

1/4/19

**BEFORE SERVICE TRIBUNAL KHYBER PAKHTUN  
KHWANA, PESHAWAR**

Service Appeal No. 695/2018

Muhammad Ayub Khan \_\_\_\_\_ Appellant

**Versus**

Govt. of Khyber Pakhtun Khwa and others \_\_\_\_\_ Respondents

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**APPELLANT**

Through

Dated: 04-02-2019



**ASAD ZEB KHAN,**  
Advocate, High Court,  
Peshawar.

①  
**BEFORE SERVICE TRIBUNAL KHYBER PAKHTUN  
KHWA, PESHAWAR**

**Service Appeal No.695/2018**

**Muhammad Ayub Khan** \_\_\_\_\_ **Appellant**

**Versus**

**Govt. of Khyber Pakhtun Khwa and others**  
\_\_\_\_\_ **Respondents**

**RE-JOINDER ON BEHALF OF APPELLANT**

**Respectfully Sheweth:**

The appellant most humbly submits as under:-

**PRILIMINARY OBJECTIONS:-**

1. That the appellant has got a locus standi and has a genuine case in his hand. The appeal of the appellant is in accordance with law and this august tribunal has got the power and ample jurisdiction to entertain the matter and to advance relief to the appellant. All the preliminary objections taken by the respondents in their written reply are expressly denied. Needless to mention that the respondents have not taken plea of limitation in their preliminary as well as factual objection, so they can't take this plea in future.

**Reply to facts:**

1. Para No. 1 of the written reply needs no reply, as the respondents have not taken any plea in their comments, which should be replied.

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2. Para No. 2 of the written reply is incorrect to the extent of alleged establishing charges by inquiry officer. Infact the inquiry officer failed to conduct proper inquiry under the relevant provisions of law, hence the inquiry so conducted is illegal and unlawful in the eyes of law.
3. Para No. 3 of the written reply is incorrect. As admitted and proved from the record that the E & D Rules, 2011 were not followed by the inquiry officer rather the inquiry officer conducted the inquiry on his own whims and wishes which has no locus standi under the law. The inquiry officer thrown the guilt of others over the shoulders of appellant which is not just and proper. The appellant duly apprised the inquiry officer that under the Jail Manual / Laws, the appellant is not the authorized officer for giving educational remissions to the convicts nor he is authorized to maintain any record of such remissions rather it was the duty of other officers to maintain proper record and also to check the remission documents of the convicts.
4. Para No. 4 of written reply needs no further comments.
5. Para No. 5 of the written reply is incorrect. As proved from the record that the impugned order was communicated to District Jail Buner while the appellant was not serving there at the moment, so he was unaware about passing of any order against him.
6. Para No. 6 of the written reply is incorrect, rather against the record. The respondents inefficiency can be gauged from the fact that the departmental appeal filed by the appellant is his first appeal against the impugned order while the respondents in their para wise reply stated that it was his second appeal. All this shows

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the conduct of the respondents that how much they are aware of the facts of the case.

**Reply to Grounds of written reply filed by respondents:**

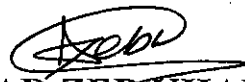
A-K Reply filed in response to the grounds of the appeal are vague and baseless. The respondents have miserably failed to explain the factum of non fulfilling of legal formalities of service laws in respect of taking harsh punishment against a Govt. servant. No proper inquiry has been conducted. Further the appellant was not provided ample opportunity to prove his innocence. The action taken by the respondents in total disregard of the law, all that have been done in hip hazard manner, which is unwarranted. When the first step taken in respect of the impugned order is illegal then whole structure built upon the same is also illegal. It would be relevant to mention that no proper departmental inquiry what-so-ever has been conducted, which is mandatory under the law.

In view of the above, and in addition to the main appeal, it is humbly prayed that this Hon'ble Court may graciously be pleased to pass an appropriate order in accordance with the prayers made in the main appeal.

  
APPELLANT

Through

Dated: 04-02-2019

  
**ASAD ZEB KHAN,**  
Advocate, High Court,  
Peshawar

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**BEFORE SERVICE TRIBUNAL KHYBER PAKHTUN  
KHWA, PESHAWAR**

Service Appeal No. 695/2018

Muhammad Ayub Khan \_\_\_\_\_ Appellant

Versus

Govt. of Khyber Pakhtun Khwa and others \_\_\_\_\_ Respondents

**AFFIDAVIT**

I, Muhammad Ayub Khan, Superintendent Judicial Lockup, District Swabi, do hereby solemnly affirm and declare upon oath that the contents of the titled rejoinder are true and correct to the best of my knowledge & belief and nothing has been concealed or withheld there from.

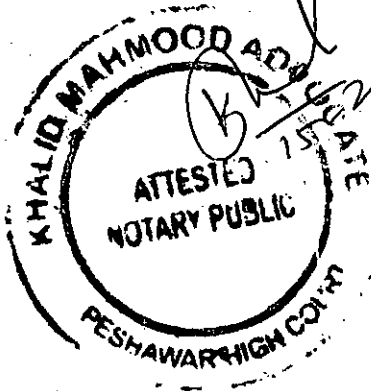
Identified By:

Asad Zeb Khan,  
Advocate High Court, Peshawar.

*Asad Zeb Khan*

Deponent

*17301-0851387-1*



KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 2957 /ST

Dated 14/10 / 2020

To

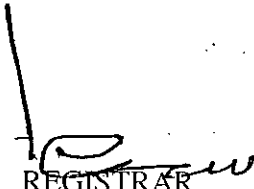
The Secretary Home & Tribal Affairs Department,  
Government of Khyber Pakhtunkhwa,  
Peshawar.

Subject: -

JUDGMENT IN APPEAL NO. 695/2018, MR. MUHAMMAD AYUB KHAN.

I am directed to forward herewith a certified copy of Judgement dated 05.10.2020 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.

(48)

Mr. Jawad Gill, accused official, in his reply (F/X) stated that neither there was any negligence on his part nor he was part of such illegal activities in releasing the prisoners, he just implemented the approved release orders of the competent authority which was obligatory upon him. His statement (F/Y) was recorded on 31.03.2017 wherein he stated that he had initialed the release warrants of Shoaib s/o Badshah and Jehangir s/o Ashraf Hussain. He also stated that he had pointed out the non availability of initial / signature on the statement of remission attached to prisoner's warrant of Shoaib and Jehangir but the Deputy Superintendent Jail, Mr. Ayub Khan told that the remission sheet is correct and the convicts should be released and hence he initialed the said remission sheet.

The charge against the accused official, Mr. Jawad Gill is established on the following grounds;

- (i) The original documents of the convicts Shoaib and Jehangir were not demanded though all these documents were supposed to be available in the premises of Central Prison Haripur. Record shows that references about these convicts (written on the remission sheets) was based on fake and bogus documents. Mr. Jawad Gill put his signatures on the release warrants of these convicts.
- (ii) The entries regarding grant of remission (in remission sheet) of some of the convicts were not signed by any officer or official (F/Z1) and even then the convicts were released and sign of Mr. Jawad Gill, Assistant Superintendent is available on the warrant release.

Jawad Gill  
02/5/20

Hence the charge against Mr. Jawad Gill is proved.

AW  
02/5/20

(G) Allegation against Abdur Raziq.

Statement of allegation (F/Z) was issued to Mr. Abdul Raziq, Assistant Superintendent Jail (BPS-14) presently attached to Central Prison Bannu which is reproduced as below:

*Due to his gross negligence / inefficiency in performance of his duty, while attached to Central Prison Haripur as Assistant Superintendent Jail, the following convicts were prematurely released from that Jail on granting illegal education remission on the basis of fake and manipulated documents, thus he has*

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violated Rule-115, 122(1), 123 and 1019(d) read with Rule 1044 (IV) of Khyber Pakhtunkhwa Prison Rules 1985:

S#	Name of Convict	Total Illegal Education Remission Granted	Date of Release
1.	Iftikhar Ahmad S/O Atlas	360 days	16.07.2015
2.	Bilal S/O Yar Zada	1080 days	23.09.2015
3.	Muhammad Akram S/O Muhammad Zaman	360 days	23.09.2015

Brief facts about the convicts mentioned in the charge sheet, issued to Mr. Abdur Raziq, accused officer, are as follows;

**1. Iftikhar s/o Atlas:**

Record about convict Iftikhar s/o Atlas shows that a remission of 360 days for passing BA exam held in 2013 was granted vide IG Prisons sanction letter No. 15107 dated 03.06.2015 (F/K6). But name of the convict, Iftikhar s/o Atlas was nowhere mentioned under any serial No. of the said letter. The remission was granted illegally with malafide intention. The convict Iftikhar s/o Atlas was prematurely released by Mr. Abdur Raziq Assistant Superintendent Central Prison Haripur, on the basis of fake and manipulated documents.

**2. Bilal s/o Yar Zada:**

Convict Bilal s/o Yar Zada was granted remission of 360 days on account of passing Al-Lisanul Arabia exam held in 2011 vide IG Prisons letter No. 23883 dated 23.09.2014 But on verification, it was revealed that name of convict Bilal s/o Yar Zada was inserted at serial No. 22. The original letter is at (F/K7) while fake is at (F/K8). Similarly, remission was granted on account of passing translation of the Holy Quran exam. The original sanction letter No. 13389 dated 19.05.2015 is at (F/10). The name of convict Bilal s/o Yar Zada was inserted on serial No. 09 in place of Ikramullah s/o Sanaullah in a scanned copy of the said letter (F/11). The convict Bilal s/o Yar Zada was prematurely released by Mr. Abdur Raziq as Assistant Superintendent Central Prison Haripur, on the basis of fake and manipulated documents.

*Handwritten signature and date: 02/5/17*

**ATTRACTED**

**3. Muhammad Akram s/o Muhammad Zaman:**

Case of convict Muhammad Akram s/o Muhammad Zaman was prepared and sent to IG Prisons to grant education remission for Nazira Quran vide No. 1953/WE dated 26.03.2013 (F/K12) and sanction was granted vide IG Prisons



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letter No. 10075/WE dated 05.04.2013 (F/K13) but remission of 720 days for passing translation of the Holy Quran was granted by Jail authorities in Haripur which was an excess and illegal. The convict Muhammad Akram s/o Muhammad Zaman was prematurely released by Mr. Abdur Raziq as Assistant Superintendent Central Prison Haripur, on the basis of fake and manipulated documents.

Mr. Abdur Raziq, accused official, in his reply (F/a) stated that it was the duty of Deputy Superintendent and Assistant Superintendent Incharge warrant branch to register the entries of the convicts four months before the release and verification and checking is the responsibility of Deputy Superintendent. He also stated that due to the absence of the concerned officer of the branch he performed his duty for those days. He further stated that all remissions were granted by the concerned Deputy Superintendent and Incharge warrant branch well before the release date as evident from the enclosed remission sheets and other related documents. His statement (F/b) was recorded on 30.03.2017 wherein he stated that it is correct to the extent that he could not check / verify the entries of remission awarded to the convicts concerned as there is no signatures of Incharge warrant branch, Deputy Superintendent and Superintendent Jail due to rush of work at interview rooms and hence the same were put up to the Deputy Superintendent. In his supplementary statement (F/b1) Mr. Abdul Raziq, the accused officer stated that he brought into the notice of Deputy Superintendent that there was no signature of any responsible officer on the remission sheets of convicts Iftikhar, Bilal and Muhammad Akram but he told that the final date of release had already been fixed and everything is in accordance with law and, therefore, he should put his signature. He further stated that he then signed the release warrant.

Handwritten signature and date 02/5/17

Keeping in view the above factual position, the charge Mr. Abdur Raziq is established on the basis of the following grounds;

- (i) The original documents of the convicts Iftikhar, Bilal and Muhammad Akram were not demanded though all these documents were supposed to be available in the premises of Central Prison Haripur. Record shows that references about these convicts (written on the remission sheets) was based on fake and bogus documents. Mr. Abdur Raziq put his signatures on the release warrants of these convicts.
- (ii) The entries regarding grant of remission (in remission sheet) of some of the convicts were not signed by any officer or official (F/Z1) and

ATTACHED

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even then the convicts were released and sign of Mr. Abdur Razir, Assistant Superintendent is available on the warrant release.

Hence the charge against Mr. Abdur Razir is proved.

(H) Allegations against Ubaid Ahmad.

Statement of allegations (F/c) was issued to Mr. Ubaid Ahmad, Warden (BPS-05) attached to Central Prison Haripur which is reproduced as under;

*He while attached to Central Prison Haripur as a Warden was assigned the duties in Warrant Branch on Computer with responsibility to assist the Incharge Warrant Branch. He manipulated cases of education remissions fraudulently, the following convicts on the basis of preparing bogus certificates of various exams and tampered documents which resulted in premature / illegal releases of these convicts from the Jail:*

S#	Name of convict	Total Illegal Education Remission granted	Date of release
1.	Zafar Iqbal s/o Zarshad	780 days	11.12.2014
2.	Naveed s/o Zuhrab Gul	780 days	11.12.2014
3.	Sawab Gul s/o Haji Mumtaz	Premature release of about 40 days	02.06.2015
4.	Javed Iqbal s/o Sher Muhammad	1080 days	29.06.2015
5.	Noor-ud-Din s/o Baz Muhammad	720 days	10.07.2015
6.	Iftikhar Ahmad s/o Atlas	360 days	16.07.2015
7.	Zafar s/o Wali	1279 days	31.08.2015
8.	Fazal Malik s/o Said Karim	180 days	11.09.2015
9.	Bilal s/o Yar Zada	1080 days	23.09.2015
10.	Muhammad Akram s/o Muhammad Zaman	360 days	23.09.2015
11.	Zia-ur-Rahman s/o Siraj Muhammad	360 days	04.04.2016
12.	Tawab Khan s/o Khan Wali	1267 days	11.05.2016
13.	Feroz Shah s/o Nasir	1093 days	11.05.2016
14.	Shoaib s/o Badshah	1440 days	28.06.2016
15.	Jehangir s/o Ashraf	360 days	28.06.2016
16.	Aqeel Ahmad s/o Raza Khan	1080 days	04.07.2016

*Handwritten signature and date 11-1-17*

Brief facts about the convicts mentioned in the charge sheet, issued to Mr. Abdur Raziq, accused officer are given as follows;

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**1. Zafar Iqbal s/o Zarshad:**

Relevant record as well as remission sheet of convict Zafar Iqbal was examined and it was found that a remission of 720 days was illegally awarded to him on the basis of fake and manipulated certificate for passing translation of the Holy Quran examination held in 2013. As a matter of fact, a certificate bearing serial No. 0624 dated 31.12.2013 was originally issued in the name of lifer convict Nasir s/o Buner (F/E4) who had already been benefited of the admissible remission on that account. However, subsequently, in a copy of the same certificate bearing the same serial number and date, a fake certificate (F/E1) was prepared in the name of convict Zafar Iqbal s/o Zarshad. The reference about the convict Zafar Iqbal s/o Zarshad available on the remission sheet is in the writing of Ubaid Ahmad, Warder which is based on fake and bogus documents.

**2. Naveed s/o Zuhrab Gul:**

The name of Naveed s/o Zuhrab Gul was inserted by Jail staff in a photocopy of the original certificate of Nasir s/o Buner. The original certificate is at (F/E4) while the fake certificate is at (F/E2). The case of the convict for the grant of remission was recommended / sent to IG Prisons. As a result, sanction was accorded by IG Prisons Khyber Pakhtunkhwa vide letter No. 23883 dated 23.09.2014 (F/F2). Hence, benefit of 720 days illegal remission was given to the convict on the manipulated / bogus passing certificate of the Holy Quran examination. The reference about the convict Naveed s/o Zuhrab Gul available on the remission sheet is in the writing of Ubaid Ahmad, Warder which is based on fake and bogus documents.

*Ubaid Ahmad*  
02/5/17

**SEARCHED**

**3. Sawab Gul s/o Haji Mumtaz**

The name of convict Sawab Gul was nowhere mentioned under any serial number in sanction letter No. 4540/WE dated 24.2.2015 (F/K1). At a letter stage, by way of tampering, in a scanned copy of the said letter (F/K2) the name of convict Sawab Gul was inserted at serial No. 27 in place of original name of Hidayat ur Rehman s/o Shahzar Gul and hence he was benefited 360 days illegal remission. The reference about the convict Sawab Gul s/o Haji Mumtaz available

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on the remission sheet is in the writing of Ubaid Ahmad, Warder which is based on fake and bogus documents.

