

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

In Service Appeal No. 445/2024

Abdul Haq S/O Molvi Fazal Karim (Ex-Warder) attached to Central Prison Mardan  
----- (Appellant)

**VERSUS**

Superintendent Circle Headquarters Prison, Mardan

----- (Respondent)

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Deponent

In Service Appeal No. 445/2024

Abdul Haq S/O Molvi Fazal Karim, Ex-Warder, attached to Central Prison Mardan

----- (Appellant)

**Khyber Pakhtunkhwa  
Service Tribunal**

Diary No. 15265

Dated 29.08.2024

----- (Respondent)

**VERSUS**

Superintendent Circle Headquarters Prison, Mardan

**Subject: PARAWISE COMMENTS ON BEHALF OF RESPONDENT.**

**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.**

**FACTUAL OBJECTIONS:-**


1. Correct to the extent that the appellant joined Prison service as Warder in 2012 but the appellant didn't perform his duties with zeal and devotion as the appellant has awarded plenty of penalties during his service **(Detail is Annex-A)**.
2. Incorrect and misleading as the appellant is habitual in absenting himself from duties without prior permission and sanction of leave from the competent authority and also violating rules for which he was awarded the following punishments while attached to various Jails of the province. **(Relevant rules attached as Annex-B)**.
3. The appellant didn't inform this office about any of his family problems with his brother nor he submitted any application for leave and absented himself from Jail premises without prior permission of the competent authority. The appellant himself admitted his willful absence from official duties which is a grave misconduct on his part.
4. Incorrect and misleading, the appellant did not prefer any sort of leave application which is mandatory in case of absence from official duty and violated the mandatory provision of Khyber Pakhtunkhwa Prison, Rules 2018.
5. Incorrect and misleading, as the appellant was dealt after fulfilling all codal and legal formalities as required under the Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline Rules 2011 & Prison Rules 2018).
6. Incorrect and misleading, as departmental appeal of the appellant has been considered by the Inspector General of Prisons Khyber Pakhtunkhwa Peshawar, being competent authority rejected the appeal without any substance and facts and devoid of merit **(Copy attached as Annex-C)**.
7. No comments.

**GROUNDS.**

- A. Incorrect and not admitted. The orders of competent authority as well as the appellate authority are the result after fulfilling the codal formalities as laid down in E& D Rules 2011 are just lawful.
- B. Incorrect and misleading, as the Appellant has been served with Absence Notice No. 3222/PB dated 15-11-2023 (**attached as Annex-D**) and also served with Show cause notice vide No.3445-47 dated 06-12-2023 (**attached as Annex-E**) treated in accordance with the Law and as per procedure laid down in the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, after observing all codal and legal formalities the appellant has been awarded major penalty of Compulsory Retirement from Service vide order No. 3510/PB dated 09-12-2023 (attached as **Annex-F**).
- C. Incorrect and misleading. As already explained in Para-B above and the appellant was heard personally on dated 09-12-2023 (**attached as Annex-G**).
- D. Incorrect and misleading, as already explained in Para-B above.
- E. Incorrect and misleading, as already explained in Para-B above.
- F. Incorrect and misleading, as elaborated in Para-A above.
- G. Not related with the answering respondents.
- H. As elaborated in Para-G above.
- I. Any other ground will be raised with the prior permission of the Service Tribunal at the time of arguments.

**PRAYER.**

It is therefore most humbly prayed that on acceptance of this instant reply on behalf of respondent the appeal of the appellant may kindly be dismissed being devoid of merit and law.

