# FORM OF ORDER SHEET

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The appeal of Mr. Wisal Khan received today i.e on 29.10.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- According to sub-rule-4 of rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974 respondent nos. 3 and 4 are un-necessary/improper parties, in light of the rules ibid and on the written direction of the Worthy Chairman the above mentioned respondent number be deleted/struck out from the list of respondents.
- 2- Copies of charge sheet, statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal be placed on it.
- 3- Address of appellant is incomplete be completed according to rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 4- Annexures of the appeal are not sequence.

No.\_\_\_\_\_/Inst./2024/KPST,

Dt. 29/10 /2024.

SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Mr. Zarawar Khan Adv. High Court at Swat.

OBSECTION No, 1 is RECTIFIED.

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## BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA AT PESHAWAR.

Service Appeal No. 2396 of 2024

Wisal Khan

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VERSUS Inspector General of prison etc

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8)	Medical documents		11-16
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	Appellant	<u> </u>	

Through

ZARAWAR KHAN Advocate High Court Office Room No. 32, 34 Sultan Tower, Makanbagh

Mingora, Swat

Cell # 03469692085

## <u>BEFORE THE SERVICE TRIBUNAL KHYBER</u> <u>PAKHTUNKHWA AT PESHAWAR.</u>

Service Appeal No. 2396 of 2024

....

### VERSUS

> Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the office order No.875 dated 11/03/2024 OB No. nil, vide which the respondent No.2 removed appellant from service.

## PRAYER IN APPEAL.

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On acceptance of the instant appeal, the appellant may kindly be reinstated and be awarded back benefits for period of absence from service may also be allowed on humanitarian grounds.

Any other remedy which deems proper, efficacious and just may kindly be granted in favour of appellant under the inherent powers of this tribunal.

## Respectfully Sheweth:

- 1. That the appellant is resident of Islampur, Saidu Sharif Tehsil Babozai District Swat.
- 2. That the appellant was appointed initially against the post of warder by respondents.
- 3. That while the appellant served regularly and devotedly, and later on the appellant got severe ill and was admitted in Saidu Group of Teaching Hospital Swat and having prolong disease, unavoidable circumstances, remained absent from service as evident from medical certificates and record. (copies are attached)
- 4. That the appellant personally approached to the officials but no intimation was taken by the concern officials.
- 5. That the appellant being a severely ill and due to prolong diseases as evident from medical certificates, receipts overleaf.
- 6. That subject to prolong illness the appellant absented due to natural reasons and as a result of which the learned respondent No.2 vide order dated 11/03/2024 removed appellant from service. (copy of order dated 11/03/2024 passed by respondent No.2 is annexure A)
- 7. That the appellant moved an application / departmental appeal on dated 17/04/2024 before the worthy respondent No.1. (copy of application dated 17/04/2024 is annexure B)

D

- That the learned respondent No.2 vide order dated 8. dismissed appeal of appellant vide order No 17/05/2024 .2/398 dated 17/05/2024. (copy of order dated 17/05/2024 is annexure C)
- 9. That the appellant seeks vires of the above said orders before the honorable tribunal on one's amongst several other grounds.

## Grounds

- That the impugned orders of the above said forums а are illegal, unlawful, being carried out against the appellant in a slipshod and flimsy manners and grounds.
- b That perusal of the service record has been tentatively assessed subject to which the impugned orders were passed.
- That due deliberations and due course has not been C adopted while perusing service record of the appellant.
- d That all the proceeding against the appellant has been adopted and conducted in an arbitrary manners.
- That rights of service and liabilities of the authorities е in the case of appellant have been ignored while dealing with the case of appellant.

- g That the respondents have not adopted the prescribed procedure as laid down by the law & procedure given in the said rules.
- h That the impugned orders are fanciful arbitrary and harsh in nature, therefore, liable to be set aside.
- i That with the permission of this Honorable Court other grounds which are not mentioned in this appeal shall be argued at the time of arguments.