**4. Javed Iqbal s/o Sher Muhammad:**

Record about convict Javed Iqbal s/o Sher Muhammad was checked and it was found that a remission of 360 days for passing Nazira Quran examination held in 2011 vide letter No. 7971 dated 27.04.2012 was awarded to him. The sanction letter is nowhere available. Even Mr. Sakawat Shah (Office Superintendent, IG Prisons office) has given statement (F/K3) that this sanction is not available. Hence illegal remission was granted. Similarly remission for passing translation of the Holy Quran was awarded by tampering the original sanction letter 13389 dated 19.05.2015, in a scanned copy of the same inserted the name of Javed Iqbal s/o Sher Muhammad (F/K4). In the original sanction (F/K5), name of Muhammad Khaliq is mentioned. The reference about the convict Javed Iqbal s/o Sher Muhammad available on the remission sheet is in the writing of Ubaid Ahmad, Warder which is based on fake and bogus documents.

**5. Noor-ud-Din s/o Baz Muhammad:**

Noor-ud-Din s/o Baz Muhammad was given sanction of 360 days for passing Nazira Quran examination vide IG Prisons No. 8765 dated 25.05.2012 and 360 days for passing SSC examination held in 2012 vide IG Prisons sanction letter 25679 dated 29.9.2014 under the initial of Noor-ul-Basar, Senior Assistant Superintendent. But record shows that these sanction letters were not issued from Head office (F/K3) and hence the reference on the remission sheets were fake and bogus. The reference about the convict Noor-ud-Din s/o Baz Muhammad available on the remission sheet is in the writing of Ubaid Ahmad, Warder which is based on fake and bogus documents.

*[Handwritten signature]*  
02/5/17

**6. Iftikhar s/o Atlas:**

Record about convict Iftikhar s/o Atlas shows that a remission of 360 days for passing BA exam held in 2013 was granted vide IG Prisons sanction letter No. 15107 dated 03.06.2015 (F/K6). But name of the convict, Iftikhar s/o Atlas was nowhere mentioned under any serial No. of the said letter. The remission was granted illegally with malafide intention. The reference about the convict Iftikhar

*[Handwritten signature]*

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s/o Atlas available on the remission sheet is in the writing of Ubaid Ahmad, Warder which is based on fake and bogus documents.

**7. Zafar s/o Wali**

Record of Zafar s/o Wali shows that remission was granted on account of passing translation of the Holy Quran examination held in December 2013 vide IG Prisons sanction letter No. 23883 dated 23.09.2014. The original letter contained 21 convicts (F/K7) but in the scanned copy of the said letter the name of Zafar was inserted at serial No. 22 (F/K8a). Moreover, remission for passing SSC exam held in 2015 was granted vide IG Prisons sanction letter No. 23394/WE dated 28.08.2015. The said sanction contained names of 19 prisoners (F/K9) but Zafar Khan was found nowhere under any serial number. This shows that the remission was granted illegally. The reference about the convict Zafar s/o Wali available on the remission sheet is in the writing of Ubaid Ahmad, Warder which is based on fake and bogus documents.

**8. Fazal Malik s/o Said Karim:**

Fazal Malik s/o Said Karim convict was granted remission for passing exam of Nazira Quran held in 2014 vide IG Prisons sanction letter 13389 dated 19.5.2015. The name of convict Fazal Malik was nowhere recorded under any serial No. of the said letter. But late on, in a scanned photocopy, name of Fazal Malik was inserted at serial No. 17 in place of Sher Baz s/o Mir Wais. Thus remission of 180 days was illegally granted by jail staff. Original letter is at (F/K10) while fake letter is at (F/K11). The reference about the convict Fazal Malik s/o Said Karim available on the remission sheet is in the writing of Ubaid Ahmad, Warder which is based on fake and bogus documents.

*Handwritten signature*  
02/5/17

**9. Bilal s/o Yar Zada:**

Convict Bilal s/o Yar Zada was granted remission of 360 days on account of passing Al-Lisanul Arabia exam held in 2011 vide IG Prisons letter No. 23883 dated 23.09.2014. But on verification, it was revealed that name of convict Bilal s/o Yar Zada was inserted at serial No. 22. The original letter is at (F/K7) while fake is at (F/K8). Similarly, remission was granted on account of passing translation of the Holy Quran exam. The original sanction letter No. 13389 dated 19.05.2015 is at (F/10). The name of convict Bilal s/o Yar Zada was inserted on serial No. 09 in place of Ikramullah s/o Sanaullah in a scanned copy of the said

*Handwritten signature*

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letter (F/11). Hence, remission was granted on fake and bogus documents. The reference about the convict Bilal s/o Yar Zada available on the remission sheet is in the writing of Ubaid Ahmad, Warder which is based on fake and bogus documents.

**10. Muhammad Akram s/o Muhammad Zaman:**

Case of convict Muhammad Akram s/o Muhammad Zaman was prepared and sent to IG Prisons to grant education remission for Nazira Quran vide No. 1953/WE dated 26.03.2013 (F/K12) and sanction was granted vide IG Prisons letter No. 10075/WE dated 05.04.2013 (F/K13) but remission of 720 days for passing translation of the Holy Quran was granted by Jail authorities in Haripur which was an excess and illegal. The reference about the convict Muhammad Akram s/o Muhammad Zaman available on the remission sheet is in the writing of Ubaid Ahmad, Warder which is based on fake and bogus documents.

**11. Zia-ur-Rehman s/o Siraj Muhammad:**

Record about convict Zia-ur-Rehman s/o Siraj Muhammad was perused and it was observed that on his remission sheet (F/K14) for passing some exam, subsequently, by way of overwriting, shown as FA examination held in 2014 vide IG Prisons letter No. 25902 dated 21.10.2014 (F/K15), a remission of 360 days (in overwriting) was given to him. However, instead of 360 days (twelve months) twenty four months were added in remission shown in column of months. In other words, by the award of 360 days remission, the total remissions in the months column would go up from 179 months to 191 months, but contrary to the same, it has been shown 203 months in the relevant column. The reference about the convict Zia-ur-Rehman s/o Siraj Muhammad available on the remission sheet is in the writing of Ubaid Ahmad, Warder which is based on fake and bogus documents.

*Handwritten signature and date: 11/5/17*

**12. Tawab Khan s/o Khan Wali:**

Record about the convict Tawab Khan was perused and it was found the Superintendent CP Haripur vide his letter No. 2667 dated 21.04.2014 (F/K16) recommended education remission cases of two convicted prisoners namely Muhammad Afzal s/o Asghar and Malak Taj s/o Gul Faraz. Accordingly sanction was accorded vide IG Prisons sanction letter No. 14143 dated 27.05.2014 (F/K17). However, later on the staff of Haripur Jail, by way of tampering in copy of the said letter (F/K18), inserted the name of convict Tawab Khan s/o Khan Wali in place of real convict Malak Taj s/o Gul Faraz. Thus, he was granted benefit of 360 days

**AFFECTED**

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illegal remission on fake documents. In addition, IG Prisons accorded sanction to the grant of education remission for 29 prisoners vide No. 18492 dated 07.07.2014 (F/K19). However, later on in photocopy of the said letter name of Tawab Khan was inserted at serial No. 08 by the Jail staff of Haripur and thus on the basis of fake documents the convicted prisoner Tawab Khan was further benefitted of 720 days illegal remission. Fake copy is at (F/K20). Similarly, education remission of 187 days was awarded to Tawab Khan s/o Khan Wali, by the staff of Haripur Jail on the basis of making similar fraudulent and fake entry in photocopy of IG Prisons sanction letter No. 12318 dated 04.05.2016. Original letter is at (F/21) and fake letter is at (F/K22). The reference about the convict Tawab Khan s/o Khan Wali available on the remission sheet is in the writing of Ubaid Ahmad, Warder which is based on fake and bogus documents.

**13. Feroz Shah s/o Nasir:**

The name of convict Feroz Shah s/o Nasir was inserted in a scanned copy of sanction letter No. 14143 dated 27.05.2014 by staff of Haripur Jail (F/K18). The original letter is at (F/K17). Hence, illegal remission was granted to the instant convict. Similarly, the name of convict Feroz Shah s/o Nasir was inserted at serial No. 10 of sanction letter No. 18492 dated 07.07.2014 (F/K20). The original sanction is at (F/K19) where the name of Kamran s/o Rahmanullah is available at serial No. 10. Hence, illegal remission of 360 days was granted. Similarly, the name of Feroz Shah s/o Nasir Khan was inserted in a scanned copy of sanction letter No. 12318 dated 04.05.2016 (F/K22). The original sanction is at (F/K21) where the name of Ijaz Ali s/o Nazifullah is mentioned at serial No. 08. Hence, illegal remission on the basis of fake documents was granted by the Jail staff. The reference about the convict Feroz Shah s/o Nasir available on the remission sheet is in the writing of Ubaid Ahmad, Warder which is based on fake and bogus documents.

*Handwritten signature and date: 11/5/20*

**14. Shoaib s/o Badshah:**

Record of convict Shoaib s/o Badshah shows that on passing FA as well as Urdu examinations by convict Shoaib (both held in 2015), the Superintendent CP Haripur vide letter No. 2656 dated 25.03.2016 (F/N1) sent his education remission case to IG Prisons for sanction. Accordingly, sanction was accorded vide IG Prisons letter No. 10235 dated 18.04.2016 (F/N2). But contrarily, he was awarded 360 days remission for passing Nazira Quran examination held in

**AFFECTED**

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2012 instead of Urdu under the said sanction letter. Thus he was granted 360 days illegal remission for passing Nazira Quran. Similarly, by way of tampering in IG Prisons sanction letter bearing No. 15450 dated 13.06.2016 (F/N3) the Haripur Jail staff inserted the name of convict Shoaib s/o Badshah at serial No. 17 and 61 in a scanned copy the said letter. Copy of the said manipulated letter is at (F/N4) while the original IG Prisons sanction letter is at (F/N3) contains the name of Parvaiz s/o Zavar Gul and Dildar s/o Qasim at serial No. 17 and 61. As a result of such tampering he was awarded  $720 + 360 = 1080$  days illegal remission on passing translation of Holy Quran held in 2014 and Urdu proficiency examination held in 2015. The reference about the convict Shoaib s/o Badshah available on the remission sheet is in the writing of Ubaid Ahmad, Warder which is based on fake and bogus documents.

**15. Jehangir s/o Ashraf:**

Remission of 360 days was awarded to Jehangir s/o Ashraf Hussain at serial No. 46 in a scanned copy of sanction letter bearing No. 15450 dated 13.06.2016 (F/N3) the original letter is at (F/N4) whereas at serial No. 46 is Dawood s/o Aleem Khan. Hence, illegal remission of 360 days was granted. The reference about the convict Jehangir s/o Ashraf available on the remission sheet is in the writing of Ubaid Ahmad, Warder which is based on fake and bogus documents.

*Jehangir*  
02/5/20

**16. Aqeel Ahmad s/o Raza Khan:**

The record shows that actually convict Saeed s/o Shoukat Ali had appeared in the examination of translation of the Holy Quran held in December 2015 (F/J1) and on passing such examination, a certificate bearing No. 0718 was issued to him. At a later stage, as a result of tampering, the name of Aqeel Ahmad was inserted in a photocopy of the said certificate (F/J2) and as such his case was processed and recommended / sent to IG Prisons by Mr. Muhammad Ayub Khan as acting Superintendent Central Prison Haripur (F/J3). The reference about the convict Aqeel Ahmad s/o Raza Khan available on the remission sheet is in the writing of Ubaid Ahmad, Warder which is based on fake and bogus documents.

*AT*

Mr. Ubaid Ahmad, accused Warder, in his reply (F/d) stated that the warrants of all prisoners whose release become due in any month shall be examined on 20<sup>th</sup> day of the month preceding to ascertain their correctness as per Rule 115.



(59)

His reply (F/d) was that he was assigned duty on computer for typing letters draft by officers and preparing monthly statements of prisoners on taking out warrants, registers etc. He also stated that a Warder works in any office just to help officers to save their time and divide their burden of work. He further stated that it is not possible for Warder to prepare bogus certificates or tamper a letter. His statement (F/e) was recorded on 31.03.2017 wherein he stated that he had sent statement on 27.11.2016 through fax where he had stated that he had tampered letter of education remissions of ten convicts and no staff or officer of Central Prison Haripur was involved in releasing of convicted prisoners but he mentioned that the Superintendent Central Prison Haripur, Mr. Khalid Abbas asked him on phone to give this statement which will enable them to save from the inquiry.

One of the convicts Fazal Malik s/o Said Karim was re-arrested. The inquiry officer visited Central Prison Haripur on 06.04.2017 and statement of Fazal Malik (F/f) was recorded wherein he stated that Ubaid was paid Rs. 40,000/- (forty thousand) for getting his illegal release. His statement further shows that convict Aqeel was involved in making bargain of the convicts with Mr. Ubaid for releasing them in lieu of money. According to Fazal Malik, Aqeel informed him that Ubaid is constructing house for which he needed money.

*Fazal Malik*  
02/5/17

Remaining fifteen convicts have not yet been re-arrested despite repeated requests to concerned authorities. Had they been re-arrested many other important facts would definitely have come to light.

The charge against Mr. Ubaid Ahmad is established on the basis of the following grounds;

- 1) Convict Fazal Malik paid Rs. 40,000/- to Mr. Ubaid Ahmad for getting his illegal release.
- 2) Referenced on remission sheets about the sixteen convicted prisoners are in the writing of Mr. Ubaid Ahmad, Warder which is based on fake and bogus documents.
- 3) Mr. Ubaid Ahmad, accused official, is very clever that at one occasion he sent statement through fax on 27.11.2016 that he had tampered letter of education remissions of ten convicts and no staff or officer of Central Prison Haripur was involved in the release of convicted prisoners, but on

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another occasion on 31.03.2017 he gave statement to Inquiry officer that the statement of 27.11.2016 was given and sent through fax on the instructions of Mr. Khalid Abbas, Superintendent Central Prison Haripur.

Keeping in view the above, I am of the considered opinion that the charge against Mr. Ubaid Ahmad (Accused official) is proved.

CONCLUSION:

After having gone through the whole process, the following conclusions are drawn;

1.

a) Allegation A (i) leveled against Mr. Khalid Abbas, Superintendent Central Prison Haripur is proved. ✓

b) Allegation A (ii) leveled against Mr. Khalid Abbas, Superintendent Central Prison Haripur is not proved. ✗

c) The point raised by Mr. Khalid Abbas, the accused officer, in his reply to the charge sheet that equality and fairness would require and demand departmental action against all those responsible officers for retaining the local watch and ward staff contrary to Rule 1117. This is a valid point and should be taken into consideration.

*S. Subhan*  
02/5/17

d) Allegation A (iii) leveled against Mr. Khalid Abbas, Superintendent Central Prison Haripur is partially proved. //

e) Allegation A (iv) leveled against Mr. Khalid Abbas, accused officer, is proved. //

2. The allegation (B) leveled against Mr. Sardar Zaman Baber, accused officer, is proved.

*A*

3. Allegation (C) leveled against Mr. Muhammad Ayub Khan, accused officer, is proved.

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4. The allegation (D) leveled against Mr. Noor-ul-Basar, Senior Assistant Superintendent (Incharge Warrant branch) is proved.
5. Allegation (E) leveled against Mr. Badshah Said, Assistant Superintendent (BS-14) is proved.
6. Allegation (F) leveled against Mr. Jawad Gill, Assistant Superintendent Jail is proved.
7. Allegation (G) leveled against Abdur Raziq, Assistant Superintendent Jail (BS-14) is proved.
8. Allegation (H) leveled against Mr. Ubaid Ahmad, Warder (BS-05) is proved.
9. Qari Uzair, Incharge Taleemul Quran attested the fake and bogus certificates of Zafar Iqbal s/o Zarshad, Naveed s/o Zuhra Gul and Aqeel Ahmad s/o Raza Khan. He stated in his statement that it was not his signature. But test of laboratory shows that these were his signatures.
10. Only Fazal Malik out of sixteen convicts has been re-arrested. The fifteen convicts have not yet been re-arrested despite repeated requests to concerned authorities. Had they been re-arrested many other important facts would definitely have come to light. The Inquiry in hand is being submitted without recording their statements.

