

Sr. No.	Date of order/ proceedings	Order or other proceedings with signature of Judge/ Magistrate
1	2	3
1.	17.09.2015	<p style="text-align: center;"><b>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.</b></p> <p>1. Service Appeal No. 543.2013, Mst. Saeeda Bibi, 2. Service Appeal No. 1393/2014, Mst. Saeeda Bibi, Versus Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar etc.</p> <p style="text-align: center;"><b><u>JUDGMENT</u></b></p> <p><b><u>PIR BAKHSH SHAH, MEMBER.-</u></b> Appellant with counsel (Mr. Khalid Rahman, Advocate) and Government Pleader (Mr. Muhammad Jan) with Sheryar, ASJ for the respondents present.</p> <p>2. Appellant Mst. Saeeda Bibi was transferred from District Jail Karak to Central Jail, D.I.Khan vide order dated 04.02.2013 against which her departmental appeal was also rejected on 04.03.2013. The appellant instituted Service Appeal No. 543/2013. The appeal was admitted for full hearing on 2.4.2013 and status quo order was issued. During the pendency of this appeal, the competent authority vide his order dated 05.08.2014, again transferred her from District Jail, Karak to Central Jail, D.I.Khan. This transfer order was challenged in service appeal No. 1393/2014. Since the issue of transfer is involved in both the appeals, therefore, we propose to dispose of both the appeals by this single judgment.</p>

3. Arguments heard and record perused.

4. From perusal of the record it transpired that the appellant was posted in District Jail, Karak vide order dated 11.09.2012 and it is evident that till this date she has already completed her tenure. It further revealed from record that proposal of her transfer was also made on recommendation of enquiry officer Bashir Ahmad, Section Officer, Home Department for administrative reason. It is thus evident that the impugned transfer order is not the result of any malafide, ill-will or revenge of the competent authority. We do not find any merit in both the appeals; Thus the same are dismissed. Parties are left to bear their own costs. File be consigned to the record.

ANNOUNCED  
17.09.2015.




(ABDUL LATIF)  
MEMBER



(PIR BAKHSH SHAH)  
MEMBER

06.08.2015

Appellant with counsel and Mr. Sheharyar Khan, ASJ alongwith Mr. Kabirullah Khan Khattak, Assistant A.G for official respondents present. Since the court time is over, therefore, appeal is adjourned to 17-9-15 for rejoinder and arguments.

  
Member

  
Member

8.5.2015

Counsel for the appellant and Mr. Muhammad Jan, GP with Sheryar, ASJ for the respondents present. Since connected appeal bearing No. 1393/2014 of the same appellant is not yet ripped for arguments and fixed for 13.7.2015 before the hon'ble Bench-I, therefore, the instant appeal is also adjourned to 13.7.2015 for arguments.

  
MEMBER

13.07.2015

Counsel for the appellant and Mr. Kabeerullah Khattak, Asstt. AG for the official respondents present. Counsel for the appellant stated that rejoinder has not been prepared and that he may be given an opportunity of submitting the same. He further submitted that the appellant is not present to-day, therefore, the proceedings cannot move further. He requested for adjournment. On request of the learned counsel for the appellant, the case is adjourned. It was brought into notice of the Tribunal by the learned Asstt. AG that the appellant is sitting on her own place since the date of impugned order by way of stay order which is being abused. In the stated situation, both the appeals be fixed immediately after Eidul Fitre. Case to come up for rejoinder and arguments on 06-08-2015

  
Member

  
Member



543/2013

11.3.2015

Appellant with counsel and Mr. Muhammad Jan, GP for the respondents present. Subsequent appeal No. 1393/2014 filed by the appellant was also requisitioned from the learned Bench-I fixed for to-day for submission of the written reply of the respondents. It transpires that in this appeal transfer order dated 04.2.2013 was impugned according to which the appellant was transferred from District Jail Karak to Central Prison, D.I.Khan.

It is the contention of the learned counsel for the appellant that operation of this order stood suspended because of the status quo order passed by this Tribunal on 02.4.2013 and that the subsequent transfer order dated 05.8.2014, whereby the appellant was again transferred to Central Prison D.I.Khan, was made illegally and thus void ab-initio.

It was found that both the appeals have closed connection particularly in view of the above position of the case. Since appeal No. 1393/2014 is not yet ripped for arguments, therefore, arguments in this appeal is advisable and appropriate to be postponed so that both the appeals may be heard jointly. Since the said connected appeal bearing No. 1393/2014 is pending before the learned Bench-I, therefore, this appeal be also placed before the Worthy Chairman for further order.



MEMBER



MEMBER

*May be fixed with cancelled  
appeal of  
30.03.15  
office*

5.12.2014

Junior to counsel for the appellant and Mr. Muhammad Jan, GP with Sheryar, ASJ for the official respondents present. The Tribunal is incomplete. To come up for the same on 21.1.2015.



READER

21.01.2015

Appellant in person present. Mr. Ziaullah, GP with Sheryar, ASJ for the official respondents present. Counsel for the appellant was reportedly busy in the Hon'ble Peshawar High Court, Peshawar. Therefore, case is adjourned to 11.3.2015 for arguments. Till then stay is extended.



MEMBER



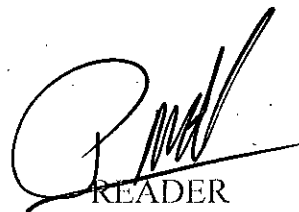
READER  
MEMBER

543/2013

22.08.2014

Appellant with counsel and Mr. Kabeerullah, Asstt. A.G with Sheryar, Assistant Supdt. Jail for official respondents and private respondent No. 4 in person present.

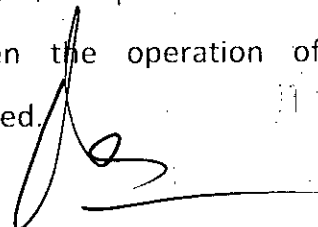
The learned Member is on leave, therefore, case to come up for the same on 15.10.2014.



MEMBER

09.09.2014

Appellant with counsel and Mr. Muhammad Adeel Butt, AAG with Sheryar, ASJ for the official respondents No. 1 to 3 present. None is available on behalf of private respondent No. 4. Fresh notice be issued to her for submission of written reply on 15.10.2014. Counsel for the appellant submitted before the court that the appellant has been transferred to Central Jail, D.I.Khan vide impugned order dated 05.08.2014 despite the fact that status quo was granted by the Tribunal. He submitted an application for suspending the operation of subsequent order dated 05.08.2014. Notice of application be issued to the respondents for reply/arguments on 15.10.2014. Till then the operation of impugned order dated 05.08.2014 is suspended.



MEMBER

15.10.2014

Appellant in person and Mr. Muhammad Jan, GP with Sheryar, Assistant for the official respondents present. None is available on behalf private respondent No. 4 despite proper service, hence placed ex-parte. Official respondents need time to file written reply to application for interim relief. Appellant also submitted application for release of her salary attached during the period impugned order was suspended. Copies handed over to learned GP and representative of the official respondents. To come up for written replies and arguments on both the applications on 05.12.2014. Till then stay is extended.



MEMBER

27.2.2014

Clerk to counsel for the appellant and Mr. Muhammad Jan, GP with Sheryar, Assistant for official respondents present. None is available on behalf of private respondent No.4. Fresh notice be issued to her through registered post. To come up for written reply of respondent No. 4 on 18.4.2014.

MEMBER

MEMBER

18.4.2014

Appellant with Clerk to counsel for the appellant and Mr. Muhammad Jan, GP with Sheryar, ASJ for the official respondents present. Private respondent No. 4 sent an application for adjournment through TCS, on medical ground. To come up for written reply of private respondent No. 4 on 27.6.2014 positively.

MEMBER

MEMBER

27.06.2014

Counsel for the appellant and AAG with Sheryar, ASJ for the respondents No. 1 to 3 present. Notice be issued to respondent No. 4 through registered post. To come up for written reply of private respondent No. 4 on 22.08.2014 by way of last chance.

MEMBER

MEMBER



06.8.2013 Appellant with counsle and Mr. Sheharyar, Assistant with Mr. Muhammad Jan, GP for the respondnets present. Writter reply on behalf of the respondnets received, copy whereof is handed over to the learned counsel for the appellant for rejoinder as well as reply on application on 1-10-2013.

MEMBER

MEMBER

1.10.2013.

Counsel for the appellant and Mr. Muhammad Jan, GP with Sheryar, Assistant for the respondents present. Counsel for the appellant needs time. To come up for rejoinder as well as reply on application on 29.11.2013. Till then status quo is extended.

MEMBER

29.11.2013

Appellant in person and Mr. Usman Ghani Sr.GP with Sheryar, Assistant for the respondents present. Counsel for the appellant is not available to-day. To come up for arguments on 7.1.2014. Till then status quo is extended.

MEMBER

MEMBER

7.1.2014.

Counsel for the appellant and Mr. Muhammad Acel Butt, AAG with Sheryar, Assistant for the respondents present. Rejoinder received. Copy handed over to the learned AAG.: To come up for arguments on 27.2.2014.

MEMBER

MEMBER

25.04.2013

Appellant in person and Sheryar, Assistant for the respondents present. In pursuance of judgment of the august Supreme Court of Pakistan on constitution petition No. 53/2007 and constitution petition No. 83/2012 titled Sh. Riaz-ul-Haq, Advocate Supreme Court and an other-vs-Federal of Pakistan through Minister of law, etc, the case is adjourned on note Reader for proceedings as before 3.6.2013.

