



Form- A

FORM OF ORDER SHEET

Court of _____

Case No. - 3875 /2021


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	17/03/2021	<p>The appeal of Mst. Shagufta Naz resubmitted today by Mr. Saadullah Khan Marwat Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 17/3/2021</p>
2-	01/4/21	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>27/05/21</u></p> <p style="text-align: right;"> CHAIRMAN (for completion) (see post facto)</p>

27.05.2021

Appellant present in person. Preliminary arguments heard.

Points raised need consideration. The appeal is admitted to regular hearing subject to all legal objections available to the respondents. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days of the receipt of notices positively. If the written reply/comments are not submitted within the stipulated time, the office is required to submit the file with a report of non-compliance. File to come up for arguments on 14.09.2021 before the D.B.

Appellant Deposited
Security & Process Fee

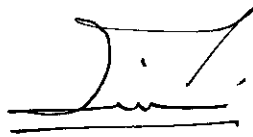

Chairman


ORDER
14.09.2021

Appellant alongwith her counsel Mr. Arbab Saiful Kamal, Advocate present. Mr. Riaz Ahmed Paindakheil, Assistant Advocate General for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the instant appeal is accepted. The impugned orders dated 15-02-2021 and 04-03-2021 are set aside and the appellant is re-instated in service with all back benefits. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
14.09.2021


(SALAH-UD-DIN)
MEMBER (JUDICIAL)


(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)


the appellant was not treated in accordance with law and was penalized in an arbitrary manner without any proof.

05. In view of the foregoing discussion, the instant appeal is accepted. The impugned orders dated 15-02-2021 and 04-03-2021 are set aside and the appellant is re-instated in service with all back benefits. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
14.09.2021



(SALAH-UD-DIN)
MEMBER (JUDICIAL)



(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)

responsibilities; that the appellant was proceeded against on the above mentioned charges and was rightly penalized in accordance with law and rule.

04. We have heard learned counsel for the parties and have perused the record. Perusal of the Charge sheet/statement of allegations would reveal that two charges have been leveled against the appellant that she did not permit other female warders for search, thus creating disturbance and two mobile sets were recovered from inmates, allegedly supplied by the appellant. placed on record is a one page inquiry report, which cannot be termed as a regular inquiry, as the allegations leveled against her were not proved, rather it was assumed that cell phones recovered from inmates were supplied by the appellant. Neither statement of any witness was recorded nor any other solid evidence was produced to substantiate their stance, rather the inquiry officer only discussed her personal traits. Based upon such inquiry report, imposition of major penalty would be an action taken on malafide. It however is a well-settled legal proposition supported by various judgments of the Supreme Court of Pakistan that regular inquiry is must before imposition of major penalty of removal from service, which however was not done in case of the appellant. We have also noted that the charges leveled against the appellant are factual in essence, which cannot be proved without conducting a regular inquiry. As per jail manual, even for the staff of the jail, there is a set procedure to be followed, while entering inside the jail and body search is conducted at more than one point involving several employees of the jail and it would be unjust without solid proof to assume that the appellant had supplied cell phones to the inmates. The other allegation too is presumptive in nature as the appellant being a warder is not competent to permit or stop her other colleagues from conducting search in any ward of the jail. On the other hand stance of the appellant to the effect that being a female, she is being treated discriminately also holds grounds, as the proceedings conducted so far against the appellant are replete with deficiencies and it seem that the action so taken against the appellant is based on malafide, as

under the law are badly violated; that the flimsy charges leveled against the appellant were never proved, as no proper inquiry was conducted; that the inquiry so conducted did not touch the allegations leveled against the appellant, nor any evidence produced to prove such allegations against the appellant; that not a single witness was examined to establish the charges leveled so far against the appellant; that the charges so leveled are factual, which cannot be proved without conducting regular inquiry; that while imposing major penalty, the principle of natural justice required that a regular inquiry was to be conducted in the matter and opportunity of defense and personal hearing was to be provided to the civil servant proceeded against, otherwise civil servant would be condemned unheard and major penalty of dismissal from service would be imposed upon him without adopting the required mandatory procedure, resulting in manifest injustice. Reliance was placed on 2008 SCMR 1369; that the appellant was never associated with the so-called inquiry proceedings and where civil servant is not associated with inquiry proceedings nor is he afforded opportunity to cross-examine witnesses produced against him, inquiry proceedings and consequential order regarding his dismissal suffered from inherent legal defects. Reliance was placed on 1997 SCMR 1073; that the respondents were bent upon removing the appellant from service, as she did not bow down before the illegal demands of the respondents; that female employees in the department are being subjected to miserable life by their superiors and they are discriminated at every stage due to male dominance.

03. Learned Assistant Advocate General for the respondents has contended that the appellant was not performing her duty with devotion and due to such reason, disciplinary proceedings had been conducted against her several times during her entire service and finally she was removed from service after observing all the legal formalities; that the appellant was disrespectful to her officers, creating problems at every occasion; that cell phone is strictly prohibited with inmates inside the jail premises, but two cell phones were recovered from the ward under supervision of the appellant, which shows her reckless behavior towards her official

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 3875/2021

Date of Institution ... 11.03.2021

Date of Decision ... 14.09.2021

Shagufta Naz D/O Maiz Ullah Khan, R/O Ahmadi Banda, Karak Ex-Warder, Central Jail, Bannu ... (Appellant)

VERSUS

Superintendent, Circle Hqrs: Prision, D.I Khan and two others. ... (Respondents)

ARBAB SAIFUL KAMAL,
Advocate ... For Appellant

RIAZ AHMED PAINDAKHEIL,
Assistant Advocate General ... For Respondents

SALAH-UD-DIN ... **MEMBER (JUDICIAL)**
ATIQ-UR-REHMAN WAZIR ... **MEMBER (EXECUTIVE)**

JUDGMENT

ATIQ-UR-REHMAN WAZIR MEMBER (E):- Brief facts of the case are that the appellant was appointed as Warder in Prison Department vide order dated 12-01-2015. During the course of her service, she was proceeded against on the charges of misconduct and was ultimately removed from service vide impugned order dated 15-02-2021. Feeling aggrieved, the appellant filed departmental appeal dated 23-02-2021, which was rejected vide order dated 04-03-2021, hence the instant service appeal instituted on 11-03-2021 with prayers that the impugned orders dated 15-02-2021 and 04-03-2021 may be set aside and the appellant may be re-instated in service with all back benefits.


02. Learned counsel for the appellant has contended that the appellant has not been treated in accordance with law, hence her rights secured and guaranteed

The appeal of Mr. Shagufta Naz Ex-Warder Central Jail Bannu received today i.e. on 11/03/2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Annexures-A, B and D of the appeal are illegible which may be replaced by legible/better one.

No. 537 /S.T.

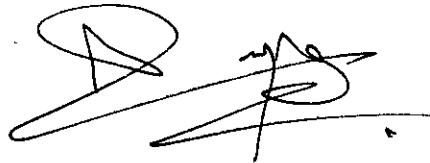
Dt. 11/03 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Saadullah Khan Marwat Adv. Pesh.

Sir

Re-submitted after removing
the objections.



BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

S.A. No. _____ /2021

Shagufta Naz

versus

Superintendent & Others

I N D E X

S. No.	Documents	Annex	P. No.
1.	Memo of Appeal		1-4
2.	Statement of Allegation, 29-01-2021	"A"	5
3.	Nomination of IO dated 03-02-2021	"B"	6
4.	Reply to CS/ Statement of Allegations dated 09-02-2021	"C"	7
5.	Impugned order dated 15-02-2021	"D"	8
6.	Departmental Appeal dated 23-02-21	"E"	9
7.	Rejection Order dated 04-03-2021	"F"	10

Appellant

Through



Saadullah Khan Marwat
Advocate

21-A, Nasir Mansion,
Shoba Bazaar, Peshawar

Ph: 0300-5872676

0311-9266609

Dated 10-03-2021

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. 3875 /2021

Shagufta Naz D/O Maiz Ullah Khan,
R/O Ahmadi Banda, Karak.
Ex-Warder, Central Jail,
Bannu Appellant

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 3499

Dated 11/3/2021

VERSUS

1. Superintendent, Circle Hqrs:
Prison, D.I Khan.
2. Inspector General, Prison
KP, Peshawar.
3. Superintendent, Central Prison
Bannu. Respondents

⇔<=>⇔<=>⇔<=>⇔<=>⇔

APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, 1974
AGAINST OFFICE ORDER NO. 553-56, DATED 15-02-
2021 OF R. NO. 1, WHEREBY MAJOR PENALTY OF
REMOVAL FROM SERVICE WAS IMPOSED OR OFFICE
ORDER NO. 6586/6587-89 DATED 04-03-2021,
WHEREBY DEPARTMENTAL APPEAL OF APPELLANT
WAS REJECTED FOR NO LEGAL REASON.

