


FORM OF ORDER SHEET

Court of _____

Appeal No. 1126/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	08/08/2024	<p>The appeal of Mr. Anwar Zeb presented today by Mr. Fazal Shah Mohmand Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 12/08.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By the order of Chairman</p>  <p>REGISTRAR</p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Service Appeal No 1126 /2024

Muhammad Anwar ZebAppellant

V E R S U S

Inspector General of Prisons & another.....Respondents

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Service Appeal with affidavit		1-3
2.	Application for condonation of delay With affidavit		4
3.	Copy of daily dairy	A	5
4.	Copy of order dated 10-04-2023	B	6
5.	Copy of departmental appeal & order dated 29-07-2024	C & D	7-9
6.	Vakalat Nama		10

Dated:-08-08-2024

Through

Ans
Appellant

Fazal Shah
Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan
&
Ibad Ur Rehman Khalil
&
Baseer Ahmad Shah
Advocates High court

OFFICE:- Cantonment Plaza Flat 3/B Khyber Bazar Peshawar Cell# 0301 8804841
Email:- fazalshahmohmand@gmail.com

-1-

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No 11246 /2024

Muhammad Anwar Zeb S/o Aurangzeb, Ex Warder Central Prison
Peshawar.Appellant

V E R S U S

1. Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar.
2. Superintendent Headquarters Prison Peshawar.

.....Respondents

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER
DATED 29.07.2024 OF RESPONDENT NO.1 WHEREBY
DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN
REGRETTED, FILED AGAINST THE ORDER DATED
10.04.2023.

PRAYER:-

On acceptance of this appeal the impugned Order dated 29.07.2024 & 10.04.2023 may kindly be set aside and the appellant may kindly be ordered to be reinstated in service with all back benefits.

Respectfully Submitted:-

1. That the appellant was initially enlisted as Warder in Central Prison in the year 2016 and since enlistment, the appellant performed his duties with honesty and full devotion and to the entire satisfaction of his high ups.
2. That on 01-07-2023 the appellant was falsely charged in a criminal case vide daily dairy no 5 of police station Faqir Abad **(Copy of daily dairy is enclosed as Annexure A)**.
3. That thereafter the appellant was threatened of death by the complainant as the appellant belongs to poor family while the opponent of the appellant is so powerful.
4. That the opponent of the appellant is an influential person and on many occasion he threatened the appellant of dire consequences due to which the appellant was compelled to escape and save his precious life.

- 2-
5. That during this duration the appellant was removed from service vide order dated 10-04-2023 by respondent No 1 (**Copy of order dated 10-04-2023 is enclosed as Annexure B**)
 6. That the appellant filed departmental appeal against the order dated 10-04-2023, which was rejected vide order dated 29-07-2024. (**Copy of departmental appeal & order dated 29-07-2024 are enclosed as Annexure c & D**)
 7. That the impugned Orders dated 29.07.2024 & 10.04.2023 are against the law, facts and principles of justice on grounds inter-alia as follows:-

GRUNDS:-

- A. That the impugned Orders are illegal, unlawful, without lawful authority and void ab-initio.
- B. That mandatory provisions of law and rules have been badly violated by the respondents and the appellant has not been treated according to law and rules in violation of Article 4 and 25 of the Constitution.
- C. That the impugned order is in total disregard of the law on the subject and as such void ab-initio.
- D. That no Charge Sheet and Show Cause Notice was issued to the appellant in violation of law on the subject.
- E. That due to sever life threat the appellant was unable to perform his duty.
- F. That even otherwise, the requirements of Rule 9 of E & D Rules 2011, were not complied with, hence the impugned order is liable to be set at naught.
- G. That no proper inquiry was conducted in the matter nor the appellant was provided proper opportunity of defense as strangely the appellant was subjected to cross examination.
- H. That the appellant was not afforded opportunity of personal hearing.
- I. That the appellant is jobless since his illegal removal from service.
- J. That the appellant has about 08 years of service with unblemished service record.

K. That the appellant seeks the permission of this honorable tribunal for further/additional grounds at the time of arguments.

It is therefore prayed that appeal of the appellant may kindly be accepted as prayed for in the heading of the appeal.

Any other relief deemed appropriate and not specifically asked for, may also be granted in favor of the appellant.

Dated:-08-08-2024

Through

Ans
Appellant

ee
Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan
&
Ibad Ur Rehman Khalid
&
Baseer Ahmad Shah
Advocates High court

CERTIFICATE:

Certified that as per instructions of my client, no other Service Appeal on the same subject and between the same parties has been filed previously or concurrently before this honorable Tribunal.

Ans
ADVOCATE

AFFIDAVIT

I, Muhammad Anwar Zeb S/o Aurangzeb, Ex Warder Central Prison Peshawar, do hereby solemnly affirm and declare on oath that the contents of this **Service Appeal**, are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.