  
READER

13.6.2013

Appellant in person and Mr. Muhammad Jan, GP with Sheryar, Assistant for the respondents present. In pursuance of promulgation of Khyber Pakhtunkhwa Service Tribunal (Amendment) Act 2013, the Tribunal is incomplete. To come up for the same on 16.7.2013.

  
READER

16.7.2013

Clerk to counsel for the appellant and Mr. Muhammad Jan GP with Mr. Sheryar, Assistant for the respondents present. The learned GP requested for further time. To come up for written reply on main appeal as well as reply/arguments on stay application on 6.8.2013. Status quo already granted on 2.4.2013 is extended till the date fixed.

  
MEMBER

  
MEMBER

Appeal No. 543/2013  
Mst. Saeeda Bibi

3. 2.4.2013

Counsel for the appellant present and heard. Contended that the appellant has not been treated in accordance with the law. The appellant has not completed her normal tenure. The impugned order has been passed in violation of posting/transfer policy of the Government, because no transfer order can be issued on administrative ground. Her child is studying in District Karak and her ailing old age father is also supported by her. The impugned order is neither in the public interest nor in exigency of service. On humanitarian ground the appellant being a female/widow is also entitled to be retained at her present place of posting. The appellant preferred a departmental appeal but the same has been filed on 4.3.2013. Points raised need consideration. The appeal is admitted to regular hearing, subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, notice be issued to the respondents. Counsel for the appellant has also submitted an application for suspending the operation of the impugned orders dated 4.2.2013 and 4.3.2013. Copy of application also be sent to the respondents. Case adjourned to 25.4.2013 for reply on main appeal as well as reply/arguments on application. Till then status-quo be maintained.

Appellant deposited  
Process fee & Security  
RS. 200/-  
of attached with file

  
Member.

4. 2.4.2013


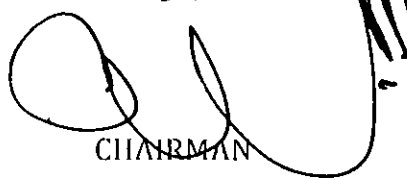
This case be put before the Final Bench 11 for further proceedings.

  
Chairman.

Form- A  
FORM OF ORDER SHEET

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

Case No. 543/2013


S.No	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	15/03/2013	<p>The appeal of Mst. Saeeda Bibi resubmitted today by Mr. Khaled Rahman Advocate may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	18-3-2013,	<p>This case is entrusted to primary Bench for preliminary hearing to be put up there on <u>2-4-2013</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mst. Saeeda Bibi Femal Warder, Distt. Jail Karak received today i.e. on 12/03/2013 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of rejection order of departmental appeal mentioned in the memo of appeal is not attached with the appeal which may be placed on it.
- 2- Departmental appeal having no date be dated.
- 3- One copy/set of the appeal along with annexure i.e. complete in all respect may also be submitted with the appeal.

No. 415 /S.T,

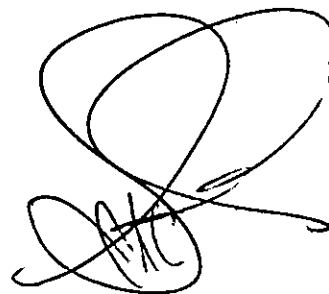
Dt. 18/3 /2013.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR. -

MR. KHALED REHMAN ADV. PESH.

R/S

That the appellant has not handover nor received the rejection order of departmental appeal but just writ "appeal filed" on her departmental appeal. The appellant had already made request to the concerned department for handover the rejection order. affidavit in this effect is hereby attached with memo of appeal.



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 543/2013

Mst. Saeeda Bi Bi

The I.G. Prisons and others.

Versus

.....Appellant

.....Respondents

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8.	Affidavit		F	0-11
9.	Wakalat Nama			

Through

Appellant

**Khaled Rahman**  
Advocate, Peshawar

9-B, Haroon Mansion,  
Khyber Bazar, Peshawar.  
Cell # 0345-9337312

Dated: 9 / 03/ 2013

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No. 543 /2013**

Mst. Saeeda Bi Bi,  
Femal Warder, District Jail Karak.....Appellant.

Versus

1. The Inspector General,  
Prisons Khyber Pakhtunkhwa Peshawar.
2. The Superintendent,  
Circle Headquarters Prison, DI Khan.
3. The Superintendent,  
District Jail Karak.
4. Mst. Gulab Bi Bi, Female warder,  
Central Prison DI Khan.....Respondents

**G.W.F Prisons**  
**Service**  
**547**  
**12-3-13**

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**SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 04.02.2013 WHEREBY APPELLANT WAS UNLAWFULLY TRANSFERRED FROM DISTRICT JAIL KARAK TO CENTRAL PRISON D.I.KHAN AGAINST WHICH APPELLANT FILED DEPARTMENTAL REPRESENTATION TO RESPONDENT NO.1 BUT THE SAME WAS REJECTED VIDE ORDER DATED 04.03. 2013.**

**Filed to-...**  
*Le Sulay*  
**12/3/13**

**PRAYER:**

On acceptance of the instant appeal, the impugned orders dated 04.02.2013 of Respondent No.2 and the appellate order dated 04.03.2013 of Respondent No.1 may kindly be set aside and appellant be allowed to serve at District Jail Karak. *modified,*

*Le Sulay*  
**15/3/13**

Respectfully Sheweth,

Facts giving rise to the present appeal are as under:-

1. That appellant was appointed as female warder in the Respondent/Department way back on 11.12.2002 and thus at the moment she has put in about 11 years service during which time earlier not a single complaint was ever voice against her.
2. That the appellant is widow as her husband has died leaving behind a son namely Nijjad Maqbool a student of class 3<sup>rd</sup> at local school at District karak vide certificate (*Annex:-A*). Appellant being shelterless is serving for the orphan child and oldaged father who are now dependent on her service.
3. That in order to transfer appellant from the jail and adjust someone else, a false and concocted allegation of stealing the jail stair was earlier leveled against the appellant at the instance of Respondent No.3 and thus enquiry was started against her. Appellant was suspended and enquiry Officer was appointed who conducted the enquiry and recorded the statement of appellant(*Annex:-B*) and came to the conclusion the allegation was false and hence exonerated the appellant vide report (*Annex:-C*).
4. That when the first attempt failed then all of sudden the impugned order dated 04.02.2013 (*Annex:-D*) was issued/procured on the false admn grounds whereby appellant was unlawfully



transferred from District Jail karak to Central prison DI Khan vice Respondent No.4.

5. That being aggrieved of the order *ibid*, appellant preferred Department Representation (*Annex:-E*) to Respondent No.1 against the impugned transfer order but the same was rejected by him on 04.03.2013 by writing "*filed*" on the Representation on the same day. Appellant requested for providing separate copy of the order but was told that no separate order can be issued but her Representation had been rejected. Affidavit to this effect (*Annex:-F*) hence this appeal *inter alia* on the following grounds.

**Grounds:**

- A. That Respondents have not treated appellant in accordance with law, rules and policy on subject and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973 and unlawfully issued the impugned orders which are unjust, unfair and hence not sustainable in the eye of law.
- B. That appellant has been victimized at the instance of Respondent No. 3 without any lawful justification for his ulterior motives and revengeful conduct, therefore, the impugned orders are *mala fide*, illegal, arbitrary and hence not sustainable in the eye of law and liable to be set aside.

- C. That the small kid of the appellant is studying at local school in 3<sup>rd</sup> class whose exam is due. Besides the oldaged father of the appellant is also sick and in these circumstances the impugned transfer order is aimed at terminating the services of the appellant to deprive her from her livelihood, therefore the impugned orders are unjust, against the principle of good governance, ethics and hence not maintainable.
- D. That the impugned transfer order is neither in the public interest nor in exigency of service but is purely based on male fide reasons and therefore not tenable.
- E. That the impugned orders are also violative of the transfer and posting policy issued by the Provincial Govt. and Judgments of the Superior Courts on the subject.
- F. That appellant will also beg to submit other grounds as well at the time of arguments.

It is, therefore, humbly prayed that the instant appeal may graciously be accepted as prayed for above.

Any other relief as deemed appropriate in the circumstances of case not specifically asked for, may also be granted to appellant.

Through

Appellant

Khaled Rahman,  
Advocate, Peshawar.

Dated: 9 / 03/ 2013

Nawab Zada  
Advocate

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**  
**Service Appeal No. \_\_\_\_\_/2013**

Mst. Saeeda Bi Bi.....Applicant.

Versus

The I G Prisons and others.....Respondents

**Application for suspending the operation of the impugned order dated 04.02.2013 and 04.03.2013 till the final disposal of the instant appeal.**

Respectfully Sheweth,

1. That the above titled service appeal is being filed today which is yet to be fixed for hearing.
2. That the facts alleged and grounds taken in the body of main appeal may kindly be as an integral part of this application, which make out an excellent prima facie case in favour of the appellant.
3. That the balance of convenience also lies in favour of appellant and in case the impugned orders are not suspended the appellant will suffer irreparable loss.

It is, therefore, humbly prayed that on acceptance of this application, the operation of the impugned order orders dated 04.02.2013 and 04.03.2013 may graciously be suspended till the final disposal of the appeal.

