



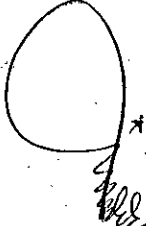
## FORM OF ORDER SHEET

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

Case No. -

7561

/2021

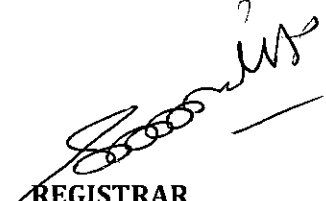
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/10/2021	<p>The appeal of Mr. Abdul Hameed resubmitted today by Mr. Akhtar Ilyas Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>13/12/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	<p><i>The grievance of the appellant has been addressed vide order dt 15/11/2021 by the Appellate Authority, Hence I want to withdraw the instant appeal.</i></p> <p><i>13.12.2021</i></p> <p><i>13/12/21</i></p>	<p>Learned counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present.</p> <p>Learned counsel for the appellant submitted copy of order dated 15.11.2021, wherein grievances of the appellant have been redressed departmentally. In this respect his statement also recorded on the margin of order sheet. As such the instant service appeal is therefore, dismissed as withdrawn. File be consigned to the record room.</p> <p><u>Announced:</u> 13.12.2021</p> <p style="text-align: right;"> (Mian Muhammad) Member(E)</p>

The appeal of Mr. Abdul Hameed Assistant Superintendent Jail Bps 16 received today i.e on 27.09.2021 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Checklist is not attached
- 2- Affidavit must be stamped
- 3- Annexure D is illegible which must be replaced
- 4- Certificate be given to the effect that the appellant has not been filed any service appeal earlier on the subject matter before this Tribunal.


No. 1932 /S.T,

Dt. 29/09 /2021.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Akhter Ilyas Adv. Pesh.

Sir, objection removed. Re-submitted after its completion. kindly put up before the Bench for its preliminary hearing.

  
7/10/2021.

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title:

Abdul Hameed

v/s

Govt of ICP

S#	CONTENTS	YES	NO
1	This Appeal has been presented by: _____	✓	
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8	Whether appeal/annexures are properly paged?	✓	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	x	✓
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/clear?	✓	
13	Whether copy of appeal is delivered to AG/DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15	Whether numbers of referred cases given are correct?	✓	
16	Whether appeal contains cutting/overwriting?	x	✓
17	Whether list of books has been provided at the end of the appeal?	✓	
18	Whether case relate to this court?	✓	
19	Whether requisite number of spare copies attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether Security and Process Fee deposited? On _____	✓	
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On _____	✓	
26	Whether copies of comments/reply/rejoinder submitted? On _____	✓	
27	Whether copies of comments/reply/rejoinder provided to opposite party? On _____	✓	

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name:

A/Chairman ICP

Signature:

[Signature]

Dated:

7/10/2021

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

Abdul Hameed ..... Appellant

Versus

Govt. of Khyber Pakhtunkhwa and others ..... Respondents

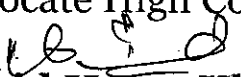
**I N D E X**

S.No	Description of Documents	Annex	Pages
1.	Grounds of Appeal with Affidavit		1-6
2.	Copy of appointment order dt 4/11/2016	A	7
3.	Copy of Order dated 12.10.2019	B	8-9
4.	Copy of Order dated 15.01.2021	C	10
5.	Copy of Order dated 16.01.2021	D	11
6.	Copy of Charge Sheet	E	12
7.	Copy of reply 26.11.2021	F	13-18
8.	Copy of Show Cause Notice	G	19
9.	Copy of reply dt 7/5/2021	H	20-23
10.	Copy of order dated 01.06.2021	I	24
11.	Copy of DD and Deptt Appeal	J	25-28
12.	Detailed are attached	K	29-33
13.	Copy of statement of Muhtaj Hussain	L	34
14.	Vakalat Nama		35

  
Appellant

Through

  
**Akhtar Hyas**  
Advocate High Court.

  
**Ubaid Hayat Khan**  
Advocate Peshawar  
Office: TF # 287, Deans  
Trade Center, Peshawar  
Cantt.  
Cell # 0333-9417974

Dated: 24.09.2021

①

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

Appeal No. 7561/2021

Khyber Pakhtunkhwa Service Tribunal

Diary No. 7642

Dated 27/09/2021

Abdul Hameed  
Assistant Superintendent Jail (BPS-16)  
District Jail, Hangu.

..... Appellant

Versus

1. Govt. of Khyber Pakhtunkhwa through Secretary, Home & Tribal Affairs Department, Govt. of Khyber Pakhtunkhwa, Peshawar.
2. Secretary, Home & Tribal Affairs Department, Govt. of Khyber Pakhtunkhwa, Peshawar
3. Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.

..... Respondents

**APPEAL U/S 4 OF KP SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 01.06.2021 WHEREBY MAJOR PENALTY OF "REDUCTION TO A LOWER scale IN A TIME SCALE FOR A PERIOD OF TWO YEARS" HAS BEEN IMPOSED UPON THE APPELLANT AND THE DEPARTMENTAL APPEAL HAS NOT BEEN RESPONDED WITHIN STATUTORY PERIOD.**

Filed 30-day  
Registrar

Re-submitted to -day  
and filed.

Registrar W.  
7/10/2021

**Sheweth:**

1. That after fulfilling all the codal formalities and going through the prescribed process of selection, the appellant was appointed as Assistant Superintendent Jail (BPS-16) vide Order dated 4/11/2016. **(Copy of appointment order is attached as annex. "A")**.
2. That throughout his service career, the appellant has served the esteemed department of prisons with full zeal and devotion having unblemished service record and as such, he served more than 5 years on the same scale at different stations of the department.
3. That the appellant was posted as Assistant Superintendent Jail at Sub-Jail Parachinar and he assumed the charge on 12.10.2019. **(Copy of Order dated 12.10.2019 is annex. "B")**.
4. That due to health problems of appellant's wife, he applied for one month earned leave w.e.f 16.01.2021 to 15.02.2021 which has acceded to by respondent No. 3 being competent authority vide Order dated 15.01.2021. **(Copy of Order dated 15.01.2021 is annex. as "C")**. Needless to mention here that the appellant has handed over charge to Mr. Sherza Kahn Chief Head Warder w.e.f 16.01.2021. **(Copy of Order dated 16.01.2021 is annex. "D")**.

5. That on 05.02.2021 (**when the appellant was on earned leave**), one convicted prisoner namely, Muhtaj Hussain escaped from the Sub-Jail Para Chinar.
6. That respondent No. 3 was pleased to issue Charge Sheet to the appellant on 24.02.2021. (**Copy of Charge Sheet is attached as annex. "E"**).
7. That the appellant denied the allegations leveled against him and submitted a detailed and well reasoned reply on 26.02.2021. (**Copy of reply is annex. "F"**) but to the dismay of the appellant, the Competent Authority has not considered his reply.
8. That the fact finding inquiry report has been conducted in a cursory manner and on the recommendation of so-called inquiry report, he was served with a show cause notice on 28.04.2021. (**Copy of Show Cause Notice is annex. "G"**), the same has replied vide reply dated 07.05.2021. (**Copy of reply is annex. "H"**).
9. That on 01.06.2021, the respondent No. 3 imposed major penalty of "**Reduction to a lower stage in time scale for a period of two years**" on the appellant vide impugned order dated 01.06.2021. (**Copy of order dated 01.06.2021 is annex. "I"**).
10. That Appellant preferred departmental appeal against the impend order to respondent no. 2 vide DD No. 2895/ dated 15.01.2021. (**Copy of DD is annex. "J"**) which has not been responded with within statutory period,

hence the Instant Service Appeal, inter-alia, on the following:

**GROUNDS:**

- A. That the appellant has not been treated in accordance with law rather has been discriminated in utter disregard of Articles 4 and 25 of the Constitution, 1973, hence needs rectification of this Hon'ble Tribunal.
- B. That no regular inquiry has been conducted by the respondents as required by the law on the subject. So much so, the respondents have conducted the fact finding inquiry in a very haste and cursory manner which cannot be substituted for regular inquiry, hence the impugned order cannot be sustained on this score alone.
- C. That the appellant cannot be held responsible for a sin which he has not committed as on 05.02.2021 **(the day on which the convicted prisoner escaped from the jail)** was on one month leave and the charge of the jail has duly handed over to one Sherza Khan, Chief Warder.
- D. That it is a matter of record that the appellant has established the sub jail Para Chinar, the establishment of the same was only possible due to hard work of the appellant. **(Detailed are attached as Anne. "K")**.
- E. That provisions of E&D Rules 2011 has not been followed either by inquiry officer, or for that matter, by the



respondents, hence required indulgence by this Hon'ble Tribunal.

