

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

In Service Appeal No. 1126/2024

**Ex-Warder Muhammad Anwar Zeb s/o Aurangzeb,**  
Central Prison Peshawar ..... **Appellant.**

**VERSUS**

- 1- **Inspector General of Prisons,**  
Khyber Pakhtunkhwa Peshawar.
- 2- **Superintendent,**  
Circle Headquarters Prison Peshawar..... **Respondents.**

**JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO 1 & 2**

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**DEPONENT**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

In Service Appeal No. 1126/2024.

**Ex-Warder Muhammad Anwar Zeb s/o Aurangzeb,**  
Central Prison Peshawar .....

**Appellant.**  
Khyber Pakhtunkhwa  
Service Tribunal

**VERSUS**

1- **Inspector General of Prisons,**  
Khyber Pakhtunkhwa Peshawar.

Diary No. 16224

2- **Superintendent,**  
Circle Headquarters Prison Peshawar..... **Respondents.**

Dated 01-10-2024

**JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO 1 & 2**

**Preliminary Objections**

- i. That the appellant has got no cause of action.
- ii. That the appeal is incompetent and is not maintainable in its present form.
- iii. That the appellant is estopped by his own conduct to bring the present appeal.
- iv. That the appellant has no locus standi.
- v. That the appeal is bad for mis joinder and non-joinder of necessary parties.
- vi. That the appeal of the appellant is badly time barred.

**FACTUAL OBJECTION:-**

1. Admitted to the extent that the appellant was appointed as Warder (BPS-07) on 22-01-2015 in the Prisons Department Khyber Pakhtunkhwa, but he never took his job in serious manner. The appellant was to create hurdles for the administration and to squalid the environment for the other staff.
2. Pertains to record. However, the appellant willfully absented himself from his duty w.e.f 11-01-2023 and the FIR was lodged against the appellant on 01-07-2023 which shows that the appellant was absent for 06 months before lodging of the FIR. Moreover, the appellant was awarded Major penalty of "Removal From Service" on 10-04-2023 which also before the FIR date.
3. No comments.
4. No comments.
5. Incorrect and misleading, the appellant willfully absented himself from allotted duties as well as Jail premises w.e.f 11-01-2023 without any intimation. Thus, after a long willful absence from duties, the appellant was proceeded under Rule-09 Khyber Pakhtunkhwa (Efficiency and Disciplinary Rules 2011). In this connection, an absence notice was served upon him to his home address **(Annex-A)** with the direction to appear before the competent authority and submit written reply within the stipulated period, but the appellant failed to do so. After expiry of stipulated period as mentioned in absence notice an absence notice was then published in 02 daily newspaper i.e "Daily Aaj" dated 12-03-2024 **(Annex-B)** as per Rule-09 of Khyber Pakhtunkhwa Efficiency and

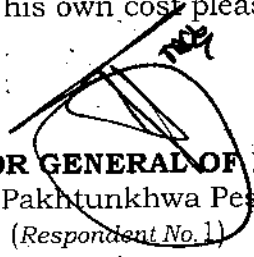
Disciplinary (E&D) rules 2021 (**Annex C**) with the direction to appear in person before the competent authority i-e Superintendent Headquarter Prison Peshawar within fifteen days of the publication of absence notice, otherwise ex-parte action will be initiated against the appellant but again the appellant neither submitted written reply nor appeared for personnel hearing before the competent authority; such like attitude of the appellant is undesirable, hence the competent authority after exhausting all legal and codal formalities as laid down in E&D Rules 2021, awarded him the major penalty of "Removal from Service" due to his unauthorized and willful absence from official duty, as per rules. Copy of removal order as (**Annex-D**).

6. Incorrect and not admitted. Though the appellant approach this honorable tribunal against the final impugned order dated 29-07-2023 but it is a well settled principle of law that whenever a departmental appeal is barred by time before the appellate authority, it will be undoubtedly time barred before this honorable tribunal, the appellate authority rightly dismissed his departmental appeal being filed after laps of one year and 02 months. Copy of Rejection of Departmental Appeal dated 29-07-2024 (**Annex-E**).

