


# FORM OF ORDER SHEET

Court of \_\_\_\_\_

**Appeal No.** 2285/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	04/11/2024	<p>The appeal of Mst. Irum Zaib refiled today by registered post through Muhammad Arshad Khan Tanoli Advocate. It is fixed for preliminary hearing before touring Single Bench at A.Abad on 26.11.2024. Counsel for the appellant has been informed telephonically.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

**Application Id:** 99

**CNIC:** 1310109147461

**Appellant:** Irum Zaib Ex-Warder BPS-07, District Jail Mansehra Versus Inspector General Prison  
Khyber Pakhtunkhwa, Peshawar & others.

**Department:** Police

**Type:** Appeal

**Submitted on:** 21-10-2024 02:09:27pm

**Description:** Service Appeal under Section 4 of KP Service Tribunal Act, 1974 against the impugned dismissal order dated 26/05/2024 may graciously be ordered to be set-aside and respondents may be directed to re-instate the appellant in service with all service back benefits. Any other relief which this Honourable Tribunal deems appropriate may also be granted to the appellant.

**Objections:**

The appeal is received in soft copy through the e-filing system has been found correct. You may now submit it in hard copy for further proceeding.

[View PDF](#)

Pending

[View PDF](#)

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

Service Appeal No 2285 /2024

Irum Zaib Ex-Warder (BPS-07), District Jail Mansehra.

...APPELLANT

**VERSUS**

Inspector General (Prison) Khyber Pakhtunkhwa, Peshawar & others.

...RESPONDENTS


**SERVICE APPEAL**


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Dated: 21/10/2024

Through;

*Irum Zaib*  
...APPELLANT  
  
(Muhammad Arshad Khan Tanoli)  
Advocate Supreme Court of Pakistan  
At Abbottabad

  
(Muhammad Ibrahim Khan)  
Advocate High Court, Abbottabad

1

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

Service Appeal No. 2285 /2024

Irum Zaib Ex-Warder (BPS-07), District Jail Mansehra.

...APPELLANT

**VERSUS**

1. Inspector General (Prison) Khyber Pakhtunkhwa, Peshawar.
2. Superintendent District Jail Mansehra.
3. Superintendent Circle Headquarter Prison Haripur.

...RESPONDENTS

**SERVICE APPEAL UNDER SECTION 4 OF  
KP SERVICE TRIBUNAL ACT, 1974.**

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**PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL, THE IMPUGNED DISMISSAL ORDER DATED 26/05/2024 MAY GRACIOUSLY BE ORDERED TO BE SET-ASIDE AND RESPONDENTS MAY BE DIRECTED TO RE-INSTATE THE APPELLANT IN SERVICE WITH ALL SERVICE BACK BENEFITS. ANY OTHER RELIEF WHICH THIS HONOURABLE TRIBUNAL DEEMS APPROPRIATE MAY ALSO BE GRANTED TO THE APPELLANT.**

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Respectfully Sheweth;

The facts forming the back grounds of instant service appeal are arrayed as under;-

1. That the appellant is permanent resident of Abbottabad and was serving in District Jail Abbottabad as warder. The appellant remained ever dutiful and left no stone unturned in the smooth functioning of the prison department.
2. That after a period of 15 months, of her appointments, all of a sudden, the appellant was illegally transferred from District Jail Abbottabad to District Jail Mansehra vide order/letter dated 13/05/2024. Copy of transfer order dated 03/05/2024 is annexed as Annexure "A".
3. That during this period, the appellant was suffering from cardiac decease and remained under treatment at DHQ Hospital Abbottabad as well as in Ayub Teaching Complex for proper diagnosis/treatment. Copy of medical documents/prescriptions chits are annexed as Annexure "B". Therefore, the appellant due to her severe cardiac ailment she could not take charge of the post in District Jail Mansehra.
4. That the appellant provided her medical documents to the concerned quarters but during the absence period respondents' department ordered an inquiry under the supervision of respondent No.3 in which, the inquiry officer recommended removal of the appellant from service, therefore, the appellant was

removed from service on 25/06/2024 and the appellant received the said impugned removal from service order on 30/07/2024. Copy of impugned removal from service order dated 25/06/2024 is annexed as Annexure "C".