⇔<=>⇔<=>⇔<=>⇔<=>⇔

Respectfully Sheweth;

1. That appellant was appointed on 12-01-2015 as Warder B-05 now B-07 in the department and served the same with devotion till the date of removal from service.
2. That on 29-01-2021, appellant was served with Statement of Allegations to the effect:-

Female Warder Shguftha Naz attached to Central Prison Bannu not permit other female Warders for search and created disturbance.

Filed to-day
ew,
Registrar
11/3/2021
Re-submitted to -day
and filed.
ew,
Registrar
12/3/2021

She was bound to figure out who is using cellular phones but she acted vice-versa and created fuss by obstructing search team headed by acting Deputy Superintendent Aurangzeb Khan of Central Prison Bannu, moreover, 02 mobiles phones were recovered from the possession of two female inmates which were supplied by the female Warder Shagufta Naz.

In the said charge sheet, Mr. Ijaz Ahmad, Assistant Superintendent Jail, Central Prison D.I Khan was appointed as Inquiry Office. (Copy as Annex "A")

3. That appellant submitted application before the authority to change the Inquiry Officer as She has no confidence over him to conduct impartial enquiry in the matter because he was the nominee of R. No. 01 and in pursuance of the same, the said Inquiry Officer was changed by appointing M. Rauf Fida, Assistant Superintendent Jail, D.I Khan vide order dated 03-02-2021. (Copy as Annex "B")
4. That on 09-02-2021, Charge Sheet / Statement of Allegation was replied and appellant denied the allegation with cogent reason and leveled cogent allegations against Sami Ullah Khan, Superintendent Jail, Bannu. (Copy as Annex "C")
5. That perhaps enquiry into the matter was initiated but the same was not conducted as per the mandate of law. No statement either of appellant nor of the concerned witnesses was recorded in her presence nor she was afforded opportunity of cross examination, however, as per her knowledge, she was recommended for major punishment, yet no enquiry report was supplied to her.
6. That on 15-02-2021, major penalty of removal from service was imposed upon appellant by R. No. 1. (Copy as Annex "D")
7. That on 23-02-2021, appellant submitted departmental appeal before R. No. 02 for re-instatement in service which was rejected on 04-03-2021. (Copies as Annex "E" & "F")

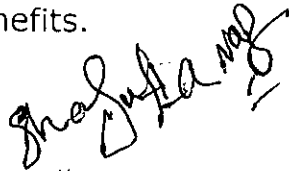
Hence this appeal, inter alia, on the following grounds:


GROUNDS:

- a. That Female employees in the department are passing miserable life at the hands of the supervisors. God help them to save their skins from ill-wishers.
- b. That Frivolous Allegations were leveled against appellant instead of real as no one is allowed except authority to enter into the premises of female prison and prior to the same, several incidents took place by harassing and dis-gracing female employees inside the prison.
- c. That except the authority, no one is legally empowered to enter female prison but some of the constables at the instance of R. No. 01 were frequently enters inside the females prison for no legal reason but for ulterior motive.
- d. That appellant refused to bow before the ill-wishes of the R. No. 03, so the same situation was resulted into removal from her service.
- e. That appellant never allowed/provided to any female Warder any cellular phones for using the same to any Warder, This was mere allegation to oust appellant from service.
- f. That enquiry into the matter was not conducted as per the mandate of law as no statement of any concerned witness was recorded in her presence nor she was allowed to cross examine them, being mandatory.
- g. That appellant was not provided opportunity of personal hearing and self defense in the matter nor she was supplied enquiry proceedings to her to ascertain quantum of punishment.
- h. That appellant was performing duties with Interment Center, Lakki Marwat with Army. She was only deputed to Central Jail Bannu and was not permanently posted there, so respondents were not legally empowered to probe against her but to refer the matter to the concerned quarter for the purpose if any misconduct was made.


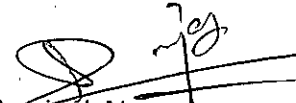
- i. That appellate order was also in total dis-regard of law as appellant was the sole employee of Police Department and was not liable to deal her under KP (Efficiency and Disciplinary Rules), 2011, but to be dealt with under the Police Rules, so the impugned order are not only illegal but are void ab-initio.
- j. That both the impugned orders are based on ulterior motive as appellant was not succumbing to the ill-wishes of the respondents.

It is, therefore, most humbly prayed that on acceptance of the appeal, order dated 15-02-2021 and 04-03-2021 of the respondents be set-aside and appellant be reinstated in service with all consequential benefits.


Appellant.

Through

Saadullah Khan Marwat


Miss Rubina Naz


Arbab Saiful Kamal

Amjad Nawaz

Dated: 10-03-2021

Advocates

OFFICE OF THE SUPERINTENDENT
PRISONS CIRCLE HEAD QUARTER D.I KHAN

No.280/ PB Date 29-01-2021

PH&FAX No. 0966-9280299

Cpdikhan1@gmail.com

DISCIPLINARY ACTION.

1. Muhammad Binyamin Khan Superintendent Headquarter Prison DI Khan as competent authority, am of the opinion that Female Warder Shagufta Naz attached to Central Prison Bannu has rendered her liable to be proceeded against her committed of the following acts of misconduct within the meaning of Section 3 of the Khyber Pakhtunkhwa (Efficiency & Discipline) Rule 2011.

STATEMENT OF ALLEGATIONS.

1. Female Warder Shagufta Naz attached to Central Prison Bannu did not permit other female warders for search and created disturbance. She was bound to figure out who is using cellular phones but she acted vice versa and "created" fuss"by" obstructing search team headed by acting Deputy Superintendent Aurangzeb Khan of Central Prison Bannu. Moreover, 02 mobile phones were recovers from the possession of two female inmates which were supplied by the Female Warder Shagufta Naz.
2. Mr. Ijaz Ahmad Assistant Superintendent Jail attached to Central Prison DI Khan is hereby appointed as Inquiry Officer.
3. The Inquiry Officer shall in accordance with the provisions of the Ordinance provide a reasonable opportunity of hearing to the accused, record his findings and make within fifteen days of receipt of this order, recommendation as to punishment or other appropriate action against the accused official.
4. The accused official and a well conversant representative of the department shall join the proceedings at the date, time place fixed by the Inquiry Officer.

Sd/-

SUPERINTENDENT
CIRCLE HQS PRISON DI KHAN

Endst. No. 281-83/2021.

Copy of the above is forwarded to the:

1. Mr. Ijaz Ahmad Assistant Superintendent Jail attached to Central Prison DI Khan, Inquiry Officer for initiating proceedings against the above named warder under the meaning of Section 3 of the Khyber Pakhtunkhwa (Efficiency & Discipline) Rule 2011.
2. Female Warder Shagufta Naz attached to Central Prison Bannu with the direction to appear before the Inquiry Officer for the purpose of Inquiry Proceedings.
3. Superintendent Central Prison Bannu for information with reference to his No. 543-we dared 28-01-2021 with the request to produce the relevant record before the Inquiry Officer and assist him during the Inquiry proceedings. One copy of the same duly signed and dated by above named official may be returned to this office as a token of receipt.

