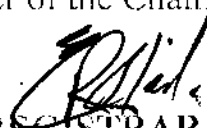


FORM OF ORDER SHEET

Court of _____

Appeal No. 1869 /2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	09/10/2024	<p>The appeal of Mr. Hamid Saleem presented today by Mr. Muhammad Amin Ayub Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 14.10.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1869/2024

Hamid SaleemAppellant

Versus

Govt of KPK & others Respondents


APPLICATION FOR FIXATION OF THE ABOVE TITLED APPEAL
PRINCIPAL SEAT, PESHAWAR AT

Respectfully Sheweth:

1. That the above mentioned / Appeal is pending adjudication before this Hon'ble Tribunal in which no date has been fixed so far.
2. That according to Rule 5 of the Khyber Pakhtunkhwa Service Tribunal Rules 1974, a Tribunal may hold its sittings at any place in Khyber Pakhtunkhwa which would be convenient to the parties whose matters are to be heard.
3. That it is worth mentioning that the offices of all the respondents concerned are at Peshawar and Peshawar is also convenient to the appellant/applicant meaning thereby that Principal Seat would be convenient to the parties concerned.
4. That any other ground will be raised at the time of arguments with the permission of this Hon'ble tribunal.

It is therefore prayed that on acceptance of this application the Appeal may please be fixed at Principal Seat, Peshawar for the Convenience of parties and best interest of justice.

Through

Applicant Appellant

M. Amin Ayub
&
M. Tariq Khan
Advocates, High Court Peshawar

Dated: 09/10/2024

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1869/2024

Hamid Saleem..... Appellant

Versus


Inspector General of Prisons KPK and others Respondents

INDEX

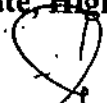
S.No.	Description of Documents	Date	Annex	Pages
1.	Memo of Service Appeal with Affidavit			1-6
2.	Medical Prescription		A	7-29
3.	Fitness Certificate	15.07.2024	B	30
4.	Impugned original order	18.07.2024	C	31
5.	Departmental Appeal	29.07.2024	D	32-34
6.	Impugned appellate order	23.09.2024	E	35
7.	Wakalat Nama			

Through

Appellant


Muhammad Amin Ayub
Advocate, High Court

&


Muhammad Tariq Khan
Advocates, High Court
4-B, Nimra Plaza
Opposite Govt. College, Peshawar
Cell # 0313-9040434

Dated: 04/10/2024

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1869/2024

Hamid Saleem

Ex- Warder (BPS-07)

Central Prison, Haripur.....Appellant

VERSUS

1. The Inspector General of Prisons
Khyber Pakhtunkhwa
Civil Secretariat, Peshawar.
2. The Deputy Inspector General of Prisons
Khyber Pakhtunkhwa
Abbottabad at Haripur.
3. The Superintendent
Circle Head Quarter, Prison, Haripur.....Respondents

SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORIGINAL IMPUGNED ORDER DATED 18.07.2024 WHEREBY APPELLANT WAS AWARDED MAJOR PUNISHMENT OF REMOVAL FROM SERVICE AGAINST WHICH HE FILED DEPARTMENTAL APPEAL BUT THE SAME WAS UNLAWFULLY REJECTED VIDE IMPUGNED APPELLATE ORDER DATED 23.09.2024.

PRAYER:

On acceptance of the instant appeal, the impugned original order dated 18.07.2024 passed by Respondent No.3 and the impugned appellate order dated 23.09.2024 passed by Respondent No.1, may graciously be set aside and appellant be reinstated into service with all back benefits.

Respectfully Sheweth,

Facts giving rise to the present appeal are as under:-

1. That appellant hails from respectable family of the locality. He joined the Respondents Department as Warder (BPS-07) on 05.10.2019. During his period

service, he performed his duties elegantly and was never ever proceeded against departmentally.

2. That while discharging duties against the subject post, all of sudden appellant suffered from various diseases like UTI, fever, body pain, Dengue and Typhoid and was confined to bed as is evidence form the Medical Prescriptions (*Annex:-A*). It is expounded that appellant continued treatment at the Government Hospital where the doctors prescribed complete bed rest from time to time. It is further contended that due to Dengue appellant was not in position even to say prayer that is why he could not send a written request, although he telephonically apprised the Department about his illness thereon, appellant was assured that they would sympathetically considered his request.
3. That following the doctor's instructions, appellant finally got rid of the diseases and was declared fit for service vide Medical Fitness Certificate dated 15.07.2024 (*Annex:-B*). On the same day appellant visited the office for performing duties and produced all the Medical Prescriptions alongside Fitness Certificate. The concerned quarter examined the documents and appellant was directed to come on following day for obtaining charge. In this context of the matter appellant appeared on the eventful day wherein all of sudden appellant was handed down the original impugned order dated 18.07.2024 (*Annex:-C*) whereby he was removed from service without taking into consideration his severe illness as before impugned order the factum of illness was very much in the knowledge of Respondents. Moreover, the Department could get information about it from the Government Hospital but invain.
4. That under the law, Respondents were supposed to comply with the requirements as embodied in Rule-5 of the Khyber Pakhtunkhwa Efficiency & Discipline Rules, 2011 read with Section-16 of the Khyber Pakhtunkhwa Civil Servant Act, 1973 by issuing Charge Sheet, Statement of Allegations, Show Cause Notice. Under the law the same are not formality but mandatory requirements because the purpose of the same is to furnish meaningful opportunity to delinquent civil servant to rebut the allegations leveled against him therefore, this important aspect of the matter was outright overlooked by the competent authority and indulged appellant into impugned major penalty.