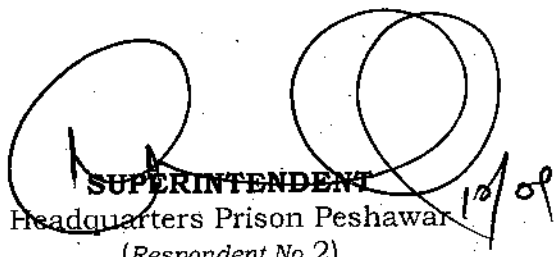
**OBJECTION ON GROUNDS:**

- A. Not admitted. Orders dated 10-04-2023 & 29-07-2024 issued by the respondents are totally in accordance with law, rules in light of facts.
- B. Incorrect and not admitted. The Impugned order is according to law and no discrimination has been committed by the respondents concerned.
- C. Incorrect not admitted. As elaborated in Para-A & B above.
- D. Incorrect and not admitted, the appellant was preceded against Rule-09 of Khyber Pakhtunkhwa (E&D) Rules 2021 and all legal and codal formalities were fulfilled as elaborated in Para-05.
- E. Incorrect not admitted. The rule-1082 & 1083 of Pakistan Prison Rules 2018, provided mechanism where a person has been unable to perform duty un avoidable reason he shall report the matter to Superintendent Jail wherein in such case the appellant does not fulfill the criteria as laid down in rule-1083 Khyber Pakhtunkhwa Prisons Rules 2018. (**Annex-F**).
- F. Incorrect not admitted as elaborated in Para-05 above.
- G. Incorrect not admitted As elaborated in Para-05 above.
- H. Incorrect not admitted. The appellant was afforded ample opportunities to prove himself innocent, but failed and proved himself guilty of gross misconduct, which brought the current situation to him.
- I. No comments.
- J. Incorrect and not admitted. The appellant from the very beginning of his induction into Prison Department, he never took his job in serious manner and such like willful absence/disappearance from official duty amounts to a serious misconduct which required stern action by the respondents.

In the light of above, it is humbly prayed that the above appeal may be dismissed at his own cost please.

  
**INSPECTOR GENERAL OF PRISONS**  
Khyber Pakhtunkhwa Peshawar  
(Respondent No. 1)

USMAN MUNSOB  
(BPS-19)

  
**SUPERINTENDENT**  
Headquarters Prison Peshawar  
(Respondent No. 2)

HASEEM KHAN  
(BPS-18)

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**VERSUS**

- 1- **Inspector General of Prisons,**  
Khyber Pakhtunkhwa Peshawar.
- 2- **Superintendent,**  
Circle Headquarters Prison Peshawar..... **Respondents.**

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

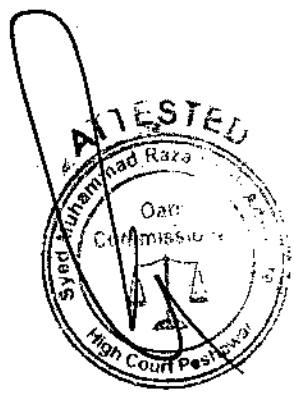
We, the undersigned respondents do hereby solemnly affirm and declare that the contents of the para-wise comments in the above cited appeal are true and correct to the best of our knowledge and belief that no material/ facts have been kept concealed from this Honorable Service Tribunal. *It is further stated on oath, that in their appeal the answer respondents, have neither been, place ex-parte, nor there deponce struck up/cast.*

**Inspector General of Prisons**  
Khyber Pakhtunkhwa Peshawar  
**(Respondent No. 1)**

*USMAN MUMSBOB*  
*(BPS-19)*

**Superintendent,**  
Headquarters Prison Peshawar  
**(Respondent No. 2)**

*Waseem Khan*  
*(BPS-18)*



*1/10*  
*2024*

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

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Central Prison Peshawar ..... **Appellant**

VERSUS

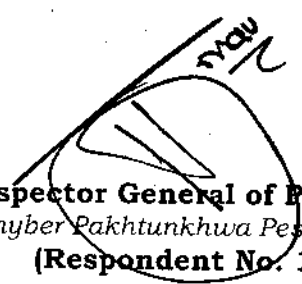
IG Prisons & Other..... Respondents

**REPLICATION ON CONDONATION OF DELAY APPLICATION**

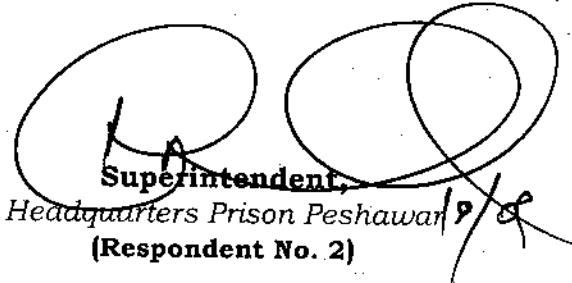
1. Not related with the answering respondents. *in main appeal*
2. That the *reply* submitted by the respondents may be considered as integral part of reply of this para.
3. Incorrect and not admitted. The appeal of the appellant was dismissed on 29-07-2024 while he preferred Service appeal on 08-08-2024. It is a well settle principle of law that when a Departmental appeal is time barred before the appellate authority, automatically the service appeal is also declared as time barred.
4. Not admitted. Orders dated 10-04-2023 & 29-07-2024 issued by the respondents are totally in accordance with law, rules in light of facts.