Sd/-

SUPERINTENDENT
CIRCLE HQS PRISON DI KHAN

Attested


A

5

29-1-21



OFFICE OF THE SUPERINTENDENT
PRISONS CIRCLE HEAD QUARTER D.I.KHAN
No. 530 / PB Date
PH&FAX No. 0966-9220299
cpdkhan1@gmail.com

DISCIPLINARY ACTION

1. Muhammad Binyamin Khan Superintendent Headquarter Prison D.I.Khan as competent authority, am of the opinion that Female Warder Shagufta Naz attached to Central Prison Bannu has rendered her liable to be proceeded against her committed the following acts of misconduct within the meaning of Section 3 of the Khyber Pakhtunkhwa (Efficiency & Discipline) Rule 2011.

STATEMENT OF ALLEGATIONS.

1. Female Warder Shagufta Naz attached to Central Prison Bannu did not permit other female warders for search and created disturbance. She was bound to figure out who is using cellular phones but she acted vice versa and created fuss by obstructing search team headed by acting Deputy Superintendent Aurangzeb Khan of Central Prison Bannu. Moreover, 02 mobile phones were recovered from the possession of two female inmates which were supplied by the Female warder Shagufta Naz.

2. Mr. Ijaz Ahmed Assistant Superintendent Jail attached to Central Prison D.I.Khan is hereby appointed as Inquiry Officer.

3. The Inquiry Officer shall in accordance with the provisions of the Ordinance provide a reasonable opportunity of hearing to the accused, record his findings and make within fifteen days of receipt of this order, recommendation as to punishment or other appropriate action against the accused official.

4. The accused official and a well conversant representative of the department shall join the proceedings at the date, time place fixed by the Inquiry Officer.

SUPERINTENDENT
CIRCLE HQS PRISON DIKHAN

Endorsement No. 281-83 / 2021

Copy of the above is forwarded to the:-

1. Mr. Ijaz Ahmed Assistant Superintendent Jail attached to Central Prison D.I.Khan, Inquiry Officer for initiating proceedings against the above named warder under the meaning of Section 3 of the Khyber Pakhtunkhwa (Efficiency & Discipline) Rule 2011.
2. Female Warder Shagufta Naz attached to Central Prison Bannu with the directions to appear before the Inquiry Officer for the purpose of inquiry proceedings.
3. Superintendent Central Prison Bannu for information with reference to his No. 543-w dated 28.01.2021 with the request to produce the relevant record before the Inquiry Officer and assist him during the inquiry proceedings. One copy of the same duly signed and dated by above named official may be returned to this office as a token of receipt.

Aurab

SUPERINTENDENT
CIRCLE HQS PRISON DIKHAN

[Handwritten signatures and notes at the bottom of the page]

**OFFICE OF THE SUPERINTENDENT
PRISONS CIRCLE HEAD QUARTER D.I KHAN**

No.633/ Date 03-02-2020

PH&FAX No. 0966-9280299

Cpdikhan1@gmail.com

To,

Mst: Shagufta Naz,
Female Warder.
C/O Superintendent Central Prison Bannu.

Subject: **PERSONAL HEARING.**


Memo.

It is to inform you that I have been nominated inquiry officer in disciplinary case No. 280 dated 29-01-2021 against you.

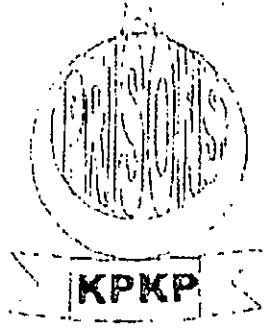
You are therefore required to appear before the undersigned on 09-02-2021 at 10:00 AM at Central Prison DI Khan.

Sd/-

Muhammad Rauf Khan
ASISSTANT SUPERINTENDENT JAIL
PRISONS CIRCLE D.I KHAN

Muhammad Rauf Khan


B 6



OFFICE OF THE
SUPERINTENDENT
CENTRAL PRISON D.I.KHAN
No 133 DE 3/12/2020
PH&FAX NO 0966-9280299
Cpdkhan@gmail.com

6/1/20

To,

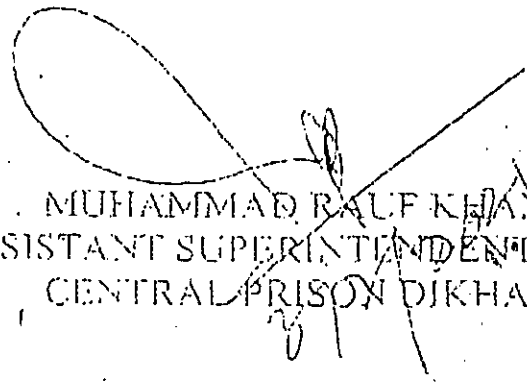
Mst. Shagufta Naz,
Female Warder,
C/O superintendent Central Prison Bannu.

Subject: PERSONAL HEARING.

Memo,

It is to inform you that I have been nominated inquiry officer in disciplinary case No. 280 dated 29.01.2021 against you.

You are therefore, required to appear before the undersigned on 09.02.2021 at 10:00 AM at Central Prison D.I.Khan.


MUHAMMAD RAUF KHAN
ASSISTANT SUPERINTENDENT JAIL
CENTRAL PRISON D.I.KHAN

Accts


جناب محمد رائف خان اسسٹنٹ سپرنٹنڈنٹ سنٹرل جیل ڈیرہ / انکوائری آفیسر

عنوان: CHARGE SHEET

- بحوالہ سپرنٹنڈنٹ صاحب سرکل ہیڈ کوارٹرز جیل ڈی آئی خان کی سرکاری چھٹی نمبر 283-281 مورخہ 29-01-2021
- 1- سائلہ چارج شیٹ کے الزامات کی بابت مندرجہ ذیل گزارشات پیش کرنا چاہتی ہے۔ اور امید رکھتی ہے کہ سائلہ کے جوابات جو کہ اپنے دفاع میں پیش کیے ہیں۔ پر نور فرمائی جائیں گی۔
 - 2- سائلہ کے خلاف لگائے گئے الزامات سارے بے بنیاد مبنی بدروغ اور انقض و عناد پر مبنی ہیں۔ کیونکہ "پریزن رولز خیبر پختونخواہ 2018" کے قوانین کے مطابق گیٹ کیپر صاحبان جو بھی فیمل وارڈر ڈیوٹی کے لئے فیمل سیکشن داخل ہوتی ہے۔ تو دوسرے فیمل وارڈر کے ذریعے انکی تلاشی لی جاتی ہے۔ اور تسلی کے بعد گیٹ کیپر صاحبان داخلہ و اخراج کرتی ہیں۔
 - 3- یہ الزام بھی بالکل غلط اور بے بنیاد ہے کہ ڈپٹی سپرنٹنڈنٹ اور اس کے عملے کے ذریعے زنا نمانے کی تلاشی نہیں رہتی۔ حالانکہ زنا نمانہ کا انچارج حوالدار ہوتا ہے۔ جو کہ زنا نمانے کے باہر کرسی پر بیٹھا ہوتا ہے۔ اور باہر کی طرف تالا لگاتا ہے۔ لہذا زنا نمانے کا اخراج و آمد انکے ذریعے ہوتا ہے۔
 - 4- چونکہ سپرنٹنڈنٹ جیل کے کوئی اور مقاصد تھے جو کہ اپنے سٹاف کے ذریعے پورا کرنا چاہتا تھا۔ کیونکہ 2017 میں بھی اس طرح کا ایک وردات اس نے اپنے عملے کے ذریعے کیا تھا۔ اور باہر کی طرف سے تالا کھولنے کے بعد ہیڈ وارڈر فیمل مسماہ توحیدہ بی بی پر حملہ کیا تھا۔ لہذا اس کی فریاد کسی نے بھی نہیں سنی اور وہ معزز بدالت گئی۔ اب وہ اس جہان میں نہیں ہے اگلی جہان گئی ہے۔ لہذا اس رضوان شاہ اسسٹنٹ سپرنٹنڈنٹ جیل اور منور حوالدار کے خلاف بدالت میں کیس چل رہی ہے۔
- لہذا مندرجہ بالا قانونی گزارشات کو مد نظر رکھ کر سائلہ کے خلاف لگائے الزامات کو ختم کیا جائے۔ اور سائلہ کو بری کیا جائے۔ نیز سائلہ کو ذاتی سنوائی کا موقع دیا جائے تاکہ کچھ باتیں جو کہ ضبط تحریر میں نہیں لاسکتی زبانی بیان کروں۔

العارض

سائلہ مسماہ شگفتہ وارڈر سنٹرل جیل بنوں (معطل)

Accty

OFFICE OF THE SUPERINTENDENT
PRISONS CIRCLE HEAD QUARTER D.I KHAN

No.552/ PB Date 15-02-2021

PH&FAX No. 0966-9280299

Cpdikhan1@gmail.com

OFFICE ORDER.