*Handwritten signature*  
02/05/17

Now, I would come up with some recommendations;

**ATTESTED**

63

Specific Recommendations:

1. The accused Officer, Mr. Khalid Abbas, Superintendent Central Prison Haripur is recommended for imposing major penalty of reduction to a lower post (grade).

2. Accused Officer, Mr. Sardar Zaman Baber, Deputy Superintendent Central Prison Haripur is recommended for compulsory retirement.

3. Accused Officer, Mr. Muhammad Ayub Khan, Deputy Superintendent Central Prison Haripur is recommended for compulsory retirement.

4. Accused, Noor-ul-Basar, Senior Assistant Superintendent / Incharge Warrant branch Central Prison Haripur is recommended for compulsory retirement.

5. Accused, Badshah Said, Assistant Superintendent Central Prison Haripur is recommended for imposing major penalty of reduction to a lower stage in a time scale by three years.

Handwritten signature and initials: *Handwritten signature* and *9/5/20*

ATTESTED

63

6. Accused, Jawad Gill, Assistant Superintendent Central Prison Haripur is recommended for imposing major penalty of reduction to a lower stage in a time scale by one year.

7. Accused, Abdur Raziq, Assistant Superintendent Central Prison Haripur is recommended for imposing major penalty of reduction to a lower stage in a time scale by one year.

8. Accused, Ubaid Ahmad, Warder Central Prison Haripur is recommended for dismissal from service.

INQUIRY OFFICER

*Farrakh Sair*  
02/5/17

(FARRAKH SAIR)

Member-II Board of Revenue  
Khyber Pakhtunkhwa.

Dated: 02.05.2017

TESTED

64

198252-BC  
09.05.17

H

Before The Honorable

Mr. Farrukh Sair Khan (BPS-20)

MBR-II, Board of Revenue, Peshawar

KPK (Inquiry Officer)

Subject: Objections Regarding Inquiry Proceedings under E&D Rules 2011

Respected Sir,

The following submissions are submitted for favorable consideration to fulfill the requirements of the inquiry proceedings under E&D Rules 2011.

1. As per rule 11(1) of the said rules your good self committed that I will be provided the opportunity to produce witnesses in my defense for which I am still waiting.
2. I have been made entitled by above mentioned rules to cross examine the witnesses produced by prosecution party for which your good self also committed during personal hearing but the opportunity has yet to be provided for which I am waiting.
3. Under rule 11 sub rule 4, statements of witnesses and departmental representatives will be recorded in the presence of accused and vice versa but in contravention of this rule, statements of witnesses and departmental representative were recorded in my absence for which your good self also committed that the same opportunity will be provided before completion of inquiry proceedings.
4. Under rule 13 sub section 10, I am entitled to cross examine the witnesses produced by prosecution and it was committed by your good self that this right will be availed by me, for which I am still waiting.
5. The prosecution has produced and presented certain documents against me during the inquiry proceedings in my absence and thus I have been deprived of my due right of defense to submit the same with documentary proof in my support, for which your good self committed that I will be given the opportunity for which I am still waiting.
6. On 31<sup>st</sup> March 2017 statement of the main accused warder Ubaid Ahmad was recorded in my absence who is exclusively responsible for preparing fake documents and tempering the original record which resulted in premature releases of certain prisoners and it was committed by your good self that I will be provided the opportunity of cross examination of his statement for which I am still waiting.
7. The statement of Qari Uzair Incharge Taleem Ul Quran Trust Central Prison haripur, was also recorded in my absence and was committed by

9/5/17  
PS/MS  
10/5

10/5  
Mr. Sair Khan  
to Registrar PNC

ATTESTED

63

8. On 6<sup>th</sup> April 2017, your good self visited C.P Haripur where your good self recorded the statements of various relevant and irrelevant officials and prisoners in my absence for which your good self committed that all such statements would be recorded in my presence, so that I could avail the opportunity of cross examination of these statements for which I am still waiting.
9. On 28<sup>th</sup> April 2017, Mr Najam Abbasi Deputy Superintendent C.P Haripur was called for recording his statement and production of certain record which was done in my absence and thus I have been deprived of my due right of cross examination in this specific case as well.

It is therefore requested that the above mentioned opportunities for which I have been kept waiting may be provided to me as my due right in law and E&D rules 2011 so that requirements of the inquiry procedure could be completed in letter and spirit, as well as enable me to prove myself innocent.

9/

9/5/17  
Muhammad Ayub (BPS-17)

Deputy Superintendent District Jail Daggar  
(Under Suspension)

Copy of the same is forwarded to:-

1. The Honorable Registrar Peshawar High Court Peshawar.
2. The Honorable Principal Secretary to Chief Minister Khyber Pakhtunkhwa.
3. The Honorable Home Secretary Khyber Pakhtunkhwa.
4. The Honorable Principal Staff Officer to Chief Secretary Khyber Pakhtunkhwa.

For information and necessary action please.

9/5/17

Muhammad Ayub (BPS-17)

Deputy Superintendent District Jail Daggar  
(Under Suspension)

No. 1089

For Insurance Notices see reverse.  
Stamps affixed except in case of  
insured letters of not more than  
the initial weight prescribed in the  
Post Office Guide or on which no  
acknowledgement is due.

Rs. Ps.  
38.

Received a registered  
addressed to

Haripur  
Date-Stamp

Write here "letter", "postcard", "packet" or "parcel"  
with the word "insured" before it when necessary.  
[Insured for Rs. (in figures) 38 (in words)]

REGISTERED

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I

**SHOW CAUSE NOTICE**

I, Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you, Mr. Muhammad Ayub Khan, Deputy Superintendent Jail (BS-17), Central Prison Haripur, as follows:

1. (i) that consequent upon the completion of inquiry conducted against you by the inquiry officer for which you were given opportunity of hearing by the Inquiry officer on 03-04-2017; and.
- (ii) on going through the findings and recommendations of the inquiry officer/inquiry committee, 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.

- (c) Inefficiency / misconduct.

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of Compulsory retirement 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 defence to put in and in that case an ex-parte action shall be taken against you.

5. A copy of findings of the inquiry officer/inquiry committee is enclosed.

  
(PERVEZ KHATTAK)  
CHIEF MINISTER,

  
**ATTESTED**



67

To

The Inspector General of Prisons,  
Khyber Pakhtunkhwa.

**Subject: SHOW CAUSE NOTICE.**

R/Sir,

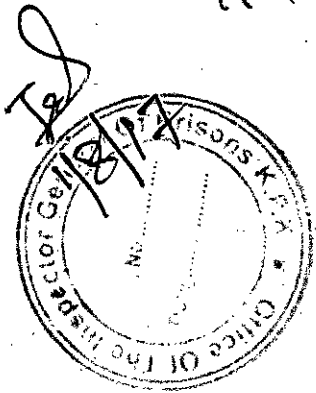
Reference your Memo No.16012-14/WE dated 18.07.2017.

Reply to the Show cause notice is hereby submitted for onward submission to the  
Competent Authority please.

*[Handwritten Signature]*  
21/07

**Muhammad Ayub**  
Deputy Superintendent  
(Under Suspension)

*[Handwritten mark]*



*[Handwritten Signature]*  
**ATTESTED**

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To

The Honourable Chief Minister,  
Khyber Pakhtunkhwa.

Subject: Reply to the Show Cause Notice.

R/Sir,

With reference to Inspector General of Prisons, Khyber Pakhtunkhwa Memo No.16012-14/WE dated 18.07.2017.

1. I want to pinpoint the deficiencies detected in the enquiry report which are as follows:-

- (i) The opportunity of cross examination was not provided to me during the proceedings of enquiry.
- (ii) Statements of prosecution witnesses were recorded in my absence.
- (iii) Statement of main accused Warder Obaid Ahmed was recorded in my absence.
- (iv) Record produced by Prosecution was not examined by me and thus the opportunity of rebutting the same could not be given to me by the Inquiry Officer.
- (v) I was also not provided the opportunity to produce my witnesses in my defence, and lastly;
- (vi) The above observation in the shape of a request was submitted before the Inquiry Officer with copies to all relevant officers but with no response. Photocopy attached at Annex-A.

2. The below deficiencies and contradictions were observed which are required to be highlighted :-

- (i) It is incorrect that the convict Sawab Gul s/o Haji Mumtaz was benefitted by grant of illegal education remission on the basis of fake and manipulated documents as mentioned by the Inquiry Officer at Para-3 of Page 17 of his Enquiry Report which is in total contradiction of his own findings which he has established against Warder Obaid Ahmed in Para-3 of Page-35 and thus it proves my innocence.

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- (ii) The Inquiry Officer again stated at Para-1 of Page 18 of his Enquiry Report that I released convict Shuaib s/o Badshah on basis grant of education remission on fake and manipulated documents but the same charge has clearly been established by the Inquiry Officer against Warder Obaid Ahmed at Para-3 of Page-39 of his Enquiry Report which is in his hand writing and thus his guilt cannot be attributed to me. Moreover, as per Rule-114, 115 and 1045 of PPR management, custody, examination, fixing of final date of release and award of ordinary and special remission to convicted prisoners is the responsibility of Assistant Superintendent In-charge Warrant Branch but the Inquiry Officer in contravention of above rules has held me responsible for the duties and responsibilities of the Assistant Superintendent.
- (iii) The Inquiry Officer again stated at Para-3 of Page 18 of his Enquiry Report that I released convict Jahangir s/o Ashraf on basis grant of education remission on fake and manipulated documents but the same charge has clearly been established by the Inquiry Officer against Warder Obaid Ahmed at Para-2 of Page-40 of his Enquiry Report and thus his guilt cannot be attributed to me. Moreover, as per Rule-114, 115 and 1045 of PPR management, custody, examination, fixing of final date of release and award of ordinary and special remission to convicted prisoners is the responsibility of Assistant Superintendent In-charge Warrant Branch but the Inquiry Officer in contravention of above rules has held me responsible for the duties and responsibilities of the Assistant Superintendent.
- (iv) The Inquiry Officer again stated at Para-3 of Page 18 of his Enquiry Report that I released convict Aqeel s/o Raza Khan on basis grant of education remission on fake and manipulated documents but the same charge has clearly been established by the Inquiry Officer against Warder Obaid Ahmed at Para-3 of Page-40 of his Enquiry Report which is in his hand writing and thus his guilt cannot be attributed to me. Moreover, as per Rule-114, 115 and 1045 of PPR management, custody, examination, fixing of final date of release and award of ordinary and special remission to convicted prisoners is the responsibility of Assistant Superintendent In-charge Warrant Branch but the Inquiry Officer in contravention of above rules

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has held me responsible for the duties and responsibilities of the Assistant Superintendent.

- (v) It is incorrect that original letters received from the Office of Inspector General of Prisons were not checked at the time of receipt which were accordingly marked to relevant branch headed by an Assistant Superintendent as claimed by the Inquiry Officer at Para (a) of Page 20 of his Enquiry Report. Actually those original letters were later on tampered, making by Warder Obaid Ahmed who was working as computer operator in Warrant Branch under the direct command and control of Assistant Superintendent In-charge Warrant Branch.
- (vi) It is also incorrect that the record produced before me at the time of releases of convicts Shuaib, Jahangir and Aqeel Ahmed was not checked by me as claimed by the Inquiry Officer at Para (b) of Page 20 of his Enquiry Report as his claim is without any solid proof.
- (vii) The remission case of convict Aqeel Ahmed s/o Raza Khan submitted to Inspector General of Prisons as per Rule 215 (ii) as his certificate was duly verified and attested by Qari Uzair Ahmed, In-charge Talim-ul-Quran Trust, Central Prisons Haripur and also attested and testified by Assistant Superintendent In-charge Warrant Branch and I only to fix testify the character of the convict as per above Rule. Moreover, the Inquiry Officer exceeded his authority and permitted domain as I have not been charged for this allegation in the original charge sheet issued by the competent authority as mentioned by the Inquiry Officer at Para (c) of Page 20 of his Enquiry Report.
- (viii) As explained in Para 2 above, awards, maintenance and custody of remission sheet is the responsibility of In-charge Warrant Branch and thus his responsibilities cannot be attributed to me as claimed by the Inquiry Officer.
- (ix) The award of 360 days remission to convict Jahangir s/o Ashraf on the basis of tampering the original record by Warder Obaid Ahmed cannot be considered as my fault as the maintenance and custody of warrants, remission sheets is the responsibility of Assistant Superintendent In-charge Warrant Branch and thus these important rules have been ignored by the Inquiry Officer and attributed his

(7)

responsibility to me as claimed by Inquiry Officer at Para (e) of Page 21 of his Enquiry Report which is beyond reason and justice.

- (x) As the charge of tampering the record of convict Sawab Gul, Jahangir, Aqeel Ahmed and Shuaib against Warder Obaid Ahmed has clearly been proved. Therefore, I cannot be held responsible for his sins.
- (xi) Warder Obaid Ahmed himself confessed that he himself committed this total fraud and in his this act no staff member or officer was involved but the Inquiry Officer totally ignored his confessional statement which is against the spirit of natural justice and human ethics (photocopy of confessional statement of Obaid Ahmed is attached at Annex-B) and lastly;
- (xii) The Inquiry Officer himself held responsible for the fraud and illegal release of all sixteen (16) convicts by Warder Obaid Ahmed which he has established on the basis of his hand writing on each document as well as the statement of Fazal Malik s/o Said Kareem one of the convicts which was prematurely released by Warder Obaid Ahmed and now confined in Central Prison Haripur after his re-arrest which proves my total innocence in the instant case.

3. Now I want to explain with regard to the charge sheet which was replied in detail to the Inquiry Officer but unfortunately the Inquiry Officer did not inconvenience himself to get through my reply to the charge sheet which was submitted with documentary proof and all quoted rules in my defence.

#### Charge Sheet

- 1- It is correct that warrants of all prisoners whose release become due in any month shall be examined on the 20th day of the month preceding to ascertain their correctness *as per rule 115 but in the case of convict Sawab Gul S/O Haji Mumtaz whose release was already fixed by the Assistant Superintendent Incharge warrant branch as 02/06/2015 and it was his responsibility who was permanent Incharge of warrant branch and his charge cannot be attributed to me as I was holding the additional charge of warrant branch just for one day* as the permanent Assistant

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Superintendent was away from the station and thus rule 115 does not apply in the instant case upon me.

- 2- The check dates and final date of release of convicts (1)- Shoaib S/O Badshah (2) Jehangir S/O Ashraf and (3) Aqeel Ahmad S/o Raza Khan were fixed by Assistant Superintendent Incharge warrant branch as per rule 113,115 and 116 and therefore by observing procedure as explained in rule 122 (1) the prisoners were released from Jail after completion of all codal formalities as mentioned in Rule 122 (1) but as these remissions were manipulated by Warder Obaid Ahmad for which he has been charged for the illegal releases of all 16 Nos convicts and who himself admitted his guilt (photocopy of his confessional statement is attached herewith as annexure-A) with further clarification that in his such act no staff members/officers was in connivance with him. Therefore his sins cannot be attributed to other people including me.


Rule 123 was fully observed as no impersonation has taken place in the instant cases as all the four prisoners were released carefully identified by reference to their personal description and marks of identification as recorded in the admission register.

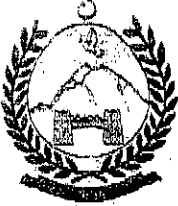
- 3- As per rule 1019 the education remission of these prisoners were manipulated/ tampered by Warder Obaid Ahmad who was under the direct command and charge of Assistant Superintendent warrant branch and as per rule 113,114 and 115, it was his responsibility to satisfy himself of all releases before producing the prisoners before the Deputy Superintendent / Superintendent for release as the whole record pertaining to warrant branch is lying under his custody and not of the Deputy Superintendent / Superintendent and hence his responsibility cannot be attributed to me.
- 4- It is correct that I always performed all my duties and responsibilities assigned to me by the Superintendent Jail as per rule 1044 and as explained in Para 1 above that I was holding additional charge on 02/06/2015 when convict Sawab Gul S/O Haji Mumtaz was released as his Final date of release was already fixed by Assistant Superintendent warrant branch in released diary Register No. 4 and therefore I fully complied with Rule 1044 of the Pakistan Prison Rules.