**Prayers:**

It is therefore most humbly prayed that on acceptance of this instant reply/Joint Para-wise comments on behalf of respondent No. 1 & 2 the appeal of the appellant may please graciously be dismissed being devoid of merit and Law.

  
**Inspector General of Prisons**  
Khyber Pakhtunkhwa Peshawar  
(Respondent No. 1)

*USMAJI MOHSOOD*  
(BPS-19)

  
**Superintendent,**  
Headquarters Prison Peshawar  
(Respondent No. 2)

*WASEEM KHAN*  
(BPS-18)

## ہیڈ کوارٹرز جیل پشاور

نمبر: 601 مورہ: 13/02/2023

RGL106027718  
 the master receipt  
 Post Office Guide or on which no  
 acknowledgment is due.

to: M. Antares Date: 13/02/2023

Write here "letter", "parcel", "packet" or "parcel"  
 if received by the office of the recipient. Write it when necessary.  
 Rs. (in figures) 1200 Rs. (in words) 1200

Insurance fee Rs. 100 Ps. (in words) 100

Name and address of sender: Patel


نام: محمد انور زبید ولد اورنگ زیب

پتہ: سکنہ محلہ قاضی گلے چوک، لال دین کالونی پشاور

عنوان: نوٹس برائے غیر حاضری


آپ کو بذریعہ نوٹس ہذا مطلع کیا جاتا ہے کہ آپ کو مورہ 11-01-2023 سے سنٹرل جیل پشاور سے غیر حاضر ہوئے اور تاحال  
 تادیبی پر حاضر نہیں ہوئے۔

اس لئے آپ کو مطلع کیا جاتا ہے کہ مذکورہ نوٹس کے لئے کے 15 دن کے اندر اندر زبردستی کے سامنے حاضر ہو کر اپنی غیر حاضری  
 کی وجوہات بیان کریں۔ بصورت دیگر آپ کے خلاف یکطرفہ کارروائی عمل میں لائی جائیگی جو کہ نوکری سے برخاستگی پر منتج ہو سکتی ہے۔

  
 سپرنٹنڈنٹ  
 ہیڈ کوارٹرز جیل پشاور

تظہیری نمبر: 602

کاپی برائے اطلاع و ضروری کارروائی سپرنٹنڈنٹ سنٹرل جیل پشاور بحوالہ چھٹی نمبر 653 مورہ 16-01-2023۔ مذکورہ وارڈر کی تنخواہ فوری  
 طور پر بند کی جائے۔

  
 سپرنٹنڈنٹ  
 ہیڈ کوارٹرز جیل پشاور

  
 Patel

پشاور ایبٹ آباد اور اسلام آباد سے یک وقت شائع ہونے والا کثیر الاشاعت قومی روزنامہ

روشن نگاہ کی شائستگی اور آواز کا انبیا

گروپ چیف ایگزیکٹو  
نگہت شاہین

روزنامہ

پشاور  
پاکستان

بانی  
عبدالواحد یوسفی

جلد 34

تاریخ 19 شعبان المعظم 1444ھ 12 مارچ 2023ء 26 پگہ نہتہ 20 پے 1 شہ 64

# صورت حال

صورت حال کو تشویشناک قرار دیا

اتنی زیادہ تعداد میں منشیات کے

پشاور (آج نواز) خیر، مختار کے گراموں اور برہیل اہم نواح میں  
پاکستان خصوصاً خیر، مختار میں منشیات کے استعمال کی صورت حال

5 دن یا 2 ماہ میں آپس آسکتا ہے

اسلام آباد (آن لائن) اسلام آباد سے سربراہان نے کہا ہے کہ  
لیکن کے سینٹر ہمایوں کے پارٹی رہنماؤں کو روایات جاری کی ہیں