WHEREAS, the accused official Female Warder Shagufta Naz attached to a Central Prison Bannu was proceeded against under Rule-3(b) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rule, 2011 for the charges that she did not permit other female warders for search and created disturbance in Zanan Khana of Central Prison Bannu. She was bound to figure out who is using cellular phone in Zanan Khana of Central Prison vice versa and created fuss by obstructing search team. Moreover, two mobile phones were recovered from the possession of two female prisoners in Central Prison Bannu which were provided to them by her.

AND WHEREAS, she furnished replu but the same was found unsatisfactory.

AND WHEREAS, the undersigned being competent authority granted her the opportunity of personal hearing on 15-02-2021 as provided for under rules ibid. the accused official completely failed to defend her case with documentary proof/evidence.

Now therefore, in exercise of powers conferred under Rule-14(S) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, having considered the charges, evidence on record, the explanation of the accused official and after affording the opportunity of personal hearing and the undersigned being competent authority, hereby award Major Penalty of "Removal From Service" to Mst. Shagufta Naz attached to Central Prison Bannu for her Zanan Khana of Central Prison Bannu. She was bound to figure out who is using cellular phones in Zanan Khana but she acted vice versa and created fuss by obstructing search team. Moreover, two mobile phones were recovered from the possession of two female prisoners in Central Prison Bannu which were provided to them by her.

Also her criminal mind may also be judged, that she remained behind the bars from 09-10-2013 to 11-03-2014 in case FIR No. 541 dated 21-09-2013 U/S 365 A, 419/420,7 ATA, 403406 409 P/S Lakki Marwat and FIR No. 258 dated 26-09-2013 U/S 365 A P/S Banda Daud shah

Endorsement No. 553-56/ 15-02-2021.

Copy of the above is forwarded to:

1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information.
2. The Superintendent Central Prison Bannu, Necessary entry may please be made on the Service boot of official concerned under proper attention.
3. DAO Bannu.
4. Mst: Shagufta Naz attached to Central Prison Bannu.

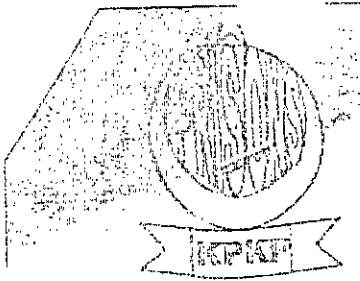
Sd/-

SUPERINTENDENT
CIRCLE HQS PRISON DI KHAN

Attest
/

18

15-2-23



OFFICE OF THE SUPERINTENDENT
PRISONS CIRCLE HEAD QUARTER D.I. KHAN.
No. 553/PB, Date 15/2/2021
PH & FAX No. 0966-9250299
cpdikhan1@gmail.com

OFFICE ORDER

WHEREAS, the accused official female warder Shagufta Naz attached to Central Prison Bannu was proceeded against under Rule-3(b) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges that she did not permit other female warders for search and created disturbance in Zanan Khana of Central Prison Bannu. She was bound to figure out who is using cellular phone in Zanan Khana but she acted vice versa and created fuss by obstructing search team. Moreover, two mobile phones were recovered from the possession of two female prisoners in Central Prison Bannu which were provided to them by her.

AND WHEREAS, she furnished reply but the same was found unsatisfactory.

AND WHEREAS, the undersigned being competent authority granted her the opportunity of personal hearing on 15.02.2021 as provided for under rules ibid. The accused official completely failed to defend her case with documentary proof/evidence.

NOW therefore, in exercise of powers conferred under Rule-14(5) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, having considered the charges, evidence on record, the explanation of the accused official and after affording the opportunity of personal hearing and the undersigned being competent authority, hereby award Major penalty of "Removal From Service" to Mst. Shagufta Naz attached to Central Prison Bannu for her misconduct that she did not permit other female warders for search and created disturbance in Zanan Khana of Central Prison Bannu. She was bound to figure out who is using cellular phone in Zanan Khana but she acted vice versa and created fuss by obstructing search team. Moreover, two mobile phones were recovered from the possession of two female prisoners in Central Prison Bannu which were provided to them by her.

Also her criminal mind may also be judged, that she remained behind the bars from 09.10.2013 to 11.03.2014 in case FIR No. 541 dated 21.09.2013 U/S 365 A, 419/207 ATA, 403/406 409 P/S Lakki Marwat and FIR No. 258 dated 26.09.2013 U/S 365 A P/S Banda Daud Shah

SUPERINTENDENT
CIRCLE HQS PRISON DIKHAN

Enforcement No. 553-56 / 15/2/2021

Copy of the above is forwarded to :-

1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information.
2. The Superintendent Central Prison Bannu. Necessary entry may please be made in the Service Book of official concerned under proper attestation.
3. DAO Bannu
4. Mst. Shagufta Naz attached to Central Prison Bannu

SUPERINTENDENT
CIRCLE HQS PRISON DIKHAN

Signature

جناب انسپکٹر جنرل صاحب محل خدمات سپرنٹنڈنٹ محترم خواجہ بشیر

عنوان :- ایپل پروفیشنل تعلیم ایجنسی کے سربراہان کے لیے کوارٹرز میں رہائش

نمبر 553-56 مورخہ 2021-2-15

ضد عملہ 1

سائلہ جناب سپرنٹنڈنٹ صاحب محل کوارٹرز میں رہائش کے لیے
کوارٹرز میں رہائش کے لیے درخواستیں جمع اور خدمت کے لیے تعلقہ کو ایکٹو میں لانے کے
حوالے کرتے ہیں۔

1) سپرنٹنڈنٹ صاحب محل کوارٹرز میں کمرے کے لیے تعلقہ کا نقشہ لے کر
عقد اور اجازت سے تیار ہے۔

2) سائلہ نے مورخہ 2021-2-15 کو کوارٹرز آفیسر صاحب جناب محمد رفیق صاحب
کو پوزیشننگ کا جواب دیا (کالک ایف اے)۔

3) یہ سائلہ کے کوارٹرز آفیسر صاحب کے جواب پر تعلقہ میں موجود قوانین کے مطابق
”شورکار نوٹس“ لیتا۔ حالانکہ پوزیشننگ کا جواب دینے پر سائلہ ”شورکار نوٹس“
میں دیا اور قواعد کے خلاف ہے۔

4) سربراہان کے لیے رہائش کے لیے جواب دیا ہے۔

5) سپرنٹنڈنٹ صاحب محل کوارٹرز میں رہائش کے لیے درخواستیں جمع ہیں۔ FIRS کا ڈیٹا فراہم کرنے کے لیے
مطلوبہ ہے۔ سربراہان کے لیے رہائش کے لیے درخواستیں جمع ہیں۔ FIRS کا ڈیٹا فراہم کرنے کے لیے
تعلقہ کا یہ مطالبہ ہے۔ کابینہ کے لیے

کے لیے درخواستیں جمع ہیں۔ درخواستیں جمع ہیں۔ درخواستیں جمع ہیں۔ درخواستیں جمع ہیں۔
”Personal Information“ کے لیے درخواستیں جمع ہیں۔ درخواستیں جمع ہیں۔ درخواستیں جمع ہیں۔
کوارٹرز میں رہائش کے لیے درخواستیں جمع ہیں۔ درخواستیں جمع ہیں۔ درخواستیں جمع ہیں۔

Tas
02115535
23-2-21

سائلہ کے لیے درخواستیں جمع ہیں۔ درخواستیں جمع ہیں۔ درخواستیں جمع ہیں۔

Atest



F 10

4-3-21

OFFICE OF THE
INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

91-9210334, 9210406

091-9213445

No.Estb/Ward-/Orders/ KC-6586-1-

Dated: 04-03-2021 /

ORDER

WHEREAS, **Female Warder Shagufta Naz D/O Maiz Ullah** while attached to Central Prison Bannu was awarded the major penalty of "**Removal from service**" by Superintendent HQ Prison D.I Khan vide his office order No. 552 dated 15-02-2021 due to her misconduct and obstruction of jail administration from duty.