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4. Respected Sir, from the position explained above, the proposed penalty of compulsory retirement is not proportionate to my guilt of inefficiency and negligence in performance of duties as I served the department for about 26 years and therefore it is humbly prayed that I may please be exonerated from the charges levied against me.

Respected Sir, as explained above I want to be heard in person please.

  
31/07  
**Muhammad Ayub**  
Deputy Superintendent  
(Under suspension)



74 K

**Government of Khyber Pakhtunkhwa,  
Home & Tribal Affairs Department.**

**ORDER**

**No. SO(P&R)/HD/8-4/2017** WHEREAS, the following officers/officials of the Inspectorate of Prisons, Khyber Pakhtunkhwa, now under suspension, were proceeded against under Rule-3 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the show cause notices dated 17.07.2017 served upon them individually.

AND WHEREAS, the competent authority i.e the Chief Minister, Khyber Pakhtunkhwa granted them an opportunity of personal hearing as provided for under Rules ibid.

NOW THEREFORE, the competent authority (the Chief Minister, Khyber Pakhtunkhwa) after having considered the charges, evidence on record, the explanation of the accused officers and affording an opportunity of personal hearing to the accused, findings of the enquiry officer and exercising his power under rule-3 read with Rule-14 (5) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 has been pleased to pass the following orders noted against the name of each officers/officials with immediate effect;

S.No.	Name & Designation	Orders
1.	Mr. Khalid Abbas, Superintendent Jail (BPS-19)	Exonerated ✓
2.	Mr. Sardar Zaman Babar, Deputy Superintendent Jail (BPS-17)	Compulsory retirement from service
3.	Mr. Muhammad Ayub Khan, Deputy Superintendent Jail (BPS-17)	Reduction to a lower stage for three years in his present time scale. ✓
4.	Mr. Noorul Basar, Senior Assistant Superintendent Jail (BPS-16)	Compulsory retirement from service
5.	Mr. Badshah Said, Assistant Superintendent Jail (BPS-14)	Stoppage of increments for a period of two years. ✓
6.	Mr. Jawad Gill, Assistant Superintendent Jail (BPS-14)	Censure.
7.	Mr. Abdul Raziq, Assistant Superintendent Jail (BPS-14)	Stoppage of increments for a period of two years.
8.	Mr. Ubaid Ahmed, Warder (BPS-5)	Dismissal from service.

Secretary to Government of Khyber Pakhtunkhwa  
Home & Tribal affairs Department

Endst. No. **SO (P&R)/HD/8-4/2017**

Dated Peshawar the 26<sup>th</sup> September, 2017

C.c. -

1. Secretary to Governor, Khyber Pakhtunkhwa, Peshawar.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa, Peshawar.
3. The Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
4. PSO to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
5. PS to Secretary Establishment, Khyber Pakhtunkhwa Peshawar.
6. PS to Secretary, Home and Tribal Affairs Department, Khyber Pakhtunkhwa.
7. Officers/officials concerned.

**AFFECTED**

219 1. 12-119/09

*[Signature]*



(75)

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FAX: 0938-224588



OFFICE OF THE SUPERINTENDENT DISTRICT JAIL

BUNER AT DAGGAR

Tel: 0939-512712, Email: bunerjail@pnrc.com

No. 326-WE Dated: 128/02/2018

To,

The Superintendent,  
Judicial lockup swabi.

Subject: APPLICATION.

Memo:

Reference your office letter No:481-we dated 07.02.2018

Enclosed please find herewith copy of order received from secretary to  
Government of Khyber Pakhtunkhwa Home & Tribal affairs Department vide  
No. SO (P) 11178-4/2017 Dated 25.09.2017 for your further necessary action  
please

M: [Signature]  
SUPERINTENDENT  
DISTRICT JAIL BUNER AT DAGGAR

[Signature]

BETTER COPY

**OFFICE OF THE SUPERINTENDENT DISTRICT JAIL**

**BUNER AT DAGGAR**

Tel: 0939-512712, Email: [bunerjail@gmail.com](mailto:bunerjail@gmail.com)

No. 326-WE

Dated 08.02.2018

To,

The Superintendent  
Judicial Lockup Swabi

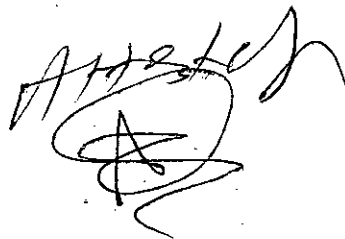
**Subject:- APPLICATION**

**Memo:**

Reference your office letter No. 481-we dated 07.02.2018.

Enclosed please find herewith copy of order received from Secretary to Government of Khyber Pakhtunkhwa Home & Tribal Affairs Department vide No. SO(sic) \_\_\_/8-4/2017 dated 26.09.2017 for your further necessary action please.

**SUPERINTENDENT  
DISTRICT JAIL BUNER AT DAGGAY**



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00 M 22



OFFICE OF THE SUPERINTENDENT JUDICIAL LOCKUP SWABI

No. 512 /WE

Dated: 12/2/2018

To,

The Worthy Inspector General of Prison's,  
Khyber Pakhtunkhwa, Peshawar.

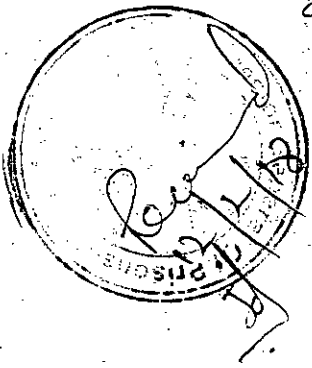
Respected Sir,

It is submitted with great honor that my Review Petition may kindly be forwarded to the quarter concerned, please.

Thanking in anticipation.

**Muhammad Ayub**  
Superintendent Judicial Lockup, Swabi.

Dated 12.02.2018



3727  
12-2-2018

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To

The Honourable Chief Minister,  
Khyber Pakhtunkhwa.

**Through: Proper Channel.**

**Subject: REVIEW PETITION OF MR.MUHAMMAD AYUB, DEPUTY SUPERINTENDENT JAIL AGAINST THE PUNISHMENT OF REDUCTION TO LOWER STAGE FOR THREE YEARS IN HIS PRESENT TIME SCALE.**

Respected Sir,

Most humbly the applicant submits this review petition against the orders of reduction to lower stage for three years in present time scale issued by Government of Khyber Pakhtunkhwa Notification No.SO(P&R)HD/8-4/2017 dated 26.09.2017 conveyed to me vide Superintendent District Jail Buner at Daggar No.326/WE dated 8.2.2018 (Annex-A) on the following grounds / facts for your kind and sympathetic consideration please.

2. **Before I explain my position with reference to this review petition, I may be excused to submit that the Enquiry Report is neither impartial, judicious (for reasons) given below nor is in accordance with rules laid down for conducting enquiries. It also appear that the Enquiry Officer has not inconvenienced himself to read or consider, impartially, my explanation to the charge sheet before arriving at its decision. The Enquiry Officer was under the rules and from all code of justice required rather bound to thoroughly study / read my reply patiently and reject / refute the same, if it really and honestly so considered necessary, by commenting upon and giving solid reasons for negotiating them (replies) as well as the rules and documents I have quoted / referred to in my defence.**

**BRIEF FACTS OF THE CASE**

3. In the year 2015-16, convicts (1) Sawab Gul s/o Haji Mumtaz; (2) Shoaib s/o Badshah; (3) Jahangir s/o Ashraf; and (4) Aqeel s/o Raza Khan were prematurely released from Central Prison Haripur on granting illegal remission on the basis of fake and manipulated documents with the connivance and conspiracy of Ex-Warder Ubaid Ahmed who was working in Warrant Branch of that Jail wherein I was also charged being Senior Assistant Superintendent Jail and Deputy Superintendent Jail for acts of omission and negligence in performance of duties.

4. I was found guilty by the Enquiry Officer for negligence in performance of duties without proving the case against me and accordingly I was served with a show cause notice which was timely replied and inspite of my innocence I was

awarded the above mentioned major penalty without any fault or failure on my part in the whole process of releases of prisoners.

5. Now I would like to highlight the deficiencies and contradictions which were observed in the Enquiry Report.

- (1) It is incorrect that the convict Sawab Gul s/o Haji Mumtaz was benefitted by grant of illegal education remission on the basis of fake and manipulated documents as mentioned by the Enquiry Officer at Para-3 of Page 17 of his Enquiry Report which is in total contradiction of his own findings which he has established against Ex-Warder Obaid Ahmed in Para-3 of Page-35 and thus it proves my innocence.
- (2) The Enquiry Officer again stated at Para-1 of Page 18 of his Enquiry Report that I released convict Shuaib s/o Badshah on basis of grant of education remission on fake and manipulated documents but the same charge has clearly been established by the Enquiry Officer against Ex-Warder Obaid Ahmed at Para-3 of Page-39 of his Enquiry Report which is in his hand writing and thus his guilt cannot be attributed to me. Moreover, as per Rule-114, 115 and 1045 of PPR management, custody, examination, fixing of final date of release and award of ordinary and special remission to convicted prisoners is the responsibility of Assistant Superintendent Incharge Warrant Branch but the Enquiry Officer in contravention of above rules has held me responsible for the duties and responsibilities of the Assistant Superintendent.
- (3) The Enquiry Officer again stated at Para-3 of Page 18 of his Enquiry Report that I released convict Jhangir s/o Ashraf on the basis of grant of education remission on fake and manipulated documents but the same charge has clearly been established by the Enquiry Officer against Ex-Warder Obaid Ahmed at Para-2 of Page-40 of his Enquiry Report which is in his hand writing and thus his guilt cannot be attributed to me. Moreover, as per Rule-114, 115 and 1045 of PPR management, custody, examination, fixing of final date of release and award of ordinary and special remission to convicted prisoners is the responsibility of Assistant Superintendent Incharge Warrant Branch but the Enquiry Officer in contravention of above rules has held me responsible for the duties and responsibilities of the Assistant Superintendent.
- (4) The Enquiry Officer again stated at Para-3 of Page 18 of his Enquiry Report that I released convict Aqeel s/o Raza Khan on the basis of grant of education remission on fake and manipulated documents but the same charge has clearly been established by the Enquiry Officer against Warder Obaid Ahmed at Para-3 of Page-40 of his Enquiry Report which is in his hand writing and thus his guilt cannot be attributed to me. Moreover, as per Rule-114, 115 and 1045 of PPR management, custody, examination, fixing of final date of release and award of ordinary and special remission to convicted prisoners is the

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responsibility of Assistant Superintendent Incharge Warrant Branch but the Enquiry Officer in contravention of above rules has held me responsible for the duties and responsibilities of the Assistant Superintendent.

- (5) It is incorrect that original letters received from the Office of Inspector General of Prisons were not checked at the time of receipt which were accordingly marked to relevant branch headed by an Assistant Superintendent as claimed by the Enquiry Officer at Para (a) of Page 20 of his Enquiry Report. Actually those original letters were later on tampered by Ex-Warder Obaid Ahmed who was working as computer operator in Warrant Branch under the direct command and control of Assistant Superintendent Incharge Warrant Branch.
- (6) It is also incorrect that the record produced before me at the time of releases of convicts Shuaib, Jahangir and Aqeel Ahmed was not checked by me as claimed by the Enquiry Officer at Para (b) of Page 20 of his Enquiry Report as his claim is without any solid proof.
- (7) The remission case of convict Aqeel Ahmed s/o Raza Khan submitted to Inspector General of Prisons as per Rule 215 (ii) as his certificate was duly verified and attested by Qari Uzair Ahmed, Incharge Talim-ul-Quran Trust, Central Prisons Haripur and also attested and testified by Assistant Superintendent Incharge Warrant Branch and I only to testify the character of the convict as per above Rule. Moreover, the Enquiry Officer exceeded his authority and permitted domain as I have not been charged for this allegation in the original charge sheet issued by the competent authority as mentioned by the Enquiry Officer at Para (c) of Page 20 of his Enquiry Report
- (8) As explained in Para 2 above award, maintenance and custody of remission sheet is the responsibility of Incharge Warrant Branch and thus his responsibilities cannot be attributed to me as claimed by the Enquiry Officer.
- (9) The award of 360 days remission to convict Jahangir s/o Ashraf on the basis of tampering the original record by Ex-Warder Obaid Ahmed cannot be considered as my fault as the maintenance and custody of warrants, remission sheets is the responsibility of Assistant Superintendent Incharge Warrant Branch and thus these important rules have been ignored by the Enquiry Officer and attributed his responsibility to me as claimed by Enquiry Officer at Para (e) of Page 21 of his Enquiry Report which is beyond reason and justice.
- (10) As the charge of tampering the record of convict Sawab Gul, Jahangir, Aqeel Ahmed and Shuaib against Ex-Warder Obaid Ahmed has clearly been proved. Therefore, I cannot be held responsible for his sins.
- (11) Ex-Warder Obaid Ahmed himself confessed that he himself committed this total fraud and in his this act no staff member or officer was involved with him, but the Enquiry Officer totally ignored his confessional statement which is against the spirit of natural justice and human ethics (photocopy of confessional statement of Obaid Ahmed is attached at **Annex-B**) and lastly;

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(12) The Enquiry Officer himself held responsible for the fraud and illegal release of all sixteen (16) convicts by Ex-Warder Obaid Ahmed which he has established on the basis of his hand writing on each document as well as the statement of Fazal Malik s/o Said Kareem one of the convicts which was prematurely released by Ex-Warder Obaid Ahmed after his re-arrest which proves my total innocence in the instant case.

4. I would also like to pinpoint the technical faults and deficiencies detected in the Enquiry Report which are reproduced below:

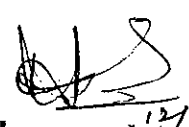
- i. The opportunity of cross examination was not provided to me during the proceedings of enquiry.
- ii. Statements of prosecution witnesses were recorded in my absence.
- iii. Statement of main accused Ex-Warder Obaid Ahmed was recorded in my absence.
- iv. Record produced by Prosecution was not examined by me and thus the opportunity of rebutting, the same could not be given to me by the enquiry officer.
- v. I was also not provided the opportunity to produce my witnesses in my defense and lastly;
- vi. The above observation in the shape of a request was submitted before the Enquiry Officer with copies to all relevant officers but with no response. Photocopy attached at Annex-C.

5. Keeping the position explained above, it is therefore, humbly prayed that on acceptance of this review petition, the impugned order dated 27.09.2017 may kindly be set aside and I may graciously be exonerated please.

Thanking you Sir.

*dated 12-2-2018*

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**Muhammad Ayub**  
Deputy Superintendent Jail, Swabi

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

In the matter of  
Service Appeal No.695/2018  
Muhammad Ayub Khan,  
Deputy Superintendent-cum-Superintendent,  
Judicial Lockup Swabi  
(Now attached to District Jail Abbottabad)..... **Appellant.**

**VERSUS**

1. Government of Khyber Pakhtunkhwa,  
Chief Secretary, Peshawar
2. Secretary to Government of Khyber Pakhtunkhwa,  
Home and Tribal Affairs Department, Peshawar
3. Inspector General of Prisons,  
Khyber Pakhtunkhwa, Peshawar..... **Respondents.**

**Preliminary Objections**

- i. That the appellant has got no cause of action.
- ii. That the appeal is incompetent and is not maintainable in its present form.
- iii. That the appellant is estopped by his own conduct to bring the present appeal.
- iv. That the appellant has no locus standi.
- v. That the appeal is bad for mis joinder and non-joinder of necessary parties.
- vi. That the appeal is barred by law.

**ON FACTS**

- 1- Pertains to record, therefore needs no comments to be offered.
- 2- Correct to the extent that said allegations duly replied by the appellant, however, the inquiry officer did not consider and accordingly established the charges vide inquiry report, vide Para (a) (b) & (c) (**Annex-A**).
- 3- The plea of the appellant is vide of facts because for the reason that the competent authority while going through the objections of the appellant did not grant any relief thereby meaning that objections were overruled by the competent authority being the sole competency of the competent authority. The impugned order was passed after conducting an impartial inquiry by fulfilling all the coal formalities.
- 4- Correct.
- 5- Incorrect. A lame excuse because there exists proper mechanism for official communications, hence, claiming that said orders were not communicated to the appellant.
- 6- Irrelevant & Incorrect. Therefore, needs no comments, because no provision exists in the rules for second appeal under E&D Rules-2011.