F. That there is no reason what to speak of plausible one and the impugned order goes contrary to Section 24-A of General Clauses Act, 1897.

G. That the respondents have not considered the Statement of Muhtaj Hussain on 06.02.2021 (**Copy of statement of Muhtaj Hussain is attached as annex. "L"**) which too support the stance of the appellant.

H. That the inquiry report reveals that the authority has exonerated the appellant and hold; **that the appellant cannot be held responsible for the escape of convicted prisoner** but the Competent Authority as well as the Appellate Authority has ignored this important fact.

I. That the respondents have not considered the stance of the appellant which goes contrary to the law on the subject.

J. That the Appellate Authority was under legal obligation to decide the appeal of the appellant either way but he set on the same and no decision has been communicated to the appellant within statutory period.

K. That the appellant seeks leave of the tribunal to urge additional grounds at the time of arguments.

**PRAYER:**

It is, therefore, prayed that on acceptance of this appeal, this Hon'ble Court may pleased:

- i. To declare the impugned order dated 01.06.2021 as illegal, unlawful, void ab-initio and of no legal effect.
- ii. To set aside the impugned order dated 01.06.2021 and exonerate the appellant from all <sup>the</sup> Charges the leveled against him and;
- iii. To grant any other relief to which the appellant is found fit, in law, justice and equity.

*[Handwritten Signature]*  
Appellant

Through

*[Handwritten Signature]*

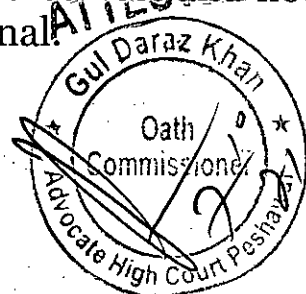
**Akhtar Ilyas**  
Advocate High Court.

*[Handwritten Signature]*  
**Ubaid Hayat Khan**  
Advocate Peshawar  
Office: TF # 287, Deans  
Trade Center, Peshawar  
Cantt.  
Cell # 0333-9417974

Dated: 24.09.2021

**AFFIDAVIT:**

I, do hereby solemnly affirm and declare on Oath the contents of the Appeal are true and correct and nothing has been concealed from this Hon'ble Tribunal.



*[Handwritten Signature]*  
Advocate Appellant

Certificate: No such like appeal has earlier filed by the Appellant on the same subject

*[Handwritten Signature]*  
Advocate

No. 2577-0

Annex-A (7)

Dated 04-11-2016 1-

ORDER

Consequent upon recommendations of the Khyber Pakhtunkhwa Public Service Commission Mr. Abdul Hameed S/O Habib Sultan, is hereby appointed as Assistant Superintendent Jail in BPS-14 (12720-980-42120) plus other admissible allowances on the following terms and conditions:-

1. His appointment as Assistant Superintendent Jail is temporary.
2. He will be on probation for a period of one year extendable upto another year. During probationary period his services will be liable to termination without any notice if his conduct is not found satisfactory or the post against which he has been appointed ceases to exist.
3. He will be liable to service anywhere in the Prisons Department in the Khyber Pakhtunkhwa.
4. For all other purposes such as Pay, T.A and Medical Attendance etc he will be governed by Rules applicable to the Government Servants of his category.
5. The terms and conditions of his appointment as Assistant Superintendent Jail will be those as laid down in the West Pakistan Prisons Department (Assistant Superintendent Jail) Rules 1962 and Civil Servants Act 1973 the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules 1989 and Khyber Pakhtunkhwa Prisons Department (Recruitment and Appointment) Rules 1980.
6. He will be governed by all Rules and Regulations contained in the Khyber Pakhtunkhwa Prison Rules, Civil Servants Rules, the Khyber Pakhtunkhwa Government Civil Servants (Conduct) Rules, 1987, Essential Services Act, Punishment and Appeal Rules 1986, Khyber Pakhtunkhwa Government Servants (Efficiency & Disciplinary) Rules 2011 and any other rules existing or to be framed by the Government from time to time.
7. He will undergo six months on the job training.
8. He will be eligible for continuance in the post of Assistant Superintendent Jail on passing the Departmental Examination.
9. In case he wish to resign at any time he will give one month notice OR in lieu thereof one month's pay will be forfeited from him subject to the discretion of the competent authority in the public interest and will leave the service after acceptance of his resignation.
10. No TA/DA will be admissible on joining his first appointment as Assistant Superintendent Jail.
11. His service will be liable to termination/reversion at any stage if his certificates/Degrees NIC/Domicile etc testimonial found fake, his services will be considered as terminated automatically and FIR will be lodged against him.

If the above terms and conditions are acceptable to him, he should report to the Assistant Superintendent, District Jail Lakki Marwat within fifteen days of the receipt of this Order.

INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA PESHAWAR.

C/O...

TO,

Annexure D  
 Onl. Quarter General of Prison,  
 K.P., Parachinar

No. 161/WE  
 Dated: 12/10/18.

CHARGE ASSUMPTION REPORT

The charge of Sub Jail Parachinar, District Kurram is hereby handed over to Mr. Abdul Hameed, Assistant Superintendent Jail, today on 12/10/18 with the assets (list attached herewith).

  
 MEERANWAR

INCHARGE SUBJAIL PARACHINAR

I, Abdul Hameed, Assistant Superintendent Jail, hereby assume the charge of Subjail, Parachinar, District Kurram, today on 12/10/18 with the following basic deficiencies and assets.

1. 15 Inmates of erstwhile FATA have no valid Judicial Warrants.
2. 2 x Towers and the complete boundary wall are Sentry less because of Ser. No.3.
3. Acute deficiency of Staff.
4. Serious Problem of water for inmates and staff as no water source available like pressure pump or tube well etc.
5. Varying heights of perimeter and boundary wall (also some cracks in both the walls).
6. No Metal detector, no scanner, no lady searcher, no printer, no generator, no fax machine, no stationary, no papers, no computer for office work, no medicines for inmates at all.
7. No Security pickets on boundary wall
8. No officer accommodation
9. No furniture at all
10. Jail Colony is completely occupied by outsiders (District Administration Staff, teacher, etc etc), hence it is a risk for jail security and escape etc.

  
 ABDUL HAMEED

ASSISTANT SUPERINTENDENT,

SUBJAIL PARACHINAR

Attested  


ASSETS AVAILABLE

Sub Jail Parachinar is situated on Malane Road, Parachinar and it was constructed on total area of almost 38.5 Kanals in 1993. The main building of Sub Jail Parachinar consists of;

1. 8 Barracks,
2. 27 Cells,
3. Total Toilets = 54 (8 common toilets (external and out of order), 22 in cells, 17 in Barracks, 4 in line, 1 in Incharge Room, 2 in Main Devdry offices)
4. Total Bathrooms = 18 (14 in inmates Barracks, 4 in line barracks)
5. 1 Dispensary Room and
6. 7 small Store rooms
7. 2 Line Barracks
8. Residential Rooms
9. 1 Canteen Room with small Store and a
10. Garage for parking of 4 vehicles at one time.
11. Devdry has two rooms and one office and one small power centre room.
12. 10 Quarters in Jail Colony
13. 70 Ceiling Fans
14. 10 Chairs
15. One Table
16. One Almirah

*[Signature]*  
 Ex- Incharge,  
 Judicial Lockup  
 Parachinar  
 (Handed Over by)

*[Signature]* 12/10/18  
 Superintendent,  
 Sub Jail, Parachinar  
 (Taken Over by)

*Attested*  
*[Signature]*

Annexure B Annex C (10)

Annexure C



**INSPECTORATE GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR**

☎ 091-9210334, 9210408

☎ 091-0213445

No. 27/R-I-2016-1954 /

Dated 15-01-2021

**ORDER**

Mr. Abdul Hameed Assistant Superintendent Jail (BPS-16) attached to Sub Jail Parachinar(Kurram) is hereby granted (30) Thirty days earned leave with effect from 16-01-2021, on full average pay subject to title.