Ans
DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No _____/2024

Muhammad Anwar Zeb **Appellant**

V E R S U S

Inspector General of Prisons & another..... **Respondents**

Application for condonation of delay if any

Respectfully Submitted:-

1. That the accompanying appeal is being filed today in which no date of hearing has been fixed so far.
2. That the grounds of appeal may be considered as integral Part of this application.
3. That the departmental appeal of the appellant was rejected on 29-07-2024 so the service appeal of the appellant is well within time. That the law as well as the dictums of the superior Courts also favors decisions of cases on merits instead of technicalities.
4. That the impugned order is illegal, void and passed at the back of the appellant, besides passed in utter disregard of the law on the subject.

It is therefore prayed that on acceptance of this application, the delay if any in filing of appeal may kindly be condoned.

Dated:-08-08-2024

Appellant

Through

**Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan**

A F F I D A V I T

I, **Muhammad Anwar Zeb S/o Aurangzeb, Ex Warder Central Prison Peshawar**, do hereby solemnly affirm and declare on oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.



DEPONENT

1/11/1957

1/11/1957

S. A.

The first part of the document is a letter from the Secretary of the
 Department of Health, Education and Welfare to the Director of the
 Office of Education. The letter discusses the need for a study of the
 educational needs of the handicapped children in the United States.
 The Secretary states that the Department is concerned with the
 educational progress of these children and wishes to know more about
 their needs and how they can be better served. The Secretary
 requests that the Director conduct a study and report back to the
 Department by the end of the year. The Secretary also mentions
 that the Department is planning to hold a conference on this subject
 in the near future and would like to have the Director's report
 available for discussion at that time.

1/11/57

[Signature]
 [Signature]



OFFICE OF THE
SUPERINTENDENT
HEADQUARTER PRISON PESHAWAR
No: 1245 P/B Dt: 10/04/2023

OFFICE ORDER

WHEREAS, the accused Warder (BPS-07) Anwar Zeb s/o Aurangzeb attached to Central Prison Peshawar has willfully absented himself from allotted duties as well as jail premises without prior permission of the competent authority w.e.f 11-01-2023 and still at large. A Show Cause notice was served upon him vide this Headquarters Prison No. 222-23 dated 16-01-2023.

AND WHEREAS, an absence notice was issued to his home address through registered post vide this Headquarters Prison No. 601 date 13-02-2023 and was directed to submit his reply within 15 days of the receipt of the letter but he fails to do so.

AND WHEREAS, an absence notice in respect of the accused Warder was then published in two daily newspapers dated 12-03-2023 with the direction to appear before the Superintendent Headquarters Prison Peshawar and explained his position within 15 days of the publication of notice but the accused neither appeared nor submitted written reply till date.

NOW THEREFORE, in exercise of powers conferred under Rule-9 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2021 having considered the charges leveled against him in light of available record and the undersigned being Competent Authority is pleased to initiate ex-parte action against him and to award him major penalty of "Removal From Service" with immediate effect and period of his absence shall be treated as leave without pay.

SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR
E-mail: hqprisonpeshawar@gmail.com

Endorsement No: 1246-51

Copy of the above is forwarded to the: -

1. Inspector General of Prisons Khyber Pakhtunkhwa Peshawar.
2. Accountant General Khyber Pakhtunkhwa Peshawar.
3. DIG Regional Prison Office Peshawar.
4. Superintendent Central Prison Peshawar. Proper entry to this effect may be made in his service book under proper attestation.
5. Incharge Pay Branch Central Prison Peshawar.
6. Official concerned.

SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR
E-mail: hqprisonpeshawar@gmail.com