Through

Applicant

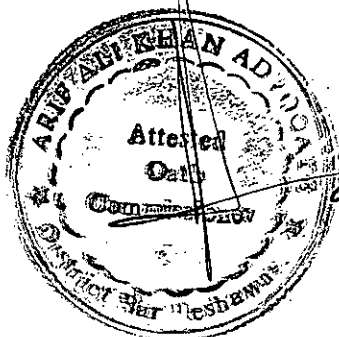
**Khaled Rahman,**  
**Advocate, Peshawar.**

**Dated: 9 / 03/ 2013**

**Affidavit**

I, Khaled Rahman advocate, as per the instructions of my client, do hereby affirm and declare on oath that the contents of this application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

**ATTESTED**



Deponent

TO WHOM IT MAY CONCERN  
WFGHSS - KARAK

"A"

It is to certified that Mr Nijad Maqbool Class 3<sup>rd</sup> Blue S/o Saeeda Begum is a regular student of this school. He bears good moral character.

6



*[Handwritten signature]*

Principal  
WFGHSS - Karak

9

ATTESTED

5

Answer B  
7

### جناب انکوائری آفسیر صاحب ڈسٹرکٹ جیل کوہاٹ

چارچ شیٹ

عنوان

بکوالیٹی سپرنٹنڈنٹ جیل کوہاٹ کے ذریعہ اسٹیشننگ خانہ نمبر 178-80 مورخہ 23-01-2012

من سائلہ کے خلاف چارج شیٹ سندریہ بالا میں لگائے گئے الزامات کے جواب میں عرض کرتی ہوں۔  
سائلہ کے خلاف الزام نمبر 1 بالکل بے بنیاد یعنی برصورت اور بدعتی ہے۔

اصل صورت حال یہ ہے کہ مورخہ 2012-01-17 کو سائلہ کے کاروباری رہائش گاہ واقع سب جیل کرک میں سائلہ کی دو بیٹیاں ایک بھانجی اور سائلہ کا بھائی ایک پک اپ میں جو کہ میرا بھائی چلا رہا تھا میرے پاس بطور مہمان آئے رات کا اٹھنا کھانے کے بعد وہ اپنے گاڑی جا رہے تھے۔ جب بیرونی گیٹ کے نزدیک پہنچے تو ارشاد عثمان جو کہ سپرنٹنڈنٹ جیل کا ادولی سید وارڈان کے ایک گروپ جو کہ ٹیڈ آرشد اللہ محمد ارشد اللہ نام گوڑی خیل میں پر مشتمل تھا۔ پیسے سے ایک منسوبے کے تحت جیل کے بیرونی گیٹ پر موجود تھے جب گاڑی بیرونی گیٹ پر پہنچی تو ارشاد عثمان نے میرے بھائی سے کہا کہ گاڑی کی تلاشی لیں گے میرے بھائی نے جواباً عرض کیا کہ میرے ساتھ پردہ نشین خواتین ہیں اور ہم بطور مہمان اپنی ہمشیرہ سے ملنے آتے تھے لہذا تلاشی کی ضرورت نہیں ہے۔ یہ سنتے ہی ارشاد عثمان طیش آیا اور کہا کہ ہم تلاشی ضرور لیں گے کیونکہ ہمیں اطلاع ہے کہ جیل سے منوعہ اشیاء باہر منتقل کی جا رہی ہے۔ یہ کہتے ہی ارشاد عثمان سید اپنے درج بالا ساتھیوں کے ہمراہ پک اپ میں بیٹھی ہوئی خواتین پر چڑھ دوڑے اور تلاشی کی از میں خواتین سے برتے چھین کر خواتین کی پردہ اور عصمت و عزت کو مفلوظ خاطر نہ رکھتے ہوئے انکی بے عزتی کی اسی دوران من سائلہ کو اطلاع ملی اور سائلہ قحط میں بیرونی گیٹ کی طرف دوڑ پڑی وہاں اپنی بہنوں اور بھانجی کی چی و پکار سنی جو کہ وارڈان مذکورہ بالا کی منت و ساجت کر رہی تھیں۔ نیز میرا بھائی ارشاد عثمان کے پاؤں پر اے کا داسلہ ہم معزز اور پشتون لوگ ہیں ہماری اس طرح بے عزتی نہ کرو اسی دوران میں بھی وہاں پہنچ گئی یہ منظر دیکھ کر سائلہ اپنے جرات پر قابو نہ رکھ سکی اور ارشاد عثمان اور اسکے رفقاء کو برا بھلا کہنے لگی یہ کہ بعد سپرنٹنڈنٹ جیل کے سامنے پیشی ہوئی تو ارشاد عثمان اور اسکے ساتھیوں نے اپنے مذکورہ غیر اخلاقی، غیر قانونی اور غیر اسلامی فعل کو چھپانے کی خاطر یہ کہانی گھڑی کہ سائلہ جیل کی سیر جی جہاں سے ساتھ لے جا رہے تھے جو کہ سراسر جھوٹ اور منی بددع الزام تھا۔ کیونکہ جیل قوانین کے تحت کوئی بھی سیر جی جہاں کو تہہ کی توہین میں ہوتی ہے اور اس کو باقاعدہ زنجیروں سے باندھ کر رکھا جاتا ہے تاکہ کسی بھی فراری کا امکان نہ ہو۔ علاوہ ازیں اولاً تو جیل ریکارڈ کو چیک کیا گیا۔ کہ آیا سیر جی جہاں مذکورہ جیل ریکارڈ کے انٹری رجسٹر میں درج ہے کہ نہیں ثانیاً جہاں کو تہہ کی بھی ذمہ داری سے کہہ سیر جی جہاں کو زنجیروں سے باندھ کر رکھیں اگر ایسا نہ ہو تو کو تہہ جہاں کے خلاف انضباطی کارروائی کی جائے مگر یہاں تو قانون ہی تو لایا ہے کو تہہ جہاں اور مذکورہ سپاہیوں کے خلاف کارروائی کرنے کی بجائے میر خلاف سپرنٹنڈنٹ جیل نے بیٹہ کارڈ جیل کو چھٹی لکھ دی اور سائلہ کو تبدیل کر نے کی سفارش کی۔ اور سپرنٹنڈنٹ جیل نے انصاف کے اصولوں کو بالائے طاق رکھ کر کو تہہ جہاں اور مذکورہ سپاہیوں کے خلاف کسی بھی قسم کی کارروائی نہ کی اور عورت زات ہونے کے ناطے سارے الزامات میرا پر اور رشتہ داروں کے سر پر توپ دئے گئے۔

سائلہ اس بابت سپاہیوں کے خلاف تھانے باعدالت میں 22-A Cr.PC کے تحت رپورٹ درج کرنا چاہتی تھی۔ مگر سپرنٹنڈنٹ صاحب نے اس وقت مجھے تسلی و دلالت دیا مگر دوسرے روز میرے خلاف خلیہ چھٹی لکھ کر سائلہ قانونی کارروائی کے خلاف مذکورہ وارڈان کرنے سے روک دیا گیا۔ لہذا مؤدبانہ التماس ہے کہ سائلہ کے خلاف لگائے گئے الزامات سے سائلہ کو بری الزامہ قرار دیا جا کر انکوائری مذکورہ داخل دفتر کی جائے۔

العبدا!

مسماة سعیدہ بی بی خاتون وارڈن (مستقل) سب جیل کرک

91

بیسویں جنوری 2012ء

9

ANS-8

FINDING REPORT OF INQUIRY AGAINST FEMALE WARDER Mst: SAEEDA BIBI  
(UNDER SUSPENSION) ATTACHED TO SUB JAIL KARAK.

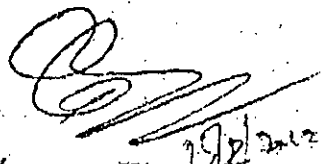
Vide Superintendent Headquarters Jail D.I.Khan endorsement No.178-80 dated: 23-01-2012, I was appointed as inquiry officer in order to initiate proceedings against Female Warder Mst: Saecda Bibi (Under Suspension) under Khyber Pakhtunkhwa Government Servants (Deficiency and Discipline) rules 2011. The said accused official was served by a charge sheet by the Superintendent Headquarter Jail D.I. Khan. The said accused official submitted her reply to the charge sheet mentioned above in writing with the request that she want to be heard verbally.

In order to inquire into the matter, I proceeded to Sub-Jail Karak on 14-02-2012 where I recorded the statements of followings:-

1. Irshad Usma Warder
2. Muhammad Rasheed Warder
3. Muhammad Arshad Warder
4. Arshadullahi Warder
5. Inamullahi Warder
6. Zafar Gul Warder (Incharge Koot)

I also inquired from the Jail staff secretly. Putting the statement of Female warder Mst: Saecda Bibi ( Under suspension) and statements of warders in juxtaposition and examining the record and secret information collected during inquiry, I came to the conclusion that the occurrence took place on 17-01-2012 at about 08:00 Pm in which the warders participated in the manner as stated by the accused official in her written statement. Apparently the statement of accused official seems to be near the facts so I recommended to exonerate the said accused official from the charges level against her, to avoid other complications as she wants to approach the Police and Judicially for the wrong allegedly done by the warders and to save Prisons Department from defamation. She may please be re-instated into service and the inquiry proceedings initiated against her may please be filed.

9



(Shamroz Khan)  
Assistant Superintendent,  
District Jail Kohat.  
( Inquiry officer).

Tahir

REGISTERED

11/1/2012



OFFICE OF THE  
SUPERINTENDENT  
CIRCLE H/Qs PRISON D.I.KHAN

No. \_\_\_\_\_ /H/Q Dated \_\_\_\_\_

9

ORDER

1. Female Warder (BPS-05) Saeeda bibi w/o Sattar attached to District Jail Karak is hereby transferred/posted to Central Prison D.I.Khan on administrative grounds against vice No.2
2. Female Warder (BPS-05) Gulab bibi attached to Central Prison D.I.Khan is hereby transferred/posted to District Jail Karak against vice No 1.