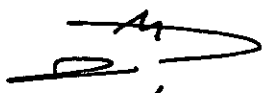


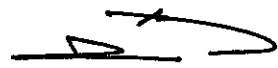
7- No comments.

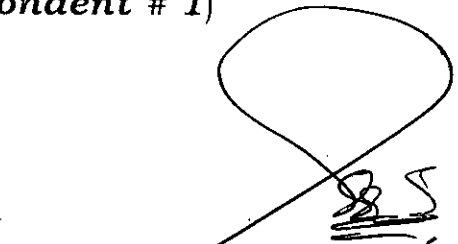
**GROUND:** -

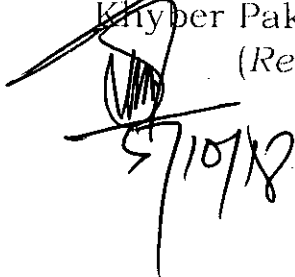
- A. Incorrect & misleading. All orders passed in accordance with the parameter of law / rules.
- B. Same remarks as explained in Para-A above.
- C. Same remarks as explained in Para-A above.
- D. As elaborated in Para-3 above.
- E. As explained in Para-A above.
- F. Incorrect. No discrimination / no violation of law, the plea of the appellants is nothing but of a routine excuse on the part of accused / convicted persons.
- G. As explained in Para-A above.
- H. Incorrect, as per law / rules proper opportunity of personal hearing duly extended to the appellants.
- I. As explained in Para-A above.
- J. As explained in Para-A above.
- K. No comments.

It is therefore, humbly prayed that on acceptance of this reply, the instant appeal may kindly be dismissed with cost throughout.

  
**CHIEF SECRETARY**  
Government of Khyber  
Pakhtunkhwa, Peshawar  
(Respondent # 1)

  
**SECRETARY TO GOVERNMENT**  
of Khyber Pakhtunkhwa Home and  
Tribal Affairs Department  
Peshawar  
(Respondent # 2)

  
**INSPECTOR GENERAL OF PRISONS,**  
Khyber Pakhtunkhwa Peshawar  
(Respondent # 3)

  
5/10/18

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**


In the matter of  
Service Appeal No.695/2018  
Muhammad Ayub Khan,  
Deputy Superintendent-cum-Superintendent,  
Judicial Lockup Swabi  
(Now attached to District Jail Abbottabad)..... **Appellant.**


**VERSUS**

1. Government of Khyber Pakhtunkhwa,  
Chief Secretary, Peshawar
2. Secretary to Government of Khyber Pakhtunkhwa,  
Home and Tribal Affairs Department, Peshawar
3. Inspector General of Prisons,  
Khyber Pakhtunkhwa, Peshawar.. .....**Respondents.**

**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENTS NO. 1 TO 3.**

We, the undersigned respondents, do hereby solemnly affirm and declare that the contents of the joint parawise comments on the above cited appeal are true and correct to the best of our knowledge and belief and that no material facts have been kept secret from this Honorable Tribunal.

  
**CHIEF SECRETARY**  
Government of Khyber  
Pakhtunkhwa, Peshawar  
**(Respondent # 1)**

  
**SECRETARY TO GOVERNMENT**  
of Khyber Pakhtunkhwa Home and  
Tribal Affairs Department  
Peshawar  
**(Respondent # 2)**

  
**INSPECTOR GENERAL OF PRISONS,**  
Khyber Pakhtunkhwa Peshawar  
**(Respondent # 3)**

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and has violated Rule 122(i), 123 and 1019 (F/9) Khyber Pakhtunkhwa Prison Rules 1985.

(C) Allegations against Muhammad Ayub Khan

Statement of allegations (F/N) was issued to Mr. Muhammad Ayub Khan, Deputy Superintendent Jail (BPS-17) attached to Central Prison Haripur which is reproduced as under;

*Due to his gross negligence / inefficiency in performance of his duty, while attached to Central Prison Haripur as Senior Assistant Superintendent (BPS-16) and Deputy Superintendent Jail (BPS-17); the following convicts were prematurely released from that Jail on granting illegal education remission on the basis of fake and manipulated documents, thus he has violated Rule-115, 122(1), 123 and 1019(d) read with Rule 1044(IV) of Khyber Pakhtunkhwa Prison Rules 1985:*

S#	Name of convict	Total Illegal Education Remission granted	Date of release
1	Sawab Gul s/o Haji Mumtaz	Premature release of about 40 days	02.06.2015
2	Shoaib s/o Badshah	1440 days	28.06.2016
3	Jehangir s/o Ashraf	360 days	28.06.2016
4	Aqeel Ahmad s/o Raza Khan	1080 days	04.07.2016

*Handwritten signature and date 02/11/17*

Brief facts about the convicts mentioned in the charge sheet, issued to Mr. Muhammad Ayub Khan, accused officer, are given below;

1. Sawab Gul s/o Haji Mumtaz

The name of convict Sawab Gul was nowhere mentioned under any serial number in sanction letter No. 4540/WE dated 24.2.2015 (F/K1). At a later stage, by way of tampering, in a scanned copy of the said letter (F/K2) the name of convict Sawab Gul was inserted at serial No. 27 in place of original name of Hidayat ur Rehman s/o Shahzar Gul and hence he was benefited 360 days illegal remission. The convict Sawab Gul s/o Haji Mumtaz was prematurely released by Mr. Muhammad Ayub as Senior Assistant Superintendent on granting illegal education remission on the basis of fake and manipulated documents.

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Aqeel Ahmad s/o Raza Khan the original certificate for translation of the Holy Quran was not seen. He further added that photocopy which was duly verified by Qari Uzair was also signed by him.

The charge against Mr. Muhammad Ayub Khan, accused officer is established on the basis of the following grounds;

- a) By way of tampering in IG Prisons sanction letter bearing No. 15450 dated 13.06.2016 (F/N4) the Haripur Jail authorities inserted the name of convict Shoaib s/o Badshah at serial No. 17 and 61 and name of convict Jehangir at serial No. 46 in a scanned copy of the said letter. The original IG Prisons sanction letter bearing No. 15450 dated 13.06.2016 (F/N3) contains the names of Parvaiz s/o Zavar Gul and Dildar s/o Qasim at serial No. 17 & 61 and Dawood s/o Haleem Khan at serial No. 46. The accused officer Mr. Muhammad Ayub did not check the said original letter though it was his responsibility to check and verify the documents / record as Deputy Superintendent.
- b) Since Superintendent Mr. Khalid Abbas was on leave, Mr. Muhammad Ayub accused officer put his signature as acting Superintendent on the release warrants of Shoaib, Jehangir and Aqeel Ahmad without verification and checkup
- c) Mr. Muhammad Ayub accused officer submitted / recommended case for remission of convict Aqeel Ahmad s/o Raza Khan without verification and going through the original documents. The record shows that actually convict Saeed s/o Shoukat Ali had appeared in the examination of translation of the Holy Quran held in December 2015 (F/J1) and on passing such examination, a certificate bearing No. 0718 was issued to him. At a later stage, as a result of tampering, the name of Aqeel Ahmad was inserted in a photocopy of the said certificate (F/J2) and as such his case was processed and recommended / sent to IG Prisons by Mr. Muhammad Ayub Khan as acting Superintendent Central Prison Haripur (F/J3).
- d) The remission sheets of Shoaib s/o Badshah and Aqeel s/o Raza Khan were not signed by any officer / official (F/Z1). Even then Mr. Muhammad Ayub, accused officer, put his signature on the warrant release.

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another occasion on 31.03.2017 he gave statement to Inquiry officer that the statement of 27.11.2016 was given and sent through fax on the instructions of Mr. Khalid Abbas, Superintendent Central Prison Haripur.

Keeping in view the above, I am of the considered opinion that the charge against Mr. Ubaid Ahmad (Accused official) is proved.

**CONCLUSION:**

After having gone through the whole process, the following conclusions are drawn;

1.
  - a) Allegation A (i) leveled against Mr. Khalid Abbas, Superintendent Central Prison Haripur is proved.
  - b) Allegation A (ii) leveled against Mr. Khalid Abbas, Superintendent Central Prison Haripur is not proved.
  - c) The point raised by Mr. Khalid Abbas, the accused officer, in his reply to the charge sheet that equality and fairness would require and demand departmental action against all those responsible officers for retaining the local watch and ward staff contrary to Rule 1117. This is a valid point and should be taken into consideration.
  - d) Allegation A (iii) leveled against Mr. Khalid Abbas, Superintendent Central Prison Haripur is partially proved.
  - e) Allegation A (iv) leveled against Mr. Khalid Abbas, accused officer, is proved.
2. The allegation (B) leveled against Mr. Sardar Zaman Baber, accused officer, is proved.
3. Allegation (C) leveled against Mr. Muhammad Ayub Khan, accused officer, is proved.

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- 4. The allegation (D) leveled against Mr. Noor-ul-Basar, Senior Assistant Superintendent (Incharge Warrant branch) is proved.
- 5. Allegation (E) leveled against Mr. Badshah Said, Assistant Superintendent (BS-14) is proved.
- 6. Allegation (F) leveled against Mr. Jawad Gill, Assistant Superintendent Jail is proved.
- 7. Allegation (G) leveled against Abdur Raziq, Assistant Superintendent Jail (BS-14) is proved.
- 8. Allegation (H) leveled against Mr. Ubaid Ahmad, Warder (BS-05) is proved.
- 9. Qari Uzair, Incharge Taleemul Quran attested the fake and bogus certificates of Zafar Iqbal s/o Zarshad, Naveed s/o Zuhraab Gul and Aqeel Ahmad s/o Raza Khan. He stated in his statement that it was not his signature. But test of laboratory shows that these were his signatures.
- 10. Only Fazal Malik out of sixteen convicts has been re-arrested. The fifteen convicts have not yet been re-arrested despite repeated requests to concerned authorities. Had they been re-arrested many other important facts would definitely have come to light. The Inquiry in hand is being submitted without recording their statements.

*Fazal Malik*

Now, I would come up with some recommendations;

ATTESTED

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Specific Recommendations:

1. The accused Officer, Mr. Khalid Abbas, Superintendent Central Prison Haripur is recommended for imposing major penalty of reduction to a lower post (grade).
2. Accused Officer, Mr. Sardar Zaman Baber, Deputy Superintendent Central Prison Haripur is recommended for compulsory retirement.
3. Accused Officer, Mr. Muhammad Ayub Khan, Deputy Superintendent Central Prison Haripur is recommended for compulsory retirement.
4. Accused, Noor-ul-Basar, Senior Assistant Superintendent / Incharge Warrant branch Central Prison Haripur is recommended for compulsory retirement.
5. Accused, Badshah Said, Assistant Superintendent Central Prison Haripur is recommended for imposing major penalty of reduction to a lower stage in a time scale by three years.

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**ATTESTED**

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6. Accused, Jawad Gill, Assistant Superintendent Central Prison Haripur is recommended for imposing major penalty of reduction to a lower stage in a time scale by one year.

7. Accused, Abdur Raziq, Assistant Superintendent Central Prison Haripur is recommended for imposing major penalty of reduction to a lower stage in a time scale by one year.

8. Accused, Ubaid Ahmad, Warder Central Prison Haripur is recommended for dismissal from service.

INQUIRY OFFICER

*Farrakh Sair*  
02/5/17

(FARRAKH SAIR)  
Member-II Board of Revenue  
Khyber Pakhtunkhwa.

Dated: 02.05.2017

STED



**BEFORE SERVICE TRIBUNAL KHYBER PAKHTUN  
KHWA, PESHAWAR**

**Service Appeal No. 695/2018**

**Muhammad Ayub Khan** \_\_\_\_\_ **Appellant**

**Versus**

**Govt. of Khyber Pakhtun Khwa and others** \_\_\_\_\_ **Respondents**


**INDEX**

S.No	Description of documents	Annex	Pages
1	Rejoinder		1-3
2	Affidavit		4

Dated: 04-02-2019

Through

**APPELLANT**

  
**ASAD ZEB KHAN,**  
Advocate, High Court,  
Peshawar.

①  
**BEFORE SERVICE TRIBUNAL KHYBER PAKHTUN  
KHWA, PESHAWAR**

**Service Appeal No. 695/2018**

**Muhammad Ayub Khan** \_\_\_\_\_ **Appellant**

**Versus**

**Govt. of Khyber Pakhtun Khwa and others**  
\_\_\_\_\_ **Respondents**

**RE-JOINDER ON BEHALF OF APPELLANT**

**Respectfully Sheweth:**

The appellant most humbly submits as under:-

**PRILIMINARY OBJECTIONS:-**

1. That the appellant has got a locus standi and has a genuine case in his hand. The appeal of the appellant is in accordance with law and this august tribunal has got the power and ample jurisdiction to entertain the matter and to advance relief to the appellant. All the preliminary objections taken by the respondents in their written reply are expressly denied. Needless to mention that the respondents have not taken plea of limitation in their preliminary as well as factual objection, so they can't take this plea in future.

**Reply to facts:**

1. Para No. 1 of the written reply needs no reply, as the respondents have not taken any plea in their comments, which should be replied.

(2)

2. Para No. 2 of the written reply is incorrect to the extent of alleged establishing charges by inquiry officer. Infact the inquiry officer failed to conduct proper inquiry under the relevant provisions of law, hence the inquiry so conducted is illegal and unlawful in the eyes of law.
3. Para No. 3 of the written reply is incorrect. As admitted and proved from the record that the E & D Rules, 2011 were not followed by the inquiry officer rather the inquiry officer conducted the inquiry on his own whims and wishes which has no locus standi under the law. The inquiry officer thrown the guilt of others over the shoulders of appellant which is not just and proper. The appellant duly apprised the inquiry officer that under the Jail Manual / Laws, the appellant is not the authorized officer for giving educational remissions to the convicts nor he is authorized to maintain any record of such remissions rather it was the duty of other officers to maintain proper record and also to check the remission documents of the convicts.
4. Para No. 4 of written reply needs no further comments.
5. Para No. 5 of the written reply is incorrect. As proved from the record that the impugned order was communicated to District Jail Buner while the appellant was not serving their at the moment, so he was unaware about passing of any order against him.
6. Para No. 6 of the written reply is incorrect, rather against the record. The respondents inefficiency can be gauged from the fact that the departmental appeal filed by the appellant is his first appeal against the impugned order while the respondents in their para wise reply stated that it was his second appeal. All this shows

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the conduct of the respondents that how much they are aware of the facts of the case.

**Reply to Grounds of written reply filed by respondents:**

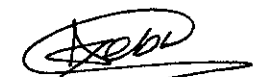
**A-K Reply** filed in response to the grounds of the appeal are vague and baseless. The respondents have miserably failed to explain the factum of non fulfilling of legal formalities of service laws in respect of taking harsh punishment against a Govt. servant. No proper inquiry has been conducted. Further the appellant was not provided ample opportunity to prove his innocence. The action taken by the respondents in total disregard of the law, all that have been done in hip hazard manner, which is unwarranted. When the first step taken in respect of the impugned order is illegal then whole structure built upon the same is also illegal. It would be relevant to mention that no proper departmental inquiry what-so-ever has been conducted, which is mandatory under the law.

In view of the above, and in addition to the main appeal, it is humbly prayed that this Hon'ble Court may graciously be pleased to pass an appropriate order in accordance with the prayers made in the main appeal.

  
APPELLANT

Through

Dated: 04-02-2019

  
**ASAD ZEB KHAN,**  
Advocate, High Court,  
Peshawar

4

**BEFORE SERVICE TRIBUNAL KHYBER PAKHTUN  
KHWA, PESHAWAR**

Service Appeal No. 695/2018

Muhammad Ayub Khan \_\_\_\_\_ Appellant

**Versus**

Govt. of Khyber Pakhtun Khwa and others \_\_\_\_\_ Respondents

**AFFIDAVIT**

I, **Muhammad Ayub Khan**, Superintendent Judicial Lockup, District Swabi, do hereby solemnly affirm and declare upon oath that the contents of the titled rejoinder are true and correct to the best of my knowledge & belief and nothing has been concealed or withheld there from.