Significant to aver here that after perusing the replies of the civil servant competent authority applied his judicious mind that whether the allegations were found to be proved or otherwise? and if the competent authority is satisfied that the charges were found to be proved then he has two options as envisaged in Rule-5 of the (E&D) 2011 either to impose penalty by issuing Show Cause Notice by dispensing with the regular inquiry or to conduct a regular inquiry.

5. That it is submitted that under the law Respondents were also supposed to issue the Final Show Cause Notice to the appellant but the same was not issued. It is momentous to expound that Rule-9 of the Rules *ibid*, was not complied with in letter and spirit and was inflicted upon major penalty of removal from service. Appellant being aggrieved of the impugned original order dated 18.07.2024 preferred Departmental Appeal (*Annex:-D*) but the same unlawfully rejected vide impugned appellate order dated 23.09.2024 (*Annex:-E*).
6. That appellant being mortally aggrieved of the impugned orders *ibid*, files the instant Service Appeal *inter-alia* on the following grounds:-

Grounds:

- A. That Respondents have not treated appellant in accordance with law, rules and policy on subject and acted in violation of Article 4 & 10A of the Constitution of Islamic Republic of Pakistan, 1973 and unlawfully issued the impugned orders, which are unjust, unfair and hence not sustainable in the eye of law.
- B. That it is steadfast scheme of service law that whenever an accused is subjected to departmental proceedings, a charge is framed in the shape of Charge Sheet and Statement of Allegations. The basic aim of the same is to inform the delinquent civil servant of the charges without any ambiguity and he has to be informed about type/nature of misconduct committed by him. Therefore, the aforementioned requirements have not been fulfilled which vitiate the whole process of impugned orders. Even a fact finding inquiry into the matter has not been conducted that too in case of major penalty.

- C. That the edifice of the departmental proceedings against the appellant is of the absence from service but when appellant after his recovery from illness approached the department for obtaining charge then he was not allowed to perform duties. Whether Department was not supposed to verify the stance of the appellant from concerned hospital? Thus, mandatory requirements as has been enunciated in Article-10A of the Constitution of Islamic Republic of Pakistan, 1973 have not been complied with and it would not be wrong to add here that on the basis of surmises and conjunctures appellant has been inflicted upon major punishment, which is liable to be set aside.
- D. That Section-16 of the Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rule-5 of the Khyber Pakhtunkhwa (E&D) Rules, 2011 necessitate that civil servant has to be treated in accordance with law and rules while Respondents adopted alien procedure rather the gravity of the charges leveled against the appellant required strict compliance of the rules ibid and it was the basic duty of the Respondents to conduct a regular inquiry. Moreover, the whole proceedings have been carried out in violation of Article-10A of the Constitution of the Islamic Republic of Pakistan, 1973.
- E. That it is a settled legal principle that where major penalty is proposed then only a regular enquiry is to be conducted wherein the accused must be associated with all stages of the enquiry including the collecting of oral and documentary evidence in his presence and he must be confronted to the same and must be afforded an opportunity of cross-examining the witnesses. Thus the impugned orders are nullity in the eye of law and hence liable to be set aside.
- F. That no opportunity of personal hearing was afforded to the appellant by the competent authority. Reliance is placed on 2003 SCMR 1126 which states that:-

“where the civil servant was not afforded a chance of personal hearing before passing of termination order, such order would be void ab-initio.”

Further reliance is placed on PLD 2008 SC 412 which states as under:-

“Natural Justice, principles of — Opportunity of hearing — Scope — order adverse to interest of a person cannot be passed

without providing him an opportunity of hearing — Departure from such rule may render such order illegal.”

Thus appellant was condemned unheard as the action has been taken at the back of the appellant which is against the principle of natural justice.


- G. **That** Respondent No.1 also failed to apply his judicial mind by adjudicating the Departmental Appeal of the appellant by means of impugned order because no chance of personal hearing was furnished to appellant. The requirements of Rule-5 of the Khyber Pakhtunkhwa Civil Servants (Appeal) Rules, 1986 have not been fulfilled and rejected the Departmental Appeal of the appellant without applying judicial mind.
- H. **That** the appellant has served the Department for about than 5 years and has consumed his precious life in the service and keeping in view his unblemished service record, the imposition of the major penalty in peculiar facts and circumstances of the case is harsh, excessive and does not commensurate with the guilt of the appellant.
- I. **That** appellant would like to offer some other additional grounds during the course of arguments when the stance of the Respondents is known to the appellant.

It is, therefore, humbly prayed that the instant appeal may graciously be accepted as prayed for above.

Any other relief as deemed appropriate in the circumstances of case not specifically asked for, may also be granted to appellant.

Through

Appellant


Muhammad Amin Ayub

&

Muhammad Tariq Khan
Advocates, High Court

Dated: 04 /10/2024

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. _____/2024

Hamid Saleem..... Appellant

Versus

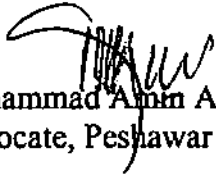
Inspector General of Prisons KPK and others Respondents.