  
**NAJAM HUSSAIN ABBASI**  
**SUPERINTENDENT**  
**CIRCLE HEADQUARTER PRISON MARDAN**  
(Respondent)

**SUPERINTENDENT**  
**CIRCLE HQs PRISON MARDAN**  


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

In Service Appeal No. 445/2024

Abdul Haq S/O Molvi Fazal Karim, Ex-Warder, attached to Central Prison Mardan

----- (Appellant)

**VERSUS**

Superintendent Circle Headquarters Prison, Mardan

----- (Respondent)

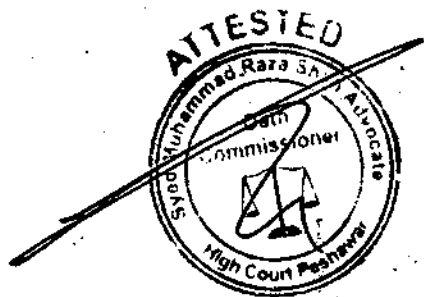
**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT**

I, the following undersigned respondent do hereby solemnly affirm and declare on oath that the contents of the Reply/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. I further state on oath that the answering respondent does not place ex-parte nor their defense have been struck off.

*NAJAM HUSSAIN ABBASI*

**NAJAM HUSSAIN ABBASI  
SUPERINTENDENT  
CIRCLE HEADQUARTER PRISON MARDAN  
(Respondent)**

**SUPERINTENDENT  
CIRCLE HQs PRISON MARDAN**



28 AUG 2024

**REGISTERED**



**OFFICE OF THE SUPERINTENDENT CIRCLE HQS. PRISON MARDAN**

No. 3888 /PB Dated: 15/11/2023, E-Mail: mardanjail@gmail.com, 0937-843114

To  
**Warder Abdul Haq S/O Molvi Fazal Karim,  
R/O, Village Seen Post Office Chitral  
Tehsil & District Chitral.**

**Subject: ABSENCE NOTICE.**

As reported by the Superintendent Central Prison Mardan, you absented yourself from duties as well as jail premises without permission and sanction of leave from the competent authority on 02.11.2023 and is still at large, hence you violated rule 1082(i) of Khyber Pakhtunkhwa Prison rules..

You are therefore directed to report to Superintendent Central Prison Mardan within fifteen (15) days of the receipt of this Notice and explain then reasons of your absence otherwise strict disciplinary action will be taken against you under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rule 2011.

*[Signature]*  
SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

Endst. No: 3283-25 / Dated: 15/11/2023.

Copy of the above is forwarded to:-

- 1- The Inspector General of Prison Khyber Pakhtunkhwa, Peshawar for information please.
- 2- The DIG, Regional Prison Office Mardan, for information, please.
- 3- The Superintendent Central Prison Mardan for information with references to his report dated. 13.11.2023, please.

*[Signature]*  
SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

10.1252 For Insurance RGL117436399 Rs. 60

except in case of insured letters of not more than the initial weight prescribed in the list of office guide (or on which an acknowledgment is due)

received a registered letter addressed to Molvi Fazal Karim Date: Stamp

Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

Insured for Rs. (in figures) 60 (in words) Sixty

Insurance fee Rs. 17-11 Weight: 60 Kilo Grams

Name and address of sender Chitral

(PB) 17-11

**Attested**  
*[Signature]*  
SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

No: 3444 /PB Dated: 06/12/2023

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


You, Warder (BPS-07) **Abdul Haq S/O Molvi Fazal Karim** attached to Central Prison Mardan was absented yourself from duties as well Jail premises without permission and sanction of leave from the competent authority on 02.11.2023 and reported for duties on 06.12.2023 after thirty four (34) days of wilful absence, which constitute gross misconduct on your part. In addition to this you are habitual of absenting yourself from line and duties and undisciplined, having lethargic duty attitude, which is crystal cleared from your service record and your record is replete with such desertion when you left the station at whim.

I, Superintendent Headquarter Prison Mardan, as competent authority, am satisfied by the reports received dated. 13.11.2023, 01.12.2023 and 06.12.2023 of the Superintendent Central Prison Mardan and **there is no need of holding any further Inquiry.**

Now therefore, you 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 awarded major penalty of **Removal from Service** for your above stated acts of misconduct.

In case your reply does not reach this office within the stipulated period, 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

Endst No. 3445-47 / . Dated. 06/12/2023.