Certified that he is likely to return to the same or similar post on the expiry of this leave.

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

ENDST; NO. 1955-57 /

Copy of the above is forwarded to:-

1. The Superintendent Sub Jail Sadda (Kurram) for information and necessary action.
2. The Incharge, Sub Jail Parachinar(Kurram), for information and necessary action with reference to his letter No.776-WE dated 13-01-2021. Mr. Sherza Khan Chief Head Warden attached to Sub jail Prachinar(Kurram) will be lookafter the duties of Mr. Abdul Hameed ASJ addition to his own.
3. The District Accounts Officer concerned for information.

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

Attested  
[Signature]

Annexure D

11

Order to (Annexure B)

To/For:- Chief WARDER SHYGA BHAN

I am proceeding on O.T. money

Earned leave for my wife's surgery

already approved by the authority P. G.

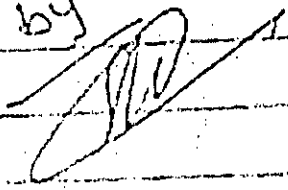
Prmsy KP O.C. No. 1954 - Date 15/01/2021

Dated Mr. Shyga Bhan Chief Warden

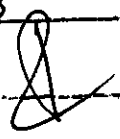
present at station and will look after

my duties in addition to his own and

the absence of Jail is completely met

taken by 

15/01/2021  
Superintendent  
Jail Paradekar

Attested 

BETTER COPY

BETTER COPY N/A

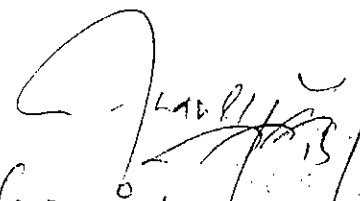
Order to

13/01/2021 :- <sup>6</sup> Chief Warden Sherzga Khan <sup>20</sup>

I am proceeding on One month  
Earned Leave for my wife Sargony  
already approved by the worthy D.G  
Prisons KP via letter No. 1954 dated 15/01/2021

Mr. Sherzga Khan, Chief Warden is  
present at station and will look after my  
duties in addition to his own and the  
situation of Jail is completely normal.

Noted  
by  
- Sd -

  
13/01/2021  
Superintendent  
Subjail Parachinar

Attended.  




Ar

Annex - (E)  
12

## CHARGE SHEET

I, Musud-ur-Rahman, I.G. Prisons Khyber Pakhtunkhwa Peshawar, as competent authority, hereby charge you Mr. Abdul Hameed as follows:

That you, while posted as Assistant Superintendent Jail at Sub Jail Parachinar committed the following irregularities:

- i. You were assigned the duties of Incharge Assistant Superintendent Jail of Sub Jail Parachinar (Kurram) since 01-09-2019. Due to your gross negligence/inefficiency /miss-management in the performance of your duties, no proper charge of the jail was taken from ex-Levy Force and Police as a result of which they are still running the affairs of the jail as before i.e releases/admission etc; for your ulterior motives to save your skin from responsibilities as defined in Prison Rules.
- ii. You failed to enforce Prison Rules amongst the prisoners and jail staff as a result of which the prisoner namely Muhtaj Hussain made good his escape from jail on 05-02-2021 at 04.15 PM, thus you violated Rules, 657, 1045 & 1072 of Khyber Pakhtunkhwa Prison Rules 2018.
- iii. You failed to maintain all relevant registers i.e Lock-up, Darban Jail, Register No.16, Duty Roaster and Roznamcha etc; as a result of which maximum watch & ward staff remained absent from duties.

2. For the reasons above, you appear to be guilty of inefficiency/misconduct under Rule-3 of the Khyber-Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the Rules ibid.

3. You are, therefore required to submit your written defense within seven(07) days of the receipt of this Charge Sheet to the Inquiry Officer, as the case may be.

4. Your written defense, if any, should reach the Inquiry Officer within the specified period,

failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.

5. Intimate whether you desire to be heard in person.

6. A statement of allegations is enclosed.

INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA PESHAWAR.

Attested

A  
(13)  
Annexure E

NO.

DATED:

11

STATEMENT OF SUPERINTENDENT SUB JAIL PARACHINAR

It is submitted that I was on official leave for one month w.e.f 16/01/2021 sanctioned by the worthy Inspector General of Prisons, KP vide his good office Order No. 1954 dated 15/01/2021 (Annexure A) and subsequently the charge was handed over to Mr. Sherza Khan, Chief Warder attached with Sub Jail Parachinar as directed by the worthy Boss under complete normalcy (Annexure B).

After the lapse of 20 days of my leave, an unfortunate incidence of escape of under trial inmate occurred in my absolute and legal non-presence.

Therefore, you are very humbly requested that I may not be held responsible in any way and from any angle, to meet the ends of justice, please.

Regarding Charge Sheet, my humble reply is as follows;

- I. Upon my arrival to sub Jail Parachinar, there was nothing, no rules, no law; the only law was of jungle and black law. Different incharges were working there and there was no centralized command. There was no record, no register, no proper admission and release system, no in out register; there was no source of water to meet the needs of inmates even. There was no system of Security of jail as FC was also deployed inside jail and they were bringing inmates with their own sweet will under their own security. There was no interview system even. The might was right. As for as the charge from Levy force is concerned, so their posture towards me was very threatening and they were not ready to accept me as they were at loggerhead with government and were aggrieved regarding their service absorption in Police, Structure, Superannuation and promotion. They were very much infuriated upon my arrival to this jail initially. Everything was under their control. I faced numerous problems. Even I had no place to sit leaving apart my accommodation. All these problems were frequently communicated to my worthy Inspector General of Prisons, KP frequently through situational reports, meetings etc.

The charge of jail was not only with levy but also with a very mighty Political Muharrar, Darogha Jail of District Administration, one other senior Clerk of District Administration and all of them were fully empowered and were blue-eyed guys of the system.

*Attended*  
R

Even I assigned the duties of jail security to incharge levy round the clock with a special focus on main gate and back side of jail due to residential area on back side was occupied by outsiders (District Administration Staff) in compliance of the directions by Inspector General of Prisons, KP conveyed through letter No. 29682-704 dated 01/10/2019 and got it noted from him especially in my order book (Annexure C).

So, my strategy was to first reduce the number of incharges. I successfully did it as I was having a very good liaison with the then District Police Officer.

With my consistent and strenuous efforts and utilizing my full potential and dealing the whole situation very tactfully and technically, finally the charge of this jail was assumed on 12/10/2019 and the same was sent to the Inspector General of Prisons, KP vide this office letter No. 161/WE dated 12/10/2019 with detailed list of deficiencies and assets (Annexure D).

After my assumption of charge, the Ex- Incharge jail continued working in jail under my strict supervision for the following reasons;

✓ FIRSTLY because his Writ Petition No. 2555 was pending in August Peshawar High Court Peshawar where he had demanded absorption in Prison Department or promotion whatever the case may be on the ground of his 28 years of service in the very same jail. Even I had given comments in that WP as directed by Head Office through letter No. 32508-WE dated 18/10/2019 (Annexure E). Even the Deputy Commissioner was not putting hands on him due to his pending case in PHC. I could not interfere in Court Affair as his case was under consideration in PHC. Immediately after I arrived to this jail, I communicated all problems, deficiencies and everything through a situational report dispatched to Head Office on 27/04/2019 (Annexure F) and vide this office letter No. 31 dated 19/06/2019 (Annexure G), letter No. 68-69 dated 04/07/2019 (Annexure H) with a copy to DC Kurram, DPO Kurram and Honorable Session Judge Kurram even and this practice of intimation was carried on frequently.

✓ I was completely at the helm of affairs and had strict control over all administrative activities as well as I was checking all Judicial Records, Warrants, Admissions, Releases and this is the reason that throughout my career at Sub Jail Parachinar never ever a single mistake regarding court proceedings, releases, admissions was surfaced rather Honorable District and Session Judge always appreciated me openly in CJCC Meetings and Legal Empowerment Committee Meetings in front of all stockholders i.e. Law Enforcement Agencies Personnel, DC, AC, DHO, PP etc and during his visit to jail and this is something which can be cross- checked from him through any means. Every admission was checked by me before entering any inmate in jail and all releases have been done by me except in case of leave as is evident from record. Moreover, I was a very active

Attest  
Q

participant in CICC meetings and my all active participation is reflected/ incorporated in almost all minutes of CICC meetings.

