.08.2023. Thus you absented yourself w.e.f 22.06.2023 to 04.08.2023. You are habitual of absenting yourself from duties and jail premises.

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

3. You are, therefore required to submit your written defence within ten (10) days of the receipt of this Charge Sheet to the inquiry officer, as the case may be.

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

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

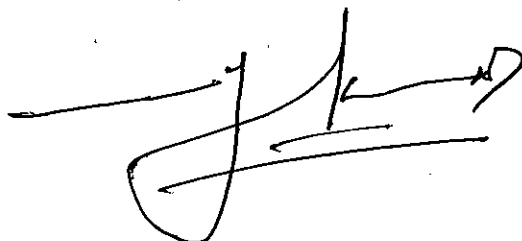
6. A statement of allegations is enclosed.



SUPERINTENDENT
CIRCLE H/QS PRISON DIKHAN

9

9



(10)

The Superintendent,
Circle Headquarter Prisons DIKhan.

Subject:- INQUIRY REPORT

R/Sir,

It is submitted that I have been appointed as inquiry officer against warder Arman ullah attached to Sub Jail Miranshah Vide Endst: No. 4355-57 dated. 23.08.2023 by Superintendent Headquarter Prisons DIKhan to conduct inquiry for the allegations leveled against him by superintendent Sub Jail Miransha.

STATEMENT OF WARDER ARMAN ULLAH:-

The above named warder was called for personal hearing vide No. 5570 dated 30.08.2023 through Superintendent Sub Jail Miransha to appear for personal hearing before the undersigned on 06.09.2023. During the course he gave his written statement to the undersigned regarding the charges leveled against him in which he stated that he has stone in his kidney due to which he had absented himself.

PROCEEDINGS

He produced medical certificates in his defence but when medical documents were checked it was evident that he had not sent the medical certificates to the jail on regular basis instead he brought them to the undersigned for his face saving. Moreover, the medical rest he produced were issued to him with the stamp of medical officer which gave him medical rest for two weeks on each single certificate. Moreover, upon observation it was found that the second medical rest produced by him was tempered as its stamp was original but the rest was photocopy and its date was changed to 05 July 2023 and in the same medical rest there was erasing made after words "printed by" in the upper right corner and date in the upper left corner is also mismatching with date in the right side.


RECOMMENDATIONS:-


In view of the above discussion, written statements, tempered medical documents and verbal statements of the accused warder Arman ullah, the undersigned reached to the conclusion that the charges leveled against the said



(11)

warder are fully proved, he is habitual and malingerer warder who is not interested in duties but tried to remain absent on the basis of medical certificates, therefore, it is recommended that major penalty of Removal From Service may be awarded to Warder Arman Ullah attached to Sub Jail. Miransha.

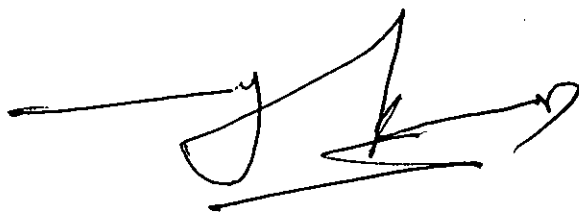

ATIQ UR REHMAN
ASSISTANT SUPERINTENDENT
CENTRAL PRISON DIKHAN
(INQUIRY OFFICER)

Final Show cause notice be served upon him. 

Order:

Since he is habitual and remains always from his duties, therefore, he is constant nuisance to the concerned Superintendent Jail and administration.

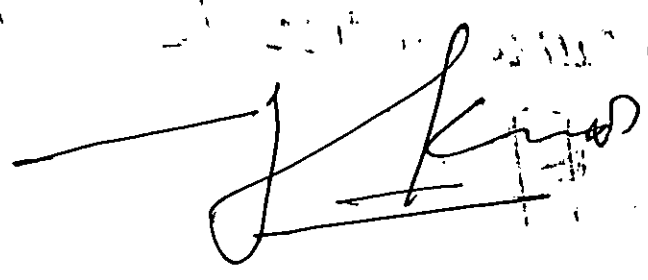
keeping in view principle of "audi alteram partem" full opportunity of personal hearing was given to him but he/accused official could not produce sufficient evidence in corroboration of his claim and satisfaction of the competent authority. Therefore, keeping in view



Sufficient evidence on record major penalty
of "removal from Service" has been
imposed upon him.