Affidavit

I, Hamid Saleem S/o Banaras Khan, Ex-Warder (BPS-07), Central Prison Haripur, do hereby solemnly affirm and declare on oath that the contents of this Appeal are true and correct to the best of my knowledge, and nothing has been concealed from this Hon'ble Tribunal.

Deponent

Identified by



Muhammad Amin Ayub
Advocate, Peshawar

No. RS 10/-

OUT PATIENT DEPARTMENT

NAME

YEARLY NO 1973

DATE

DISEASE

inf. fl. scap
1. Oxidase
1. Trampol
1. Gram stain
17 deep in
inf. novidate
17 deep in
17 deep in

g/o → Tab. novidate 500P
1+1
17 deep in
17 deep in
17 deep in

And → Tab. Novis 100P
1+1
17 deep in
17 deep in
17 deep in

Crime pte → Cyan. mon. sacchar
1+1
17 deep in
17 deep in
17 deep in

→ 5P. extract
1+1
17 deep in
17 deep in
17 deep in

MEDICAL OFFICER

Signature

Signature

NOTE:

Complete Beal rest for 03 days

ANNEX A-7

-8-

Bilal Diaganostic Centre

New Text Document (3)

بلاں ڈائیگنوسٹک سنٹر

P NAME HAMID SALEEM Age 28yer DATE 25/05/2024

REF BY CIVIL HOSPITAL BATTLE
URINE ANALYSIS

LAB NO 31322

COLOR REDISH

PROTEIN TRACE

S P GREVETY Q N S

PH 5.0

SUGER NIL

MICROSCOPY

W B C NIL

R B C S NUMRUS

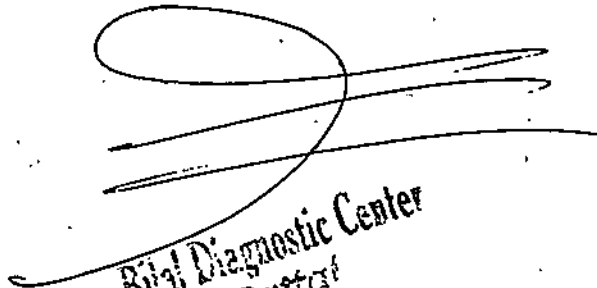
PUS CELL 16 18

BICTERIA NIL

CALCUM OXULATE +++

EPTTH CELL AFEW

CASTS NIL


Bilal Diagnostic Center
Battle

Page 1

NOT VALID FOR COURT USE

Near Civil Hospital Battal.

ELECTRIC VERIFIED REPORT NO SIGNATURE A STAMP RECORD

For Repatation of any Test Pleas Contact with In 24 Hours

-9-

No. _____ Rs 10/-

OUT PATIENT DEPARTMENT

NAME _____

YEARLY NO. 2112

DATE 29.05.2024

DISEASE UTI

BP = 120/70

Temp = 99.4 F

→ Tab Novidate 500mg 1+1

→ Tab Tramal 210

→ Tab Nise 100p 1+1

→ Syrup Citrakuta 2+2

Inj RL 500ml

Inj Oxidil 1g

Inj Neurobion

Inj Tramal 200p

Inj Cytavale

Inj Dexam 10

for 03 Days

NOTE: COMPLETE BED REST FOR 03 DAYS

 MEDICAL OFFICER
 H. H. S. Battal
 Mansehra.

NOTE: COMPLETE BED REST FOR
 MEDICAL OFFICER 03 DAY
 Mansoura

→ cap correct heart
 fever
 Body Pain
 → TAB PROBA N FIVE
 1-11-1
 → TAB MTP D
 3/2/11
 → 1- DX 3 - 2
 SUBCUTANEOUS 3/2/11

BP = 120/80
 Temp = 100.2 F
 11/11/11
 11/11/11

OUT PATIENT DEPARTMENT
 NAME: Mansoura
 YEARLY NO: 17
 DATE: 1-04-2024
 DISEASE: Fever + Body pain
 No. Rs 10/-

No _____ Rs 10/-
OUT PATIENT DEPARTMENT
 NAME P. N. 16
 YEARLY NO 243
 DATE 6-06-2024
 DISEASE Fever, Body pain

BP = 100/60
 Temp = 98.6 F° Rx
 C/o → Tab Leffix
 Fever → 1000
 Body pain → 1000
 Adv → Tab Benica 600
 malaria → 1+1
 Typhoid → Syp Gaviscan
 → Syp Ursout
 2+2

- 100g Pl. Soap
- 15 Oxidil
- 15 Neurobion
- 15 Multibiont
- 15 Dera
- 15 Uremim

05 Days

NOTE Complete bed rest for 03 Days

MEDICAL OFFICER
 P. N. 16

-12-

Bilal Diaganostic Centre

New Text Document

بیل ڈائیگنوسٹک سنٹر


P NAME HAMID SALEEM AGE 28YER DATE 04/06/2024

REF BY R H C BATTLE

LAB NO 254202

IMMUNOLOGY

TEST	RESULT	TEST
MALARIA		
Pv	Negative	
Pf	Negative	
TYPHEDOT		
IgG	positive	
IgM	positive	