- ✓ As almost all of the cases were related to erstwhile FATA period, and as he was the incharge of jail previously all the time, and as there was no record of anything and Honorable Session Judge and other Higher Courts were continuously pressing hard for the record, so he was kept in picture as he was well aware of everything and could produce record from District Administration Offices easily. So he was there under my strict supervision for taking guidance and help from him being cognizant of everything.
- ✓ I kept a very active liaison with all stakeholders i.e. District Judiciary, District Administration and with Law Enforcement Agencies, Pak Army, C& W, WAPDA, TMO, Health, and with Head Office etc. all of these dignitaries will appreciate my efforts regarding Sub Jail Parachinar and its administration and this fact can be cross-checked from them even.

II. All the prison Rules were strictly observed in Sub jail Parachinar and I left no stone unturned and implemented practically Prison Rules. Before taking over of my charge, there was a Law of Jungle in that very jail, there were no rules, and it was deep- seated and deep- rooted black Law- ridden Habeas Corpus Cells. With my continuous and strenuous efforts for long time, I was able to reshape it and put it on District Footing with proper admissions and release system, proper lock up and lock out with record, proper in and out register maintained in Devdry by me every day with my signature, on time interviews with record, proper on time meal to the prisoners, their proper medications and hospital facility which was never observed before during erstwhile FATA period, production in Courts on time, and proper maintenance of security of jail. The result of this enforcement of prison rules was that never ever a single unpleasant incident, complaint, mishap or any violation of Prison Rule was reported by any authority during my two years of administrative control.


There was complete discipline amongst the prisoners and they were kept under tight control. And this is the reason that the recaptured inmate in his statement said that on that very day he found the chance as the towers were empty (Annexure I).

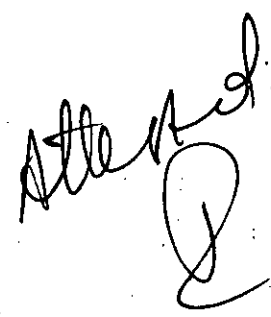
III. Every kind of record prepared, maintained and updated properly but as I was on long leave, so either it was concealed or not shown to the inquiry officer during preliminary investigation for the reason best known to him or them or may be to save their skin. Similarly, in out register was maintained by me every day with proper record. Joint duty roster was quite in vogue and I have some pictures of it with me which will be shown to your godself.

*Handwritten signature/initials*

Keeping in view the above situation and documentary proofs, all the charges leveled against me are found irrelevant and out of mandate as it was an escape due to security lapse and one cannot be held responsible for such mishap during one's legal and utter non-presence. Moreover, it is evident from the statement of the recaptured inmate that he found the chance on that day due to empty security towers and escaped on backside of jail (Annexure J). All the strategic and vulnerable points to the best of my understanding of Sub jail Parachinar had already been noted from Incharge Security and Chief Warder Sherza Khan (Annexure K). Moreover, he never got this chance during my presence and nobody could dare to make an attempt of escape during my presence due to my active supervision and strong vigilance.

So, in light of above, it is very humbly requested that I may please be exonerated from all the charges leveled against me, to meet the ends of justice, please.

  
ABDUL HAMEED  
ASSISTANT SUPERINTENDENT  
SUB JAIL PARACHINAR



(17)

15

INQUIRY PROCEEDINGS AND FACTS FINDING/RECOMMENDATIONS REPORT IN  
RESPECT OF ABDUL HAMEED KHAN

DETAILS OF THE CASE:-

A convicted Prisoner namely Muhtaj Hussain, confined in Sub Jail Parachinar in a murder case of Jabir Hussain for which he was liable to pay Rs.500,000/- as blood money and Rs.500,000/- on account of snatched amount and Rs.1000,000/- to legal heirs of the deceased, made his escape good from Sub Jail Parachinar on dated 05-02-2021 at around 04:15PM before lockup.

Consequently, the Worthy Inspector General of Prisons Khyber Pakhtunkhwa appointed the undersigned vide letter No.5223-25/we dated 17-02-2021 and 5227-20/we dated 17-02-2021 as inquiry officer against the aforementioned accusers with reference to the below allegations under Rule-10(1)(a) of the E&D Rules 2011 and ordered to submit the recommendations as to punishment or other appropriate action against the accusers accordingly.

STATEMENT OF ALLEGATIONS AGAINST MR. ABDUL HAMEED KHAN

- i. He was assigned the duties of Incharge Assistant Superintendent Jail of Sub Jail Parachinar (Kurram) since 01-09-2019. Due to his gross negligence/inefficiency/miss-management in the performance of his duties no proper charge of the Jail was taken from ex-Levy Force and Police as a release/admissions etc; for his ulterior motives to save his skin from responsibilities as defined in Prison Rules.
- ii. He Failed to enforce Prison Rules amongst the prisoners and jail staff as a result of which the prisoner namely Muhtaj Hussain made good his escape from jail on 05-02-2021 at 4:15 PM, thus he violated Rules,657,1045.&1072 of Khyber Pakhtunkhwa Prison Rules 2018.
- iii. He failed to enforce maintain all relevant register i.e. Lock up, Darban Jail, Register No.16, duty register and Roznamcha etc; as a result of which maximum watch & ward staff remained absent from duties.

In compliance to the order of Worthy Inspector General of Prisons Khyber Pakhtunkhwa Peshawar I, Tahir Shahbaz Khan Wazir Superintendent District Jail Lohat directed the Superintendent Sub Jail Parachinar vide letter No. 4102 dated 22-02-2021 and No.4120 dated 24-02-2021 (Copy Attached as Annexure -A1 and A2) to inform the aforementioned accused officer to submit his written statement if any to the office of the undersigned. He submitted his written statement which is attached as Annexure B. After examine his written statement the undersigned proceeded to Sub Jail Parachinar on dated 04-03-2021 at 10:00AM and a fair chance of hearing was given to him for defence.

FINDINGS:-

The undersigned interrogated the accused and cross questioned him at the time of personal hearing according to his written statements.

- i. He was cross questioned that it is true that you have not taken the charge from Levy Force. He denied the said allegation and replied that the charge was properly handed over by me from Levy Force on dated 12-10-2019 and copy of charge report is attached herewith as Annexure C for proof.
- ii. He was cross questioned that whether it is true that the release/Admissions were done by Levy. He denied the said allegation and replied that all the releases/admissions were done by me and in case of my leave, meeting etc those were done by Chief warden and Warden Jail (detail about is attached in his written reply) collectively with prior permission of mine and this was the reason that never ever a single mistake regarding releases/admissions was surfaced throughout my career at this Jail. Levy did not make a single release or admission.
- iii. He was cross questioned that do u have roznamcha. He replied that definitely. I was maintaining the roznamcha but as I was on long leave by the order of Worthy Inspector General of Prisons Khyber Pakhtunkhwa Peshawar and the charge was properly handed over to Chief Head Warden Shirza Khan (copy attached as Annexure D) so there is a strong apprehension that the

Attached

... was misplaced by the Chief Head warder the then Incharge of Sub Parachinar at the time of good escape put all the Burdon on my shoulder ... his own black face. He also stated that that all the relevent registers ... maintained till my departure on leave but as soon as the incident took place all the records were allegedly misplaced/concealed by the Chief head warder and his subordinates as conspiracy against me just only to save their own jobs and to concealed their own misconduct and negligence.

From the perusal of above discussion and statement of Abdul Hameed Khan, it came to the notice of undersigned that the said accused was officially on leave and the charge was handed over to Chief Head warder Shirza Khan and situation of the Jail was quite normal. And from my opinion as Abdul Hameed Khan had left the Jail 20 days prior to the day of the incident and it would be the responsibility of the new arriving Incharg Jail i.e. Chief Head warder Shiraz Khan to report any irregularity in the notice of high ups and took all protective measures to avoid any untoward incident and Abdul Hameed Khan cannot be held responsible for the incident which took place during the time when he was not the incharge of the said Jail.

However, the said Officer had left loopholes in performance of his duties as a Incharge of Sub Jail Parachinar.