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 with reference to his reports dated. Referred above with the request that one copy of the Show Cause Notice duly signed and dated by the accused official to the effect that he was received the same and return to this office for record please.
3. Above name Warder C/O Superintendent Central Prison Mardan.

  
SUPERINTENDENT  
CIRCLE HQS PRISON MARDAN

  
SUPERINTENDENT  
CIRCLE HQS PRISON MARDAN



OFFICE OF THE SUPERINTENDENT CIRCLE HQS. PRISON MARDAN

No. 3510/PB Dated: 09/12/2023, E-Mail: mardanjail@gmail.com,

09.12.2023

OFFICE ORDER

WHEREAS, the accused official/Warder Abdul Haq S/O Moinul Faisal Karim attached to Central Prison Mardan was proceeded against under Rule-5 read with 7 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges of his misconduct as mentioned in the Show Cause Notice No. 3145-47 dated, 06.12.2023 served upon him on his misconduct/wilful absence.

AND WHEREAS, he furnished his written reply/defence without any documentary proof/evidence which were found unsatisfactory.

AND WHEREAS, the undersigned being competent authority granted him the opportunity of personal hearing on 09.12.2023 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 absents himself from line and duties without permission and sanction of leave and undisciplined, having lethargic duty attitude, which is crystal clear from his service book record. 1- "Terminated from Service" due to absence from Training Centre at Haripur vide Superintendent Circle Headquarter Prison Peshawar order No. 3206 dated 30.08.2012 and then re-instated into Service and is hereby set aside and converted into "withholding of Annual Increment for Two years" without accumulative effect vide Worthy Inspector General of Prisons Peshawar office order No. 24632 dated 25.09.2012 2- "Censure" due to over stayed leave vide Superintendent District Jail Chitral order No. 282 dated 29.03.2017 3- "Censure" and absence period of 06 days w.e.f 15.06.2017 to 21.06.2017 is hereby treated as leave without pay vide Superintendent District Jail Chitral Office order No. 1172 dated 09.12.2014, 4-, absent period of 06 days without pay and for 01 day and 05 days is hereby treated as leave on medical grounds vide Superintendent Circle HQs Prison Mardan Office order No. 2615-18 dated 12.08.2017 5- "Censure" for his misconduct/wilful absence, his absence period w.e.f 12.06.2021 to 21.06.2021 nine (09) days under Rule 19 of the Khyber Pakhtunkhwa Government Servants revised leave Rules 1981 vide Superintendent Circle HQs Prison Mardan order No. 5056-60/PB dated 20.12.2022 6- "One Increments Stopped for One Years" for his misconduct/wilful absence, he is not entitled for any remuneration for the absence period under rule 19 of the Khyber Pakhtunkhwa Government Servants Revised Leave Rules 1981 for his absence period fifteen (15) days w.e.f 27.01.2023 to 10.02.2023, six (06) days w.e.f 16.03.2023 to 22.03.2023 and eight (08) days w.e.f 09.06.2023 to 17.06.2023 amounting to aggregate for twenty nine (29) days vide Superintendent Circle HQs Prison Mardan order No. 1955-58 dated 17.07.2023. 7- "Censure" for his misconduct/wilful absence, his absence period w.e.f 25.04.2023 to 31.05.2023 thirty six (36) days, he is not entitled for any remuneration for the absence period under rule 19 of the Khyber Pakhtunkhwa Government Servants Revised Leave Rules 1981 vide Superintendent Circle HQs Prison Mardan order No. 1960-63 dated 17.07.2023 8- "Two Increments Stopped for Two Years" for his misconduct/wilful absence, his absence period w.e.f 27.06.2023 to 14.07.2023 seventeen (17) days, he is not entitled for any remuneration for the absence period under rule 19 of the Khyber Pakhtunkhwa Government Servants Revised Leave Rules 1981 vide Superintendent Circle HQs Prison Mardan order No. 1965-68 dated 17.07.2023. 9- "Censure" for his misconduct/wilful absence, his absence period w.e.f 07.10.2023 to 28.10.2023 F.N twenty one (21) days, he is not entitled for any remuneration for the absence period under rule 19 of the Khyber Pakhtunkhwa Government Servants Revised Leave Rules 1981 vide Superintendent Circle HQs Prison Mardan order No. 3505 dated 09.12.2023