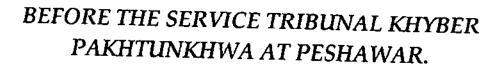
On acceptance of the instant appeal, the appellant may kindly be reinstated and be awarded back benefits for period of absence from service may also be allowed on humanitarian grounds.

Any other remedy which deems proper, efficacious and just may kindly be granted in favour of appellant under the inherent powers of this tribunal

for

Wisal Khan /appellant

ZARAWAR KHAN Advocate High Court Office Room No. 32, 34 Sultan Tower, Makanbagh Mingora, Swat Cell # 03469692085



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Service Appeal No. .....of 2024

Wisal Khan

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VERSUS Inspector General of prison etc

## <u>AFFIDAVIT</u>

I, Wisal Khan S/O Mian Taukal Khan R/O Islampur, post office Saidu Sharif, Tehsil Babuzai District Swat, do hereby state on oath that the contents of this appeal are true and correct to the best of my knowledge and belief and nothing has been kept from this august court/tribunal.

- Luisi Deponent : Wisal Khan (appellant)



## <u>BEFORE THE SERVICE TRIBUNAL KHYBER</u> <u>PAKHTUNKHWA AT PESHAWAR.</u>

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Service Appeal No.\_\_\_\_\_ of 2024

Wisal Khan, Ex-warden......Vs.....Inspector General of Prisons, etc.

## Address of the parties.

<u>Appellant</u>

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Wisal Khan S/o Mian Taukal Khan, Ex-warden(jail), Khyber Pakhtunkhwa, Prisons Department, resident of Islampur, post office Saidu Sharif, Tehsil Babuzai District Swat.

Respondents.

(1)Inspector General of Prison Police, Khyber Pakhtunkhwa at Peshawar. (2)Superintendent Prison circuit head quarter prison, Haripur.

Wisal Khan (Appellant),

Through:

(Zarawar Khan) Advocate, High Court.

## BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA AT PESHAWAR.

Service Appeal No. .....of 2024

Wisal Khan VERSUS Inspector General of prison etc Application for condonation of delay

Respectfully Sheweth:

The applicant submits as under.

- 1) That the above-mentioned case is being filed today in this Honorable Court, which has not yet been fixed for hearing.
- 2) That the applicant due to his illness was not in the position to
- approach this Honorable Court on time and is still
- undertreatment due to which the applicant could not submit the case within time.

## PRAYER

In the above stated circumstances, it is therefore, humbly prayed, that on acceptance of this application the delay in instant case may kindly be condoned as prayed for.

Applicant Journ

Wisal Khan



## OFFICE OF THE SUPERINTENDENT CIRCLE HQs PRISON HARIPUR

No. 11-03-8024 Dated

<sup>4</sup>WHEREAS, the following warders (3PS-07) posted at Central Prison Haripur absented/deserted themself from duties from the dates as noted against their names without prior permission of the competent authority as reported by Superintendent Central Prison Haripur vide latters No. 387 dated 16-01-2024;No.388 dated 12-000;No.678 dated 12-000;

S#	Name of Warders	Absence dates
Ι.	Muhammad Wisal S/O Mian Taukai Khan.	05-01-2024 till removal from service.
2.	Mr.Israr Ahmad S/O Muhammad Javed.	29-12-2023 till removal from service.
5.	Mr.Husnain Ali S/O Abdur Rehman.	29-12-2023 till removal from service.

Notices were served on them at their home address vide this Circle Headquarter letters No.310 dated 23-01-2024, No.322 dated 23-01-2024 & No.344 dated 24-01-2024 respectively with the direction to resume duties immediately failing which disciplinary action would be initiated against them under the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011.

AND WHEREAS, after expiry of more than 15 days period, the said warders neither resumed duty nor any intimation was received from their end. Therefore, as required under Rule-9 of ibid rules, a notice was published in daily newspaper i.e Mashriq Peshawar dated 13-02-2024 by directing them to resume duty within 15 days of publication of the notice. But after the lapse of the stipulated period given in the notice they neither resumed their duty nor any response was received from their end as confirmed by Superinte-dent Central Prison Haripur vide his letter No. 2051 dated 08-03-2024.