- 1. No proper roznamcha was maintained but it was maintained on attendance register (Copy is attached as Annexure E).
- 2. The duty pattern was not maintained in register but it was maintained by the Leavy Police and to make joint duty roaster and signature was done by the Leavy Police. Moreover According to the statement of Head Warder Farhad the Jail administration duties were wholly solly dependable upon the Leavy Police (Copy is attached as Annexure F & G).
- 3. According to the Statement of Chief Head Warder Sheriza Khan, Lock up & Lock out register was not maintained from the start by Jail Satff but it was maintained by the Darogha (Political Officer).
- 4. Register No. 10 was not maintained by Mr. Abdul Hameed, as to see the statements of Chief Head warder Sheriza Khan & Head Farhad Khan that due to non availability of Darban, Register No. 16 was not maintained..
- 5. Admission & Release's Register of prisoners were maintained majority by Darogha's (Political Officer) Signature, as his statement shows that signature of release warrants were done by me. Similarly, the said register was checked by the undersigned and it was cleared that Darogha (Political Officer) signature were present there. (Copy is attached as Annexure H).
- 6. No proper record of application of casual leave/Sick leave of the staff mentioned was maintained.

**Recommendations:-**

1. Tahir Shahbaz Khan Wazir Superintendent District Jail Kohat being Inquiry officer recommended that the charge leveled against Mr. Abdul Hameed Khan in the statement of allegations at Sr.i & Sr.iii are fully proved. However, in the statement of Allegation at Sr.ii, no charge is proven as the said officer was on leave from 14.01.2021(01 month) vide IG Prisons office order No. 1954 dated 15.01.2021.

Submitted as ordered please.

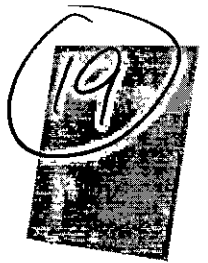
(Inquiry Officer)

*(Signature)*  
**(TAHIR SHAHBAZ KHAN WAZIR)**  
Superintendent

*Attended*

SHOW CAUSE NOTICE

*Amir G*



1. Khalid Abbas, I.G. Prisons Khyber Pakhtunkhwa, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, do hereby serve upon you, Mr. Abdul Hameed Assistant Superintendent Jail presently attached to Central Prison D.I. Khan, as following :-

- i. that consequent upon the completion of inquiry conducted against you by the Inquiry Officer for which you were given opportunity of hearing;
- ii. that on going through the findings and recommendations of the Inquiry Officer, the material on record and other connected papers including your defense before the Inquiry Officer:

I am satisfied that you have committed the following acts/omissions specified in rule-3 of the said rules:-

**Misconduct/ inefficiency/ gross negligence and miss management.**

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the ~~minor~~ major penalty of "Removal of Service" under rule-4 of the said rules.

3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

4. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defense to put in and in that case, ex-parte action shall be taken against you.

5. A copy of the findings of the Inquiry Officer is enclosed.

*[Signature]*

INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA PESHAWAR.

*[Signature]*





To,

The Inspector General Of Prisons,  
Khyber Pakhtunkhwa, Peshawar.

Subject: DISCIPLINARY ACTION / SHOW CAUSE NOTICE.

Respected Sir,

Kindly refer to your office No.12940-we dated 28.04.2021.

Enclosed please find herewith reply of showcause notice alongwith connected documents in respect of Assistant Superintendent Jail Abdul Hameed attach to this jail.

  
SUPERINTENDENT  
CENTRAL PRISON DIKHAN

*Attest*  


Annex - H (20)

OFFICE OF THE  
SUPERINTENDENT

CENTRAL PRISON D.I.K.H.

No 2262/we Dt: 07/09/2021

PH&FAX NO. 0966-9280299

Cpdikhan1@gmail.com

(2)  
Annexure A

REPLY TO SHOW CAUSE NOTICE

Most humbly it is submitted that I was on official leave for one month w.e.f 16/01/2021 sanctioned by the worthy Inspector General of Prisons, KP vide his good office Order No. 1954 dated 15/01/2021 (Annexure A) and subsequently the charge was handed over to Mr. Sherza Khan, Chief Warder attached with Sub Jail Parachinar as directed by the worthy Boss under complete normalcy (Annexure B).

After the lapse of 20 days of my leave, an unfortunate incidence of escape of under trial inmate occurred in my absolute and legal non-presence.

Therefore, you are very humbly requested that I may not be held responsible in any way and from any angle, to meet the ends of justice, please.

However, my submissions to the loopholes mentioned in inquiry officer's findings are as under;

1. Proper Roznamcha was quite in vogue and due to this I was able to conduct almost 02 dozens Disciplinary Actions from time to time and many warders absence were made without pay by Circle Headquarter. One Head Warder was reverted to Warder and many others increments were stopped.

How, so many disciplinary actions could be initiated without Roznamcha?

Moreover, does the attendance register to which the Inquiry Officer has referred to, bear any signature of mine or it was just a collection of some papers maintained roughly by the CHW Sherza Khan secretly and according to his sweet wish as well as without my knowledge to save his own skin after concealing the actual Roznamch and actual record?

2. The duty pattern was properly maintained in register and on duty Roster and CHW Sherza Khan and Incharge Security were jointly maneuvering staff duties as both were under my command as per order of the Worthy Inspector General of Prisons letter No. 29682-704 dated 01/10/2019 (Annexure C). But inside jail always the staff deputed was from Prison Department and it is evident from the fact that at the time of escape, warder Altaf was deputed in Center of jail against whom an FIR was also launched for his negligence.

Moreover, as there was no plcquett constructed on boundary wall of jail and security towers are inside jail on four corners of perimeter wall and as the Prison Department staff was not having a single rifle or weapon, or metal detector or pistol or any equipment, so District Police personnel were performing their duties in inside security towers. And those towers were also empty at the time of escape as disclosed by the recaptured inmate in his statement to the Police (Annexure J).

How jail administration duties could be wholly solly dependent upon Levy Police and how they could run the affairs of jail, when all the activities from Searches to lock up

Altaf  
2

and lock out, and discipline amongst the prisoners etc etc had already been noted from CHW Sherza Khan in my Order Book right from the beginning? (Annexure K)

In addition to above, *It must be noted here that not a single admission or release has been done by Levy Police.*

3. Lock up and lock out Registers were properly maintained and CHW Sherza Khan was responsible for its proper maintenance as he had noted this duty from me in my Order Book as discussed above. His statement is in open contradiction to what he had noted from me (Annexure K). It is crystal clear from the fact that when I was granted leave by the Worthy Boss, and when I was leaving the charge, till that day all records were maintained with mine and CHW Sherza Khan signature as is evident from the presence of my and his signature on In Out Register (Lock Up Register) maintained right from the beginning (Annexure M). In the same way separate registers for every barrack were also maintained. *It also clears point #2 above that if everything was in control of Levy Police, then how CHW was signing In Out Register or lock up register right from the beginning?* Also if everything was in Levy Police hand, then how In Out registers or lock up register was maintained with the sign of mine and CHW Sherza Khan. It must have the signature of Levy Police.
4. Register No. 16 was properly maintained and Darban was available. If there was no Darban or gate keeper, how those two heavy gates could be opened and closed frequently?
5. Admissions and Release Registers were properly maintained by me under my signature and Darogha (DC Representative from erstwhile FATA period) was working under my command and supervision, otherwise there could have been surfaced many blunders or wrong release or wrong admission but there was no such act during my two years of career at Sub Jail Parachinar due to my active supervision. *It was not something new as Darogha was working there and Head Office was well aware of him* because the same was communicated to Head Office vide my letter No. 179/WE dated 30/10/2019 in pursuance to the letter sent by Head Office vide No. 32508-WE dated 18/10/2019 *with the check by [unclear]* clearly stating that *Darogha is working under my command (Annexure E)*. Darogha's case was SubJudiced in Peshawar High Court about absorption in Prison Department or promotion in the backdrop of his 28 years of services at Sub Jail Parachinar (details about his career and reasons for working in jail have already been submitted in detailed reply to the Inquiry Officer).
6. Some of the applications are available with me which were locked in my personal almirah (Annexure N). Other applications were oftenly handed over to CHW. During initial inquiry, CHW, HW along with other warders, first gave the statement that charge of Sub Jail Parachinar was not with them. Later on, he changed his statement and said that there was no Roznamcha, No lock up lock out registers, wholly dependent on

*[Handwritten signature]*

Levy Police, No Register No. 16 and Darban etc etc etc. He kept on changing his statements.