5. That the appellant feeling aggrieved from the impugned order dated 25/06/2024 filed departmental appeal to respondent No.1, who, rejected the appeal of the appellant vide letter dated 23/09/2024. Copy of letter regarding rejection of department appeal dated 23/09/2024 is annexed as Annexure "D". Hence, the service appeal is being filed inter-alia on the following grounds:-

**GROUNDS:-**

- a) That spouse of the petitioner namely Aftab Ahmed Pump Mechanic in Galliyat Development Authority, Abbottabad. Copy of the appointment order of the spouse of the appellant dated 09/03/2009 is annexed as Annexure "E". Therefore, as per spouse policy, both the spouses are to serve on the same District/Area. The transfer order on the basis of which, the appellant has been removed from service is against the law as well as transfer policy in-vogue.
- b) That the entire inquiry proceedings were conducted in the absence of the appellant and no show cause notice statement of

4  
allegations were provided to the appellant on her postal address. It is further submitted that as mentioned above, the appellant was suffering from cardiac ailment during the period of her inquiry.

c) That, the inquiry report is the result of auditorim-palterm and no opportunity was provided to the appellant to defend her case. It is also submitted that, the appellant is a low paid govt. employee and the respondents' department without following the procedure laid down in KP Reville Leave Rule 1981 have been removed from service.

d) That the respondents department did not consider the ailment and bother to get the medical documents of the appellant verified from the next Higher Medical Authority to the effect as to whether the medical documents produced by the appellant were genuine or otherwise.

e) That the circumstances under which, the appellant remained absent near about one and a half month were beyond the control of the appellant as a human being and in such circumstances the punishment awarded to the appellant i.e removal from service is pungent and against the principle of natural justice.



- f) That the matter pertains to terms and condition of service, Hence according to Article 212 (2) of the Constitution of Islamic Republic of Pakistan, this Honourable Tribunal has jurisdiction to entertain instant service appeal.
- g) That instant service appeal of appellant is well within the period of limitation.
- h) That the other grounds shall be urged at the time of arguments with the permission of Honourable Tribunal.

It is humbly prayed that on acceptance of instant service appeal, the impugned dismissal order dated 26/05/2024 may graciously be ordered to be set-aside and respondents may be directed to re-instate the appellant in service with all service back benefits. Any other relief which this honourable tribunal deems appropriate may also be granted to the appellant.

*Joan Sab*  
...APPELLANT

Through;

Dated: 21/10 2024

*(Muhammad Arshad Khan Tanoli)*  
Advocate, Supreme Court of Pakistan  
At Abbottabad

*(Muhammad Ibrahim Khan)*  
Advocate High Court, Abbottabad

**VERIFICATION:-**

Verified on oath that the contents of foregoing service appeal are true and correct to the best of our knowledge and belief and nothing has been concealed therein from this Honourable Tribunal.

*Joan Sab*  
...APPELLANT

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11

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

LUGOJAL  
18370 111

Service Appeal No. \_\_\_\_\_/2024

Irum Zaib Ex-Warder (BPS-07), District Jail Mansehra.

...APPELLANT

**VERSUS**

Inspector General (Prison) Khyber Pakhtunkhwa, Peshawar & others.

...RESPONDENTS

11 10 2024  
11 10 2024

**SERVICE APPEAL**

**AFFIDAVIT**

I, Irum Zaib Ex-Warder (BPS-07), District Jail Mansehra, do hereby solemnly affirm and declare that the contents of forgoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Tribunal.