دیوبند تک اجلاس کے دوران نواز کے اہم مشورہ کریں 30

ریلوے پشاور ڈویژن میں  
الوداعی تقریب کا انعقاد

پی ایس ایف کا پارٹی سٹیج  
متحرک کردار ادا کریں گے

مہمند زری اراضی مالکان میں پھلوں کے پلانے سے  
تحصیل کے غنہ اور پنڈیالی کے مقامی لوگوں میں پودے تقسیم کئے گئے

پشاور (سٹاف رپورٹر) میجر سٹونٹ فیروز  
آج کے اپنی ارکان کا اجلاس گزارتے ہوئے پارٹی کے  
2 سویا کی تقریب میں مشق ہو اس کی صدارت  
41 میجر پارٹی خیر، مختار (آبی سطر 7 بجے نمبر 45)  
نہتہ (سٹاف رپورٹر) میجر سٹونٹ فیروز  
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41 میجر پارٹی خیر، مختار (آبی سطر 7 بجے نمبر 45)

میں اس کا منعقد ہوگا  
روایتی کی طرف سے ایک شرکت کی اجلی  
پشاور (سٹاف رپورٹر) میجر سٹونٹ فیروز  
آج کے اپنی ارکان کا اجلاس گزارتے ہوئے پارٹی کے  
2 سویا کی تقریب میں مشق ہو اس کی صدارت  
41 میجر پارٹی خیر، مختار (آبی سطر 7 بجے نمبر 45)

### ایک شہید ہونے کا حاضری

آپ کی اور آپ کے دل کے گہرے غم اور دکھ کو ختم کرنے کے لیے ہماری مددگار ہونے کے لیے  
11/01/2023 کو شہید ہوئے ہیں۔  
پشاور (سٹاف رپورٹر) میجر سٹونٹ فیروز  
آج کے اپنی ارکان کا اجلاس گزارتے ہوئے پارٹی کے  
2 سویا کی تقریب میں مشق ہو اس کی صدارت  
41 میجر پارٹی خیر، مختار (آبی سطر 7 بجے نمبر 45)

### فوری ضرورت ہونے والے ای

1000 کلینرز  
Dhs+TIP  
پشاور (سٹاف رپورٹر) میجر سٹونٹ فیروز  
آج کے اپنی ارکان کا اجلاس گزارتے ہوئے پارٹی کے  
2 سویا کی تقریب میں مشق ہو اس کی صدارت  
41 میجر پارٹی خیر، مختار (آبی سطر 7 بجے نمبر 45)

### KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR TENDER NOTICE

Scaled tenders along with 2% call deposit are invited from Sales Tax registered firms for purchase of IT AND ELECTRIC EQUIPMENTS for the Khyber Pakhtunkhwa Service Tribunal Tenders should reach the undersigned on/before 27-03-2023, 10:00am and will be opened on the same day at 02:00pm.

Tender documents can be obtained from the undersigned office during office hours. All the Government Taxes will be applicable.

The competent authority reserves the right to reject all bids at any time prior to acceptance of a bid as per clause 47 of the Khyber Pakhtunkhwa Public Procurement of Goods, Works and Service Rules, 2022. This advertisement is also available on [www.kpst.gov.pk](http://www.kpst.gov.pk)

INF(P) 737/2023 REGISTRAR KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

### FEDERAL PUBLIC SERVICE COMMISSION

CONDUCT OF GENERAL RECRUITMENT

Federal Public Service Commission will hold following test in Lahore, Peshawar, Quetta and Gilgit Centres.

(I) SCREENING (MCQ) TEST (15.3.2023 TO 22.3.2023 IN LAHORE)			
1.	F.4-166/2022 -R	2.	F.4-167/2022 -R
5.	F.4-172/2022 -R	6.	F.4-173/2022 -R
9.	F.4-176/2022 -R	10.	F.4-179/2022 -R
13.	F.4-182/2022 -R	14.	F.4-184/2022 -R
17.	F.4-191/2022 -R	18.	F.4-194/2022 -R
21.	F.4-197/2022 -R	22.	F.4-198/2022 -R
25.	F.4-201/2022 -R	26.	F.4-207/2022 -R

پشاور (سٹاف رپورٹر) میجر سٹونٹ فیروز  
آج کے اپنی ارکان کا اجلاس گزارتے ہوئے پارٹی کے  
2 سویا کی تقریب میں مشق ہو اس کی صدارت  
41 میجر پارٹی خیر، مختار (آبی سطر 7 بجے نمبر 45)