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 "Compulsory Retirement from Service" with immediate effect to the accused official/ Warder Abdul Haq S/O Moinul Faisal Karim attached to Central Prison Mardan for his misconduct/ wilful absence, his absence period with effect from 02.11.2023 to 06.12.2023 Thirty four (34) days, he is not entitled for any remuneration under rule 19 of the Khyber Pakhtunkhwa Government Servants Revised Leave Rules 1981.

SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

Encl. No. 3511-14/ Dated: 09/12/2023

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 with reference to his orders dated 13.11.2023, 01.12.2023 and 06.12.2023, please.
3. The District Accounts Officer, Mardan for information and necessary action please.
4. Official concerned C/O Superintendent Central Prison Mardan.

Attested  
SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

SUPERINTENDENT  
CIRCLE HQS. PRISON MARDAN

NOTE SHEET FOR CENTRAL PRISON MARDHA

Name with Percentage	Abdul Haq (40) Mohd Fozal Karim attached to Central Prison Mardha
Description	Warder (11194-07)
Notice	Showcause Notice
Order Date	06.12.2023
Nature of offence	Absence from duty without permission of the competent authority
Date of Absence	02.11.2023
Date of Arrival	06.12.2023 (FN)
Period of Absence	Thirty Four (34) days

Showcause Notice was issued to the concerned warder on 06.12.2023 for thirty four (34) days without absence. The reply of the showcause notice was received on 08.12.2023. In the reply the warder stated that due to some domestic issues with his brother about bond due to which his brother pull out his family from home. He was reaching for a rent home to take his family there due to which he absented himself without permission and sanction of leave from the competent authority.

Submitted for further orders please.

IC/P/H

Call for Personal hearing on 9-12-23.  
Personally Heard. 2/1/24

Attested

SUPERINTENDENT  
CRCE HQS PRISON MARDHA

Orders of the Competent Authority

1. Compulsory retirement from service, due to the following reasons:
2. More than 05 months absence.
3. Habitual in willful absence.
4. AS the absence period of 34 days without absence period in working 2023.
5. No plea of absence.