(12)





[Faint, illegible handwritten text, possibly bleed-through from the reverse side of the page]

FINAL SHOW CAUSE NOTICE

I, Sami Ullah Khan, Superintendent Headquarter Prison D.I.Khan, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, do hereby serve you Warder Arman Ullah attached to Sub Jail Miransha as follow;

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

You Warder (BPS-07) Arman Ullah attached to Sub Jail Miransha were prescribed 03 days bed rest by doctor upto 21.06.2023. On 22.06.2023 you were supposed to resume duty but you did not resume duty on due date. Notice for resumption of duty was sent on your home address vide No. 3929 dated 27.07.2023 for resumption of duty at Sub Jail Miransha. You resumed duty on 05.08.2023. Thus you absented yourself w.e.f 22.06.2023 to 04.08.2023. You are habitual of absenting yourself from duties and jail premises.

- 1. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of Removal From Service under rule-4 of the said rules.
- 3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
- 4. If no reply o this notice is received within seven days or no more than fifteen days of its delivery, it shall be assumed that you have no defence to put in and in that case as ex-parte action shall be taken against you.
- 5. You can appear for personal hearing before the undersigned on 26-10-23, if you wish to.

Endst No.. 4969-70 dated 28/09/2023

**SUPERINTENDENT
CIRCLE H/QS PRISON DIKHAN**

Copy of the above is forwarded to :-

- 1. Superintendent Sub Jail Miransha for information, a copy of show cause notice duly signed / dated by the accused warder may please be returned to this Headquarter as a token of receipt and office record.
- 2. Warder (BPS-07) Arman Ullah attached to Sub Jail Miransha.

**SUPERINTENDENT
CIRCLE H/QS PRISON DIKHAN**

DEPARTMENT OF RADIOLOGY
KHALIFA GUL NAWAZ TEACHING HOSPITAL, BANNU

Fh 0928-633633 Fax 0928-633633
khalifagulhospital@yahoo.com

Email:

Name: Armanullah

Date: 23 / 10 / 2023

U/S Abdomen & Pelvis

- LIVER: is of normal size, normal shape and echotexture. No focal lesion seen.
- G.B. has normal wall thickness, no pericholecystic edema and no calculus seen.
- Pancreas: is of normal size, shape and echotexture. No focal lesion seen.
- CBD & Portal vein are of normal caliber.
- Spleen: is of normal size, normal shape and echotexture. No focal lesion seen.
- Both KIDNEYS are normal in size, shape and echogenicity. No calculus or hydronephrosis seen.
- Urinary Bladder: Normal / Empty.
- No ascites seen.

• IMPRESSION: Normal U/Study:

-
-
-
-

Dr. Hamidullah Wazir... Miss Haseena Sonologist

Dear colleague if the ultrasound report does not coincide with clinical findings. Then please do ask for a review ultrasound without hesitation. Thanks



OFFICE OF THE
SUPERINTENDENT

CIRCLE HEADQUARTER PRISONS D.I.KHAN
0966-9280799, cpdkhan1@gmail.com
No. S132 /Date: 06-10-23

15

OFFICE ORDER

WHEREAS, the accused official Mr.Arman Ullah attached to Sub Jail Miransha was proceeded against under Rule3 of Khyber Pakhtunkhwa Government Servants(Efficiency & Discipline) Rules, 2011 for the charges that he absented himself from duty and jail premises w.e.f 22.06.2023 to 04.08.2023 and he is habitual of absenting himself from duty and jail premises.

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

AND WHEREAS, the undersigned being competent authority granted him the opportunity of personal hearing on 06.10.2023 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 charges, evidence on record, the explanation of the accused official and after affording the opportunity of personal hearing, the undersigned being competent authority, hereby award major penalty of "Removal From Service" to Warder Arman Ullah attached to Sub Jail Miransha for his absence w.e.f 22.06.2023 to 04.08.2023 and being habitual of absenting himself from duties and jail premises.