AND WHEREAS, the said female warder preferred her departmental appeal for setting-aside the penalty awarded to her, which was examined in light of the available record of the case and it was observed that penalty was awarded to her by the competent authority due to her misconduct and obstruction of jail administration from duty after observing all legal and codal formalities as required under the E & D Rules 2011.

NOW THEREFORE, keeping in view the facts on record, 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.

**ADDL; INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA, PESHAWAR.**

ENDST; NO. 6587-89 /

Copy of the above is forwarded to:-

1. The Superintendent, Headquarters Prison D.I Khan for information and necessary action with reference to his Order referred to above.
2. The Superintendent Central Prison Bannu 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. Ex-Female Warder Shagufta Naz C/O Superintendent Central Prison Bannu for information.

o/c

04/3

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

Attested

14/09 DB II

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

In the matter of
Service Appeal No. 3875 of 2021
Shagufta Naz (Female Warder)..... (Petitioner)

Versus

1. Superintendent Circle Headquarter Prison, DI Khan
2. Inspector General of Prisons Khyber Pakhtunkhwa Peshawar.
3. Superintendent Central Prison Bannu.

..... (Respondents)

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Dated 15-06-2021

Deponent

copy of
comments
received for
the Counsel
of appellat.
D 78
14/09/21

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

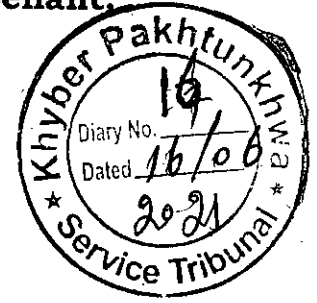
Service Appeal No.3875/2021

Shagufta Naz D/o Maiz Ullah Khan, R/o Ahmandi Banda, Karak Ex-Female Warder, Central Jail, Bannu.....**Appellant.**

VERSUS

1. Superintendent,
Circle Headquarter Prison, DI Khan
2. Inspector General of Prisons,
Khyber Pakhtunkhwa Peshawar.
3. Superintendent
Central Prison Bannu

Respondents.



Subject: Joint Para-wise comments on behalf of Respondents No. 1 to 3

Preliminary Objection:

- i. That the appellant has got no cause of action to file the Appeal.
- ii. That the appeal is not maintainable in its present form.
- iii. That the appellant is estopped by her own conduct.
- iv. That the appellant has got no locus standi to file present appeal.
- v. That the present appeal is not sustainable by law and rules and also barred by limitation.
- vi. That the appellant has not come to the court with clean hands.
- vii. That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.

Factual Objection:

1. The appellant was appointed as Female Warder in Prisons Department but she was not performing her duties with devotion as such several times disciplinary proceedings were initiated against her during her entire service/posting in various Jails and as such a **Show Cause Notice** was issued to her by the Superintendent Circle Headquarter Prison DI Khan for pressurising his chair for her transfer to Internment Centre Lakki Marwat through political means which is quite undesirable and unlawful for any civil servant (copy attached as **Annexure-A**).
2. No comments.
3. No comments.
4. That the appellant submitted her defence and levelled baseless allegations against the Superintendent Central Jail Bannu and administration of Central Prison Bannu. In fact, a search team consisting of female warder headed by the then acting Deputy Superintendent carried out search operation and recovered two mobile phones from the possession of female inmates. The appellant was supposed to obey lawful orders and to perform her duties as per Rules but she rather created fuss and hindered search team from search operation. Baseless allegations of the appellant were also rejected by the Inquiry Officer. Inquiry Report is attached as **Annexure-B**.
5. Admitted not correct, not only inquiry was conducted but also Inquiry officer was changed on the request of Appellant female Warder and a fair Inquiry was conducted by the Inquiry Officer as such afforded opportunity of personal hearing to the female warder

and recorded her statements. She was dealt with fully according to Efficiency & Discipline Rule-2011. But she failed to defend herself and was removed from service. Copy attached as **Annexure-C**.

6. No comments.
7. That she also failed to defend herself at appellate forum i.e. office of the Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar, therefore, the order of Circle Headquarter Prison DI Khan was upheld and her appeal was dismissed as per Law.

GROUND.

- a. Admitted not correct. The allegation levelled in this Para is baseless having no locus standi. The appellant was provided all facilities as per Law like other female employees and during her service, she never complained about unlawful treatment by Jail administration.
- b. Admitted not correct. In fact, the appellant female warder supplied mobile phones to female inmates and she was aware about the availability & uses of mobile phones by the female inmates inside female section of the Jail but she obstructed the search team in searching inside female section.
- c. Admitted not correct. As per Khyber Pakhtunkhwa Prisons Rules, it is the responsibility of Deputy Superintendent to keep check on female section. Further added that female Psychologist & other female warder were also accompanied with the Deputy Superintendent Jail during the search of female section, who are witnesses of the case. The female warder Shagufta Naz was trying to halt search inside female section by obstructing other staff members from search just to hide her ill practices. (Copies attached as **Annexure-D1,D2,D3**)
- d. Admitted not correct. No one is pressurized to bow before the Superior staff and every one is performing his duty as per rules. Although prisons are full of criminal offenders, therefore, proper surveillance of inmates by duty staff is required to be carried out. In fact, there exists a coterie of malingerer staff in some Prisons who wants loose administration that is not allowed at any cost and such is the case of appellant female warder.
- e. Admitted not correct, the mobile phones were recovered from female inmates which were supplied by the said appellant female warder as evident from record. Moreover, service history of the appellant is also not satisfactory as such she was previously awarded a minor penalty of "**Censure and strictly Warned to be**

careful in future" in a disciplinary case. Copy attached as **Annexure-E**.

- f. Same comments as in Para No.5, above.
- g. Same comments as in Para No.5, above.
- h. Admitted not correct. The said female warder was permanently posted as Female Warder at Central Prison Bannu for duty and pay purposes. But she is misguiding the learned Court by wrong statement that she was posted at Internment Centre Lakki Marwat and deputed to Central Prison Bannu which is clear violation of the rules. (Copy of order is attached as **Annexure-F**). Moreover, the Superintendent Circle Headquarter Prisons is empowered for transfer, posting, and disciplinary proceedings against Watch & Ward staff performing duties in prisons of said Circle. Therefore, the Superintendent Central Prison Bannu referred the case to Superintendent Circle Headquarter Prison DI Khan for disciplinary proceedings and acted purely according to Rules.
- i. Admitted not correct. The learned Court is apprised with the fact that Prisons & Police are two different Departments and the appellant was employee of Prison Department and liable to be dealt with according to Efficiency & Discipline Rules-2011 like other Watch & Ward staff and Government Civil Servants.
- j. Admitted not correct. The orders of the competent authorities are based on evidences, proof and purely under the rules as the appellant has a criminal mind and remained behind the bars from 09.10.2013 to 14.03.2014 in case FIR No.541 dated 21.09.2013, u/s 365 A, 419/420 & 7ATA and FIR No.258 dated 26.09.2013, u/s 365 A.