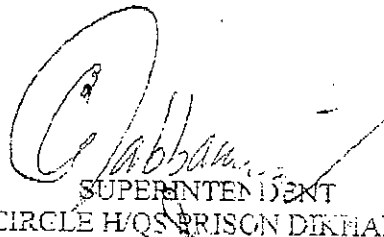
SUPERINTENDENT  
CIRCLE H/Qs PRISON D.I.KHAN

NO. 818-820 DATED 04/02/2017

Copy of the above is forwarded to the:-

1. Inspector General of Prisons Khyber Pakhtun Khwa Peshawar for information please.
2. Superintendent Central Prison D.I.Khan.
3. Superintendent District Jail Karak.

For information and necessary action

  
SUPERINTENDENT  
CIRCLE H/Qs PRISON D.I.KHAN

ATTESTED

# جناب انسپکٹر جنرل صاحب جیل خانہ جات خیبر پختونخواہ پشاور

عنوان: اپیل برخلاف آرڈر نمبر 818-820 مورخہ 04-02-2013 سپرنٹنڈنٹ سرکل ہیڈ کوارٹر جیل ڈیرہ اسماعیل خان

10

جناب عالی!

حسب ذیل عرض رساں ہوں۔

(1) سائلہ کا گیارہ سالہ سروس ہے۔ اپنی ڈیوٹی ایمانداری اور جانفشانی سے سرانجام دیتی ہے پوری سروس میں کسی بھی آفسرنے کبھی شکایت نہیں کی ہے۔

(2) سائلہ بیوہ عورت ہے اور اپنے یتیم بیٹے اور بوڑھے باپ کی خاطر نوکری کر رہی ہے۔ گذشتہ ایک سال سے مجھے نوکری کرنے نہیں دیا جا رہا ہے جس کا واضح ثبوت یہ ہے کہ میرے خلاف جنوری 2012 میں بد نیتی سے جھوٹی انکوائری بنائی اور سائلہ کو معطل کیا۔ بیانات دیئے اور سائلہ کو بری کیا۔ انکوائری آفسرنے اپنے تجزیاتی رپورٹ میں لکھا ہے کہ الٹا سائلہ کے ساتھ زیادتی ہوئی ہے (رواداد انکوائری صفحہ نمبر 1 تا صفحہ نمبر 7 لف ہے۔

(3) سائلہ کو معطلی کے دوران ڈسٹرکٹ جیل کوہاٹ تبدیل کیا سپرنٹنڈنٹ سرکل ہیڈ کوارٹر جیل ڈیرہ اسماعیل خان کی آرڈر نمبر 565 مورخہ 04-03-2012 صفحہ نمبر 8 لف ہے۔

(4) سائلہ کا آرڈر ستمبر 2012 میں دوبارہ کرک ہوئی اور اب 5 ماہ کے قلیل عرصے میں دوبارہ بغیر کسی جرم کے سنٹرل جیل ڈیرہ اسماعیل خان آرڈر کیا ہے۔ کاپی لف ہے۔

(5) ان تبادلوں کی وجہ سے سائلہ کے یتیم بیٹے کی پڑھائی از حد متاثر ہوئی ہے جو کہ یتیموں کے کوٹے میں ورکنگ فوکس سکول میں داخل ہے۔ نیز میرا پورا خاندان بکھر گیا ہے۔

مندرجہ بالا حقائق کو مد نظر رکھتے ہوئے مہربانی فرما کر سائلہ کے آرڈر کو کینسل کیا جائے اور سائلہ کے یتیم بیٹے اور بوڑھے باپ کی خاطر رہنے دیا جائے۔

نیز کچھ حقائق ایسے ہیں جنکو ضبط تحریر میں نہیں لائی جاسکتی لہذا ذاتی شنوائی کا موقع دیا جائے۔

عین نوازش ہوگی۔

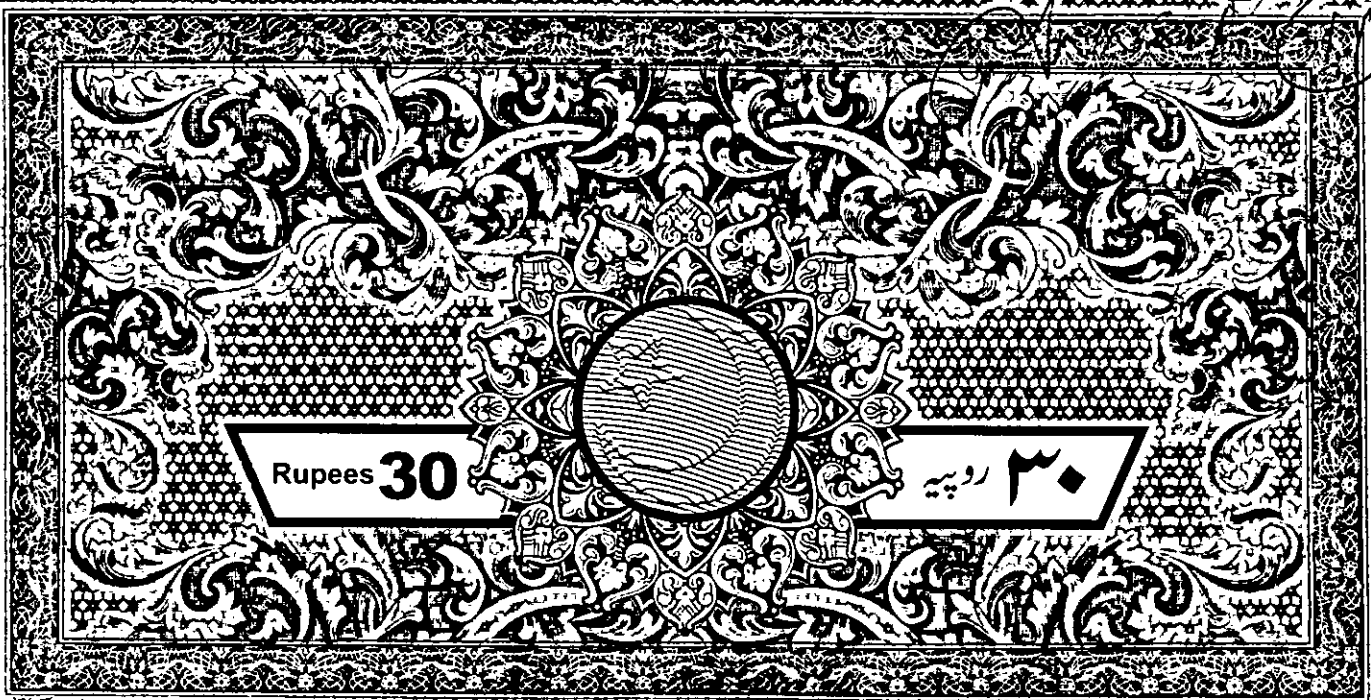
العارضہ

مسماة سعیدہ بی بی جیل وارڈ ڈسٹرکٹ جیل کرک

13-3-13  
Appeal filed

ATC





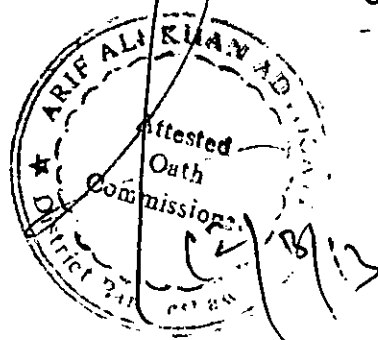
Rupees 30

۳۰ روپیہ

بیان خطی  
 -x-

فصل سہ ماہی ۱۹۱۳ء اور دسمبر ۱۹۱۳ء تک خطا پائی ہوئی ہے  
 صد ڈیڑھ سو روپیہ اس پر جمع رقم جو کہ صاحب آئی جی ایچ ایف ایف  
 صدر قیوواہ تھی۔ نے جماری ۱۳-۳-۱۹۱۳ء میں ادا کی گئی تھی۔  
 دفتر صاحب آئی جی ایچ ایف ایف ایف ایف ایف ایف ایف ایف ایف ایف ایف ایف ایف  
 موصول ہوئی ہے۔ جو بھی رقم کی کمی ہے اس کی اطلاع لیا جائے گا۔  
 Filed  
 ۹-۳-۱۳