خدمتِ فدا و شہدائتِ عزیز
خدمتِ فدا و شہدائتِ عزیز

درخواستِ مراد سرفی آقا آذربائیجان 1246 / 10
2023

ذیل کے سائل تو سرپرستِ فدا و شہدائتِ عزیز کے لیے ہیں

رہمِ پیل / حکمہ جاتی پیل

ذیل کے سائل

1. یہ سائل آپ کے سرپرستِ فدا و شہدائتِ عزیز کے لیے ہیں

2. ذیل کے سائل تو سرپرستِ فدا و شہدائتِ عزیز کے لیے ہیں

3. یہ سائل تو سرپرستِ فدا و شہدائتِ عزیز کے لیے ہیں

4. یہ سائل تو سرپرستِ فدا و شہدائتِ عزیز کے لیے ہیں

5. یہ سائل تو سرپرستِ فدا و شہدائتِ عزیز کے لیے ہیں

6. یہ سائل تو سرپرستِ فدا و شہدائتِ عزیز کے لیے ہیں

7. یہ سائل تو سرپرستِ فدا و شہدائتِ عزیز کے لیے ہیں

8. یہ سائل تو سرپرستِ فدا و شہدائتِ عزیز کے لیے ہیں

لکھنؤ میں مقیم رہنے والے جاسم رضا

4۔ یہ کہ اس دوران میں سب سے زیادہ زیادتی ہوئی ہے

1246.51 مدعی 10.6

کے بارے میں فریادیں ہیں کہ وہ اس کے خلاف کارروائی کرے اور اس کی ذمہ داری اٹھائے

یہ کہ اس کے خلاف کارروائی کرے اور اس کی ذمہ داری اٹھائے

لکھنؤ میں مقیم رہنے والے جاسم رضا

سب سے زیادہ زیادتی ہوئی ہے

لکھنؤ میں مقیم رہنے والے جاسم رضا

یہ کہ اس کے خلاف کارروائی کرے اور اس کی ذمہ داری اٹھائے

سب سے زیادہ زیادتی ہوئی ہے

22/7/2024

1710179/9581-3

لکھنؤ میں مقیم رہنے والے جاسم رضا

یہ کہ اس کے خلاف کارروائی کرے اور اس کی ذمہ داری اٹھائے

03151918795



22/7/2024

جان عزیز

محمد رفیق

محمد رفیق

محمد رفیق



22 JUL 2024



29/7/24

OFFICE OF THE
INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

091-9210334, 9210406 091-9213445

No. Estb/Ward/Orders/ 299091-

Dated 29-07-2024

ORDER:

WHEREAS, Ex-Warder Muhammad Anwar Zeb S/O Aurangzeb, attached to Central Prison Peshawar was awarded the major penalty of "Removal from Service" by Superintendent HQs Prison Peshawar vide order Endst: No. 1246-51 dated 10-04-2023 for his willful absence from duty w.e.f. 11-01-2023 till the date of his removal from service on 10-04-2023.

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, the said Ex-Warder preferred his departmental appeal on 22-07-2024 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 his appeal is without any substance and penalty was awarded to him by the competent authority due to his willful absence from duty after observing all legal and codal formalities as required under the E&D Rules 2011. Moreover, the appeal is badly time barred by 01 Year, 02 months & 12 days.

NOW THEREFORE, having considered the charges, evidences/facts on record, 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, the decision of the competent authority is upheld and appeal of the appellant is hereby rejected being without any substance and badly time-barred.

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

ENDST: NO. 29910-131-

Copy of the above is forwarded to the:

1. Superintendent, Circle Headquarters Prison Peshawar for information w/r to his office order above.
2. Superintendent Central Prison Peshawar for information and necessary action. He is directed to inform the appellant accordingly and also to make necessary entry in his Service Book under proper attestation.
3. Mr. Muhammad Anwar Zeb S/O Aurangzeb (Ex-Warder) C/o Superintendent Central Prison Peshawar for information.
4. PS to Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information.

ASSISTANT DIRECTOR

INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

50	48867	پشاور بار ایسوسی ایشن، خیبر پختونخواہ	
ایڈوکیٹ: فضل احمد شہید		PESHAWAR BAR ASSOCIATION	
بار کونسل ایسوسی ایشن نمبر: BC-10-5543			
رابطہ نمبر: 0301-8804841			

بعدالت جناب: سرگز مٹا بنوئل سپیڈ کٹو کو الٹا سہارہ

مخاطب: <u>Appellati</u>	دعویٰ: <u>Appellati</u>
<u>محمد الفوزیب</u>	مات <u>Service Appellati</u>
بنام	مورخہ:
<u>ملکوت و ملکہ</u>	جرم:
	تھان:

بابت تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ آن مقام لسٹوار کیلئے فضل احمد شہید، عباد الرحمن ^{حالیہ} مقرر

کر کے اقرار کیا جاتا ہے کہ جب موصوف و مقدمہ اس کارروائی کا کمال لقمہ ہو تو ذیل صاحب کو راضی نامہ کرنے و تقریر سے پہلے بر حلف ایسے جواب دہی یا اقبال دعویٰ اور درجہ کی تصدیق ذریں پر دستخط کرنے یا انتظار ہوگا، نیز بصورت عدم جرم یا ڈگری یا طرفہ یا اپیل کی صورت اور منسوخی، نیز دائر کرنے یا اپیل کی صورت میں اپنی دہی و پیروی کے کمال لقمہ ہوگا اور بصورت مقدمہ کے کل یا جزوی کارروائی کے واسطے اس کے ذیل یا اختیار یا اختیار کے لئے تقرر ہوگا اور صاحب مقرر شدہ کو وہی جملہ امور اختیار حاصل ہوں گے اور اس کے ساتھ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہو، سب کے سب سے مقدمہ کی مقام دورہ یا حد سے باہر ہو تو ذیل صاحب پر ہوگا اور اس کے ذیل یا اختیار کے لئے تقرر ہوگا اور صاحب



الرقوم: 8/8/2024

العہد لسٹوار العہد لسٹوار

مقام: _____
 Attached - _____
 Accepted _____

محمد الفوزیب ولد او رنازیب (سابقہ وارڈر سنٹرل جیل لسٹوار)