Technologic Center
Battal

No _____ Rs 10/-

OUT PATIENT DEPARTMENT

NAME A. S. 1917

YEARLY NO 440

DATE 07-06-2024

DISEASE Dengue + Typhoid

BP = 90/60

15 Dyclo
17 Depo im

Temp. 99.6°F 19

C/o → Tab Arceva 80/480 P
1+1

Dengue
Typhoid → Cap Ultramycin 100P
1+1

Fever
Body
pain → Tab Proval N
1+1+1

Adm
Dengue
(Hive) → Tab Cal 1000 plus
1+1

→ Syp multibionta
2+2+2

05
Days

NOTE: Complete Bed Rest
for 03 Days

MEDICAL OFFICER
40th Battal
Jhansi

-14-

Bilal Diaganostic Centre

New Text Document

بیلال ڈیآئیگنوسٹک سنٹر

P NAME HAMID SALEEM AGE 28YER DATE 07/06/2024

REF BY R H C BATTLE

LAB NO 264482

IMMUNOLOGY

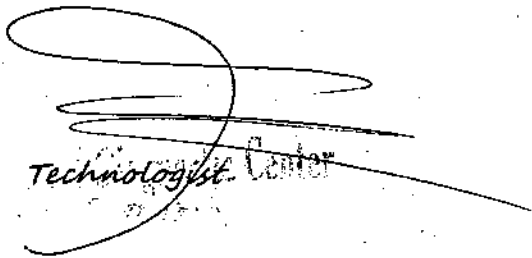
TEST	RESULT	TEST
------	--------	------

RESULT

Dengue

NSI	IgG	POSITIVE
-----	-----	----------

	IgM	POSITIVE
--	-----	----------


Technologist Center

Page 1

NOT VALID FOR COURT USE

Near Civel Hospital Battal.

ELECTRIC VERIFIED REPORT NO SIGNATURE A STAMP RECORD

For Repatation of any Test Pleas Contact with in 24 Hour

No. _____ 10/

OUT PATIENT DEPARTMENT

Name 910 Dated 10-06-2024

OPD No. 696 Disease Dengue (HML)

Mobile No. _____ CNIC No. 358331859785

Age 28 Gender M

No. _____ 10/

OUT PATIENT DEPARTMENT

Name _____ Dated _____

OPD No. _____ Disease _____

Mobile No. _____ CNIC No. _____

Age _____ Gender _____

Temp 101.2 F°

1st Provas
B.D
For 03 Days

BP 100/60 → Cap Cef-OD 400mg
(1/1) ①

→ Tab Wibgeric Forte
1+1+1

→ Tab Voxen 100mg
1+1

→ Syp Ledexplex
2+2

→ Syp Cpaviscon AD
2+2+2

- 03 Days

NOTE: Complete Bed Rest for 03 days

[Signature]
MEDICAL OFFICER
RHC Chhaplain

-16-

AKBAR HEALTH CLINICAL

LABORATORY

OPPOSITE GRIDSTATION CHATTAR PLAIN MANSEHRA

HEAMATOLOGY

CBC



COMPELTE BLOOD COUNT:



ID No :	1423
Date :	10/06/2024
Patient's Name:	HAMID SALEEM
Sex :	MALE
Age :	28 YEARS
Referred by :	RHC CHATTER PLAIN

Test	Result	Unit	Reference Range
WBC	6.4	/CMM	4.000 - 10.000
RBC	3.42	/CMM	3.80 - 5.30
Hemoglobin	11.5	/G/DL	Male:14 -18 Female:12 -16
Platelets	135,000	/CMM	150.000-400.000

Remarks: -
Special Remarks:

Printed by-ZAIN ALI SHAH(FSC MLT)(DMLT) at CHATTAR

NOT VALID FOR COURT

Dr. Bilal Akbar

MBBS (RMP) Peshawar
PMDC # 31205-N
Family Physician & Surgeon

Contact:03165440521 Fahad Ali Shah
03175595467 Zain Ali Shah

DMLT PESH FACULTY
FSC [MLT] BISE AID

Signature

No. _____ 10/-
OUT PATIENT DEPARTMENT
 Name 96 Dated 14-06-2024
 OPD No. 1052 Disease Dengue (true)
 Mobile No. 0713264881 CNIC No. 1382331859198
 Age 28 Gender M

No. _____ 10/-
OUT PATIENT DEPARTMENT
 Name _____ Dated _____
 OPD No. _____ Disease _____
 Mobile No. _____ CNIC No. _____
 Age _____ Gender _____

Bp = 100/60
 Temp = 100.6 F R

Inf. Proves
 B.D.
 Inf. D/sline
 sound
 ↳ Neurobion
 ↳ Oxidant
 ↳ Dele 10
 for 03 days

- 40 → Tab. Lefton 500-P
 (1/1) ①
- Weakness
 Backache → Tab. Arceva
 80/480-P
 1+1
- Tab. Tramal
 1+1
- Cap. Risedal 40P
 (1/1) ①
- Syrup Caprisom
 2+2

03
 days

Note:
 complete Blood count
 for 03 days

MEDICAL OFFICER
 RHC Chatterplain

AKBAR HEALTH CLINICAL

LABORATORY

OPPOSITE GRIDSTATION CHATTAR PLAIN MASSIHR

18

HEAMATOLOGY

CBC

COMPELTE BLOOD COUNT:

Test	Result	Unit	Reference Range
WBC	6.4	/CMM	4.000 - 10.000
RBC	3.42	/CMM	3.80 - 5.30
Hemoglobin	11.2	/G/DL	Male:14 -18 Female:12 -16
Platelets	115,000	/CMM	150,000-400,000

Remarks:
Special Remarks:-

Printed by-ZAIN ALI SHAH(FSC MLT)(DMLT) at CHATTAR

NOT VALID FOR COURT

Dr. Bilal Akbar

MBBS (RMP) Peshawar

PMDC # 3-31205-M

Family Physician & C

Contact:03165440521 Fahad Ali Shah
03175595467 Zain Ali Shah

DMLT PESHAWAR
FSC [MLT] BISE-ATD

Signature

No. _____ 10/
OUT PATIENT DEPARTMENT
 Name: 916 Dated: 21-06-2024
 OPD No: 1255 Disease: Dengue (mild)
 Mobile No: 03122649821 CNIC No: 1352391857285
 Age: 28 Gender: M

No. _____ 10/
OUT PATIENT DEPARTMENT
 Name: _____ Dated: _____
 OPD No: _____ Disease: _____
 Mobile No: _____ CNIC No: _____
 Age: _____ Gender: _____


Temp 99.6 F°
 BP: 90/60

1uf. R/C 500uf
 1- multibimil
 1- Neurobion
 1- Jellon
 1- Day 10
for 03 Days

→ Tab Surben 1/1
 (dis) ① 2)

Op
 weakness
 Body pain
 → Tab Neurobion 1+1/1
 → Tab Calcitriol 1+1
 → Syp Lysijm 2+2
 → Syp Lysovet 2+2
 } as days

Note: Complete Bed Rest
 for 03 Days

MEDICAL OFFICER
 RMC Chatterplain


-20-

AKBAR HEALTH CLINICAL

LABORATORY

OPPOSITE GRIDSTATION CHATTAR PLAIN MANSEHRA

HEAMATOLOGY

CBC



ID No :	1570
Date :	21/06/2024
Patient's Name:	HAMID SALEEM
Sex	MALE
Age :	28 YEARS
Referred by :	RHC CHATTER PLAIN

COMPELTE BLOOD COUNT:

Test	Result	Unit	Reference Range
WBC	6.4	/CMM	4.000 - 10.000
RBC	3.42	/CMM	3.80 - 5.30
Hemoglobin	10.6	/G/DL	Male:14 -18 Female:12 -16
Platelets	100,000	/CMM	150.000-400.000

Remarks:
Special Remarks:

Printed by-ZAIN ALI SHAH(FSC MLT)(DMLT) at CHATTAR

NOT VALID FOR COURT

Contact:03165440521 Fahad Ali Shah
03175595467 Zain Ali Shah

DMLT PESH FACILIT
FSC (MLT) BISE ATTD

Signature

No. _____ 10/_____
OUT PATIENT DEPARTMENT
 Name 196 Dated 24-06-2024
 OPD No. 1350 Disease Weakness
 Mobile No. _____ CNIC No. 1356281859255
 Age 28 Gender M

No. _____ 10/_____
OUT PATIENT DEPARTMENT
 Name _____ Dated _____
 OPD No. _____ Disease _____
 Mobile No. _____ CNIC No. _____
 Age _____ Gender _____

Temp 98.5F
 Bp: 100/60 Rx
 mg. kflexin B.D
 for 30 days

C/o → Tab. Cal 1000 plus
 Weakness → Tab. paracetamol
 Body pain → 2+2+2
 Adv → Tab. Calsan D
 che → 1/1/1 D
 → Syr. Fresorela B
 2+2
 05 days

Note Complete Bed Rest for 03 days

MEDICAL OFFICER
 RMC Naerplain

-22-

AKBAR HEALTH CLINICAL

LABORATORY

OPPOSITE GRIDSTATION CHATTAR PLAIN MANSIIRA

HEAMATOLOGY

CBC



COMPELTE BLOOD COUNT:



ID No :	1426
Date :	24/06/2024
Patient's Name:	HAMID SALEEM
Sex	MALE
Age :	28 YEARS
Referred by :	RHC CHATTER PLAIN

Test	Result	Unit	Reference Range
WBC	6.4	/CMM	4.000 - 10.000
RBC	3.42	/CMM	3.80 - 5.30
Hemoglobin	10.2	/G/DL	Male:14 -18 Female:12 -16
Platelets	80,000	/CMM	150,000-400,000

Remarks:
Special Remarks:

Printed by-ZAIN ALI SHAH(FSC MLT)(DMLT) at CHATTAR

Jr. Bilal Akbar
MBBS (P) ...
Faculty of ...