**ATTESTED**



صاۃ سزیدی

# وکالت نامہ سرمدی

قیستی ایک روپیہ		کورٹ فیس
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منجانب <b>سرمدی بی بی</b>	مخاطب <b>حکومت وکٹم</b>
دہلی یا ہرم تفصیل دعویٰ یا جرم	
باعوض تحریر آنکے صدر عدالت اور اس کے ججوں کے سامنے پیش یا تفریق مقدمہ بنانا	
<b>صدر عدالت اور اس کے ججوں کے سامنے</b>	
<p>کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا بڑا بڑو لیدر در بر عدالت حاضر ہوتا رہوں گا اور ہر وقت نکالت ہانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر منظر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرف ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ یا پکھری کے اوقات سے پہلے یا پچھے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر پکھری کے علاوہ اور ہنگامات ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے یا پچھے پیش ہونے پر منظر کوئی انسان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا امت نہ واؤں کرنے کے کسی صاحب موصوف ذمہ دار نہ ہوں گے اور کوئی ساختہ پر داخست صاحب موصوف مثل کردہ ذات خود منظور قبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ یا درخواست اجراء اسمائے ذکری نظر ثانی اپیل گمرانی دہرسم درخواست ہر قسم کے بیان دینے اور پر ثانی یا راضی نامہ و فیصلہ بر حلف کرنے اقبال دعویٰ کا بھی اختیار ہوگا اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مزکور بیرون از پکھری صدر بیرونی مقدمہ مزکور نظر ثانی اپیل گمرانی دہرسم کی مقدمہ یا مستوفی ذکری یک طرفہ یا درخواست حکم اختتامی یا قرنی یا گرفتاری قبل از فیصلہ اجراء ذکری بھی صاحب موصوف کو بشرط ادائیگی ٹیڈہ ملا بیرونی کا اختیار ہوگا اور تمام ساختہ پر داخست صاحب موصوف مثل کردہ از خود منظور قبول ہوگا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مزکورہ یا اس کے کسی جز کی کارروائی یا بصورت درخواست نظر ثانی اپیل گمرانی یا دیگر معاملہ و مقدمہ مذکورہ کسی دوسرے وکیل یا بیرونی کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں دہی اور دیے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جہان التواء پڑے گا وہ صاحب موصوف کا حق ہوگا مگر صاحب موصوف کو پوزی فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی بیرونی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا</p>	
لہذا وکالت نامہ لکھ دیا ہے تاکہ سند	
مورخہ _____ ماہ _____	
مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے	

*(Signature)*

Attested and Accepted

Advocate

سرمدی بی بی

ORIGINAL

3150  
4

GS&PD NWFP-170/48-Form Store-1000 Pads of 100L-3.4.08/P4(Z)/Form Store Jobs/A&T 199

PROVINCIAL

Treasury / Sub-Treasury

Chalan of Cash paid into the.....

State Bank of Pakistan

PROVINCIAL

(This portion to be transmitted by the Bank Agent to the Treasury Officer in support of the credit in his daily account.)

GS&PD NWFP-129/2007-08-Form Store-100L-12.5.2007/P1(V2)

*Process*

To

By

No

THE MANAGER/ STATE BANK OF PAKISTAN

PR 4024

*for hand*

of *April 2013*

05 APR 2013

Received from the bearer the sum of Rs

*100/2 one Hundred*

to be credited to Government account under the head

*C 038 44*

on account of

*Mst. Saeeda Bibi*

Head of A/C Verified

Received

Assistant Treasury Officer  
Signature and official designation of the officer ordering the money to be paid in.

Treasurer

05 APR 2013

Accountant

Particulars	Amount	
	Rs.	Paisa.
<i>TO</i>		

Coin

Notes (with details)

Cheques (with details)

Total:

*CHAIRMAN*  
*APK, Peshawar*

Head of A/C Verified

Assistant Treasury Officer

Peshawar.

NWFP A&T 199

**Note: 1** In the case of payments at the Treasury Receipts for sums less than Rs. 500 do not require the signature of the Treasury Officer but only of the Accountant and the Treasury Receipts however for cash and cheque paid for service stamps should always be signed by Treasury Officer Act of C.A. Code Vol. I.

**Note: 2** Particulars of money tendered should be given on the reverse.

**Note: 3** In case where direct credit at Bank are permissible the columns: "Head of account" will be filled in by the Treasury Officers, or the Accounts Officers as the case may be on receipts of the Bank Daily Sheet.

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In case of "Duty on Impressing Documents" the amount creditable to each of the following detailed heads be noted:

- (a) Duty on embossing on anna receipt and cheque stamps.
- (b) Duty "On documents voluntarily brought" for adjudication (Section 31. Act II of 1899).
- (c) Duty on unstamped or insufficiently stamped documents levied under Chapter IV of Act II of 1899.
- (d) Other Items.

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

In the matter of  
Service Appeal No.543/2013  
Mst; Saeeda Bibi  
Female Warder, District Jail Karak. ....Appellant.

**Versus**

1. The Inspector General of Prisons,  
Khyber Pakhtunkhwa, Peshawar.
2. The Superintendent,  
Circle Headquarters Prison, DIKhan.
3. The Superintendent,  
District Jail Karak.
4. Mst; Gulab Bibi,  
Female warder Central Prison D.I.Khan.....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 badly time barred.

**ON FACTS.**

1. Pertains to record, however no comments.
2. Para No.2 is subject to proof.
3. Para No.2 of the appeal, the appellant has leveled baseless allegations which have no concern with the fact. It is submitted that on public complaint, the Secretary to Govt: Home & TAs Department Khyber Pakhtunkhwa has conducted an inquiry against the staff of District Jail Karak, Mr, Bashir Ahmad Section Officer Home & TAs Department Khyber Pakhtunkhwa was appointed as inquiry officer by the competent authority.

Inquiry was conducted by the inquiry officer on 07-02-2013 at District Jail Karak (copy of the inquiry report is enclosed as **Annex-A**).

During inquiry she was found involved in illegal activities & pivot of all problems. For that reason the Inquiry Officer strongly recommended that Mst; Saeeda Bibi Female warder may be transferred on administrative grounds to any other District Jail or Central Prison in the best interest of public and the concerned Jail Superintendent was also directed to keep vigilant eye on her during duty hours in the jail premises. Copy of the above report is communicated to the respondent No.2 ie Superintendent HQ Prisons DIKhan vide Inspector General of Prisons Khyber Pakhtunkhwa Peshawar endorsement No.2/39-J-2008/5405-06/WE dated 25-02-2013 for immediate necessary action (**Annex-B**).

In the light of above recommendation the Superintendent HQ Prisons DIKhan being competent authority issued her transfer order from District Jail Karak to Central Prison DIKhan on

administrative grounds in the public interest vide Headquarter DIKhan No.817 dated 04-02-2013 (Annex-C) and communicated to all concerned for compliance.

The Respondent No.3, (Superintendent District Jail Karak) has relieved her to Central Prison DIKhan on 06-02-2013 (Annex-D).

She (female warder Saeed Bibi) has not still joined duty at Central Prison DIKhan & sent medical certificates photocopies alongwith an application addressed to Superintendent Central Prison DIKhan is enclosed (Annex-E). The photocopy of medical certificate sent by her, to Respondent No.2, was sent to Medical Superintendent DHQ Teaching Hospital Bannu for verification vide No.1777/WE dated 22-3-2013 (photocopy enclosed as Annex-F), in response of above referred memo; the Medical Superintendent DHQ Teaching Hospital Bannu asked the undersigned to direct female warder Saeeda Bibi to attend the office of Medical Superintendent DHQ Teaching Hospital Bannu on any working day vide his memo; No.1057 dated 08-4-2013 (copy enclosed as Annex-G), the Respondent No.2 (Superintendent HQ Prisons DIKhan) has directed female warder Saeeda Bibi on her home address to do the needful immediately. (Copy enclosed as Annex-H).

Moreover, in compliance of the above, Honourable court order of Registrar Tribunal Khyber Pakhtunkhwa Peshawar, Her transfer order is held in abeyance till the arrival of final decision of the case vide Superintendent Central Prison D.I.Khan letter No. 2186 dated 12-4-2013 (copy enclosed as Annex-I).

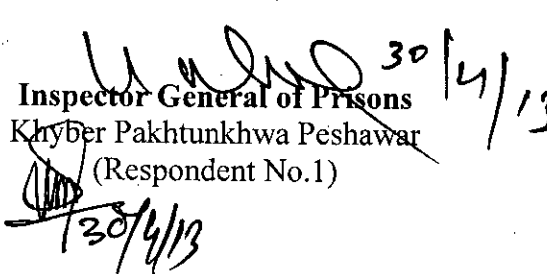
It is pertinent to mention here that she is required to service everywhere in the Province as laid down in terms & conditions of Prisons Service. She had completed the tenure of her service at the present station of Karak.

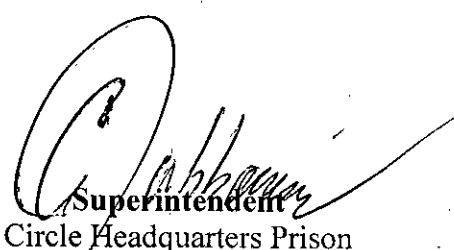
4. Detail reply has been given in the above para.
5. Detail reply has been given in para-3.


### GROUND.

- A. Para-A of the grounds is incorrect, hence denied.
- B. Para-B is also incorrect, hence denied.
- C. Para-C is incorrect and as already been replied.
- D. Para-D is also incorrect and denied.
- E. The appellant transfer is according to law and explained in para-3 of the fact.
- F. No comments.

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

  
Inspector General of Prisons  
Khyber Pakhtunkhwa Peshawar  
(Respondent No.1)

  
Superintendent  
Circle Headquarters Prison  
D.I.Khan.  
(Respondent No.2)

  
Superintendent  
District Jail Karak  
(Respondent No.3)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

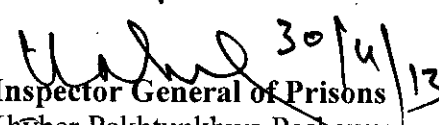
In the matter of  
Service Appeal No.543/2013  
Mst; Saeeda Bibi  
Female Warder, District Jail Karak. ....Appellant.

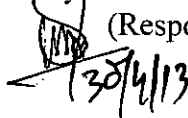
**Versus**


1. The Inspector General of Prisons,  
Khyber Pakhtunkhwa, Peshawar.
2. The Superintendent,  
Circle Headquarters Prison, DIKhan.
3. The Superintendent,  
District Jail Karak.
4. Mst; Gulab Bibi,  
Female warder Central Prison D.I.Khan.....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 parawise comments in the above cited appeal are true and correct to the best of our knowledge and belief and that nothing have been kept secret from this Honorable Tribunal.