The main architect of plot to unify all warders and to assure them that if they give just one statement and negate the charge of Sub Jail Parachinar, they will be rescued and everything will be put on Superintendent shoulders, was CHW Sherza Khan. Actually he was trying to hide his own blunder of leaving the jail for 13 days without prior permission of competent authority. By negating charge, actually he was trying to absolve himself completely from the responsibilities and to impede the transparent inquiry as well as to divert the focus and direction of inquiry in which he has succeeded to the maximum because inquiry of an escape due to security lapse has totally converted into inquiry of jail history.

In my thinking, the inquiry was so simple. Why CHW and HW were absent?

If there was any lacuna or deficiency in administration, why not they reported or communicated it to the higher authorities in this modern age of technology where cell phone is available in every hand?

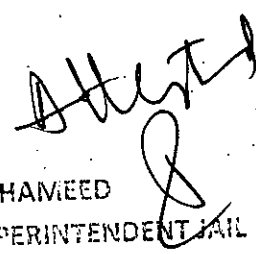
Also the question arose, that if there was mismanagement and gross deficiencies in my administration, why he did not object while or after taking the charge from me?

If nothing was maintained in jail, then how it went unnoticed on every Friday or alternate Friday during the visits of Honorable District and Session Judge and other Judicial Officers as well as during the visit of District Oversight Committee which checked every inch and corner of jail?

If there was any deficiency or if I was negligent, inefficient or mismanager, why a single event of displeasure, strike, or wrong release or admission could not happen in two years of my service at Sub Jail Parachinar?

As I was the only one who girded up the loins and arrived for duty at Sub Jail Parachinar as a one man army and that also at the time when all others were reluctant to go there, and as I put my life at risk and put Sub Jail Parachinar at District Footing and went through many ups and downs while taking this jail, so keeping in view my pioneering role, it is very humbly requested that I may please be exonerated from all the charges leveled against me, to meet the ends of justice, please.

*It is further requested that I would be grateful if provided an opportunity of personal hearing before the competent authority, please.*

  
 ABDUL HAMEED  
 ASSISTANT SUPERINTENDENT JAIL  
 CENTRAL PRISON, D.I.KHAN



ER

*Annex-I*  
INSPECTORATE GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR  
091-9210334, 9210408  
No. 114 J-2021-15541-1 091-9213445  
Dated 09-06-2021

WHEREAS, the accused officer Mr. Abdul Hameed Assistant Superintendent Jail posted at Sub Jail Parachinar was proceeded against under Rule-3 of Khyber Pakhtunkhwa Management Servants (Efficiency & Discipline) Rules, 2011 on the charges mentioned in the charge sheet upon him.

AND WHEREAS, Mr. Tahir Shahbaz Khan Wazir, Deputy Superintendent-cum-Superintendent District Jail Kohat was appointed as Inquiry Officer for conducting inquiry in the matter of this office endst; No. 5231-33-WE dated 17-02-2021.

AND WHEREAS, the Inquiry Officer concerned submitted its findings according to which S.No. i & iii have been fully proved against him.

AND WHEREAS, the undersigned being competent authority granted him the opportunity of personal hearing on 01-06-2021 as provided under rules ibid. During the course of personal hearing the accused failed to justify his innocence.

NOW THEREFORE, in exercise of powers conferred under Rule-14 of Khyber Pakhtunkhwa Management Servants (Efficiency & Discipline) Rules 2011, having considered the charges, evidence on record, explanation of the accused officer as well as the Inquiry report and after affording the opportunity of personal hearing the undersigned being competent authority is pleased to impose major penalty of "Reduction to a lower time scale for a period of two years" on accused Mr. Abdul Hameed Assistant Superintendent Jail presently posted at Central Prison D.I. Khan.

INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA, PESHAWAR.

NO. 15542-471

Copy of the above is forwarded to :-

The Superintendent, Central Prison D.I. Khan for information and necessary action. Necessary entry may please be made in his Service Books under proper attestation and with intimation to the Local Account Office for implementation of the said penalty.

The Superintendents, Sub Jail Parachinar /Sadda (Kurrum) for information and necessary action. Mr. Tahir Shahbaz Khan Wazir, Deputy Superintendent-cum-Superintendent Kohat (Inquiry Officer) for information with reference to his letter No. 4686-WE dated 13-04-2021.

The District Accounts Officer concerned for information.

The Officer concerned C/O Superintendent Central Prison D.I. Khan.

*Attended*  
ASSISTANT DIRECTOR *01/06/21*  
INSPECTORATE GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA PESHAWAR.

*2*

Amer-J (25)

No. 2895

Date: 15/06/2021

To,

The Inspector General of Prisons,  
Khyber Pakhtunkhwa Peshawar.

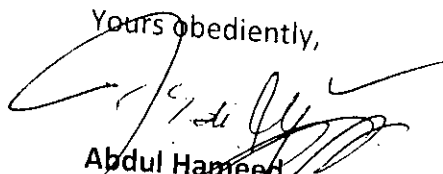
Subject: -

DEPARTMENTAL REPRESENTATION / APPEAL AGAINST THE IMPUGNED ORDER  
NO. 15541 DATED 01/06/2021.

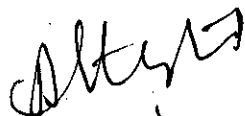
R/Sir,

Please find enclosed herewith the memo; of Appeal for its onward transmission  
to the Appellate Authority.

Yours obediently,

  
**Abdul Hameed**  
Assistant Superintendent,  
Central Prison, D.I.Khan.

✓ Copy of the above is forwarded to the Secretary Home and Tribal Affairs  
Department, for information and further necessary action, please.

  
D

Before -----

-----The Respectable Secretary Home & Tribal Affairs Department, Government of Khyber  
Pakhtunkhwa Peshawar.

Service Representation under Khyber Pakhtunkhwa Civil Servants Appeal, Rules, 1986.

Abdul Hameed Assistant Superintendent Jail Central Prison, DIKhan

**Appellant**

**VS**

The Learned Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.

**Respondent- Authority**

Representation / Appeal against the Order No. 15541 dated 01.06.2021 acknowledged at Central  
Prison DIKhan on 04.06.2021.

The Appellant; amongst other grounds; respectfully submits as follows:-

1. The Appellant was posted as Assistant Superintendent Jail Sub Jail Parachinar w.e.f 12.10.2019.
2. The advent of Reforms about tribal administration was in haste, since no administrative and infrastructural canvass was devised.
3. The transitional stage put forth many hardships and obstructions since the overwhelmed Levy Force remained quite intransigent and unfriendly and could not give cooperation of the required degree and in spite of such situational inhibitions, efforts were made to streamline Sub- Jail administration as far as possible, notwithstanding the inadequacy of clerical/ security/ administrative staff (as well as security equipments, weapons and ammunitions as well) and the hostile mood of the transferred Levy Force (**Annexure A**).
4. The Appellant, due to health problems of his wife, was obliged to proceed on one- month earned leave w.e.f 16.01.2021 till 15.02.2021 (**Annexure B**) and there occurred escape of an inmate on 05.02.2021 day-time in the absence of the Appellant when Mr. Sherza Khan Chief Head Warder was given the dual charge of Assistant Superintendent Sub Jail Parchinar w.e.f 16/01/2021 (**Annexure C**).
5. The Appellant was charge- sheeted on account of escape of inmate on 05.02.2021, copy of the charge- sheet is enclosed as **Annexure D** which was replied (**Annexure E**) vide inquiry officer directive dated 24.02.2021.
6. The Inquiry Officer in the absence of Departmental Representative, completed inquiry proceedings. The reply and the memo; of Inquiry Report along with his record of proceeding are enclosed as **Annexure F**.
7. As a consequence thereto, the Respondent – Authority served the Appellant with show- cause notice (**Annexure G**) which was replied on 07.05.2021 (**Annexure H**).
8. On 01.06.2021, the Appellant appeared for personal hearing and the impugned penal Order was passed on 01.06.2021 which was communicated on 04.06.2021 at Central Prison D.I.Khan.