*Irum Zaib*  
**DEPONENT**

**OFFICE ORDER****Annex-A****P-7**

The following Postings / Transfers are hereby ordered with immediate effect:-

S#	Name and parentage	Designation	From	To
1.	Nimra Saeed D/O Muhammad Saeed	Female Warden (BPS-07)	DJ Manshra	DJ Abbottabad Vice No. 2
2.	Irum Zaib D/O Muhammad Jahanzeb	Female Warden (BPS-07)	DJ Abbottabad	DJ Manshra Vice No. 1
3.	Nusrat Gul D/O Yaseen	Female Warden (BPS-07)	DJ Manshra	SJ Dassu Kohistan Vice No. 4
4.	Farhat Bibi D/O Aurangzeb	Female Warden (BPS-07)	SJ Dassu Kohistan	DJ Abbottabad Vice No. 5
5.	Qurat ul Ain D/O Ali Akhtar	Female Warden (BPS-07)	DJ Abbottabad	DJ Manshra Vice No. 3
6.	Fizza Bibi D/O Muhammad Safdar	Female Warden (BPS-07)	DJ Manshra	SJ Besham at Shangla Vice No. 7
7.	Kausar Perveen W/O Muhammad Nazir	Female Warden (BPS-07)	SJ Besham at Shangla	DJ Manshra Vice No. 6

**Note:**

The officials concerned shall be relieved immediately by making local arrangements and not more than 03 days joining time is allowed.

**SUPERINTENDENT****CIRCLE HQs PRISON HARIPUR**Endst No. 1717-261

Copy of the above is forwarded to the:-

1. Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information please.
2. Deputy Inspector General of Prisons RPO Abbottabad at Haripur for information please.
3. Superintendents DJ Abbottabad, DJ Manshra & SJ Besham at Shangla for information and further necessary action please.
4. Superintendent SJ Dassu Kohistan for information and with the directions relieve Female Warden at Sr. No. 05 immediately to DJ Manshra please.
5. DAOs concerned.

**Added****W/O****SUPERINTENDENT****CIRCLE HQs PRISON HARIPUR**





OPD Prescription form

Name : IRAM ZEB  
Father Name :  
Husband Name : MUHAMMAD JHANZEB  
Age : 32 Year(s) 03 Month(s) 20 Day(s)  
NIC # : 131010-770100  
Patient Type : REGULAR

P-9

OPDICAL-A  
MAY-24 13:15:45  
SHAYAN KHAN  
100003628746  
241663056  
Female

Investigation

recurrently low fever

ck

→ Fever  
→ palpitation } 1 day

- Chest pain

OK

= Bilirubin & haemoglobin

Rx

Tab. lictor 20cp

TCIS - 171

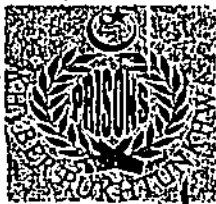
→ Ech. show - Sinus tachycardia

BP 100/60 mmHg  
Pulse 154 bpm  
C. Ref. to cardiology opinion

Attest D

ADW  
→ CBC  
→ MP  
→ ECG

15 days bed rest



OFFICE OF THE SUPERINTENDENT

CIRCLE HQs PRISON HARIPUR

Ph/Fax-0995-920066

centralprisonhr@gmail.com

No. 2645 - Dated 25/06/2024

Annex-C P 10

ORDER

WHEREAS, Irum Zaib Female warder (BPS-07) on eve of her transfer from District Jail Abbottabad to District Jail Manshera was relieved by Superintendent District Jail Abbottabad on 08-05-2024 allowing 01 days joining time. She was due to resume her duty on 10-05-2024 at District Jail Manshera but she failed to do so, as reported by Superintendent District Jail Manshera vide letter No.1317-WE dated 13-05-2024. A notice was served on her home address vide Superintendent circle Headquarter Prison Haripur letter No. 2125 dated 23-05-2024 with the direction to resume duty immediately failing which disciplinary action would be initiated against her under the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011.

AND WHEREAS, after expiry of more than 15 days period, the said female warder neither resumed duty nor any intimation was received from her. Therefore, as required under Rule-9 of ibid rules, a notice was published in daily newspaper i.e Mashriq Peshawar dated 05-06-2024 by directing her to resume duty within 15 days of publication of the notice. But after the lapse of the stipulated period given in the notice she neither resumed her duty nor any response was received from her end as confirmed by Superintendent District Jail Manshera vide his letter No. 1434 dated 20-06-2024.