  
Inspector General of Prisons  
Khyber Pakhtunkhwa Peshawar  
(Respondent No.1)

  
30/4/13

  
Superintendent  
Circle Headquarters Prison  
D.I.Khan.  
(Respondent No.2)

  
Superintendent  
District Jail Karak  
(Respondent No.3)

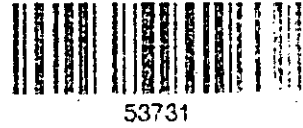
Annex-A (Confidential) 259

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

No. SO (Com/ Eng)/HD/1-39-15/2011/KC  
Dated Peshawar, the 12/02/2013

To

The Inspector General of Prisons,  
Khyber Pakhtunkhwa, Peshawar.



Subject: - ENQUIRY REPORT AGAINST STAFF OF DISTRICT JAIL KARAK.

R/Sir,

I am directed to refer to the subject noted above and to enclose herewith a copy enquiry report containing (05) pages, and the recommendation duly approved by the competent authority for further necessary action under intimation to this department immediately please.

Encl: As above

Yours faithfully,

*15/2/13*  
(BASHIR AHMAD)

SECTION OFFICER (Com/Eng)

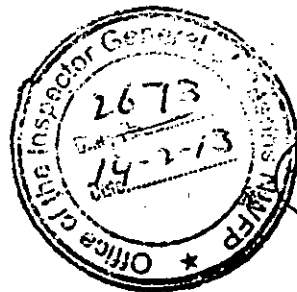
Ph No. 091-9214149

Endst. No. & Date Even

Copy forwarded for information to the PS to Secretary, Home and Tribal Affairs Department, Khyber Pakhtunkhwa.

*Zabard  
PL Process  
The recommendations  
13/2/13*

SECTION OFFICER (Com/Eng)



*15/2/13*



# ENQUIRY REPORT



53724

271

## ENQUIRY REPORT REGARDING COMPLAINT AGAINST STAFF OF DISTRICT JAIL KARAK.

A complaint contained some allegations leveled against the staff of District Jail Karak addressed to Home Secretary, Khyber Pakhtunkhwa was received to this effect vide (F/A) which was enquired by the undersigned and the enquiry report is attached as desired;

For the purpose being nominated as Inquiry Officer vide (F/B), I was directed to the said Jail to dig out real picture of events happening over there. It is recorded here that all records available at hand was examined, inspected barracks and recorded statements of various staff and prisoners. All contents of the complaint were examined and verified step by step;

The following sites / records were seen by the undersigned with the aim to determine certain parameters which would be helpful for reaching to bottom of the contents of the complaint:

- a. Jail compound
- b. Records of male and female prisoners
- c. Barracks of prisoners
- d. Store of Jail
- e. Kitchen
- f. Barracks of warders
- g. Jail dispensary (Discussed with Medical Officer certain features of inner environment of Jail, standard of Medicines and existing diseases in prisoners).
- h. Store and stock register
- i. Attendance register
- j. Physical checking of Watch & Warders

During enquiry proceedings, the following officers/warders /prisoners were called and their statements were recorded:

NAME & DESIGNATION	STATEMENT RECORDED
Mr. Usman Ali, Superintendent, District Jail Karak.	He stated that he supervises all activities in the jail as well as proper regular search is being carried out. The line officer is carrying out regular search to curb prohibited articles and everything is under control. All watch and wards are kept under surveillance and restricted to their residential barracks. Judicial officers are paying regular visits and no such incident or

2B

		complaint as indicated in the complaint has been noticed and this complaint is based on false and fabricated tales just to malign the jail administration vide(F/C)
2	<b>Mr.Nasir Ali,</b> Line Officer, District Jail Karak.	<p>He denied all allegations indicated in the complaint and openly challenged the substance of the complaint. He also requested for any evidence or record to prove against him. He categorically stated that this complaint has sent by Mst. Saeeda (Female Warder) who is allegedly involved in certain unlawful acts. She was suspended once and her service record is replete with departmental enquiries. She was transferred so many times on administrative grounds and is a habitual complainant having links with others in jail who by collusion makes such like complaints.</p> <p>A female warder has already committed suicide in this jail by virtue of such like tense situation. Her existence in this jail adds anxiety to staff and may be transferred as if not then he be transferred because her blaming tactics cannot be borne any more.</p>
3	<b>Zahir Nawaz,</b> Warder	He stated that such like complaints are written with the aim to grind own one axe. It's a blame game which is manouvourd for ulterior motives. It is needed that jail administration must be efficient and disciplined for better result.
4	<b>Sardaraz,</b> Warder	He stated that he is concerned only with duty and bound to obey orders of the officers. The contents of the compljant are not known to him but one thing is clear that Mst. Saeeda (Female Warder) is the mover of all such activities and may be transferred from this jail because text of the complaint is contradictory to prevailing situation in the jail.
5	<b>Tahir Ali,</b> Warder	During enquiry proceedings, he stated that he is serving as a gun man of the superintendent and all locals of karak are problematic and complainant of high caliber. It is true that some ills do exist in the jail but not so grave as shown in the compliant.
6	<b>Shah Tamaz,</b> Warder	He stated that no mobile is used in the jail nor any prohibited articles are found so far from prisoners. No corruption or mal practices are carried out by the jail administration. It is efficient and responsive but certain elements in jail want to disturb this peaceful atmosphere by false and fabricated tales for self-interest.
7	<b>Mst. Saeeda,</b> Female Warder	She stated that she has been in this jail for the last 12 years and serves in better manner but remained quiet to any evidence or record about complaint launched by her; rather she became annoyed over its contents. She expressed it a blame game and attributed it to other colleagues. She showed resentment to answer any question during enquiry proceedings. She

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		was rather grumbling while recording statement and presented herself as embodiment of regularity and piety and rest of the staff members are wrong doers and less regular in duties. it was observed that she was concealing something to utter and her bias, prejudice and evil motives could be easily judged from her dubious character and statement. She was trying hard to prove herself innocent and fair.
8	<b>Mst. Kishwar Begum,</b> Female Warder	<p>She expressed grave concern over the helm of affairs and stated categorically that she has just been transferred from District Jail Kohat a month before and knows nothing about all those persons narrated in the complaint. She knows this only that before my arrival I was threatened by Mst. Saeeda about various things in jail and its staff members. She tried at all levels to suppress and defame her in the eyes of locals. She sees her own picture in my eyes but with the grace of Allah, I am not a woman of ill character like Mst. Saeeda. She does not like to let loose her gripe over all affairs of the jail. All locals know her character and mine as well. I am a respectable woman of karak and my father was retired from Pakistan Army. Being an educated woman I can't not ignore the bad intentions of Mst. Saeeda and do my duty with utmost care and dedication.</p> <p>She further stated that her transfer is inevitable as it is not easy for her to perform duty here in her presence because one of our sister female warder Mst; Rozina has already committed suicide in this jail vide (F/D).</p>
9	<b>Mst. Basmina</b> (Prisoner under trial) Sabir abad.	She stated that Mst. Saeeda Female warder is involved in illegal activities and creates problems for female prisoners to serve ulterior motives. She utters unnecessary words and presses them to receive share in all particles coming from their home or from jail kitchen. She bears no good character. Rests of the female warders are good enough in duty and fairness vide (F/E).
10	<b>Mst. Fauzia</b> (Under trial prisoner) Mardan	-do-
11	<b>Mst: Aseel Jana</b> (Under trial prisoner) Orakzai Agency	She stated if this jail is to be maintained a good one, she (Saeeda) may be transferred from karak as she has deliberately deteriorated situation in the jail to sway over all affairs of it. She passes all her duty time in back biting and utters immoral sentences. She is to blame others in order to conceal her own features. It is requested that she may be transferred to some other Jail in public interest vide (F/F).
12	<b>Mst. Tahira Bano</b> (Under trial Prisoner) Karak	-do-

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5. It was noticed that at first stance, the complainant (Mst. Saeeda) declined to own the complaint and she stated that it has been written to malign her in the eyes of high ups but later on it was seen by the undersigned that she was trying to conceal some facts and had some ulterior motives to serve by sending this complaint.

6. Keeping in view the double standard of the complainant's statement some questions were asked to dig out hidden truth and with this, she started blame game by labeling one party or another. There is no doubt that there exists loopholes in general administration of the jail but at the moment it can be deduced that all matters revolve around her as she is the pivot of all problems.

7. It is a fact that she has been in this jail for the last 12 years and has established her hegemony over all aspects and any interference or loosing grip over affairs of the jail, she resorts to such like tactics by sending complaints to various quarters. During enquiry proceedings, it has been learnt that her service record also adds much to her dubious character.

8. In Zanankhana all the four confined prisoners complained that she presses them hard for one demand or another and even receives full portion of ration from their due share of diet. Her style of talking, unbearable attitude and vulgar mood add anxiety to the circumstances and enhances their fatigue and miseries.

#### GEDNERAL FINDINGS

During enquiry proceedings, the following findings have been unearthed which are submitted for perusal and necessary action as;

- a) Drinking water is a burning issue of the jail which may be resolved.
- b) The number of watch and warders may adjusted according to the population of the jail as most of the employees were seen busying in playing cards, sitting idle and roaming about here & there.
- c) Medicines standard may be taken for consideration as doctors complained for its poor quality.
- d) All those calls dialed from PCO of the jail must be recorded.
- e) Un-hygenic condition of kitchen and tandoor may need proper attention.
- f) Shop prices need to be in accordance of market prices.