SUPERINTENDENT

CIRCLE H/QS PRISON DIKHAN

ENDST NO S133-36 Dated 06/10/2023

Copy of the above is forwarded the; -

1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information please.
2. Superintendent Circle HQ Prison Peshawar for information please.
3. The Superintendent Sub Jail Miransha. Necessary entry may please be made in the service book of official concerned under proper attestation.
4. DAO North Waziristan.
5. Mr. Arman Ullah warder attached to Sub Jail Miransha.

SUPERINTENDENT

CIRCLE H/QS PRISON DIKHAN

h Q

The Superintendent,
Sub Jail Miranshahi.


Subject: PERSONAL HEARING.

R/Sir,

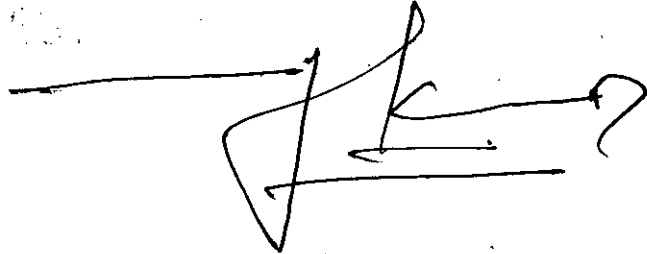
Reference to this office No. 4252 dated 17.08.2023 & Endst: No.4355-57 dated 23.08.2023.

You are required to direct the following warders attached to your jail to appear before the inquiry officer for personal hearing on 06.09.2023 at 10:00 AM in connection to disciplinary proceedings against them.

- 01. Warder Arman ullah
- 02. Warder Muhammad Azam


 Atiq Ur Rehman
 Assistant Superintendent Jail
 (Inquiry Officer)

30/8/23



30.08.2023 نو مان جا اردی دی. افر پھر صاحب اسی دن تیل کو واپس

دفعہ کے پولس اسٹیشن افرالی کے لئے واپس بھیج دیا۔ اور سائین

کو پولس افرالی کے بعد لائن جا اردی دی.

سندھ سٹی کی ان گرانٹ پر غور دیا جائے۔ افر سٹی کو

اسی ڈیوٹی ماسٹری کے لئے سے انتہیم دینے کی جا لیتا دیا جائے.

سائین آپ صاحبان کا انتہیم دیکھ کر ہنس گا

نوٹ: یہ سٹی کی تمام فیکٹریوں اور سٹیشنوں کے ساتھ

اے ڈی جی

عین لائن کی ہوگی

بھارتی

میں سدا ان سٹیشن

Handwritten signature



By Fax

OFFICE OF THE
INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR
☎ 091-9210334, 9210406 📠 091-9213445
No. Estb/Ward/Orders/ 3002 /
Dated 22-11-2024

19

19

ORDER:

WHEREAS, Ex-Warder Arman Ullah S/o Muhammad Ali Jan, while attached to Sub Jail Miranshah was awarded the major penalty of **"Removal from Service"** by Superintendent HQs Prison D.I Khan vide order No. 5132 dated 06-10-2023 due to his misconduct / willful absence w.e.f. 22-06-2023 to 04-08-2023.

AND WHEREAS, the said Ex-Warder preferred his departmental appeal for setting aside the penalty awarded to him and also requested for reinstatement in service.

AND WHEREAS, he was afforded an opportunity of personal hearing on 07-12-2023. His appeal was examined in light of the available record of the case and it was observed that the penalty was awarded to him by the competent authority due to his misconduct / willful absence mentioned above after observing all legal and codal formalities as required under Government Servants (Efficiency & Discipline) Rules, 2011. As per record, he is habitual of absenting himself from duties. During the course of hearing, the appellant failed to justify his innocence.

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

DK
P.B. for nfactor

ADDL: INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA, PESHAWAR

ENDST: NO. 3003 - 06 / - 1

Copy of the above is forwarded to the:

EM

1. Superintendent, Headquarters Prison D.I Khan for information and w/r to his letter No. 5481/WE dated 27-11-2023.
2. Superintendent Sub Jail Miranshah for information and necessary action. He is directed to inform the appellant accordingly and to make necessary entry in his Service Book under proper attestation.
3. The appellant C/o Superintendent Sub Jail Miranshah for information.
4. PS to Inspector General of Prisons Khyber Pakhtunkhwa Peshawar.

22/11/2024
DEPUTY DIRECTOR
INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

17/11/2024
5/11/2024
17/11/2024



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