Website: www.daillybayan.com

DAILY BAYAN PESHAWAR

ABC Certified

پشاور

روزنامہ

ب

ا

اولیٰ سن لائسنس

قیمت 10 روپے

جلد نمبر: 7      13 مارچ 2023ء مطابق 20 شعبان 1444ھ، 30 پھاگن      شمارہ نمبر: 72

### اسلام آباد کے قانونی

آپ سنی انور زیب ولد اورنگ زیب، جیل و ادارہ حال سٹریٹ جیل پشاور، سکنہ گاؤں ٹڈا قاضی کے چوک اولیٰ وین کالونی پشاور، بذریعہ اشتہار پبلشنگ کیا جاتا ہے کہ آپ 11-01-2023 کو سٹریٹ جیل پشاور سے ٹیڑج سڑک روٹے اور حال نوکری پر حاضر نہیں ہوئے، آپ کو بہر بلاقی پرنسٹنٹ ہیڈ کوارٹرز جیل پشاور تقاضی نمبر 601 سری 13-02-2023 کو آپ کے گھر کے پتہ پر نوٹس بھیجا گیا اور آپ کو ہدایت کی گئی ہے پندرہ روز کے اندر اندر اپنی پراسیجر نوکری پر حاضر ہو کر اپنی غیر حاضری کی وجہ بتائیں گھر آجی تک ہاؤس ہول پر حاضر ہونے اور نہ ہی اپنی غیر حاضری کی وجہ پندرہ روز کی مدت میں بتا کر دلی۔ اس لئے آپ کو بذریعہ اشتہار پبلشنگ آفری بار پبلشنگ کیا جاتا ہے کہ اشتہار پبلشنگ کے شانہ ہونے کے 15 دن کے اندر اندر پرنسٹنٹ ہیڈ کوارٹرز جیل پشاور سے منہ سے نکلیں اور اپنی غیر حاضری کی وجہ بتائیں بصورت اگر آپ کے خلاف کسی طرف کارروائی میں آئی جائے گی جو کہ اپنی مازمت سے پرتو گرا ہوا ہوتا ہے۔

### پشاور کے قانونی

INF(P) 70023

مہر کے ساتھ ہر شخص کو اپنی قانونی ذمہ داری سے آگاہ کیا جا رہا ہے۔ ان کا پتہ اور حالات پر سیاست میں جو صورت حال گہری پائیے۔ چاہے وہ قانونی طور پر کیا ہی نہ ہو۔ ان کے ساتھ ہونے والے امور پر حکومت کو اپنے حق کا تحفظ دینا چاہئے۔ انہوں نے کہا کہ یہ سب کو اپنے دل میں رکھنا چاہئے اور حکومت کو اپنی ذمہ داری کو ادا کرنے میں مدد دینی چاہئے۔

یہ تمام باتیں ہیں جو ان کے ذہن میں ہیں۔ انہوں نے کہا کہ یہ سب کو اپنے دل میں رکھنا چاہئے اور حکومت کو اپنی ذمہ داری کو ادا کرنے میں مدد دینی چاہئے۔ انہوں نے کہا کہ یہ سب کو اپنے دل میں رکھنا چاہئے اور حکومت کو اپنی ذمہ داری کو ادا کرنے میں مدد دینی چاہئے۔

Attehal  
AR

**KHYBER PAKHTUNKHWA**

**Published by Authority**

**PESHAWAR, FRIDAY, 16<sup>TH</sup>**

**SEPTEMBER, 2021.**

GOVERNMENT OF THE KHYBER PAKHTUNKHWA  
ESTABLISHMENT AND ADMINISTRATION DEPARTMENT.

**NOTIFICATION**

Peshawar dated the 16<sup>th</sup> September, 2011.

No.SO(REG-VI)E&AD/2-6/2010 in exercise of the powers conferred by section 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No.XVIII of 1973), the Chief Minister of the Khyber Pakhtunkhwa is pleased to make the following rules, namely:

1. **Short title, application and commencement.**---(1) These rules be called the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.  
 (2) These shall apply to every person who is a member of the civil service of the Province or is the holder of a civil post in connection with the affairs of the Province and shall also apply to or in relation to a person in temporary employment in the civil service or post in connection with affairs of the Province.  
 (3) These shall come into force at once.
2. **Definitions.**---(1) In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say:
  - (a) "accused" means a person in Government service against whom action is initiated under these rules.
  - (b) "appellate authority" means the authority next above the competent authority to which an appeal lies against the orders of the competent authority;
  - (c) "appointing authority" means an authority declared or notified as such by an order of Government under the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No.XVIII of 1973) and the rules made there under or an authority as notified under the specific laws/rules of Government;
  - (d) "charges" means allegations framed against the accused pertaining to acts of omission or commission cognizable under these rules;
  - (e) "Chief Minister" means the Chief Minister of the Khyber Pakhtunkhwa;
  - (f) "competent authority" means-