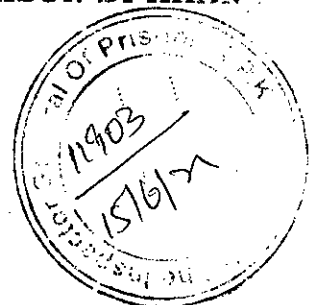
Keeping in view the above submissions, previous service history ~~as per records~~, the instant appeal may kindly be dismissed with cost, please.


**SUPERINTENDENT
CENTRAL PRISON BANNU**


**SUPERINTENDENT
CIRCLE H/Q PRISON DI KHAN**


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

16.06.2014



BEFORE THE HONORABLE SERVICE TRIBUNAL
PESHAWAR

In the matter of
Service Appeal No. 3875 of 2021
Shagufta Naz (Female Warder)..... (Petitioner)

Versus

1. Superintendent Circle Headquarter Prison, DI Khan
2. Inspector General of Prisons Khyber Pakhtunkhwa Peshawar.
3. Superintendent Central Prison Bannu.

..... (Respondents)

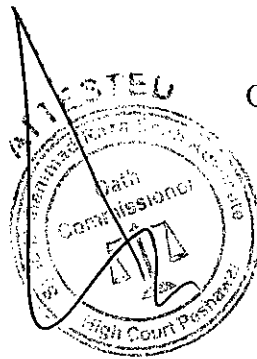
AFFIDAVIT

I Sulaiman, Senior Instructor/Law Officer, Office of the I.G Prisons Khyber Pakhtunkhwa, Peshawar do hereby solemnly affirm and declare on oath on behalf of Respondents No. 1 to 3 that the contents of the Joint Para-wise comments submitted by respective Respondents concerned is correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Service Tribunal Peshawar.

DEPONENT

SULAIMAN

Senior Instructor/Law Officer
Office of Inspectorate General of Prisons
Khyber Pakhtunkhwa, Peshawar



16 JUN 2021



No 6108

A

SHOWCAUSE NOTICE UNDER RULE-5 (D) READ WITH RULE-7 OF THE KHYBER PUKHTUNKHWA GOVERNMENT SERVANTS (EFFICIENCY & DISCIPLINE) RULES.2011.

You Female warder (BPS-07) Shagufta Naz attached to Central Prison Bannu are pressurizing the undersigned from various political and other forums for your transfer from Central Prison Bannu to Internment Centre Lakki Marwat from where you have recently been transferred to Central Prison Bannu on administrative grounds.

I, Muhammad Binyamin Superintendent Headquarter Prison DIKhan competent authority, am satisfied by the report submitted by the Superintendent Central Prison Bannu and there is no need of holding any further inquiry.

Now therefore, you above named Female warder are hereby called upon to show cause Within 07 days of receipt of this notice as to why the punishment of **Removal from Service** may not be awarded to you for your above stated act of negligence and misconduct.

In case your reply does not reach this office within stipulated period ex-party Action shall be taken against you.

You may appear before the undersigned for personal hearing on 13/11/2020, if you wish to.

PK
11/10/20
16/11/2020

SUPERINTENDENT
CIRCLE H/QS PRISON DIKHAN

Endst No.. 6109-10 dated 10/11/2020

Copy of the above is forwarded to :-

1. Superintendent Central Prison Bannu, a copy of show cause notice duly signed / dated by the accused warder may please be returned to this Headquarter as a token of receipt and office record.
2. Female Warder (BPS-07) Shagufta Naz attached to Central Prison Bannu .

شگفتا ناز

SUPERINTENDENT
CIRCLE H/QS PRISON DIKHAN



OFFICE ORDER

OFFICE OF THE SUPERINENDENT
PRISONS CIRCLE HEAD QUARTER D.I.KHAN
No. 6185 / PB Date 17-11-2020
PH&FAX No. 0966-9280299
cpdikhan1@gmail.com

WHEREAS, the accused Mst. Shugufta Naz Female Warder attached to Central Prison Bannu was proceeded against under Rule-3 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges as mentioned in the showcause notice served upon her.

AND WHEREAS, the undersigned being competent authority granted her the opportunity of personal hearing on 17.11.2020 as provided for under rules ibid. The accused official completely failed to defend her case with documentary proof/evidence.

NOW, therefore, in exercise of powers conferred under Rule-14(5) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, having considered the charges, evidence on record, the explanation of the accused official and after affording the opportunity of personal hearing, the undersigned being competent authority hereby award Minor penalty of "CENSURE" AND STRICTLY WARNED TO BE CAREFUL IN FUTURE to Mst. Shugufta Naz Female warder attached to Central Prison Bannu for her misconduct that pressurized the superintendent circle head quarter prisons D.I.Khan through various political and other forums for her transfer from Central Prison Bannu to Internment Centre Lakkhi Marwat.

SUPERINTENDENT
CIRCLE HQS PRISON DIKHAN

Endorsement No. 6186-89

Copy of the above is forwarded to :-

1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information please.
2. The Superintendent Central Prison Bannu. Necessary entry may please be made in the Service Book of official concerned under proper attestation.
3. DAO Bannu.
4. Female Warder Shugufta Naz attached to Central Prison Bannu.

SUPERINTENDENT
CIRCLE HQS PRISON DIKHAN

DK
d/o S/c
for 21/9
20/2020

فیصل وارڈر ریفٹ ٹولز

میں فیصل وارڈر ریفٹ ٹولز یہ بیان کرتی ہوں کہ 2021
صفحہ 28-01-2021 کو ٹکریا 12:30pm کو ڈیٹی سپرینڈنٹ (اؤٹگریڈنگ)

کی حکم پر میں نے فیصل وارڈر کی ڈیٹی سپرینڈنٹ کو وہاں
پر ڈیٹی سپرینڈنٹ فیصل وارڈر شگفتہ ناز نے مشورہ کیا

کہا اور مجھے اجازت نہیں دے رہی تھی۔ گھر میں جب میں
نے چیف جگر سے کہنے پر ڈیٹی سپرینڈنٹ نے کہا کہ تو وہاں

دو گھنٹے پہلوں کے سامان لکھے سے دو عدد فوڈنگ
فون پر آمد ہوگی۔ دونوں فوڈنگ فوڈنگ ہیں۔ ان

دونوں فوڈنگ سے پہلے مجھے فوڈنگ فون پر آمد ہوئے ہیں
وہی میرا بیان ہے۔

من سائلہ ریفٹ ٹولز

دستخط
28-01-2021

To

The Superintendent,
Central Jail,
Bamno.

Subject.

Report

R/S

It is stated that the woman in female section disrespect the officers. She misbehave with me in female section in front of inmates. Recently she blamed me in front of medical officers that I made remarks about M.Os by complaining to Superintendent jail about their treatment protocol. Now she made allegation about me that I have provided in cell phones to inmate that is so stressful to me. She all doing that for transfer Purpos, for her transfer she misbehave with everyone even she

disobey the orders of superintendent
jail. Her behavior is no more tolerable
for us. please take action against
her. I shall be thankful to you
for your kind aid.

Yours sincerely
Sholexia Nawaz
Psychologist

Dated: 28 Jan, 2021.


E
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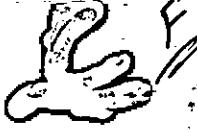
8

SEARCH REPORT

Upon receiving some reliable intelligence information, I Aurangzeb Khan A/S(acting D/S) along with warder Farhan, Warder Samadullah, warder Abdul Subhan, Chief Chakar Sadiq Khan and F/Warder Riffat performed surprise search inside Female section today on 28-01-2021 at 12:45 pm and recovered 02 No. cell phones of Samsung B 310 mini and Kechadda k116 from a pillow and quilt of inmates, Female warder Shagufta was present on duty at that time, the female warder on duty started claiming other f/warders of transportation of contrabands into female section and obstructing the warders during the search, but as on that time she was present on duty and it is her responsibility to keep the section clean from all kinds of contrabands and she must be held responsible for any contrabands inside the section.