NOT VALID FOR COURT

Contact:03165440521 Fahad Ali Shah
03175595467 Zain Ali Shah

DMLT PESH FACULTY
FSC [MLT] BISE AID

Signature

No. _____ 10/-
OUT PATIENT DEPARTMENT
 Name: 210 Dated: 27-06-2024
 OPD No: 1552 Disease: Dengue (vire)
 Mobile No: 0313-2669894 CNIC No: 13503-31859785
 Age: 28 Gender: M

No. _____ 10/-
OUT PATIENT DEPARTMENT
 Name: _____ Dated: _____
 OPD No: _____ Disease: _____
 Mobile No: _____ CNIC No: _____
 Age: _____ Gender: _____

inj Provas
 inj Rf. sooml
 inj oxidil lg
 inj Rixek long
 inj Naspa
 inj Dena 10

Bp = 100/70
 Temp = 100.4F°

→ Cap Caricef long
 1/1/1 (D)
 Weakness → Cap Rixek long
 Fever 1+1
 Stomach pain → Tab Relispa F
 1+1+1
 Adu → Tab panadol
 1+1+1
 → H. pylori → Sup. Surbex 2
 11+11

05
 Days

NOTE:
 Complete Bed Rest
 for 03 Days

MEDICAL OFFICER
 [Signature]

-24-

AKBAR HEALTH CLINICAL

LABORATORY

OPPOSITE GRIDSTATION CHATTAR PLAIN MANSEHRA

BIO CHEMISTRY



H.PYLORI AB



ID No : 1534
 Date : 27/06/2024
 Patient's Name: HAMEED SALEEM
 Sex : male
 Age : 28 Y
 Referred by : RHC CHATTAR PLAIN

TEST	RESULT	REFERENCE RANGE
H. Pylori Ab	positive (+ive)	NEGATIVE

Remarks: (weekly positive)
 Special Remarks:
 Note:

Printed by Zain ali shah (DMLT) (Fsc MLT) at Chattar on 23/07/2024

Dr. Bilal Akh
 MBBS (RMP) Fcch
 PMDC # 31205
 Family Physician & Surgeon

NOT VALID FOR COURT

Contact: 03165440521 Fahad Ali Shah
 03175595467 Zain Ali Shah

DMLT PESHAWAR FACULTY
 FSC (MLT) BISE ATD

Signature

No. 101
OUT PATIENT DEPARTMENT
 Name M. W. Dated 04-07-2024
 OPD No. 280 Disease H. pylori + Helicobacter pylori
 Mobile No. 0313-2669881 CNIC No. 350331859781
 Age 28 Gender M

1 -> Dyclon
 1 -> Belup in

Bp = 80/80 RP

Temp = 96.5 F° → Tab. Lefflor 500p
 (1/2) ①

Go → Cap. Amoxicap
 1+1

Stomach Pain → Cap. Riser 40p
 1+1

Weakness → Tab. Riam 400p
 1+1+1 05 Days

Ado → Tab. Panadep
 1+1+1

CBC → Sy. Gavison
 2+2

NOTE: → Sy. Trimetabep
 2+2
 Occur 1/3

Complete Bed Rest
 for 03 Days
 MEDICAL OFFICER
 M. W. Chatterplain

-27-

AKBAR HEALTH CLINICAL

LABORATORY

OPPOSITE GRIDSTATION CHATTAR PLAIN MANSEHRA

HEAMATOLOGY



ID No :	1690
Date :	04/07/2024
Patient's Name:	HAMID SALEEM
Sex :	MALE
Age :	28 YEARS
Referred by :	RHC CHATTER PLAIN

CBC



COMPELTE BLOOD COUNT:

Test	Result	Unit	Reference Range
WBC	8.9	/CMM	4.000 - 10.000
RBC	4.86	/CMM	3.80 - 5.30
Hemoglobin	13.8	/G/DL	Male:14 -18 Female:12 -16
Platelets	155,000	/CMM	150.000-400.000

Remarks: -
Special-Remarks:

Printed by-ZAIN ALI SHAH(FSC MLT)(DMLT) at CHATTAR

NOT VALID FOR COURT

Contact:03165440521 Fahad Ali Shah
03175595467 Zain Ali Shah

DMLT PESH FACULTY
FSC (MLT) BISE ATD

Signature

No. _____ 10/

OUT PATIENT DEPARTMENT

Name Muhammad Dated 09-07-2024

OPD No. 507 Disease Stomach pain, Body pain

Mobile No. 03132669881 CNIC No. 350331859785

Age 28 Gender M

Bp = 20/60

Temp = 98.4° Re

100 mg N/Clue 100mg
 15 Risedal 40p
 15 Cravimate
 15 Dusp. II

- 40
- Stomach pain
Body pain
- Tab. Lefflox 500 p (1/2) ① for 3 days
 - Cap. Amoxicil 250 p 1+1
 - Cap. Risedal 20 p 1+1
 - Tab. Nims 1+1
 - Tab. Riam 400 p 1+1
 - Sup. Lagula Adv 2+2+2
- 05 days

NOTE:
 Complete Bed rest
 for 03 days

MEDICAL OFFICER
 SNC / Natio plain

12/07/2024
MEDICAL OFFICER
S. Prasad

28/12/24
B. Srinivas
12/12/24
Job Wadgaonkar
11/12/24
8th U/Sonic
12/12/24
Cap. Amel
12/12/24
Ambidichis
(Cle/Hoe 500)

OUT PATIENT DEPARTMENT

No. 10/

Name: P. M. S. OPD No.: 691

Dated: 12.07.2024

Disease:

Mobile No.: CNIC No.: 350331859183

Age: 28 Gender: M

ANNE B - 30 -

RURAL HEALTH CENTRE CHATTAR PLAIN
DISTRICT MANSEHRA



MEDICAL FITNESS CERTIFICATE

NAME	HAMID SALEEM,
SON OF	BANARAS KHAN
DATE OF BIRTH	03-12-1995
SEX	MALE
CNIC	13503-3185978-5
NATIONALITY	PAKISTANI
RESIDENT OF	SHARKULAI P/O CHATTAR PLAIN TEHSIL BAFFA DISTRICT MANSEHRA

PHYSICALLY EXAMINATION:

Height: 5'-9"	Weight: 67 kg	Pulse: 80/pm	BP: 110/80
Heart :	Lungs: <i>WNL</i>	Abd: <i>Soft Non Tender</i>	Hemla: <i>Normal</i>
Skin: Normal	Varicose: <i>NIL</i>	RT Ear: <i>Normal</i>	Left Ear: <i>Normal</i>
Vision: (R)	Vision: (L)	Color Sense:	Extremities:

INVESTIGATIONS:

Physically fit

f
and
DR. JANVEER AZAM
MBBS, MS, FRCS (S) Medical Officer
General Physician & Surgeon
Rural Health Centre
Chattar Plain Mansehra

1507
2024



ANNEX C - 31-

**OFFICE OF THE SUPERINTENDENT
CIRCLE HQs PRISON HARIPUR**
Ph/Fax-0995-920066
centralprisonhr@gmail.com
No. 3127 - Dated 18-07-2024

ORDER

WHEREAS, Warder (BPS-07) Hamid Saleem S/O Banaras Khan posted at Central Prison Haripur was granted 04 days casual leave from 20-05-2024 to 24-05-2024 by Superintendent Central Prison Haripur but he failed to resume his duty on expiry of his leave and absented himself from duty with effect from 25-05-2024 till removal from service without any intimation to the competent authority, therefore, a notice was served on him at his home address by Superintendent Central Prison Haripur vide his letter No. 5260 dated 10-06-2024. with the direction to resume duties immediately failing which disciplinary action would be initiated against him under the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011,

AND WHEREAS, after expiry of more than 15 days period, the said Warder neither resumed duty nor any intimation was received from his end, as reported by Superintendent Central Prison Haripur vide his letter No. 5537 dated 24-06-2024. Therefore, as required under Rule-9 of ibid rules, a notice was published in daily newspapers i.e Daily Mushriq Peshawar dated 29-06-2024 by directing him to resume duty within 15 days of publication of the notice. But after the lapse of the stipulated period given in the notice he neither resumed his duty nor any response was received from his end as confirmed by Superintendent Central Prison Haripur vide his letter No. 6178 dated 18-07-2024.

NOW THEREFORE, in exercise of powers conferred under Rule-9 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, the undersigned being competent authority, hereby awards major penalty of "Removal from Service" to Warder Hamid Saleem S/O Banaras Khan (BPS-07) posted at Central Prison Haripur from the date of his willful absence i.e 25-05-2024.

**SUPERINTENDENT
CIRCLE H.Q. PRISON HARIPUR**

ENDST; NO. 3128-83 - 1.

Copy of the above is forwarded to:-

1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information please.
2. The Deputy Inspector General of Prisons Khyber Pakhtunkhwa Abbottabad at Haripur for information please.
3. The Superintendent, Central Prison Haripur for information and necessary action with reference to his letters referred to above. Necessary entry may be made in the Service Book of above named warder after proper attestation.
4. The District Accounts Officer Concerned for information.
5. Incharge Pay Branch, Central Prison Hairpur for information and necessary action.
6. Mr. Hamid Saleem S/O Banaras Khan Resident of Cirkale P/O Chatar plan, Tehsil & District Mansehra for information.

**SUPERINTENDENT
CIRCLE H.Q. PRISON HARIPUR**

D.N. 15735
Date 29/7/24.

ANNEX D - 32-

To,

The Learned Inspector General of Prison
KPK, Peshawar.

**Subject:- DEPARTMENTAL APPEAL
REPRESENTATION AGAINST THE IMPUGNED
OFFICE ORDER DATED 18.07.2024,
WHEREBY THE APPELLANT WAS REMOVED
FROM SERVICE.**

Respectfully Sheweth:

1. That the Appellant is peaceful and law abiding citizen of Pakistan and is entitled for all the legal and fundamental rights guaranteed under the constitution of Islamic Republic of Pakistan 1973.
2. That initially Appellant was appointed against the post of Warder (BPS-07) on 05.10.2019. From the day first he performed his duties with the entire satisfaction of high up and has never ever been proceeded against departmentally.
3. That the appellant while performing his duty against the subject post got severely ill, as is evident from the Medical Descriptions and was not in a position to intimate the Department. Although Appellant informed the Department telephonically thereon, he was assured that they will consider the issue of his illness.
4. That as has been stated herein above, the appellant was ill and he wanted to perform his duties but due to his medical health he was not in position to assume his charge as per the doctor advise.
5. That it is pertinent to mention here that after recovery of the illness appellant was declared fit for performing his duties and in this respect a

fitness certificate had been issued to the Appellant vide dated 15.07.2024.