2/1/24



**SERVICE HISTORY OF EX-WARDER ABDUL HAQ S/O MOLVI FAZAL KARIM**

1.	<b>Name with Parentage</b>	Abdul Haq S/O Molvi Fazal Karim			
2.	<b>Rank</b>	Ex-Warder			
3.	<b>Date of Birth</b>	04.01.1985			
4.	<b>Date of Appointment</b>	22.05.2012			
5.	<b>Detail of postings</b>	S#	Name of Jail	From	To
		01	DJ Chitral	22.05.2012	31.08.2017
		02	DJ Swat	03.09.2017	12.04.2018
		03	DJ Chitral	15.04.2018	31.01.2023
		04	CP Mardan	05.02.2023	09.12.2023
6.	<b>Penalty if any awarded</b>	<ol style="list-style-type: none"> <li>1. <b>"Terminated from Service"</b> due to absence from Training Centre at Haripur vide Superintendent Circle Headquarter Prison Peshawar order No. 3206 dated 30.08.2012 and then re-instated into Service and is hereby set aside and converted into <b>"withholding of Annual Increment for Two years"</b> without accumulative effect vide Worthy Inspector General of Prisons Peshawar office order No. 24632 dated 25.09.2012.</li> <li>2. <b>"Censure"</b> due to over stayed leave vide Superintendent District Jail Chitral order No. 282 dated 29.03.2017.</li> <li>3. <b>"Censure"</b> and absence period of 06 days w.e.f 15.06.2017 to 21.06.2017 is hereby treated as <b>leave without pay</b> vide Superintendent District Jail Chitral Office order No. 1172 dated 09.12.2014.</li> <li>4. <b>"Censure"</b> Absent period of 06 days, for 01 day is hereby ordered as leave without pay and 05 days is hereby treated as leave on medical grounds vide Superintendent Circle HQs Prison Mardan Office order No. 2615-18 dated 12.08.2017.</li> <li>5. <b>"Censure"</b> for his misconduct/wilful absence, his absence period w.e.f 04.09.2022 to 23.09.2022 nineteen (19) days is ordered to be treated as leave without pay under Rule 19 of the Khyber Pakhtunkhwa Government Servants revised leave Rules 1981 vide Superintendent Circle HQs Prison Mardan order No. 5056-60/PB dated 20.12.2022.</li> <li>6. <b>"One Increments Stopped for One Years"</b> for his misconduct/wilful absence, he is not entitled for any remuneration for the absence period under rule 19 of the Khyber Pakhtunkhwa Government Servants Revised Leave Rules 1981 for his absence period fifteen (15) days w.e.f 27.01.2023 to 10.02.2023, six (06) days w.e.f 16.03.2023 to 22.03.2023 and eight (08) days w.e.f 09.06.2023 to 17.06.2023 amounting to aggregate for twenty nine (29) days vide Superintendent Circle HQs Prison Mardan order No. 1955-58 dated 17.07.2023.</li> <li>7. <b>"Censure"</b> for his misconduct/wilful absence, his absence period w.e.f 25.04.2023 to 31.05.2023 thirty six (36) days, he is not entitled for any remuneration for the absence period under rule 19 of the Khyber Pakhtunkhwa Government Servants Revised Leave Rules 1981 vide Superintendent Circle HQs Prison Mardan order No. 1960-63 dated 17.07.2023.</li> <li>8. <b>"Two Increments Stopped for Two Years"</b> for his misconduct/wilful absence, his absence period w.e.f 27.06.2023 to 14.07.2023 seventeen (17) days, he is not entitled for any remuneration for the absence period under rule 19 of the Khyber Pakhtunkhwa Government Servants Revised Leave Rules 1981 vide Superintendent Circle HQs Prison Mardan order No. 1965-68 dated 17.07.2023.</li> <li>9. <b>"Censure"</b> for his misconduct/wilful absence, his absence period w.e.f 07.10.2023 to 28.10.2023 F.N twenty one (21) days, he is not entitled for any remuneration for the absence period under rule 19 of the Khyber Pakhtunkhwa Government Servants Revised Leave Rules 1981 vide Superintendent Circle HQs Prison Mardan order No. 3506-09 dated 09.12.2023.</li> <li>10. <b>"Compulsory Retirement from Service"</b> for his misconduct/wilful absence w.e.f 02.11.2023 to 06.12.2023 Thirty Four (34) days and he is not entitled for any remuneration under rule 19 of the Khyber Pakhtunkhwa Government Servant Revised Leave Rules 1981 vide Superintendent Circle Headquarter Prison Mardan Order No. 3511-14 dated. 09.12.2023.</li> </ol>			

Attested

SUPERINTENDENT  
CIRCLE HQ/PRISON MARDAN

بعدالت جناب انسکٹر جنرل جیل خانہ جات،

شیبہ پشاور، پشاور

حکمانہ اپیل

جناب عالی! اپیلانٹ حسب ذیل عرض رساں ہے۔

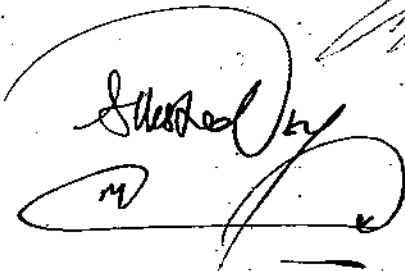
1- یہ کہ اپیلانٹ محکمہ پولیس میں بطور جیل وارڈر (BPS-07) اپنی ڈیوٹی مختلف جیلوں میں سرانجام دیتا رہا ہے اور بعد از سنٹرل جیل مردان میں ڈیوٹی پر تعینات تھا۔ (نقل سردوں کارڈ لف ہے)۔