Attor  
R

The impugned order dated 01.06.2021 has caused genuine grievance to the Appellant hence the present departmental representation/Appeal which is being sent through the competent authority as requirements of the Appeal Rules, 1986.

**GROUNDS OF APPEAL:**

- i. There were no complaints of lapses and wrong exercise of authority as Assistant Superintendent Sub Jail Parachinar from 22/04/2019 to 15/01/2021; and thus there was no element of own knowledge or information having been placed before the Respondent- Authority for initiation of disciplinary proceedings but all of sudden, the Appellant was accused when there was escape of inmate on 05/02/2021 day-time and thus the initiation of proceedings in not founded on sufficient and proper grounds and are tilted towards the "preconceived- notion biased" towards me.
- ii. In the transitional stage or transformation of jail affairs from haphazard regime of Tribal Agency into the codified sphere of Jail Manual, the Appellant had been continually and strenuously bringing into the notices of the Authority at Peshawar and voluminous correspondence is available on record and the relevant excerpts are enclosed for favor of perusal, information and record ( **copies are enclosed as Annexure I**) and ultimately 12 warders were provided by, in almost five to six months time span after officially taking over the charge of Sub-jail Parachinar, and those were also the staff which was not acceptable in any jail and inspite of that the Appellant had very successfully and smoothly discharged his duties during the course of those two years and not a single unpleasant incident took place . On the same station, now, almost 24 warders are available for duty and those are the chosen ones by the Superintendent Sub Jail Parachinar and still after me, three Assistant Superintendents have been transferred to and from Sub Jail Parachinar during three months, and the same jail has witnessed during these three months, mutiny by inmates, hunger- strikes, abundance of contrabands, Cell Phones; to name but a few.

The security lapses were made known to Mr. Sherza Khan, Chief Warder (**Annexure J**) and Incharge External Security of jail (**Annexure K**) quite earlier, and the stated escape on 05.02.2021 was prophesied by the Appellant and affirmed by the statement of the Muhtaj Hussain on recapture on 06/02/2021, copy of his statement is enclosed as **Annexure L**

The memo; of allegation of charge No. I is thus misconstrued and not proper which is denied in toto.

- iii. More so, there is also an act of omission i.e. Non- accusing of the two warders namely Mr. Waseem Akram and Ahmadullah, and the Inquiry Officer had not taken pains in this regard- which omission too subsisted at the level of the Respondent -Authority by implied withdrawal of proceedings against them.

- iv. The Appellant had been declined the opportunity- both oral Cross- Examination of all the accusing officers and officials including Mr. Sherza Khan and there was no opportunity of Cross- Examination in writing of any accusing prosecution.

*Attended*




witness including the designated Departmental Representative and the Non-nomination of Departmental Representative is a serious act of omission discoloring the entire saga of the proceedings and charge No. II is thus misplaced supercharge upon the canvass of facts and misconceived and misdirected on the line of law as envisaged in Rule 10, 11, 13 and 14 (4) d of the E & D Rules 2011 and there was thus the stated "preconceived- notion- bias" against the Appellant right from 17/02/2021 (date of initiation of inquiry against the Appellant) and the Inquiry Officer had toed the line of the *Preliminary Investigation Officer* and Respondent- Authority by making the charge No. II elastic and too inclusive which was not permitted to the Inquiry Officer and the sentence "*However, the said Officer had left loopholes in the performance of duties as Incharge Of Sub Jail Parachinar*" is reflecting the mood of the Inquiry Officer which is apt to be discarded or brushed aside when Sherza Khan admitted that lockups and lockouts were maintained by Political Darogha since 1993 since his first appointment by PA Kurram which in fact were done by Mr. Sherza Khan, Chief Head Warder as was noted from him (Annexure M).

- v. The charge No. III is ill- founded qua the facts that due to the transitional and transformational stage, the alleged omissions were being faced and are still faced by Police- Judiciary- Revenue and Health Department and the complete overhaul will require at least two decades when the administrative efficiency would be achieved to some extent since the situation is budget- starved and problems- intensive. But in spite of that, still the Appellant was quite successful in right- tracking the Sub Jail Parachinar administration and record and all the deficiencies were, time and again, brought into the notice of Head Office, repeatedly. So, the charge No. III is thus denied in the context of (uneasy) load of correspondence from the Appellant to the Head Office.
- vi. The Appellant also wishes to be heard in person.

It is therefore PRAYED that the impugned Order No. 15541 dated 01.06.2021 may be set aside and the charges may be withdrawn, please.

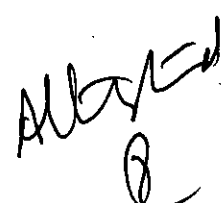
Your humble Appellant



Abdul Hameed  
Assistant Superintendent,  
Central Prison, D.I.Khan.

Enclosures:-

Leaves :-



Annex - K

### SITUATIONAL REPORT

In pursuance of your worthy office order No. 13357 dated 13/04/2019, I arrived at District Kurrum, Parachinar and met first of all with Assistant Commissioner Sadda, then Deputy Commissioner, Parachinar and subsequently with Assistant Commissioner Parachinar on 22/04/2019 and I was briefed on different dynamics and various aspects of the area as well as certain limitations in implementing laws of the land in letter and spirit and their immediate consequences for the newly arrived officers including me.

The top brass of District Administration also made me cognizant of the earlier prevalent culture of round the clock interviews/visits in jails, no lock ups even at night, frequent midnight payrolls, and how the people and inmates of the area are accustomed to those practices and their likely resistance/reaction to the newly introduced laws and to my understanding, all this had a clandestine message indicating that my personal security is at stake.

After that, I went to the jail and the complete situation which I grasped was as follows;

#### 1. INFRASTRUCTURE

Sub jail Parachinar is situated on Malane Road, and it was constructed on total area of almost 38 Kanals in 1993. It has 8 Barracks, 22 cells, 8 common toilets, a dispensary Room and 7 small Store rooms. In devdry, there are three rooms and two of them have been used as bed rooms while one has been made office by ex-Incharge at his own expense. It has 4 Watch Towers on all four corners of Perimeter Wall while there is no security picket on boundary wall. Both these walls are weak and cannot withstand the pressure of bullets even. Perimeter wall has also some cracks. The height of boundary wall is 8 feet while somewhere it is 6 or 7 feet and height of Perimeter Wall is 16 feet and somewhere it is 12 or 14 feet, ironically.

The jail has residential colony also which is comprised of 10 Quarters. Every Quarter has two small rooms, one kitchen and one bathroom. All these quarters have long been occupied by outsiders either on the direction of erstwhile APA, PA or DC, AC. These quarters have also been altered massively by these dwellers according to their sweet wishes.

Attest  
[Signature]

In residential colony, houses have been constructed very close to perimeter wall and there are serious apprehensions of escape from that side due to shortage of staff and varying heights of perimeter and boundary wall.

The search lights are very less in number and the whole jail has almost 2-3 solar lights.

## 2. STAFF (MALE AND FEMALE)

The already available staff of Erstwhile Kurrum Agency; Levy, has been converted to District Police and they are running jail affairs. The jail has acute shortage of staff and there are only 20 personnel deputed for 158 inmates. The normal practice here is that in any case of emergency, five among these 20 are also called back for duty at check posts or for VIP movement which is very threatening for jail security. I resisted this practice and tried to realize them that jail is most sensitive installation than any other place, and a senior Police Officer threatened me seriously in case of non-compliance.

In addition to this, these twenty personnel are also responsible for producing the inmates before Honorable Courts which are located at a distance of almost two hours travel. The staff is also training deficient.

In addition to this, there is no lady searcher and interviews of female visitors are carried out without any search which is not a valid procedure and may prove very threatening. Female visitors often come in groups of 6 to eight.

Most of all, as the staff is Levy-cum- District Police, so they are beholden to DPO for their transfer and promotion, and we, the prison officials have no place in this system unless and until

Either Prison staff may be deputed with prison officers for running jail administration OR Levy-cum-District Police may be converted to prison staff permanently.

There are two halls for staff and each can accommodate upto twelve personnel plus there is one single room which has the capacity of accommodating six personnel. Moreover, the staff is also training deficient.

Attest  
[Signature]

3. PHONE, FAX, INTERNET, COMPUTER, PRINTER

There is no such item available in jail.