NOW THEREFORE, in exercise of powers conferred under Rule-9 of Khyber Pokhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, the underseared being competent authority, hereby awards major penalty of "Removal from Service" to the below noted warders posted at Central Prison Haripur from the dates of their willful absence:-

S#	Name of Warders	Absence dates
1	Muhammad Wisal S/O Mian Taukal Kium.	05-01-2024 till removal from service.
2.	Mr.Israr Ahmad S/O Muhammad Javed	29-12-2023 till removal from service.
3.	Mr.Husnain Ali S/O Abdur Rehman.	29-12-2023 till removal from service.

SUPERIN **CIRCLE H.Q. PRISON HARIPUR** 

ENDST; NO. 876-

Copy of the above is forwarded to:-

- The Dep Ayasispector General of Prisons Hazara at Haripur for information please.
- 2. The Superintendent, Central Prison Haripur for information and necessary action with reference to his letter refer to above.
- 3. The District Accounts Officer Haripur for information.
- 4. Mr. Muhammad Wisal S/O Mian Taukal Khan, Islampur P/O Saidu Sharif tehsil Babuzai & District Swat.
- 5. Ar. Israr Ahmed S/O Muhammad Javed, Syria P/O L or Najibullah, Tehsil & District Haripur.

6. Mr. Husnain Ali S/O Abdur Rehman, Moh Peeran Wala, Darwaish, Tehsil & Apprict Haripur.

ERINTENDE:/T CIRCLE H.Q. PRISON MARIBUR

Annea (B)

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#### The Inspector General Prison,

#### Khyber Pakhtunkhwa, Peshawar

## DEPARTMENTAL APPEAL AGAINST ORDER OF REMOVAL FROM SERVICE DATED 11/03/2024

Respected Sir,

To,

The appellant submits as follows:

#### Brief Facts:

That the appellant is serving as a warder in the esteemed Department of Khyber Pakhtunkhwa Prison, posted at Circle H.Q. Haripur.

- 1. That the appellant has served the said Department entirely to the satisfaction of his superiors, and no complaints whatsoever have been made against the appellant throughout.
- 2. That the appellant fell ill and remained absent from duty for almost 2 months. However, to the great astonishment of the appellant, he received his removal from service order a few days ago.
- 3. That the appellant fell ill and due to which he was unable to attend his duty and this fact had been conveyed to the concerned quarters. However, to the great surprise of the appellant, he received his removal/termination order a few days ago.
- 4. That the punishment of removal from service is not justified and needs to be set aside on the following grounds:

#### Grounds:

a. That the punishment of removal from sprvice is too harsh as the appellant's absence was due to illness, which was communicated to his immediate superiors (copies of medical reports/prescriptions attached).

b. That the appellant has been condemned unheard without fulfilling the law and the rules, and hence requests to be heard in person.

c. That the appellant was unaware of the publication in the Dally Mashriq regarding his absence from duty, as he resides in a village/far-flung area 10 kilometers away from the city, where there is no circulation of the said newspaper.

d. That this Departmental Appeal is filed within the prescribed time limit.

e. That the appellant is a young man from a poor family, with no other means of income, and wishes to continue his job/service.

f. That the appellant pledges and commits not to repeat the same mistake hence requires to be given a chance and opportunity through his reinstatement.

g. That the appellant fully submits and currenders to the mercy and kindness of your good self.

h. That the appellant has been awarded major punishment in an unfair and hurried, manner, contrary to the norms of law and justice.

i. That the illness of the appellant, the severity of the punishment, and the fact that his family relies solely on his income demand that a very lenient view be kindly taken, converting the punishment to another form and reinstating the appellant's service. Your good self is fully empowered and competent to do so. The appellant shall always be thankful to your good self for this act of kindness.

Taking into account the above facts and circumstances, the appellant kindly requests to be reinstated in his service.