*Attested*  
*AR*

or has entered into plea bargain and has returned the assets or gains acquired through corruption or corrupt practices, or has been acquitted by a court of law as a result of compounding of an offence involving moral turpitude under any law for the time being in force, the competent authority, after examining facts of the case, shall-

- (a) dismiss the Government servant where he has been convicted on charges of corruption or moral turpitude or has entered into plea bargain and has returned the assets or gains acquired through corruption or corrupt practices voluntarily;

Provided that dismissal in these cases shall be with effect from the date of conviction by a court of law; and

[See Notification No.SO(REG-V)E&AD/2-6/2010 dated 18-7-2012

- (b) proceed against the Government servant under 5, where he has been convicted of charges other than corruption or moral turpitude.

9. Procedure in case of willful absence--- Notwithstanding anything to the contrary contained in these rules, in case of willful absence from duty by a Government servant for seven or more days, a notice shall be issued by the competent authority through registered acknowledgement on his home address directing him to resume duty within fifteen days of issuance of the notice. If the same is received back as undelivered or no response is received from the absentee within stipulated time, a notice shall be published in at least two leading newspapers directing him to resume duty within fifteen days of the publication of that notice, failing which an ex-parte decision shall be taken against the absentee. On expiry of the stipulated period given in the notice, major penalty of removal from service may be imposed upon such Government servant.

10. Procedure to be followed by competent authority where inquiry is necessary--- (1) If the competent authority decides that it is necessary to hold an inquiry against the accused, under rule 9 of these rules, it shall pass an order of inquiry in writing. An inquiry order shall include-

- (a) the appointment of an inquiry officer or inquiry committee, subject to sub-rule (2); provided that the inquiry officer or the convener of the inquiry committee, as the case may, shall, as far as possible, be of a rank senior to the accused and where two or more accused are proceeded against jointly, the inquiry officer or the convener of the inquiry committee shall, as far as possible, be of a rank senior to the senior most accused;

- (b) the grounds for proceeding, clearly specifying the charges alongwith apportionment of responsibility which shall be communicated to accused within fourteen days, from the date of initiation of proceedings;

- (c) appointment of the departmental representative by designation; and

*Attended*  
*JR*



11  
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](mailto: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](mailto:hqprisonpeshawar@gmail.com)

Attestal  
A



29/7/24

INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR

001-9210334, 9210406 091-9213445

No. Estb/Word/Orders/ 29909/1

Dated 29-07-2024

12  
9-

**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.

Ds/L  
30/7/24

Attest  
[Signature]

**ASSISTANT DIRECTOR  
INSPECTORATE GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR**

**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);

*Attested*  
*[Signature]*

**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.

*Attested*  
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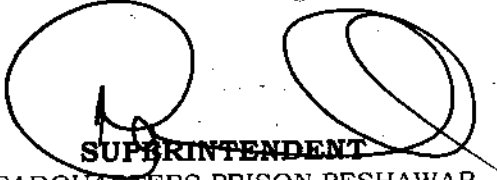
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**OFFICE OF THE  
SUPERINTENDENT  
HEADQUARTER PRISON PESHAWAR**

No: \_\_\_\_\_ Dt: \_\_\_/\_\_\_/2024

**AUTHORITY**

Mr. Amir Hayat, Law Officer (BPS-17) attached to Central Prison Peshawar is hereby authorized to submit the para-wise comments in the Honorable Khyber Pakhtunkhwa Service Tribunal, in service appeal No. 1126/2024 titled Muhammad Anwar Zeb s/o Aurangzeb on behalf of respondents.

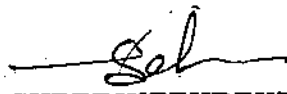
  
**SUPERINTENDENT**  
HEADQUARTERS PRISON PESHAWAR

Endst: No. \_\_\_\_\_/-

Copy of the above is forwarded to the:-

1. Inspector General of Prisons Khyber Pakhtunkhwa Peshawar.
2. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
3. Additional Advocate General Khyber Pakhtunkhwa Service Tribunal Peshawar
4. DIG Regional Prison Office Peshawar

For information please.

  
**SUPERINTENDENT**  
HEADQUARTERS PRISON PESHAWAR