2- یہ کہ اچانک اپیلانٹ کو کچھ گھریلو مسائل کا سامنا ہوا یعنی بھائیوں کے مابین کچھ تنازعہ پیدا ہوا جسکی وجہ سے اپیلانٹ نے 21 دن کی چھٹی کی درخواست محکمہ ہذا کو گزاری کیونکہ تنازعہ کے حل کیلئے اپیلانٹ کی موجودگی ضروری تھی۔

3- یہ کہ جناب سپرنٹنڈنٹ سرکل ہیڈ کوارٹر جیل مردان نے اپیلانٹ کو غیر حاضری کی وجہ سے مورخہ 09/12/2023 کو جبری ریٹائرڈ کر دیا۔ (نقل جبری ریٹائرمنٹ لف ہے)۔

4- یہ کہ یہاں یہ امر قابل ذکر ہے کہ نہ تو اپیلانٹ کو کوئی شوکار نوٹس دیا گیا اور نہ ہی ذاتی طور پر سننے کا یا اپنے دفاع اور مجبوری بیان کرنے کا موقع دیا گیا جو کہ اپیلانٹ کا قانونی حق ہے۔

5- یہ کہ اپیلانٹ ایک غریب گھرانے سے تعلق رکھتا اور اپنے چھوٹے چھوٹے بچوں کے علاوہ اپنے بھائیوں اور ماں باپ کا واحد کفیل ہے، جبری ریٹائرمنٹ کی وجہ سے اپیلانٹ اور اپیلانٹ کا خاندان کسی پرسی کی زندگی گزارنے پر مجبور ہے۔

  
A handwritten signature in black ink is written over a circular stamp. The stamp contains the word "TESTED" in capital letters. Below the signature, there is a small handwritten mark that looks like the number "11".

لہذا استدعا ہے کہ منظور کی اپیل بڑا مندرجہ بالا احقائق کی روشنی میں ایپلانٹ کے جبری ریٹارمنٹ  
سورخہ 09/12/2023 کو منسوخ کیا جائے اور ایپلانٹ کو ہمہ سابقہ مراعات کے ساتھ مردان  
پر بحالی کے صریح احکامات صادر فرمائے جائیں، ایپلانٹ اور ایپلانٹ کا خاندان آپ کے لئے دعا گو  
رہے گا۔

المرقوم: 25/12/2023

ایپلانٹ  
عبدالحق  
عبدالحق (وارڈر) سنٹرل جیل مردان۔  
موبائل نمبر: 0341-5003469

Received  
25/12/23

کاپی برائے اطلاع:  
سپرٹنڈنٹ جیل خانہ جات، مردان۔

ATTESTED

Attested by  
[Signature]



By fax

OFFICE OF THE  
INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR

☎ 091-9210334, 9210406 📠 091-9213445

No. Estb/Ward-/Orders/ 2969 /-

Dated 22-01-2024 /-

ORDER:

**WHEREAS**, Ex-Warder Abdul Haq S/o Molvi Fazal Karim while posted at Central Prison Mardan was awarded the major penalty of "**Compulsory Retirement from Service**" by Superintendent HQs Prison Mardan vide order No. 3510 dated 09-12-2023 due to his misconduct / willful absence w.e.f. 07-10-2023 to 28-10-2023.

**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 16-01-2024. 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. The record reveals that he is habitual of absenteeism and his service record is not clean. 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.

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

ENDST: NO. 2970-731

Copy of the above is forwarded to the:

1. Superintendent Headquarters Prison Mardan for information and w/r to his letter No. 3621/WE/PB dated 19-12-2023.
2. Superintendent Central Prison Mardan 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 Central Prison Mardan for information.
4. PS to Inspector General of Prisons Khyber Pakhtunkhwa Peshawar.

FPX

DS/PB

Suptt

29/01/24

DA 267

Attested

DEPUTY DIRECTOR  
INSPECTORATE GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR

22/01/2024

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**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  
[Signature]

(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,-

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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**