The sea

MUHAMMAD WISAL (WARDER)

8/O MIAN TAUKAL KHAN

Dated: 17/04/2024





OFFICE OF THE INSPECTOR GENERAL OF PRISONS KHYBER PAKHTUNKHWA PESHAWAR O91-9210334, 8210408 491 541 541 541 No.EsthwanuOrdana 2-1372 Dated 12.02

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WHEREAS, Ex-Warder Molaminad Wisal S/o Mian Taukal Khan while posted at Central Prison Hampur was awarded the major penalty of "Removal from Service" by Superintendent HQs Prison Hampur vide order No. 875 dated 11-03-2024 due to his misconduct / willful absence w.e.f. 05-01-2024 to the date of his removal from service on 11-03-2024.

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

AND WHEREAS, he was afforded an opportunity of personal hearing on 14-05-2024. His appeal was examined in light of the available record of the case and it was observed that the penalty was awarded to him by the competent authority due to his misconduct / willful absence mentioned above after observing all legal and codal formalities as required under Government Servants (Efficiency & Discipline) Rules, 2011. The record reveals that he is hall tual of absenteeism. 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. 2/399 - 4001-Copy of the above is forwarded to the:

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20/05/074

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 Superintendent Headquarters Prison Haripur for information and w/r to his letter No. 1627/WE dated 29-04-2024.

2. Superintendent Central Palsen that par 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 Contral Prison Haripyr for information

PS to Inspector General of Prisons Khyber Pakhtunkhwa Peshawar

ASSISTIONT DIRECTOR INSPECTORATE GENERAL OF PRISONS KHYBER/PAKHTUNKHWA PESHAWAR 17/05/2024

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بدایات برائے مربقی به کارڈ سنیےال کررکھیں ادر معائنہ کے دقت ہمراہ لائیں ۔ <u>د اکٹر کی دی گئی ہدایات پڑ کمل کریں بغیر مشور ہ دوائی بند نہ</u> کریں۔ دوائی بندکرنے سے مرض کا ددبارہ حملہ ہوسکتا ہے۔ Head Department of Psychiatry Assistant Professor Dr. Mohammad Rehman MBBS, DCP. MRC Psych. (UK) ذہنی امراض قابل علاج ہیں۔ انکاعلاج دفت پر کرائیں ان کا Assistant Professor تعلق حاد دادر جنات ينهيس ، وتا -Dr. Mian Nizam Ali MBBS, MCPS (Psychi) Assistant Professor مریض اگر معمول کے طابق گھر کے کام کاج میں مصروف Dr. Ashfaq Hussain e MBBS, DCP (Ireland), FCPS (Psych) ر بي توبياس كيليخ مفيد ب-Sonior Registrer Dr. Gohar Ali MBBS, MCPS (Psych) FCPS-II (Psych) تمام نشهآ در چیزوں سے پر ہیز لازم ہے در نہ مرض کا دوبارہ Senior Registrar Dr. Saad Ali Khan حمله ہوسکتا ہے۔ MBBS, FCPS (Psych) ڈاکٹر کی ہدایات کے مطابق مریض کومقررہ تاریخ پر معائنہ كيليح ضرورلائس -Dlagnosis Estar Klevra Poridopa Anex-M EvoKalm l 🗤 indigeran Inneses Cartalans Internet L'ANYTHING , NAME Summingun -Netrator #2.580m On Prove 1000 14 - SOLEAN PALICADED 13/14170108 201540

Browler OF TEACHING NO. DEPARTMENT OF PSYCHIATRY **DISCHARGE SLIP** Medical Officers: Dr. Naveed Alam MBBS, MCPS (TC) Dr. Adnan Khan MBBS, FCPS (TC) Dr. Shabana Afridi MBBS Dr. Erum Aftab MBBS Inchargo Medical Technologis# Mohammad Saleem B.Sc Pharmacy (Posh) Name M. Miscul Age/Sex\_57452/11 Address 12 Dompur \_Adm: No:\_\_\_\_\_\_\_\_ D.O.A. 06/10/0230.0.0 04/10 Transformt Acula, Golden Prezs Minnora Ph; 711474

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