4. ELECTRICITY AND GENERATOR

Electricity is available for 5-6 hours in 24 hours and there is no alternate source (Generator) for back up.

5. VALID JUDICIAL WARRANTS

In total 158 inmates, we have only two valid Judicial Warrants. There have been found so many anomalies in the record of inmates (Details of all 158 inmates, their nature of crime, detaining authorities and their date of admissions in jail will be shared with your good office in couple of days).

6. VEHICLE FOR PRODUCTION OF INMATES

There is no such vehicle with staff for production of inmates before Honorable Courts and the same is arranged at the expense of concerned inmate which is again a very risky practice.

7. ARMS AND AMMUNITIONS

Every staff personnel has one SMG with 90 ammunitions issued against his name all the time at the pattern of District Police and there is only one MG3. The area is so volatile that in case of any emergency, sectarian clashes erupt at once and in that case it would be really difficult for jail staff to take care of jail security. This jail is in dire need of army and Frontier corps contingents for security with heavy weapons.

8. SECURITY GADGETS

This jail lacks any scanner, metal detector, Fire Extinguisher, Cameras or Walki Talkie, ICOMs and InterComs, NVDs etc.

*Attest*  
*[Signature]*

No. 31-34  
date: 19/6/2018

32

#### 9. FOOD MENU FOR INMATES

The Menu contains pulses most of the times in a week.

#### 10. COMPOUNDER AND MEDICINES

One Police Personnel among the staff serves as Compounder and he has no medicines.

#### 11. OFFICERS ACCOMMODATION

There is no officers' accommodation. I am living with Ex- Incharge of this jail in a single room and I sleep on ground as there is no Fourleg (Charpai) even. I cannot keep my privacy and really in trouble.

#### 12. FURNITURE

There is not a single chair or table in the whole jail.

#### 13. REGISTERS AND STATIONARY

There is only one simple school register and the same is used as admission Register, Release Register, Convicted Register, In and Out Register and everything. Visitors have no entry register. There is no Register, Stationary and papers available at this jail.

#### 14. WELFARE SHOP AND PCO

There is no PCO inside jail while there is one welfare shop outside jail and inside boundary wall and the same has been opened by one staff personnel on the direction of erstwhile PA.

#### 15. ACUTE SHORTAGE OF WATER

This jail has acute shortage of water as there is no Tube well or anything which can cover the problem of water. Ironically, the water is managed through tanks in this contemporary world.

*Atish*  
*J*

**16. BEHAVIOR OF LEVY FORCE**

or as jail staff is concerned, so in the beginning they looked annoyed but with the passage of time and handling them very delicately, they have been improved a bit. But their upper brass is discontented and fragmented. I have got wind of the plot that some people are preparing for agitation or strike and this may put my personal security at risk as I have no support with me and even I have not brought my service card to avoid identification while en route to Parachinar as the route is also very dangerous. So, my life is at risk and I am living under constant threat.

*There are few other critical things which I can not write here because of my security issue.*

Submitted for your kind Perusal and in compliance of your good office order with the request for necessary guidance regarding charge assumption in light of above circumstances, please.

*[Signature]*  
19/06/2019  
INCHARGE SUB JAIL PARACHINAR

*Attended*  
*[Signature]*

Annexure I

رپورٹ کے لیے حصہ دوم

بیان زیر رقم ۱۰۰۰۰۰

21301-3198580-9

عزیز جوجناج میں ولد احمد علی کو 28/29 مارچ 1985ء میں پیدا کیا گیا۔  
 سکول گزرتے ہوئے پاپیٹ پولیس بیان کیا کہ جس تقریباً سات سال پہلے مجرم  
 PPC 302 گرفتار ہو کر جس میں ڈھیر ڈھیر لٹکے لٹکے تھکے تھکے جسم پر  
 عائد کیے گئے۔ دوران میں گورنر کے من ہجود کر کوئی سال احوال پوچھا  
 رہے تھے۔ بروز قوسم حمل میں جن میں ہزار سائے تھیں انہیں انسانی زالی  
 میں ہزاروں میں کھیل میں ہجود پورے تھے۔ اور ساتھ ہی بروز قوسم کو  
 2:30 بجے گورنر کیلکٹر نے 4 میں ایک منٹری جو جو وقت باقی بھاگ گیا ہے۔  
 حالی پر اس وقت جو جس کے خاندان میں تھے ہونے امام باچا، مارکے دیوار کے  
 ڈرائیو کے گھلے گھرنے ہوئے کیلکٹر نے اور کیلکٹر نے کے بیان دیوار  
 کو پاپی کا پرائیوٹ ڈرائیو میں پر دیوار سے پرائیوٹ کے حمل کے  
 سرکاری ایجنٹوں کے گزرتوں سے ہونے شروع ہوئے۔ درجہ کو ان کے  
 کے منٹری سے پرائیوٹ کے ماہر وائرس گھر سے  
 ہونے ہونے دیوار گھر سے پرائیوٹ کے پرائیوٹ کے پرائیوٹ کے  
 گئے۔ پاپی میں ڈرائیو کے پاپی میں ایک جسم واپس سے  
 سرکاری ایجنٹوں کے خاندان میں تھیں سکول میں داخل ہوئے اس کے  
 اس کے پہلے میں ساتھ میں رہ چکے تھے۔ خاندان کو حمل کے  
 ہونے کا سارا واقعہ تھا۔ خاندان نے جسم واپس سے خون پر ہونے کے  
 کے رات کو خاندان میں ایسی خواتین تھیں جو پاپی میں اپنے ساتھ  
 گاڑی میں بیٹھ کر تھیں کہ گھلے کے ہونے کے ہونے کے ہونے کے  
 گھلے کے ہونے کے ہونے کے ہونے کے ہونے کے ہونے کے ہونے کے

لا (۱۰)

Attested

بعد التمسوس لہذا قبول ہوا



Appellant بنام

بنام حکومت سندھ

عبدالحمید

موزخہ  
مقدمہ  
دعویٰ  
جرم

باعث تحریر آنکے

مجلس

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کاروائی متعلقہ  
آن مقام کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی  
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ  
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے ہوگا۔  
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
مذکور کریں۔ لہذا ادکالت نامہ لکھ دیا کہ مندر ہے۔

الرقوم 20

Abdul Hameed

11201-0416269-9  
0340-9306416

Attest  
Accepted  
20/9

Attest  
Accepted





Government of Khyber Pakhtunkhwa,  
Home & Tribal Affairs Department.

Dated Peshawar the 15<sup>th</sup> November, 2021

ORDER

No. SO(P&R)/HD/1-4/2018: WHEREAS, Mr. Abdul Hameed, Assistant Superintendent J.A. of Khyber Pakhtunkhwa Inspectorate of Prisons, was awarded major penalty of "Reduction to lower stage in a grade for a period of two years" by the Competent Authority (the Inspector General of Prisons, Khyber Pakhtunkhwa) vide Order No 1/14-J-2021-15541 dated 01.08.2021.

2 AND WHEREAS, feeling aggrieved with the decision, the official has preferred appeal for setting-aside the penalty awarded to him, which was examined by the appellant authority (the Home Secretary Khyber Pakhtunkhwa). In light of the available record of the case and after personal hearing, it was observed that the charges against the official were not established in light of ground realities and documents available on record.

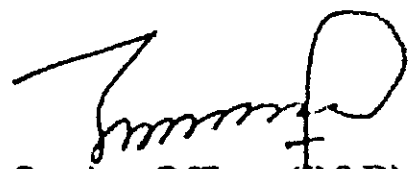
3 AND NOW THEREFORE, keeping in view the facts on record, the provision of rules in vogue and in exercise of power conferred under Rule-17 (2) (b) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline Rules), the appellant authority has been pleased to accept the appeal and exonerate the above mentioned officer from the charges levelled against him.

Secretary to Government of Khyber Pakhtunkhwa  
Home & Tribal Affairs Department

ENDST; NO & DATE EVEN.

Copy forwarded to the: -

1. Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar.
2. PS to Home Secretary, Khyber Pakhtunkhwa, Peshawar.
3. PS to Special Secretary Home, Khyber Pakhtunkhwa, Peshawar.
4. Appellant concerned.
5. Master file.

  
Section Officer (P&R)