Identified By:

Asad Zeb Khan,  
Advocate High Court, Peshawar.

  
Deponent



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
HOME & TRIBAL AFFAIRS DEPARTMENT**

**ORDER**

**SO(Com/Eng)/HD/1-39/C.P. Haripur/2017** The Competent Authority under Rule-6 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 is pleased to suspended the following officers / officials of Inspectorate of Prisons, Khyber Pakhtunkhwa, Peshawar with immediate effect:-

- i. Mr. Khalid Abbas, (BS-19)
- ii. Mr. Sardar Zaman Baber, (BPS-17)
- iii. Mr. Muhammad Ayub Khan, (BPS-17)
- iv. Mr. Noor-ul-Basar, (BPS-16)
- v. Mr. Badshah Said, (BPS-14)
- vi. Mr. Jawad Gill, (BPS-14)
- vii. Mr. Abdur Raziq, (BPS-14)
- viii. Mr. Ubaid Ahmad, (BPS-5)

**SECRETARY TO GOVERNMENT OF  
KHYBER PAKHTUNKHWA HOME DEPARTMENT.**

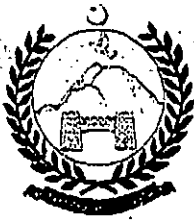
Endst. SO(Com/Eng)/HD/1-39/C.P. Haripur/2017

Dated Peshawar the, 01.03.2017

Copy forwarded to: -

1. The Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar with the request to take further necessary action, please.
2. PS to Chief Secretary, Khyber Pakhtunkhwa for information.
3. PS to Secretary, Home and Tribal Affairs Department, Khyber Pakhtunkhwa.
4. Officers Concerned.

  
SECTION OFFICER (Com/Eng)



Government of Khyber Pakhtunkhwa  
Home & Tribal Affairs Department

Dated Peshawar the 19<sup>th</sup> December, 2017.

**ORDER**

No. SO (P&R) HD/1-30/2017. The competent authority is pleased to reinstate the following officer/officials into service w.e.f. 26<sup>th</sup> September 2017.

S.No.	Name & Designation
1	Mr. Muhammad Ayub Khan, Deputy Superintendent Jail (BPS-17)
2.	Mr. Badshah Said, Assistant Superintendent Jail (BPS-14)
3.	Mr. Jawad Gill, Assistant Superintendent Jail (BPS-14)
4.	Mr. Abdul Raziq, Assistant Superintendent Jail (BPS-14)

2. The services of the above named officer/officials are placed at the disposal of the Inspector General of Prisons, Khyber Pakhtunkhwa for further posting.

Secretary to Government of Khyber Pakhtunkhwa  
Home & Tribal Affairs Department

Endst. of even No/date

C.c.

1. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa, Peshawar.
2. Inspector General of Prisons, Khyber Pakhtunkhwa.
3. Accountant General, Khyber Pakhtunkhwa.
4. PSO to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
5. PS to Secretary Home, Khyber Pakhtunkhwa.
6. Officer/officials concerned.
7. Master file.

*Put up on file*

*AD*

*[Signature]*  
Section Officer (P&R)

مقام

بین والدہ عبدالرحمن خان صاحبہ عالی پورہ کراچی ۲۰۱۶  
تبدیلی کے سلسلے میں مندرجہ ذیل شخصیات کی شناخت  
کی جتنی بھی ضرورت ہوگی اس کے لئے اس شخصیات کے ساتھ  
۱۔ پتہ، شناختی کارڈ، اور دیگر ضروری دستاویزات

- ۱۔ طہار قبیل
- ۲۔ کوئٹہ خان
- ۳۔ عقیل احمد
- ۴۔ شمیم خان
- ۵۔ طارق آفریدی
- ۶۔ انور نزاری
- ۷۔ آفتاب خان
- ۸۔ بیروز شاہ
- ۹۔ نواب علی
- ۱۰۔ نصر اللہ

مندرجہ ذیل شخصیات کے بارے میں ان کے اصل سے کاپی  
کے ساتھ مندرجہ ذیل خاندانی شناختی کارڈ کے ساتھ  
میں پیش کرنا ہوں گے۔

عبدالرحمن خان  
والدہ عبدالرحمن خان صاحبہ عالی پورہ کراچی



## CHARGE SHEET

I, **Shahidullah**, I.G.Prisons Khyber Pakhtunkhwa Peshawar, as competent authority, hereby charge you **Mr.Fazal Rahim(under suspension)** as follows:

That you, while posted as **Senior Assistant Superintendent/Acting Deputy Superintendent at Central Prison Haripur** committed the following irregularities:

You were assigned the duties of Acting Deputy Superintendent Jail Haripur.

- i. Due to your gross negligence/in efficiency in performance of your duties convict Izzatullah S/O Sakhi Gul was pre-maturely released from jail on 27-4-2018 despite of the facts that in Register No.2 at S.No.4312 /C (CPH) dated 09-1-2013 his exact date of FIR/Occurrence recorded as 24-3-2011 but he failed to detect the tampering made in the date of FIR in judicial warrant/ conviction warrant i.e 24-3-2009. Similarly tampering made in the date of admission in jail in these documents as exact date was 26-3-2011 which was tampered as 26-3-2009 for ulterior motives.
- ii. Remission Sheet was prepared afresh in support of tampered documents in favour of convict in-question which benefited him for two years period as well as earning the following illegal remissions by affixing fake signature on 1<sup>st</sup> page :-

Period	Nature of remission	Days	Months	Year	Remarks
2009	2 <sup>nd</sup> , 3 <sup>rd</sup> & 4 <sup>th</sup> quarter 09	15	01	-	
	PGSR +IGPSR 19-9-09	-	04	-	
2010	1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> & 4 <sup>th</sup> quarter 2010	-	02	-	
	FGSR 10-4-2010	-	03	06	
Total Illegal Remission		15	08	06	
Actual sentence affected from		26	03	2011	
Illegal sentence affected due temperament		26	03	2009	
Benefit		-	-	02	
<b>G.Total of Illegal Benefits.</b>		<b>15</b>	<b>08</b>	<b>08</b>	

- iii. The documents of convict in-question have been tampered in a pre-planned manner, intentionally, deliberately, illegally and malafidely for the desired motive and main aim behind this tampering was to make him entitled for his two years early release and grant of the above mentioned illegal remissions, thus you have violated Rule-113,114,115,116,122,123 & 1019(d) read with Rule 1044 of Khyber Pakhtunkhwa Prison Rules 2018.

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 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.**



OFFICE OF THE  
INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR

091-9210334, 9210406

091-9213415

No.Estb/Orders/ 5/24-J-200-24 P.P.P

Dated 27/08/18

**ORDER**

**WHEREAS**, the following accused officers/officials attached to Central Prison Haripur were proceeded against under Rule-3 of Khyber Pakhtunkhwa Government Servants(Efficiency & Discipline) Rule, 2011 for the charges mentioned in the charge sheets served upon them and also placed under suspension:-

- 1 Mr.Fazal Rahim Senior Assistant Superintendent Jail (BPS-16).
- 2 Mr.Shabbir Ahmad Assistant Superintendent Jail (BPS-14).
- 3 Mr.Shahid Mehmood warder (BPS-5).
- 4 Muhammad Adnan warder(BPS-5).

**AND WHEREAS**, the following officers were appointed as Inquiry Committee for conducting formal proceedings against them under the E&D Rules 2011:-

- 1 Mr.Mujeeb-ur-Rehman Deputy Superintendent Jail Mardan.
- 2 Mr.Hashmatullah Deputy Superintendent Jail Swat.

**AND WHEREAS**, the Inquiry Committee concerned submitted its findings according to which charge No.i leveled against the accused officers/officials was partially/fully proved and charges No. ii & iii mentioned in the charge sheets not proved against them.

**AND WHEREAS**, the undersigned being competent authority granted them the opportunity of personal hearing on 16-08-2018 as provided under rules ibid. During the course of personal hearing the accused officers/officials failed to justify their innocence.

**NOW THEREFORE**, in exercise of powers conferred under Rule-14 of Khyber Pakhtunkhwa Government Servants(Efficiency & Discipline) Rules 2011, having considered the charges, evidence on record, the explanation of the accused officers/officials as well as the Inquiry report and after affording the opportunity of personal hearing, the undersigned being competent authority is pleased to impose minor penalty on the below noted officers/officials as noted against their names :-

S.No.	Name of officer/official	Penalty imposed
1	Mr.Fazal Rahim Senior Asstt; Supdt; Jail..	Withholding of increment for two years.
2	Mr.Shabbir Ahmad Asstt; Supdt; Jail.	Withholding of increment for three years.
3	Mr Shahid Mehmood warder.	Withholding of increment for three years.
4	Muhammad Adnan warder.	Withholding of increment for two years.

They are hereby re-instated in service with immediate effect and the period under which they remained under suspension shall be treated as duty for all purposes.

INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA, PESHAWAR

ENDST/NO

2483034

Copy of the above is forwarded to :-

The Superintendent, Central Prison Haripur for information and necessary action with reference to his letter No.1157-WE dated 30-4-2018. Necessary entry may please be made in the Service Book of the above named officers/officials under proper attestation.

Mr.Mujeeb-ur-Rehman Deputy Superintendent Jail Mardan.

Mr.Hashmatullah Deputy Superintendent Jail Swat.

For information with reference to their findings dated 17-7-2018 in the subject cited departmental proceedings.

1. The District Accounts Officer Haripur for information.

5. Officers/Officials concerned C/O Superintendent Central Prison Haripur.

INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA PESHAWAR



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HOME & TRIBAL AFFAIRS DEPARTMENT

**ORDER**

SO(Com/Eng)/HD/1-39/C.P. Haripur/2017 The Competent Authority under Rule-6 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 is pleased to suspended the following officers / officials of Inspectorate of Prisons, Khyber Pakhtunkhwa, Peshawar with immediate effect:-

- i. Mr. Khalid Abbas, (BS-19)
- ii. Mr. Sardar Zaman Baber, (BPS-17)
- iii. Mr. Muhammad Ayub Khan, (BPS-17)
- iv. Mr. Noor-ul-Basar, (BPS-16)
- v. Mr. Badshah Said, (BPS-14)
- vi. Mr. Jawad Gill, (BPS-14)
- vii. Mr. Abdur Raziq, (BPS-14)
- viii. Mr. Ubaid Ahmad, (BPS-5)

**SECRETARY TO GOVERNMENT OF  
KHYBER PAKHTUNKHWA HOME DEPARTMENT.**

Endst. SO(Com/Eng)/HD/1-39/C.P. Haripur/2017

Dated Peshawar the, 01.03.2017

Copy forwarded to: -

1. The Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar with the request to take further necessary action, please.
2. PS to Chief Secretary, Khyber Pakhtunkhwa for information.
3. PS to Secretary, Home and Tribal Affairs Department, Khyber Pakhtunkhwa.
4. Officers Concerned.

  
SECTION OFFICER (Com/Eng)



Government of Khyber Pakhtunkhwa  
Home & Tribal Affairs Department

Dated Peshawar the 19<sup>th</sup> December, 2017.

**ORDER**

No. SO (P&R) HD/1-30/2017. The competent authority is pleased to reinstate the following officer/officials into service w.e.f. 26<sup>th</sup> September, 2017.

S.No.	Name & Designation
1	Mr. Muhammad Ayub Khan, Deputy Superintendent Jail (BPS-17)
2	Mr. Badshah Said, Assistant Superintendent Jail (BPS-14)
3	Mr. Jawad Gill, Assistant Superintendent Jail (BPS-14)
4	Mr. Abdul Raziq, Assistant Superintendent Jail (BPS-14)

2. The services of the above named officer/officials are placed at the disposal of the Inspector General of Prisons, Khyber Pakhtunkhwa for further posting.

Secretary to Government of Khyber Pakhtunkhwa  
Home & Tribal Affairs Department

Encls: of even No/date

C.c.

1. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa, Peshawar.
2. Inspector General of Prisons, Khyber Pakhtunkhwa.
3. Accountant General, Khyber Pakhtunkhwa.
4. PSO to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
5. PS to Secretary Home, Khyber Pakhtunkhwa.
6. Officer/officials concerned.
7. Master file.

*Put up on file*

*AD*

*am*

*19/12/17*

*[Signature]*  
Section Officer (P&R)

مال

بین وادارہ عسکریہ مال  
تبدیلی کے لیے کاپی کے ساتھ  
کی پیشکش میں درج ذیل مال  
میں سے باقی ماندہ مال

- 1. طغراقبال
- 2. نور محمد خان
- 3. عتیق احمد
- 4. شمس خان
- 5. لالہ آفریدی
- 6. انور شازی
- 7. آغا خان
- 8. بیروز شاہ
- 9. نواب علی
- 10. نصر اللہ

میں سے باقی ماندہ مال  
میں سے باقی ماندہ مال  
میں سے باقی ماندہ مال

محمد علی  
عبدالرحمن خان  
والدین

## CHARGE SHEET

I, **Shahidullah**, I.G.Prisons Khyber Pakhtunkhwa Peshawar, as competent authority, hereby charge you **Mr.Fazal Rahim(under suspension)** as follows:

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You were assigned the duties of Acting Deputy Superintendent Jail Haripur.

- i. Due to your gross negligence/in efficiency in performance of your duties convict Izzatullah S/O Sakhi Gul was pre-maturely released from jail on 27-4-2018 despite of the facts that in Register No.2 at S.No.4312 /C (CPH) dated 09-1-2013 his exact date of FIR/Occurrence recorded as 24-3-2011 but he failed to detect the tampering made in the date of FIR in judicial warrant/ conviction warrant i.e 24-3-2009. Similarly tampering made in the date of admission in jail in these documents as exact date was 26-3-2011 which was tampered as 26-3-2009 for ulterior motives.
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	PGSR +IGPSR 19-9-09	-	04	-	
2010	1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> & 4 <sup>th</sup> quarter 2010	-	02	-	
	FGSR 10-4-2010	-	03	06	
Total Illegal Remission		15	08	06	
Actual sentence affected from		26	03	2011	
Illegal sentence affected due temperament		26	03	2009	
Benefit		-	-	02	
<b>G.Total of Illegal Benefits.</b>		<b>15</b>	<b>08</b>	<b>08</b>	

- iii. The documents of convict in-question have been tampered in a pre-planned manner, intentionally, deliberately, illegally and malafidely for the desired motive and main aim behind this tampering was to make him entitled for his two years early release and grant of the above mentioned illegal remissions, thus you have violated Rule-113,114.115,116,122,123 & 1019(d) read with Rule 1044 of Khyber Pakhtunkhwa Prison Rules 2018.

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 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.**



OFFICE OF THE  
INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR

091-9210334, 9210406

091-9213445

No.Estb/Orders/ 5/24-J-2010-24 P.P

Dated 27/08/18

**ORDER**

**WHEREAS**, the following accused officers/officials attached to Central Prison Haripur were proceeded against under Rule-3 of Khyber Pakhtunkhwa Government Servants(Efficiency & Discipline) Rules, 2011 for the charges mentioned in the charge sheets served upon them and also placed under suspension:-

- 1 Mr.Fazal Rahim Senior Assistant Superintendent Jail (BPS-16).
- 2 Mr.Shabbir Ahmad Assistant Superintendent Jail (BPS-14).
- 3 Mr.Shahid Mehmood warder (BPS-5).
- 4 Muhammad Adnan warder(BPS-5).

**AND WHEREAS**, the following officers were appointed as Inquiry Committee for conducting formal proceedings against them under the E&D Rules 2011:-

- 1 Mr.Mujeeb-ur-Rehman Deputy Superintendent Jail Mardan.
- 2 Mr.Hashmatullah Deputy Superintendent Jail Swat.

**AND WHEREAS**, the Inquiry Committee concerned submitted its findings according to which charge No.i leveled against the accused officers/officials was partially/fully proved and charges No. ii & iii as mentioned in the charge sheets not proved against them.

**AND WHEREAS**, the undersigned being competent authority granted them the opportunity of personal hearing on 16-08-2018 as provided under rules ibid. During the course of personal hearing the accused officers/officials failed to justify their innocence.