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 Irum Zaib Female warder (BPS-07) posted at District Jail Manshera from the date of her willful absence i.e 10-05-2024.

SUPERINTENDENT  
CIRCLE H.Q. PRISON HARIPUR

ENDST; NO. 2646-51-1

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, District Jail Manshera for information and necessary action with reference to his letter refer to above. Necessary entry may be made in her Service Book after proper attestation.
4. The Superintendent, District Jail Abbottabad for information.
5. The District Accounts Officer Concerned for information.
6. Irum Zaib, Kolony Chuhakari P/O Nawasher, Tehsil & District Abbottabad Cell No. 03409138930.

SUPERINTENDENT  
CIRCLE H.Q. PRISON HARIPUR

Attested  
[Signature]



Annex, D

P

11

OFFICE OF THE  
INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR  
☎ 091-9210334, 9210406 📠 091-9213443  
No. 32284-27  
Dated 22-09-2024

**ORDER:**

**WHEREAS,** Ex-Female Warden Mst. Irum Zaib while under transfer from District Jail Abbottabad to District Jail Mansehra was awarded the major penalty of "Removal from Service" by the Superintendent Headquarters Prison Haripur vide his office order No. 2645 dated 25-06-2024 due to his misconduct / willful absence from duty w.e.f 10-05-2024 till the date of her removal from service i.e. 25-06-2024

**AND WHEREAS,** the said Female Warden preferred her departmental appeal for setting aside the penalty awarded to her and also requested for reinstatement into service.

**AND WHEREAS,** she was afforded an opportunity of personal hearing on 13-09-2024. Her appeal was examined in light of the available record of the case and it was observed that the penalty was awarded to her by the competent authority due to her 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 her 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. 32284-27

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. 952 dated 06-08-2024.
2. Superintendent District Jail Mansehra for information and necessary action. He is directed to inform the appellant accordingly and to make necessary entry in her Service Book under proper attestation.
3. Mst. Irum Zaib D/O Muhammad Jehan Zaib R/O Village / Post Office Choona Kari Nawan Shehr, Tehsil / District Abbottabad for information.
4. PS to Inspector General of Prisons Khyber Pakhtunkhwa Peshawar.

*Mst. Irum Zaib*  
Mst. Irum Zaib  
District Jail Mansehra  
District Jail Mansehra

*[Signature]*  
**ASSISTANT DIRECTOR  
INSPECTORATE GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR**  
*[Signature]* 22/09/2024

**GALIYAT DEVELOPMENT AUTHORITY, ABBOTTABAD**

Ph: No. +92 992 9310240

Fax No. +92 992 9310288

NO.GDA/PEK/1258-63/ADMN:

Dated: 10/09/03/2009.

**NOTIFICATION:**

*Annex-E*

*P-12*

Consequent upon the decision conveyed through Notification NO. PA/N W F P /Legislation /2005/20440 dated 23/07/2005 issued vide Secretary Provincial Assembly of N W F P and Notification No. SO. Regulation (E &AD)I-13/3005 Dated 10/08/2005 issued by the Government of N W F P Establishment and Administration Department (Regulation Wing ) Peshawar, and in consideration of the recommendation of the Departmental Promotion committee Mr. Aftab Ahmad Pump Mechanic appointed on contract basis vide this office Letter No. GDA/108/189-93/Admr dated 11/07/2006 is hereby regularized in service from the date of joining.

1. He will be treated as regular employees of this authority w. e. f. of his joining and there will be no need renewal of the contract/service as per condition of his appointment order as will be entitle to retain in service normally up to the age of superannuation just like other regular employees.
2. He will be entitled for all benefits of services i. e BPS-5 just like other regular government employees except pension. However he will be entitle for contributory Provident Fund (CP FUND) as per policy of the Provincial Government.
3. He will be entitle for Promotion all of other benefits just like other regular employees of this authority.
4. Necessary entry to this effect should be made in his service book recorded accordingly.