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**SPECIFIC FINDINGS**

- i. Jail administration is to be directed to enhance efficiency and standard management of jail and keep vigilant eye on all affairs of the jail.
- ii. All those watch and warders residing in barracks and tents must be directed to keep themselves restricted to their respective residential sites and not to enter at any cost to residential family compound or without prior permission of jail superintendent.
- iii. Maintain record of all events, duty roster and attendance register of all staff updated.
- iv. Any mishap should be immediately reported to head quarters without accepting any political pressure or compromise in official matters

**RECOMMENDATIONS**

Considering the events, evidences and text of statements recorded, it is strongly recommended that Mst: Saeeda Female Warder may be transferred on administrative ground to any other district jail or Central Prison in the best public interest and the concerned jail superintendent may also directed to keep vigilant eye on her during duty hours and in Jail premises.

67/24  
(BASHIR AHMAD)  
INQUIRY OFFICER  
HOME T.As DEPARTMENT



*Miss. Amara-B*

OFFICE OF THE  
INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR

NO. 2/395-2008/5405-06-NF

DATED 25-02-2013

*Recd*

To

1. The Superintendent,  
Headquarters Prison D.I.Khan.
2. The Superintendent,  
District Jail Karak.

Subject:-  
Memo:

ENQUIRY REPORTED AGAINST STAFF OF DISTRICT JAIL KARAK.

I am directed to refer to the subject and to forward herewith a copy of letter No.SO(Com/Enq)HD/1-39-B/2011/KC dated 12-2-2013 alongwith its enclosures received from Government of Khyber Pakhtunkhwa Home & T.As Department Peshawar, on the captioned subject (self explanatory) for information and immediate necessary action.

*Mc PB for Compliance*

*5/3/2013*

*[Signature]*  
ASSISTANT DIRECTOR(ADMN)  
FOR INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA PESHAWAR.

*N-445  
25-3-13*

ENDST:NO. \_\_\_\_\_

Copy of the above is forwarded to the Secretary to Government of Khyber Pakhtunkhwa Home & T.As Department Peshawar, for information with reference to his letter referred to above.

*[Signature]*  
ASSISTANT DIRECTOR(ADMN)  
FOR INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA PESHAWAR.

PAKHTUNKHWA PESHAWAR

ASSISTANT DIRECTOR(ADMN)

Annex - D

OFFICE OF THE  
SUPERINTENDENT  
DISTRICT JAIL KARAK  
NO. \_\_\_\_\_ /  
DATED. \_\_\_\_ / \_\_\_\_ / 2013

TELE FAX: 0927-210537

To.

Female Warder Saeeda Bibi.  
Attached to District jail Karak

Subject: RELIEVING DOCKET

Memo.

Under the instruction contained in the superintendent circle/  
Headquarter jail D.I.Khan office NO. 817 Dated 04-02-2013 you are  
hereby relieved of your duties today on 6 / 02 / 2013, AN and directed to  
report to Superintendent Head Quarter Jail DI Khan For further duty there.

Your are allowed Two days joining time.

SIXX  
SUPERINTEDENT  
DISTRICT JAIL KARAK

Endst NO - 167 Dated 6 / 02 / 2013.

Copy of the above is forwarded to the Superintendent Circle  
Headquarter jail D.I.Khan with reference his order referred to above please.

6/2/13  
SUPERINTEDENT  
DISTRICT JAIL KARAK

Annex-B

جناب سپرنٹنڈنٹ سٹریٹریجیٹک میڈیسن ڈیپارٹمنٹ، ایف ایچ ایس خان

No. 595  
dt. 20/3/13

عبدالغنی لیو

عنوان :-

1/c PB  
(4)  
22/3/13

عنوان :-

بخوانہ درخواست سےعلقہ نذرانہ قیام

گذشتہ کئی سالوں سے کئی کئی نذرانہ قیام بیمار ہے۔ اور مختلف ڈاکٹروں کے زیر علاج ہے۔ اور ڈاکٹروں نے منہ مٹا ہے۔ کہ ڈیوٹی انجام نہیں دے سکتے اور باقی وقت ختم ہونے کا خطرہ ہے۔

انڈیا بہ لفظی اطباء سے کئی کئی سالوں سے کام چل رہا ہے۔ انڈیا نذرانہ قیام وقت سے ہی کئی کئی سالوں سے بھی کام چل رہا ہے۔ اور درخواستیں بھی لگی ہیں۔ انڈیا لفظی لکت لکت قبول نہ کر سکتے ہیں۔

- |       |           |                |   |
|-------|-----------|----------------|---|
| 3 دن  | 09-2-13   | 13-2-2013 تا 6 | 1 |
| 5 دن  | 14-2-13   | 10-2-2013 تا   | 2 |
| 10 دن | 24-2-2013 | 15-2-2013 تا   | 3 |
| 7 دن  | 04-2-2013 | 25-2-2013 تا   | 4 |
| 7 دن  | 11-3-2013 | 5-3-2013 تا    | 5 |
| 7 دن  | 19-3-2013 | 12-3-2013 تا   | 6 |

الکسان

سماں سرفورڈ وی جی ایچ ایس خان (آن لیو) ہاؤس ٹیٹ لکھنؤ  
صلحہ رات





Anwar F

OFFICE OF THE  
SUPERINTENDENT  
CIRCLE H/Qs PRISON D.I.KHAN

No. 1777/WB/H/Q Dated 22/3/13

REGISTERED.

To,

The Medical Superintendent, (By Name)  
District Headquarter Teaching Hospital  
Bannu.

Subject:- VERIFICATION OF MEDICAL CERTIFICATES.

Memo:-

Enclosed please find herewith-medical certificates issued by your hospital.

Detail given below:-

Female warder Saeeda Bibi ----- OPD No.2090 dated 25-02-2013 (01 week)  
OPD No.12674 dated 05-03-2013 (01 week)  
OPD No.10395 dated 12-03-2013 (01 week)  
OPD No.328 dated 06-02-2013 (03 days)  
OPD No.482 dated 10-02-2013 (05 days)  
OPD No.Nil dated 15-02-2013 (10 days)

It is therefore requested to kindly verify the above medical certificates whether genuine or otherwise to proceed further in the matter. The medical certificates in ~~original~~ are enclosed for your kind perusal, which may please be returned to this office when no longer required, at an early date.

*P/c 07/13*  
  
SUPERINTENDENT  
CIRCLE H/Qs PRISON DIKHAN  
*22/3*

Annex-G

NO: 1057  
From:

Dated

Bannu the

08/04/2013

To:

The Medical Superintendent,  
DHQ: Teaching Hospital Bannu.

Office of the Superintendent Circle H Qs Prison  
D.I.Khan.

Sub:-  
Memo.

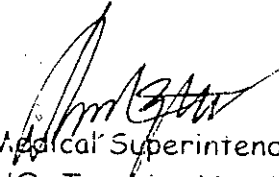
VERIFICATION OF MEDICAL CERTIFICATES.

Ref: your letter NO 1777/WQ:H Q Dated 22/03/2013

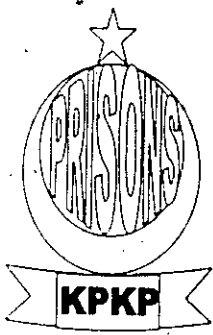
You are requested to direct the Mst:Saeeda Bibi Female Warder under your Control to attend the Office of the undersigned on any working day, with the remarks to bring with her all the Original Medical Certificates regarding medical rest as some of the OPD chits do not seem to be of this Hospital.

1/c PA - for n/c add  
11/4/2013

NO 2 752  
11/4/013

  
Medical Superintendent  
DHQ: Teaching Hospital BU

06/04/2013



Amma-H

OFFICE OF THE  
SUPERINTENDENT  
CENTRAL PRISON D.I.KHAN

No. 920/WC / Dated 12/4/13

To.

Mst: Saeeda bibi,

Female Warder attached to District Jail Karak.

Subject: VERIFICATION OF MEDICAL CERTIFICATES.

Memo:

Enclosed find herewith a photo copy <sup>of</sup> self-explanatory memo No.1057 dated 08-04-2013 issued by Medical Superintendent District Headquarter Teaching Hospital Bannu for verification of medical certificate submitted by you to the undersigned as desired by the M/S.D.H.Q. Hospital Bannu that her original medical certificates may be produced by the female warder personally on any working day.

Therefore you <sup>are</sup> directed to do the need full at an early date.

  
SUPERINTENDENT  
CENTRAL PRISON D.I.KHAN  
*12/4*

Endst: No. 9201 dated 12/4/13

Copy of the above is forwarded to the Medical Superintendent District Headquarter Teaching Hospital Bannu for information. *w/s to above pl.*

  
SUPERINTENDENT  
CENTRAL PRISON D.I.KHAN  
*12/4*



Ameed-I

OFFICE OF THE  
SUPERINTENDENT  
CIRCLE H/Qs PRISON D.I.KHAN

No. 2186 /H/Q Dated 12/4/13

To,

The Superintendent,  
District Jail Karak.

Subject: SERVICE APPEAL NO.543/2013 FILED BY MST: SAEEDA BIBI  
FEMALE WARDER.

Memo:

Reference Inspector General of Prisons Khyber Pakhtunkhwa, Peshawar  
memo No.K.C/10875/WE dated 12-04-2012.

The transfer order issued by this Headquarter vide No.817/ HQ dated 04-02-  
2013 in respect of female warder (BPS-5) Saeeda bibi wife of Sattar attached to your jail  
from District Jail Karak to Central Prison DIKhan may be held in abeyance till final  
decision of the case by Khyber Pakhtunkhwa service Tribunal Peshawar.