**NOW THEREFORE**, in exercise of powers conferred under Rule-14 of Khyber Pakhtunkhwa Government Servants(Efficiency & Discipline) Rules 2011, having considered the charges, evidence on record, the explanation of the accused officers/officials as well as the Inquiry report and after affording the opportunity of personal hearing, the undersigned being competent authority is pleased to impose minor penalty on the below noted officers/officials as noted against their names :-

S.No.	Name of officer/official	Penalty imposed
1.	Mr.Fazal Rahim Senior Asstt; Supdt; Jail..	Withholding of increment for two years.
2.	Mr.Shabbir Ahmad Asstt; Supdt; Jail.	Withholding of increment for three years.
3.	Mr Shahid Mehmood warder.	Withholding of increment for three years.
4.	Muhammad Adnan warder.	Withholding of increment for two years.

They are hereby re-instated in service with immediate effect and the period under which they remained under suspension shall be treated as duty for all purposes.

INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA, PESHAWAR

ENDS/NO. 24930-34

Copy of the above is forwarded to :-

- 1 The Superintendent, Central Prison Haripur for information and necessary action with reference to his letter No.4157-WE dated 30-4-2018. Necessary entry may please be made in the Service Book of the above named officers/officials under proper attestation.
  - 2 Mr.Mujeeb-ur-Rehman Deputy Superintendent Jail Mardan.
  - 3 Mr.Hashmatullah Deputy Superintendent Jail Swat.
- For information with reference to their findings dated 17-7-2018 in the subject cited departmental proceedings.
- 4 The District Accounts Officer Haripur for information.
  - 5 Officers Officials concerned C/O Superintendent Central Prison Haripur.

INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA PESHAWAR

*For Appellant***1997 S C M R 1073****[Supreme Court of Pakistan]****Present: Sajjad Ali Shah, C.J., Fazal Ilahi Khan  
and Munawar Ahmad Mirza, JJ.****SECRETARY TO GOVERNMENT OF N.W.F.P,  
and 2 others---Petitioners****versus****SAIFUR REHMAN---Respondent**

Civil Petition No. 349-P of 1996, decided on 4th April, 1997.

(On appeal from the judgment dated 11-8-1996 of the N.-W.F.P. Service Tribunal passed in A. No.742/1995).

**Constitution of Pakistan (1973)--**

----Art. 212(3)---Dismissal from service---Enquiry proceedings against civil servant---Person facing enquiry had right to be associated with its proceedings and entitled to impeach credit of witnesses produced against him through cross examination---Where neither civil servant was associated with enquiry proceedings nor he was allowed opportunity to cross-examine witnesses produced against him, enquiry proceedings and consequential order regarding his dismissal suffered from inherent legal defects---In view of the situation that inefficiency and total ignorance of person appointed as Enquiry Officer entailed unnecessary litigation between the parties Supreme Court directed that departments should make sure that person being appointed as Enquiry Officer is fully conversant with relevant rules so that unwarranted harassment could be averted---Petition for leave to appeal against order of Service Tribunal reinstating the civil servant was dismissed in circumstances.

Fateh Muhammad, Advocate Supreme Court for Petitioners.

Jan Muhammad Khan, Advocate-on-Record for Respondent.

Date of hearing: 4th April, 1997.

**ORDER**

**MUNAWAR AHMAD MIRZA, J.**---This petition for leave to appeal is directed against judgment dated 11th August, 1996 passed by Service Tribunal, N.-W.F.P., Peshawar in Appeal No.742 of 1995.

2. Relevant facts briefly mentioned are that respondent was appointed as Constable in Police Department on 4th July, 1991. After completion of training, he was posted to C.I.D. Section of Police Department towards 7th April, 1992. The conduct and behavior of respondent was unsatisfactory, therefore, after necessary formalities, he was discharged from service vide order dated 25th November, 1993. Aggrieved from said departmental order, respondent Saifur Rehman



06/13/19

- 1) Reinstatement
- 2) Modified penalty of deduction to a lower stage for one year in present time scale
- 3) Intervening period from reinstatement till retirement leave of the kind due

(2) A year  
for one year

---

20-2-2019

Retirement date.

---

had preferred Service Appeal No.210 of 1994 before Service Tribunal, Peshawar which was ultimately accepted on 31st of October, 1994, whereby he was reinstated with back benefits allowing option to hold departmental proceedings against him afresh. Petitioners thereafter, filed petition for Leave to Appeal No.42/P/1995 before this Court which was, however, rejected on 30th of May, 1995.

3. It may be seen that fresh departmental proceedings were commenced against respondent Saifur Rehman. Inquiry Officer was appointed who recorded statement of five witnesses. Respondent was eventually found guilty of charges levelled against him and dismissed from service vide order dated 1st August, 1995. Departmental appeal submitted to Inspector-General of Police was not responded. However, feeling dissatisfied, respondent challenged the order regarding his dismissal through Appeal No.742 of 1995 before Service Tribunal, Peshawar. The appeal was accepted vide order dated 11th August, 1996 observing that respondent was not associated with enquiry proceedings, therefore, mandatory requirements of law were glaringly contravened. However, on reinstatement of respondent, option was left open to the petitioners for drawing against him departmental proceedings; afresh. The above-referred order of Service Tribunal has now been assailed through present petition for leave to appeal. Operative portion of said order is reproduced below:-

"The Tribunal, would however, observe that since the accused/appellant was not associated with the inquiry proceedings and the inquiry report without fulfilling the procedural requirements which are mandatory in nature, is bad in the eyes of law and could not be made a basis for passing the impugned order. The legal procedural requirements that the appointment of Inquiry Officer, should be intimated to the accused and he should be associated with the inquiry proceedings and should be allowed also to get copies of a part of the proceedings or the enquiry report before final orders are passed has not been adopted and the impugned order based on it is not according to the relevant provisions of the laid down law and Government Service Rules.

In the circumstances, the Tribunal accepts the appeal, set aside the impugned order and reinstates the appellant in service from the date of his dismissal on the ground that the departmental inquiry was not conducted according to the relevant provisions of Police (E&D) Rules, with an option to the respondents to proceed afresh against the appellant on the same charges and conduct all the proceedings particularly the inquiry proceedings in accordance with the relevant rules and then final order in the case. Parties are left to bear their own costs. File be consigned to the record."

4. Heard arguments addressed by Mr. Fateh Muhammad, Advocate Supreme Court, for petitioners and Mr. Jan Muhammad Khan, AOR, appearing on behalf of respondent/caveator. Original record pertaining to enquiry was perused which clearly discloses that respondent was neither associated with enquiry proceedings nor allowed opportunity to cross-examine witnesses produced against him. Learned counsel for the petitioners made abortive attempt to support propriety of enquiry proceedings. We have no doubt that a person facing enquiry has right to be associated with its proceedings and entitled to impeach credit of witnesses produced against him through cross-examination. Obviously, enquiry proceedings and consequential order regarding dismissal of respondent suffer from inherent legal defects as rightly discussed by the Service Tribunal, Peshawar in the impugned judgment.

Record reveals that officers who have twice conducted enquiry in this case, were completely unaware about legal requirements. Their inefficiency and total ignorance from enquiry proceedings has entailed unnecessary litigation between the parties. The department normally should make sure that person being appointed as Inquiry Officer is fully conversant with relevant rules so that unwarranted harassment could be averted. It is noteworthy that Service Tribunal, in view of defects apparent on record while accepting the appeal and setting aside order of respondent's dismissal has left option open to the petitioner for holding enquiry against him, afresh. Therefore, we do not find

① انٹرویو میں اس کا موقع

~~اس میں~~

② عبید نے خالد کے الزام لگائے مگر خالد کا بیان اس سے ثابت ہوا

③ ایک ملزم آج تک صرف گرفتار اس نے عبید کے بیسوں کا الزام لگایا۔

④ عبید نے خود کو بھی قاتلہ بیان کیا Fax پر بیان سے سب قاتلہ۔

⑤ عبید نے بعد میں بیان بدلایا۔

⑥ خالد کو بھون مٹا دیا۔

① سردار زمان کی بی بی ہوئی ہوگی  
بہ بیٹا شہر ہوگا۔

② ایوب سزا پوری رکھا

① عزیز  
② fax statement  
③ Ubaid

24/11/16 — رضا، بدھ رضا

Record is silent about the offence for which prisoners were charged ing ex. a

any impropriety or error in the impugned judgment. Consequently, petition is dismissed and leave refused.

M.B.A./S-1093/S

Petition dismissed.

ایس کیلئے کہ اس کے لئے Suspension کا  
ایس کیلئے کہ اس کے لئے اس کے لئے  
دوسری بار کی عافی کی گئی۔

①

inefficiency  
↓  
Compulsion  
↓

ایس کیلئے کہ اس کے لئے  
دوسری بار کی عافی کی گئی۔

②

one charge  
other intent  
↓

ایس کیلئے کہ اس کے لئے Similar  
Case کا حوالہ دیا گیا جو اب لیتا

③

to be  
charged

ایس کیلئے کہ اس کے لئے Fax کا بیان

④

⑤

date 20/2/19- 18/1/1986  
ایس کیلئے کہ اس کے لئے

Stake Room Boke Dept. Subj. Charge sheet - gross negligence / inefficiency in performance of your duty (13) commits were prematurely released.

Read Rule 3 - (P15) of E & D 2011

Review of chief ministers

10-9-15

Remote control system

objections to inquiry

Disciplinary action against Fajal Rahim

↑ what happened to him similar case-

30.10.16 - 16.11.16 - 13.12.16 - 31.12.16 - extended

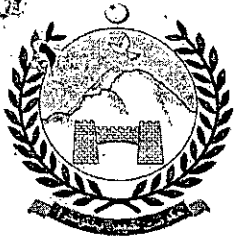
Productivity computer - 51 - extended

Needless to add that higher

the post; higher are the implications and greater are the consequences and

are the responsibility of their neglect

pg 9/10



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HOME & TRIBAL AFFAIRS DEPARTMENT

Dated Peshawar, \_\_\_\_\_ 2017

**SUMMARY FOR CHIEF MINISTER**

SUBJECT: **INQUIRY AGAINST (1) KHALID ABBAS (2) SARDAR ZAMAN BABER (3) MUHAMMAD AYUB KHAN (4) NOOR UL BASAR (5) BADSHAH SAID (6) JAWAD GILL (7) ABDUL RAZIQ (8) UBAID AHMAD.**

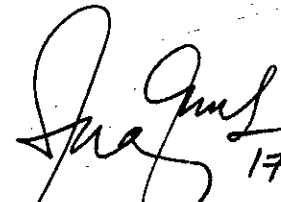
In pursuance of approved summary on the captioned subject (F/A), Show Cause Notices (F/B) were served upon the following accused officer/officials of Central Prison, Haripur: -

1. Mr. Khalid Abbas (BPS-19)
2. Mr. Sardar Zaman Babar(BPS-17)
3. Mr. Muhammad Ayub Khan(BPS-17)
4. Mr. Noorul Basar (BPS-16)
5. Mr. Badshah Said(BPS-14)
6. Mr. Jawad Gill(BPS-14)
7. Mr. Abdul Raziq(BPS-14)
8. Mr. Ubaid Ahmad (BPS-05)

2. All the officer/officials except Mr. Ubaid Ahmed (S.No 08) have submitted their written replies within the stipulated time period which are placed at (F/C, D, E, F, G, H, & I) respectively. All the accused officers/officials have requested for personal hearing by the competent authority.

3. Chief Minister Khyber Pakhtunkhwa, being competent authority, is, therefore, requested to afford opportunity of personal hearing to all the above named accused officers/officials in term of section-15 of Khyber Pakhtunkhwa Government Servant (E&D), Rules, 2011

4. Para-3 above is submitted for approval of the Chief Minister, Khyber Pakhtunkhwa, please.

  
17.8.17  
(Shakeel Qadir Khan)  
Home Secretary

**Chief Secretary**

N.P.P

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5. Summary for Chief Minister Khyber Pakhtunkhwa submitted by Home & T.As Department regarding disciplinary action where Show Cause Notices were served on officers/officials of Central Prison Haripur on account of fraudulent releases of prisoners has been examined.

6. The accused officers/officials except Mr. Ubaid Ahmad have submitted replies to the Show Cause Notices vide F/C, D, E, F, G, H & I. Perusal of the replies of the accused to the Show Cause Notices reveal that they have not put forth any new and convincing grounds afresh in their defense for consideration. Moreover, all the accused have requested for personal hearing as envisaged in para-2 of the summary. The Administrative Department has not added its technical recommendations on the replies. However, it has been proposed to give personal hearing to the accused vide para 3 of the summary.

7. The Chief Minister Khyber Pakhtunkhwa may afford an opportunity of personal hearing to the accused officers/officials in light of Rule-15 of Khyber Pakhtunkhwa Govt. Servants (E&D) Rules, 2011, before confirmation of the penalties tentatively imposed upon the accused in their respective Show Cause Notices.

(Dr. Syed Akhtar Hussain Shah)  
Secretary Establishment  
August 30, 2017

Chief Secretary Khyber Pakhtunkhwa

30/8/17  
CHIEF SECRETARY  
Govt. Of Khyber Pakhtunkhwa

Chief Minister

Mr. Dawood Khan Secretary Transport is authorized to give opportunity of personal hearing to the accused officers on my behalf.  
31.8.2017

Chief Minister  
Khyber Pakhtunkhwa

Chief Secretary  
Govt. Of Khyber Pakhtunkhwa

↓ N.P.P

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Subject: INQUIRY AGAINST (1) KHALID ABBAS (2) SARDAR ZAMAN BABER (3) MUHAMMAD AYUB KHAN (4) NOOR UL BASAR (5) BADSHAH SAID (6) JAWAD GILL (7) ABDUL RAZIQ (8) UBAID AHMAD.

9. The Chief Minister Khyber Pakhtunkhwa vide orders contained in Para 8/ante in term of section 15 of Khyber Pakhtunkhwa Government Servant (E&D) Rules, 2011 has authorized the undersigned to hear all the accused officers/officials in light of above rule on his behalf. All the accused officers/officials except Warder Ubaid Ahmad were heard in person on 15/09/2017. (Attendance Sheet is attached as **Annexure-I**). Report is submitted as under:-

**Brief Background:-**

10. In response to news item published in the "Daily Mashriq" dated 24/11/2016 reporting illegal/fraudulent release of prisoners from District Jail Mansehera, the superintendent Central Prison Haripur was directed to submit report who submitted his initial report vide his No. 8948 dated 25/11/2016 (**Annexure-II**) followed by detailed report vide his No. 8958 dated 28/11/2016 (**Annexure-III**) wherein he identified 10 number of convicts released on fake educational certificates. He also intimated that Warder Ubaid Ahmad had tampered the record of 10 prisoners to facilitate their premature release. The Superintendent Central Prison Haripur in the said letter also suggested to the Inspector General of Prisons for thorough probe in the matter so as to dig out actual culprits involved and responsible for the said premature illegal releases besides finding out more cases of other prisoners if so prematurely released.

11. In response thereto the Inspector General of Prisons constituted a committee consisting of Sahibzada Shah Jehan Superintendent HSP Mardan and Muhammad Zahid Deputy Superintendent Incharge Sub Jail Dassu Kohistan for conducting preliminary/fact finding inquiry into the illegal releases (**Annexure-IV**).

12. Pursuant thereto inquiry was initiated and during the proceedings, the following officers of Prisons Department were placed under suspension under Rule-6 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, by the Provincial Government vide Government of Khyber Pakhtunkhwa Home & Tribal Affairs Department.No.SO(Com/Enq)/HD/1-39/C.P.Haripur/2017/dated:01/03/2017(**Annexure-V**):-

- i- Khalid Abbas (BS-19).
- ii- Sardar Zaman Baber (BS-17).
- iii- Muhammad Ayub Khan (BS-17).
- iv- Noor Ul Basar (BS-16).



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- v- Badshah Said (BS-14)
  - vi- Jawad Gill (BS-14)
  - vii- Abdul Raziq (BS-14)
  - viii- Ubaid Ahmad (BS-05)

13. Formal inquiry was entrusted to Mr. Farrukh Sair PCS (EG) BS-20 Member-II, Board of Revenue Khyber Pakhtunkhwa who was directed to conduct inquiry into the charges leveled against the above mentioned officers/officials under (E&D) Rules, 2011 and submit his report within 30 days (**Annexure-VI**). The inquiry officer submitted his report to Government of Khyber Pakhtunkhwa Home & Tribal Affairs Department on 02/05/2017.