Report is submitted for your kind information and further necessary action please


AURANGZEB KHAN
Assistant Superintendent/Acting D/S
CENTRAL PRISON BANNU



CENTRAL PRISON DIKHAN

No. 633 / Dt. 3 / 2 / 2020

PH&FAX NO. 0966-9280299

Cpdikhan@gmail.com

By Fax

To,

Mst; Shagufta Naz,
Female Warder,
C/O superintendent Central Prison Bannu.

Subject: PERSONAL HEARING.

Memo.

It is to inform you that I have been nominated inquiry officer in disciplinary case No. 280 dated 29.01.2021 against you.

You are therefore, required to appear before the undersigned on 09.02.2021 at 10:00 AM at Central Prison DIKhan.

MUHAMMAD RAUF KHAN
ASSISTANT SUPERINTENDENT JAIL
CENTRAL PRISON DIKHAN



9

To,

The Superintendent,
Circle Headquarter Prisons DIKhan.

Subject:- **INQUIRY REPORT**

R/Sir;

I have been appointed as inquiry officer against **Female Warder Shagufta Naz** Vide No.291 dated. 03.02.2021 by Superintendent Headquarter Prisons DIKhan to conduct inquiry for the allegations leveled against her by superintendent Central Prison Bannu.

STATEMENT OF FEMALE WARDER:-

The above named Female warder appeared for personal hearing on 09.02.2021. She gave her written statement to the undersigned regarding the charges leveled against her. The undersigned also cross questioned her regarding the allegations.

RECOMMENDATIONS:-

Mst. Shagufta Naz female warder attached to Central Prison Bannu appeared before the undersigned and she had nothing to say about the allegations leveled against her but she remained throwing mud upon the superintendent jail and other jail administration of Central Prison Bannu. Allegations leveled against her has also been verified during the visit of superintendent jail Central Prison DIKhan Mr. Muhammad Binyamin Khan to Central Prison Bannu dated 09.02.2021 and there is sufficient material present on record in written shape also.

Instead of producing proof in her defense she kept on illegal / non-parliamentary and vulgar language during her personal hearing. Her retention into government service (prison department) will be a black spot on our administration as from her attitude she proved that she has many ulterior motives in mind.

In view of above the above it is recommended to award major penalty of **Removal from service** to Female Warder Shagufta Naz attached to Central Prison Bannu.

*Agreed.
Be issue a final
show cause notice to
her.*

MUHAMMAD RAUF KHAN
ASSISTANT SUPERINTENDENT
CENTRAL PRISON DIKHAN.
(INQUIRY OFFICER)
09/2/2021

OFFICE OF THE SUPERINTENDENT
PRISONS CIRCLE HEAD QUARTER D.I KHAN

No. 552/ PB Date 15-02-2021

PH&FAX No: 0966-9280299

Cpdikhan1@gmail.com

OFFICE ORDER.

WHEREAS, the accused official Female Warder Shagufta Naz attached to a Central Prison Bannu was proceeded against under Rule-3(b) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rule, 2011 for the charges that she did not permit other female warders for search and created disturbance in Zanan Khana of Central Prison Bannu. She was bound to figure out who is using cellular phone in Zanan Khana of Central Prison vice versa and created fuss by obstructing search team. Moreover, two mobile phones were recovered from the possession of two female prisoners in Central Prison Bannu which were provided to them by her.

AND WHEREAS, she furnished replu but the same was found unsatisfactory.

AND WHEREAS, the undersigned being competent authority granted her the opportunity of personal hearing on 15-02-2021 as provided for under rules ibid. the accused official completely failed to defend her case with documentary proof/evidence.

Now therefore, in exercise of powers conferred under Rule-14(S) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, having considered the charges, evidence on record, the explanation of the accused official and after affording the opportunity of personal hearing and the undersigned being competent authority, hereby award Major Penalty of "Removal From Service" to Mst. Shagufta Naz attached to Central Prison Bannu for her Zanan Khana of Central Prison Bannu. She was bound to figure out who is using cellular phones in Zanan Khana but she acted vice versa and created fuss by obstructing search team. Moreover, two mobile phones were recovered from the possession of two female prisoners in Central Prison Bannu which were provided to them by her.

Also her criminal mind may also be judged, that she remained behind the bars from 09-10-2013 to 11-03-2014 in case FIR No. 541 dated 21-09-2013 U/S 365 A, 419/420,7 ATA, 403406 409 P/S Lakkj Marwat and FIR No. 258 dated 26-09-2013 U/S 365 A P/S Banda Daud shah

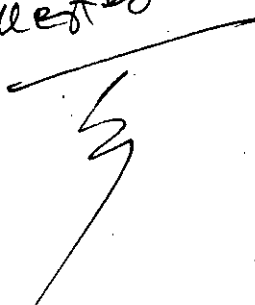
Endorsement No. 553-56/ 15-02-2021.

Copy of the above is forwarded to:

1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information.
2. The Superintendent Central Prison Bannu, Necessary entry may please be made on the Service boot of official concerned under proper attention.
3. DAO Bannu.
4. Mst: Shagufta Naz attached to Central Prison Bannu.

Sd/-

SUPERINTENDENT
CIRCLE HQS PRISON DI KHAN

Attest


جناب انسپکٹر جنرل صاحب محل خدمات سپر تنزیم شراہ پشاور

عنوان :- اپیل پر خلاف فیصلہ ایف ڈی آر نمبر 15-2-2021

نمبر 553-56 مورخہ 2021-2-15

ضد عدالت

سائلہ جناب سپرنٹنڈنٹ صاحب محل خدمات سپر تنزیم شراہ پشاور کے فیصلے کو رد اپیل کر رہا ہوں ہے اور عدالت میں اپیل کا حق کو انکار کر رہا ہوں ہے

1) سپرنٹنڈنٹ صاحب محل خدمات سپر تنزیم شراہ پشاور کا فیصلہ لغو - عدالت اور اختیارات سے تجاوز ہے

2) سائلہ نے مورخہ 2021-2-15 کو ایف ڈی آر نمبر 15-2-2021 کو رد کر دیا ہے

3) یہ سائلہ نے ایف ڈی آر نمبر 15-2-2021 کو رد کر دیا ہے اور عدالت میں اپیل کر رہا ہے

4) عدالت میں اپیل کی بابت عدالت میں جواب دیا ہے

5) سپرنٹنڈنٹ صاحب محل خدمات سپر تنزیم شراہ پشاور کے فیصلے میں جو FIRs کا ذکر ہے وہ عدالت میں داخل کیے گئے ہیں اور عدالت میں اپیل کر رہا ہے

6) سائلہ نے ایف ڈی آر نمبر 15-2-2021 کو رد کر دیا ہے اور عدالت میں اپیل کر رہا ہے

Tas
2315535
23-2-21

(سائلہ نے ایف ڈی آر نمبر 15-2-2021 کو رد کر دیا ہے اور عدالت میں اپیل کر رہا ہے)



OFFICE OF THE
INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

91-9210334, 9210406

091-9213445

No. Estb/Ward-/Orders/ KC-6586-1-

Dated 04-03-2021

ORDER

WHEREAS, **Female Warder Shagufta Naz D/O Maiz Ullah** while attached to Central Prison Bannu was awarded the major penalty of "**Removal from service**" by Superintendent HQ Prison D.I Khan vide his office order No. 552 dated 15-02-2021 due to her misconduct and obstruction of jail administration from duty.

AND WHEREAS, the said female warder preferred her departmental appeal for setting-aside the penalty awarded to her, which was examined in light of the available record of the case and it was observed that penalty was awarded to her by the competent authority due to her misconduct and obstruction of jail administration from duty after observing all legal and codal formalities as required under the E & D Rules 2011.

NOW THEREFORE, keeping in view the facts on record, 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.

**ADDL; INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA, PESHAWAR.**

ENDST; NO. 6587-89 /.

Copy of the above is forwarded to:-

1. The Superintendent, Headquarters Prison D.I Khan for information and necessary action with reference to his Order referred to above.
2. The Superintendent Central Prison Bannu 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. Ex-Female Warder Shagufta Naz C/O Superintendent Central Prison Bannu for information.