*[Signature]*  
2 DIRECTOR GENERAL  
GALIYAT DEVELOPMENT AUTHORITY  
ABBOTTABAD

**Copy to:**

1. The Secretary LG&RDD Govt of N W F P Peshawar.
2. The Director GDA
3. Deputy Director GDA
4. AD(T) GDA
5. Account Officer GDA
6. All Official Concerned.

*[Signature]*  
2-DIRECTOR GENERAL  
GALIYAT DEVELOPMENT AUTHORITY  
ABBOTTABAD



P-13

To

The Inspector General Prisons Khyber  
Pakhtunkhwa  
Peshawar

Subject: DEPARTMENTAL APPEAL AGAINST IMPUGNED REMOVAL FROM  
SERVICE ORDER DATED 25.06.2024

Sir,

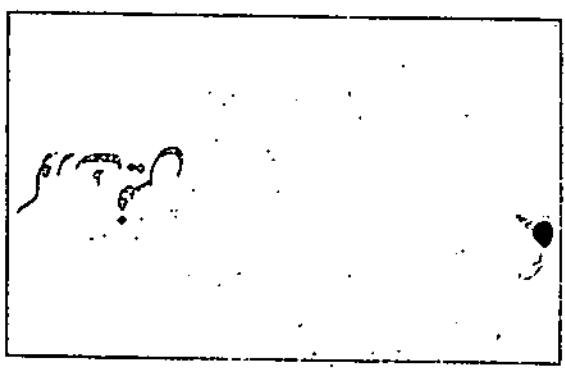
1. Reference is made to the impugned removal from service order dated 25.06.2024 of the appellant. *Copy of impugned removal from service order is attached.*
  2. That the appellant is permanent resident of District Abbottabad and her spouse is also serving in Galiyat Development Authority in Abbottabad.
  3. That the appellant was serving in District Haripur. Besides, she was looking after her 3-month-old female baby. All of a sudden, the appellant was illegally transferred from Abbottabad Prison to Manshera Prison vide dated 08.05.2024. In the meanwhile, the appellant was suffering from cardiac disease and reported to DHQ Hospital Abbottabad and later on to Ayub Medical Complex for proper diagnosis and treatment. *Copy of prescription slip of the OPD are attached.*
  4. That as per law, the appellant was to be posted in Abbottabad Prison under the well-known Spouse Policy. The Superintendent Prison Headquarter Haripur illegally transferred the appellant from Abbottabad to District Mansehra but due to severe ailment of heart diseases, could not take charge of the post at Manshera.
  5. That without conducting proper inquiry, issuing show cause notice, providing opportunity of personal appearance / hearing, the appellant has been removed from service which is illegal and against KP Efficiency and Discipline Rules, 2011. Besides, no opportunity of fair trial has been provided to the appellant. Therefore, the impugned removal from service order dated 25.06.2024 is liable to be set aside.
  6. That the circumstances were beyond the control of the appellant as a human being. The impugned removal from service order dated 25.06.2024 is against the law as well as against the principle of natural justice and is a result of *ex-parte* proceedings.
- In view of the above, it is prayed that impugned order of the removal of service dated 25.06.2024 may be set aside and the appellant may kindly be reinstated in service with all service back benefits.

Yours Obediently

*Younis Zaib*

Irum Zaib  
Ex-Warder

Village P.O NawanShehr, Choona Kari  
Tehsil & District Abbottabad



وکالت نامہ

Service Tribunal Wple Peshawar

Num 243 Pt. 15-P & others

Appellant

Service Appeal

انچیتر آفیس

خدمت میں آئی طرف سے ایک درخواست

M. Asad Khan Peshawar

میں سے درخواست کی ہے کہ اس کی

میں سے درخواست کی ہے کہ اس کی

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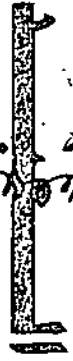
As - of Peshawar

M. Asad Khan

مقام:

M. Asad Khan

مقام:



Service Tribunal