14. Keeping in view the findings of the enquiry officer, the competent authority (Chief Minister Khyber Pakhtunkhwa) served separate show cause notices to the above mentioned officers/officials. All the officers/ officials, except Mr. Ubaid Ahmad (S.No. VIII) Submitted their written replies to the show cause notices within stipulated period and have requested for personal hearing before the competent authority in term of section-15 of Khyber Pakhtunkhwa Government Servant (E&D) Rules, 2011.

15. **(A)- Khalid Abbas Superintendent BS-19 Central Prison Haripur:-**

During personal hearing of Mr. Khalid Abbas and perusal of enquiry record it was transpired that he was then serving as Superintendent Central Prison Haripur. On his recommendations to the IG Prisons, enquiry was initiated wherein all the staff members falling in the chain of command were subjected to enquiry. Record of enquiry suggests that none of the aforesaid convicts were released under the signature or authorization of Mr. Khalid Abbas as such he cannot be considered guilty for the said releases which were made either during his approved leave or at the time of his absence due to other official engagements outside the jail premises.

The enquiry officer has found the said officer guilty as he has forwarded the case of three convicts to the office of IG Prison despite the fact that the certificates of educational remission were fake. From personal hearing of the said officer as well as consultation of the relevant rules including Rule 215 (II) of the KP Prison Rules, 1985 I had come to the conclusion that neither verification of the said certificates nor its attestation or preparation and checking of proforma was the duty or domain of the Superintendent. The duty of the said officer was to oversee as to whether the certificate was verified and then attested by Deputy Superintendent of Prisons and proforma prepared by Assistant Superintendent and checked by the Deputy Superintendent. It is established from record and admitted by the Assistant Superintendent and Deputy Superintendent of the Prison that they have attested the certificates considering them as genuine and true and has then placed the same before the Superintendent for further action. In such eventuality it is ascertainable that Mr. Khalid Abbas has performed his duty as required of him by Rules. He has neither

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acted in a manner contrary to the Rules nor he has endorsed fake signatures and attestations of the Deputy Superintendent and Assistant of the Prison as the same were admittedly genuine. He can therefore neither be considered involved nor negligent in performance of his duty.

Additionally it was Mr. Khalid Abbas who took the initiative and suggested a fact finding enquiry. He managed procuring of statement of Warder Ubaid Ahmad who was the real culprit and who acknowledged his involvement in the scam. None of the release warrants were signed or authorized by him which were managed in the days when he was on approved leave or on official duty outside the prison.

Similarly, Rule 209 of the Prison Rules explains procedure for award of ordinary remission to prisoners. The same has no relation with special educational remission. Ordinary remission is the responsibility of Assistant Superintendent of Prison. In the case in hand no issue of ordinary remission is in question as such the said rule cannot be invoked for the purpose of enquiry. Education remission is special remission and is therefore covered under Rule 215 and 216 of Prisons Rules which is to be recorded on remission sheet and which is found recorded accordingly.

Out of 16 convicts who were prematurely released, 13 Nos of them have been released by Mr. Sardar Zaman Babar as Deputy Superintendent cum Superintendent as established in the enquiry report at Page-9, 10 and 15 as well as admitted by Mr. Sardar Zaman Babar while the rest of the 03 convicts have been released by Mr. Muhammad Ayub as Deputy Superintendent cum Superintendent as established in the enquiry report at Page-19 and 20 which proves that none of the 16 prisoners has been released by Mr. Khalid Abbas and which proves his innocence in this whole case.

**RECOMMENDATIONS:-**

He is therefore, recommended to be exonerated from all the charges in the instant case.

**(B)- Sardar Zaman Baber Deputy Superintendent BS-17:-**

On the basis of fake and manipulated documents Mr. Sardar Zaman Baber has released the following 13 number of convicts prematurely from Central Prison Haripur during the days when he was holding the charge of Deputy Superintendent Cum Superintendent.

SNO	Name of Convict	Date of Releases
1-	Zafar Iqbal S/O Zarshad	11/12/2014
2-	Naveed S/O Zuhra Gul	11/12/2014
3-	Sawab Gul S/O Haji Mumtaz	02/06/2015
4-	Javed Iqbal S/O Sher Muhammad	29/06/2015
5-	Noor Ud Din S/O Baz Muhammad	10/07/2015
6-	Iftikhar Ahmad S/O Atlas	16/07/2015
7-	Zafar S/O Wali	31/08/2015
8-	Fazal Malik S/O Said Karim	11/09/2015
9-	Bilal S/O Yar Zada	23/09/2015
10-	Muhammad Akram S/O Muhammad Zaman	23/09/2015

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11-	Zia Ur Rehman S/O Siraj Muhammad	04/04/2016
12-	Tawab Khan S/O Khan Wali	11/05/2016
13-	Feroz Shah S/O Nasir	11/05/2016

He has attested bogus certificates of convicts Zafar Iqbal s/o Zarshad, Naveed s/o Zohrab Gul and Aqeel S/O Raza Khan without consulting original record and thus failed to perform his duty as required of him and forwarded the said certificates to the Superintendent Jail. Had he performed his duty with due care and caution, he would have avoided/prevented the said illegal act and consequential releases. According to the record he has signed the release warrant of the above mentioned 13 number convicts when holding charge of Deputy cum Superintendent despite the fact that the remission sheets were not signed by him or any other authorized officer. According to record he also released convicts Zafar Iqbal and Naveed though they were granted 60 days special remission by Provincial Government for which they were not entitled. He has also failed to comply with Rules 113 and 116 of Prisons Rules besides violating Rule 122 (i), 123 and 1019 sub rule (d) of the Prisons Rules.

**RECOMMENDATIONS:-**

Though he was not given the opportunity to cross examine the witnesses nor the statements were recorded in his presence but he has admitted signing of 13 release warrants, attestation of bogus certificates of Zafar Iqbal, Naveed and Aqeel Ahmad without consulting original record, non-signing of remission sheets and non compliance of rules 113, 116, 122 (i), 123 and 1019 sub rule (d) as such re examining of witnesses in his presence would be a futile exercise. He has admittedly committed serious illegalities and has performed negligently as such the proposed penalty of compulsory retirement is endorsed.

**(C)- Muhammad Ayub Deputy Superintendent BS-17:-**

He released convict Sawab Gul S/O Haji Mumtaz prematurely as Senior Assistant Superintendent on granting illegal education remission on the basis of fake and manipulated documents without consulting original letter issued by Inspector General of Prisons.

ii- He also released convicts Shoaib S/O Badshah, Jehangir S/O Ashraf and Aqeel Ahmad S/O Raza Khan prematurely as Deputy Superintendent cum Superintendent on granting illegal education remission on the basis of fake and manipulated documents without consulting original letter issued by Inspector General of Prisons or original education certificates.

iii- Muhammad Ayub Khan Deputy Superintendent also forwarded education remission case of convict Aqeel Ahmad s/o Raza Khan to IG Prisons without consulting his original record.

iv- The remission sheets of Shoaib and Aqeel Ahmad were not signed by any officer/official but even then Muhammad Ayub Deputy Superintendent put his signature on the warrant of releases.

**RECOMMENDATIONS:-**

He was also not given the opportunity to cross examine the witnesses nor statements of witnesses were recorded in his presence but his negligence in releasing 04 number of prisoners prematurely is established while holding the charge of Senior Assistant Superintendent, Deputy Superintendent cum Superintendent which act and performance of the said officer is in violation of Rule 115,122 (i), 123 and 1019 (d) read with rule 144(iv) of Khyber Pakhtunkhwa Prisons Rules, 1985. However, the proposed penalty in the show cause notice is found excessive. In order to commensurate penalty visa-vis his guilt of negligence, it is recommended that the penalty of reduction to a lower stage for three years in his present time scale may please be imposed.

**(D)- Noor Ul Basar Senior Assistant Superintendent BPS-16:-**

The following convicted prisoners were prematurely released by him on the basis of fake and manipulated documents while performing his duties in Central Prison Haripur as Incharge Warrant Branch:-

SNO	Name of convict	Date of releases
1-	Zafar Iqbal S/O Zarshad	11/12/2014
2-	Naveed S/O Zuhra Gul	11/12/2014
3-	Javed Iqbal S/O Sher Muhammad	29/06/2015
4-	Noor Ud Din S/O Baz Muhammad	10/07/2015
5-	Zafar S/O Wali	31/08/2015
6-	Fazal Malik S/O Said Karim	11/09/2015
7-	Zia Ur Rehman S/O Siraj Muhammad	04/04/2016
8-	Tawab Khan S/O Khan Wali	11/05/2016
9-	Feroz Shah S/O Nasir	11/05/2016
10-	Aqeel Ahmad S/O Raza Khan	04/07/2016

ii- Zafar Iqbal s/o Zarshad and Naveed s/o Zohrab Gul had wrongly been granted special remission of 60 days by him.

iii- Entries of some of the remission sheets were not signed by any officers/officials even then the convicts were released by him by signing their warrants of releases.

iv- The serial number affixed on the certificate of Zafar Iqbal and Naveed are the same. Mr. Noor Ul Basar did not notice it which amounts to gross negligence.

**RECOMMENDATIONS:-**

As he was Incharge Warrant Branch since long he would have ample opportunity to grab the nefarious scheme of Warder Ubaid Ahmad who was working under

his direct and immediate command. He also failed to consult original record before release of prisoners. He was required to check all the original record under rule 114 being custodian of the record under his command and control so that to restrict warder Ubaid Ahmad from access to this original record. He also violated rules 113, 114, 115, 122 (i), 123 and 1019 (d) read with rule 1044 (iv) of Khyber Pakhtunkhwa Prisons Rule, 1985. As he showed great negligence in performance of his duties as well as violation of rules as mentioned above therefore, I endorse and recommend the proposed penalty of compulsory retirement from service as reflected in the show cause notice.

**(E)- Badshah Said Assistant Superintendent BPS-14:-**

He prepared education remission cases of convicts Zafar Iqbal S/O Zarshad, Naveed S/O Zohrab Gul and Aqeel Ahmad S/O Raza Khan without proper scrutiny or consulting original record of these cases for granting of education remission on fake / bogus certificates.

ii- He was holding additional charge of the duties on 09/09/2014 when remission rolls of the above mentioned convicts were put up before him by warder Ubaid Ahmad who without consulting original record, put up his signature in relevant columns of the remission proforma as well as on the photocopy of bogus certificates and forwarded the same to Deputy Superintendent and Superintendent.

**RECOMMENDATIONS:-**

He did not carry out the releases of above mentioned prisoners therefore, rule 122 (i) would not apply to his case but at the same time he committed negligence in performance of his duties by affixing his signature on remission rolls as well as on bogus certificates of above mentioned prisoners but the penalty proposed in the show cause notice is not corresponding visa-vis his guilt i.e. negligence and he is therefore recommended for imposing minor penalty of stoppage of increments for a period of two years.

**(F)- Jawad Gill Assistant Superintendent BPS-14:-**

Due to his negligence in performance of his duties the following convicts were prematurely released on granting illegal education remission on the basis of fake and manipulated documents.

- 1- Shoaib S/O Badshah.
- 2- Jehangir S/O Ashraf.

ii- The original documents of convict Shoaib and Jehangir were not checked and consulted by Mr. Jawad Gill although original record was available in the office of warrant branch and thus without consulting original record he affixed his signature on the release warrants of these convicts.

acted in a manner contrary to the Rules nor he has endorsed fake signatures and attestations of the Deputy Superintendent and Assistant of the Prison as the same were admittedly genuine. He can therefore neither be considered involved nor negligent in performance of his duty.

Additionally it was Mr. Khalid Abbas who took the initiative and suggested a fact finding enquiry. He managed procuring of statement of Warder Ubaid Ahmad who was the real culprit and who acknowledged his involvement in the scam. None of the release warrants were signed or authorized by him which were managed in the days when he was on approved leave or on official duty outside the prison.

Similarly, Rule 209 of the Prison Rules explains procedure for award of ordinary remission to prisoners. The same has no relation with special educational remission. Ordinary remission is the responsibility of Assistant Superintendent of Prison. In the case in hand no issue of ordinary remission is in question as such the said rule cannot be invoked for the purpose of enquiry. Education remission is special remission and is therefore covered under Rule 215 and 216 of Prisons Rules which is to be recorded on remission sheet and which is found recorded accordingly.

Out of 16 convicts who were prematurely released, 13 Nos of them have been released by Mr. Sardar Zaman Babar as Deputy Superintendent cum Superintendent as established in the enquiry report at Page-9, 10 and 15 as well as admitted by Mr. Sardar Zaman Babar while the rest of the 03 convicts have been released by Mr. Muhammad Ayub as Deputy Superintendent cum Superintendent as established in the enquiry report at Page-19 and 20 which proves that none of the 16 prisoners has been released by Mr. Khalid Abbas and which proves his innocence in this whole case.

**RECOMMENDATIONS:-**

He is therefore, recommended to be exonerated from all the charges in the instant case.

**(B)- Sardar Zaman Baber Deputy Superintendent BS-17:-**

On the basis of fake and manipulated documents Mr. Sardar Zaman Baber has released the following 13 number of convicts prematurely from Central Prison Haripur during the days when he was holding the charge of Deputy Superintendent Cum Superintendent.

SNO	Name of Convict	Date of Releases
1-	Zafar Iqbal S/O Zarshad	11/12/2014
2-	Naveed S/O Zuhra Gul	11/12/2014
3-	Sawab Gul S/O Haji Mumtaz	02/06/2015
4-	Javed Iqbal S/O Sher Muhammad	29/06/2015
5-	Noor Ud Din S/O Baz Muhammad	10/07/2015
6-	Iftikhar Ahmad S/O Atlas	16/07/2015
7-	Zafar S/O Wali	31/08/2015
8-	Fazal Malik S/O Said Karim	11/09/2015
9-	Bilal S/O Yar Zada	23/09/2015
10-	Muhammad Akram S/O Muhammad Zaman	23/09/2015

RECOMMENDATIONS:-

Due to his negligence the above mentioned 02 convicts were released on the basis of fake / manipulated documents without consulting the original record. He failed to notice that remission sheets were not signed by any officer/ official, thus found him of negligence in performance of his duties. Rule 115 does not apply in his case as he was not permanently working as incharge warrant branch while Rule 1019 (d) relates with the duties of Deputy Superintendent and is also irrelevant to him. He also complied with the orders of Deputy Superintendent by acknowledging additional duties of warrant branch and therefore did not violate rule 1044 (iv) however, it appears that he did not fully observe the requirements of Rules 122 (i), 123 of Khyber Pakhtunkhwa Prisons Rules, 1985, but he was newly inducted in prisons department having only a few months service at his credit as stated by him during personal hearing and was therefore, unaware about the procedure and rules about release, remission and their verification. Furthermore, he was holding additional charge of the duties of warrant branch as the permanent of warrant branch was not available as he performed night duty on that day when 02 Nos convicts were released premature and therefore, he is recommended for imposing minor penalty of censure.

(G)- Abdur Raziq Assistant Superintendent BPS-14:-

Due to his inefficiency / negligence in performance of his duty the following convicts were prematurely released from Jail on granting illegal education remission on the basis of fake and manipulated documents.

- 1- Iftikhar Ahmad S/o Atlas.
- 2- Bilal S/O Yar Zada
- 3- Muhammad Akram S/O Muhammad Zaman

ii- The original documents of the above mentioned convicts were not checked by the above mentioned accused officer although original record was available in the office of the warrant branch and thus all the above 03 convicts were released on bogus and fake documents due to his negligence. He released all the 03 convicts by putting his signature on release warrants.

iii- The entries regarding grant of remission in the remission sheets of some of the convicts were not signed by any officer. Even then the convicts were released. Signatures of Mr. Abdur Raziq accused are available on the record.

RECOMMENDATIONS:-

As he showed negligence in performance of his duties due to which above mentioned prisoners were prematurely released by bogus and manipulated documents. Rule 115 does not apply in his case as he was not permanently working as incharge warrant branch while Rule 1019 (d) relates with the duties of Deputy Superintendent and is also irrelevant to