04/3
**ASSISTANT DIRECTOR
INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR**

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

Put up to the worthy chain-man
with relevant app.

S. A. No. 3875/2021

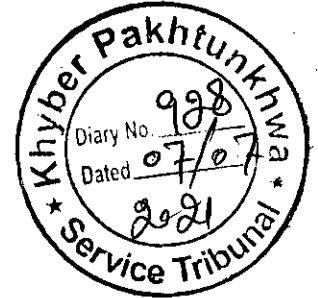
Shagufta Naz

versus

Superintendent & Others

7/7/2021

APPLICATION FOR EARLY HEARING:



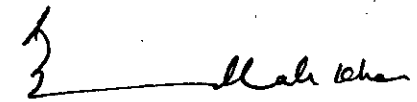
Respectfully Sheweth,

1. That subject matter is pending disposal before this hon'ble Tribunal and is fixed for arguments on 14-09-2021.
2. That comments and replication has already been submitted and the case is mature for final disposal.
3. That applicant is a female and is facing hardship in family and children expanses.

It is, therefore, most humbly requested that the application be accepted as prayed for.

Appellant

Through


Saadullah Khan Marwat
Advocate
Office 21-A, Nasir
Mansion Shoba Bazar
Peshawar.
Cell No. 0300-5872676

Dated. 06-07-2021

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR

S. A. No. 3875/2021

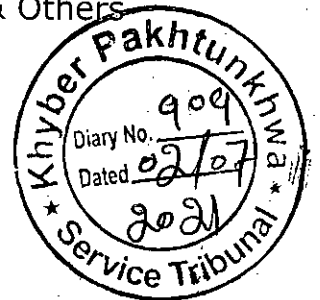
Shagufta Naz versus Superintendent & Others

REPLICATION**Respectfully Sheweth,****Preliminary Objections:**

All the preliminary objections are illegal and incorrect. No reason in support of the same is ever given as to why appellant has got no cause of action, is not maintainable, estopped of her own conduct, has got no locus standi, appeal is not sustainable, barred by limitation, not come to the hon'ble Tribunal with clean hands, bad for mis and non joinder of necessary parties.

ON FACTS

1. Admitted correct to the extent of appointment as female Warder. She requested Muhammad Binyamin Superintendent Hqr: Prison D. I. Khan to transfer her to nearby station of her home being female but her request was not acceded to yet the result of the Show Cause Notice ended on censure.
- 2-3. Not commented upon by the respondents regarding Statement of Allegation and change of Inquiry Officer.
4. Not correct. No baseless allegation against Superintendent Jail Bannu namely Samiullah Khan was leveled but all the facts and acts have been mentioned in reply to the Charge Sheet dated 09-02-2021 which is based on fact.
5. Not correct. The enquiry was not conducted as per the mandate of law as is evident from the enquiry report. Mere recording of statement is not sufficient but to provide opportunity of cross-examination, being mandatory, over the witnesses if any.



6. Not commented upon by respondents regarding penalty of removal from service.
7. Admitted correct by the respondents regarding submission of departmental appeal and its rejection.

GROUND:

- a. Not correct. The ground of the appeal is correct regarding miserable life of female in the hands of superiors. Other three females namely Rifat Batool, Gul Naz and Neelam Warders were also performing their duties with the appellant inside the jail but no action was taken against them regarding the subject matter.
- b. Not correct. Why appellant was booked for the act when the aforesaid three females were let free. Minor punishment nowhere makes hurdle in way of any servant. She cannot obstruct any authority provided the same was / is per the mandate of law and not with nefarious designs.
- c. Not correct. The ground of the appeal is correct. Appellant never obstruct any authority to enter the female prison except unauthorized persons.
- d. Not correct. Appellant performed her duty as per rules. No outsider or unauthorized official was allowed to enter female prison. Yet two inmates namely Rizwan Shah Assistant Superintendent Jail and Munawar Hawaldar are facing trial in the court at the instance of Superintendent Jail Samiullah Khan.
- e. Not correct. Appellant never allowed any phone to any one inside the jail and when other three female Warders were also performing duties inside the prison of female, then why they were let free. No mobile phone was ever recovered by anyone because no number of the phone was given in the reply.
- f-g. Not correct. The enquiry report supports the version of appellant.
- h. Not correct. She was posted in Central Prison Bannu on 09-10-2020. She remained there only for about 04 months but during this period she was humiliated by Superintendent Jail and refused to bow before ill-wishes of him.

- i. Not correct. The ground of the appeal is correct regarding apply of wrong law of E & D Rules, 2011 instead of Prison Rules 1975.
- j. Not correct. As for as the said FIRs were concerned the same were prior to the induction in the department. She was inducted on 12-01-2015, while the FIRs were of the year 2013 but was acquitted from the baseless charges.

It is, therefore, most humbly prayed that the appeal be accepted as prayed for.

Shagufta
Appellant

Through

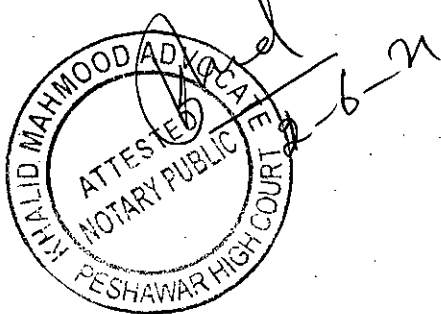
Saadullah Khan Marwat
Saadullah Khan Marwat
Advocate,

Dated: 28-06-2021

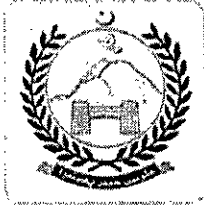
AFFIDAVIT

I, **Shagufta Naz**, appellant do hereby solemnly affirm and declare that contents of the **Appeal & replication** are true and correct to the best of my knowledge and belief, while that of reply of respondents are illegal and incorrect.

I reaffirm the same on oath once again to be true and correct as per the available record.



Shagufta
DEPONENT



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

No. 2005 /ST

Dated: 11/10 /2021

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262


To

The Superintendent Circle Headquarters Prison,
Government of Khyber Pakhtunkhwa,
D.I. Khan.

Subject: JUDGMENT IN APPEAL NO. 3875/2021, MST. SHAGUFTA NAZ.

I am directed to forward herewith a certified copy of Judgement dated 14.09.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

بعد الٹ چھاپ سروس ٹریڈ مارک کے ساتھ پیشاورد

مخواب ایڈووکیٹ

مکتبہ ناز نامہ

دعویٰ اپیل

باسمہ تعالیٰ

○ ○

مترجمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی مستحقہ آن مقام اپنا اور
کیسٹ کے ساتھ اسکاٹ خان سرور سے ایڈووکیٹ ہانی کورٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب
مرد و عورت کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا نیز وکیل صاحب کو کرنے والی نامہ و تقریر ثالثہ و تیسرا برتلاف
یہ ہے جواب دہی اور اقبال دعویٰ اور لیکچر ڈگری کرنے اور دوسری چیک و روپیہ اور رضی دعویٰ اور درخواست
پر قسم کی تجدید اور اس پر دستخط کرنے کا اختیار ہوگا نیز لیکچر عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی
اور سروسٹریٹیز دائر کرنے اپیل نگران و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ منکر
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مشاور قانونی کو اپنے ہمراہ یا اپنی بجائے تفریکہ اختیار ہوگا
اور اس پر مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منطوق
قبول ہوگا و دوران مقدمہ میں جو خرچہ و تر جانہ التوا مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب
مرد و عورت ہوں گے نیز بقایا و فرسبہ کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام درجہ
پر ہو یا مد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکور کریں۔

لہذا وکالت نامہ دیکھ دیا کہ سند ہے۔

09-03-21 الرقوم

العبد

العبد

العبد

ارباب سید انکمال
ایڈووکیٹ

سید اللہ عثمان مراد
ایڈووکیٹ

Shafiq Anwar
مکتبہ ناز

انجمن کونز
ایڈووکیٹ

منشی
سی روئے ناز
ایڈووکیٹ