6. That thereafter the appellant visited the office on 18.07.2024 for obtaining the charge against the subject post, but he was handed over the impugned office order dated 18.07.2024, whereby he was visited with the major punishment of removal from service.
7. That the being aggrieved of the impugned order prefer this departmental Appeal, inter alia on the following grounds:

GROUND:

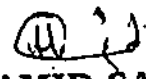
- A. That the valuable rights of the Appellant has been violated, as it is the legal and fundamental right of any citizen of Pakistan to be given proper opportunity of being heard, but in the instant case of the Appellant, even not any proper inquiry / investigation has been made in the case of the Appellant and had issued the impugned order dated 18.07.2024 in hasty manner.
- B. That a set procedure has been provided under the E&D Rules 2011 but department has badly failed to comply with even a single provision of the Rule ibid, therefore the impugned order is not sustainable in the eyes of law and is liable to be set aside.
- C. That admittedly as per the medical prescription, the appellant was severely ill and was not in a position to perform his duties, after his recovery the appellant promptly joined his duties, but he was not allowed rather was handed down the impugned office order, therefore, the impugned office order is not only against the natural justice but also is the violation of the Section 16 of the Rules Ibid.

- D. That neither department issue charge sheet, statement of allegation but also did not comply with the required laid down by the Rules *ibid*, which states that a final show cause notice has to be issue in two leading newspapers, but the same requirements had not been implemented by the Department concerned.
- E. That it is steadfast principal of law that even in case of a minor penalty department is supposed to conduct a regular inquiry, but unfortunately in case in hand of the appellant, even a major has been awarded and that too without conducting even a fact finding inquiry, therefore the impugned office order is liable to be set aside only on this score.
- F. That fundamental rights of the Appellant had been violated.
- G. That any other grounds will be raised at the time of arguments with prior permission of this Hon'ble Court.

It is, therefore, most humbly prayed that on acceptance of this Appeal, the Impugned Order 17.08.2024 may kindly be set aside and the Appellant may kindly be re-instated on his service with all back benefits.

APPELLANT

Dated: 29.07.2024


HAMID SALEEM
S/o Banaras Khan
Ex-Warder BPS-07
Cell # 0313-2669881

Note:
All Relevant record / documents is annexed herewith the instant Appeal.



OFFICE OF THE
INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

☎ 091-9210334, 9210406 📠 091-9213445

No. Estb/Ward/Orders/ 38216 /-

Dated 23-09-2024 /- ³⁵

ANNEX E

ORDER:

WHEREAS, Ex-Warder Hamid Saleem S/O Banaras Khan while attached to Central Prison Haripur was awarded the major penalty of "Removal from Service" by the Superintendent Headquarters Prison Haripur vide his office order No. 31 dated 13-06-2024 due to his misconduct/willful absence from duty w.e.f 25-05-2024 till the date of his removal from service i.e. 18-07-2024.

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

AND WHEREAS, he was afforded an opportunity of personal hearing on 13-09-2024. 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. 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. 38217-201

Copy of the above is forwarded to the:

1. DIG Regional Prison Office Abbottabad at Haripur for information and necessary action with reference to his letter No. 951 dated 06-08-2024.
2. Superintendent Central Prison Haripur 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 Haripur for information.
4. PS to Inspector General of Prisons Khyber Pakhtunkhwa Peshawar.

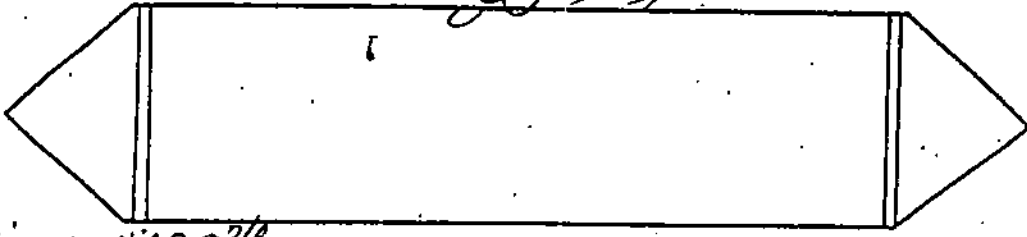
[Signature]
**ASSISTANT DIRECTOR
INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR**

BC No. 16-6633

17301-9749632-9

0313-9040434

بعد التمسک سے درخواستیں



2024ء مخائب ایسڈ
صاحب سلیم بنام حکومت گلشن

سید حسین

موزخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کاروائی متعلقہ
آن مقام کے لئے جس کے لئے درخواستیں کی گئی ہیں۔

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز

دکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ بر حلف دیئے جواب دہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور صولی چیک دروپیا عرضی دعویٰ اور درخواست ہر قسم کی تصدیق

زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرفہ یا اپیل کی برادگی اور منسوخ

نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور

کے کل یا جزوی کاروائی کے واسطے اور دکیل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقرر کا اختیار

ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ

پر داخستہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائنا اتوائے مقدمہ کے سبب سے ہوگا۔

کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو دکیل صاحب پابند ہوں گے۔ کہ پیروی

مذکورہ کریں۔ لہذا وکالت نامہ لکھد یا کہ سند ہے۔

المرقوم 04 ماہ 2024ء

بمقام

کے لئے منظور ہے۔

Attest
Accepted
by

Handwritten signature and stamp.