For information and necessary action.


ENDST NO. 2187-90 DATED 12 /04/2013.

  
SUPERINTENDENT  
CIRCLE H/QS PRISON DIKHAN  
12/4

Copy of the above is forwarded to the;-

1. Secretary to Government of Khyber Pakhtunkhwa, Home & TAs Department  
Peshawar.
2. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
3. Government Pleader Khyber Pakhtunkhwa Service Tribunal. Peshawar
4. Superintendent Central Prison DIKhan (Line Office).

For information with reference to above please.

  
SUPERINTENDENT  
CIRCLE H/QS PRISON DIKHAN  
12/4

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

In the matter of  
Service Appeal No.543/2013  
Mst; Saeeda Bibi  
Female Warder, District Jail Karak. ....Appellant.

**Versus**

1. The Inspector General of Prisons,  
Khyber Pakhtunkhwa, Peshawar.
2. The Superintendent,  
Circle Headquarters Prison, DIKhan.
3. The Superintendent,  
District Jail Karak.
4. Mst; Gulab Bibi,  
Female warder Central Prison D.I.Khan.....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 badly time barred.

**ON FACTS.**

1. Pertains to record, however no comments.
2. Para No.2 is subject to proof.
3. Para No.2 of the appeal, the appellant has leveled baseless allegations which have no concern with the fact. It is submitted that on public complaint, the Secretary to Govt: Home & TAs Department Khyber Pakhtunkhawa has conducted an inquiry against the staff of District Jail Karak, Mr, Bashir Ahmad Section Officer Home & TAs Department Khyber Pakhtunkhawa was appointed as inquiry officer by the competent authority.

Inquiry was conducted by the inquiry officer on 07-02-2013 at District Jail Karak (copy of the inquiry report is enclosed as **Annex-A**).

During inquiry she was found involved in illegal activities & pivot of all problems. For that reason the Inquiry Officer strongly recommended that Mst; Saeeda Bibi Female warder may be transferred on administrative grounds to any other District Jail or Central Prison in the best interest of public and the concerned Jail Superintendent was also directed to keep vigilant eye on her during duty hours in the jail premises. Copy of the above report is communicated to the respondent No.2 ie Superintendent HQ Prisons DIKhan vide Inspector General of Prisons Khyber Pakhtunkhwa Peshawar endorsement No.2/39-J-2008/5405-06/WE dated 25-02-2013 for immediate necessary action (**Annex-B**).

In the light of above recommendation the Superintendent HQ Prisons DIKhan being competent authority issued her transfer order from District Jail Karak to Central Prison DIKhan on

administrative grounds in the public interest vide Headquarter DIKhan No.817 dated 04-02-2013 (Annex-C) and communicated to all concerned for compliance.

The Respondent No.3, (Superintendent District Jail Karak) has relieved her to Central Prison DIKhan on 06-02-2013 (Annex-D).

She (female warder Saeed Bibi) has not still joined duty at Central Prison DIKhan & sent medical certificates photocopies alongwith an application addressed to Superintendent Central Prison DIKhan is enclosed (Annex-E). The photocopy of medical certificate sent by her, to Respondent No.2, was sent to Medical Superintendent DHQ Teaching Hospital Bannu for verification vide No.1777/WE dated 22-3-2013 (photocopy enclosed as Annex-F), in response of above referred memo; the Medical Superintendent DHQ Teaching Hospital Bannu asked the undersigned to direct female warder Saeeda Bibi to attend the office of Medical Superintendent DHQ Teaching Hospital Bannu on any working day vide his memo; No.1057 dated 08-4-2013 (copy enclosed as Annex-G), the Respondent No.2 (Superintendent HQ Prisons DIKhan) has directed female warder Saeeda Bibi on her home address to do the needful immediately. (Copy enclosed as Annex-H).

Moreover, in compliance of the above, Honourable court order of Registrar Tribunal Khyber Pakhtunkhwa Peshawar, ~~Her~~ transfer order is held in abeyance till the arrival of final decision of the case vide Superintendent Central Prison D.I.Khan letter No. 2186 dated 12-4-2013 (copy enclosed as Annex-I).

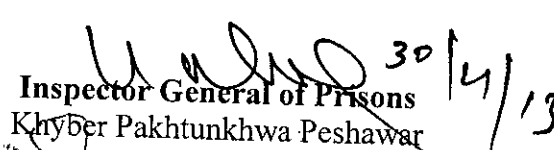
It is pertinent to mention here that she is required to service everywhere in the Province as laid down in terms & conditions of Prisons Service. She had completed the tenure of her service at the present station of Karak.

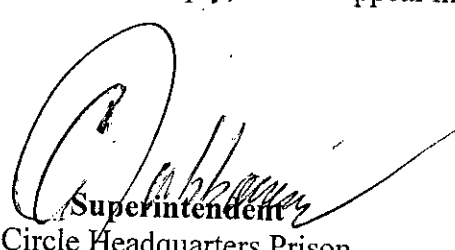
4. Detail reply has been given in the above para.
5. Detail reply has been given in para-3.

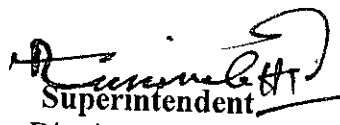
### GROUND.

- A. Para-A of the grounds is incorrect, hence denied.
- B. Para-B is also incorrect, hence denied.
- C. Para-C is incorrect and as already been replied.
- D. Para-D is also incorrect and denied.
- E. The appellant transfer is according to law and explained in para-3 of the fact.
- F. No comments.

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

  
Inspector General of Prisons  
Khyber Pakhtunkhwa Peshawar  
(Respondent No.1)  
30/4/13

  
Superintendent  
Circle Headquarters Prison  
D.I.Khan.  
(Respondent No.2)

  
Superintendent  
District Jail Karak  
(Respondent No.3)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

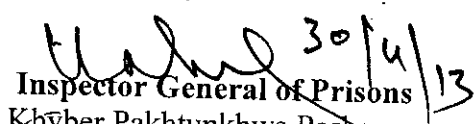
In the matter of  
Service Appeal No.543/2013  
Mst; Saeeda Bibi  
Female Warder, District Jail Karak. ....Appellant.


**Versus**


1. The Inspector General of Prisons,  
Khyber Pakhtunkhwa, Peshawar.
2. The Superintendent,  
Circle Headquarters Prison, DIKhan.
3. The Superintendent,  
District Jail Karak.
4. Mst; Gulab Bibi,  
Female warder Central Prison D.I.Khan.....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 parawise comments in the above cited appeal are true and correct to the best of our knowledge and belief and that nothing have been kept secret from this Honorable Tribunal.

  
Inspector General of Prisons  
Khyber Pakhtunkhwa Peshawar  
(Respondent No.1)  
30/4/13

  
Superintendent  
Circle Headquarters Prison  
D.I.Khan.  
(Respondent No.2)

  
Superintendent  
District Jail Karak  
(Respondent No.3)

Annex-A

(Confidential)

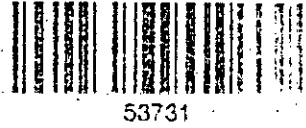
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GOVERNMENT OF KHYBER PAKHTUNKHWA  
HOME & TRIBAL AFFAIRS DEPARTMENT

No. SO (Com/ Eng)/HD/1-39-B/2011/KC  
Dated Peshawar, the 12/02/2013

To

The Inspector General of Prisons,  
Khyber Pakhtunkhwa, Peshawar.



Subject: - ENQUIRY REPORT AGAINST STAFF OF DISTRICT JAIL KARAK.

R/Sir,

I am directed to refer to the subject noted above and to enclose herewith a copy enquiry report containing (05) pages, and the recommendations duly approved by the competent authority for further necessary action under intimation to this department immediately please.

Encl: As above

Yours faithfully,

15/2/13

(BASHIR AHMAD)

SECTION OFFICER (Com/Eng)

Ph No. 091-9214149

Endst. No. & Date Even

Copy forwarded for information to the PS to Secretary, Home and Tribal Affairs Department, Khyber Pakhtunkhwa.

*Zahid  
PC  
Process  
the recommendations  
13/2/13*

SECTION OFFICER (Com/Eng)



15/2/13



# ENQUIRY REPORT



53724

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## ENQUIRY REPORT REGARDING COMPLAINT AGAINST STAFF OF DISTRICT JAIL KARAK.

A complaint contained some allegations leveled against the staff of District Jail Karak addressed to Home Secretary, Khyber Pakhtunkhwa was received to this office vide (F/A) which was enquired by the undersigned and the enquiry report submitted as desired.

For the purpose being nominated as Inquiry Officer vide (F/B), I proceeded to the said Jail to dig out real picture of events happening over there. It is to be noted here that all records available at hand was examined, inspected barracks and recorded statements of various staff and prisoners. All contents of the complaint were examined and verified step by step;

The following sites / records were seen by the undersigned with the aim to determine certain parameters which would be helpful for reaching to bottom of the contents of the complaint:

- a. Roll of prisoners
- b. Register of male and female prisoners
- c. Barracks of prisoners
- d. Store of Jail
- e. Kitchen
- f. Barrack of warders
- g. Jail dispensary (Discussed with Medical Officer certain features of inner environment of Jail, standard of Medicines and existing diseases in prisoners).
- h. Store and stock register
- i. Attendance register
- j. Physical checking of Watch & Warders

During enquiry proceedings, the following officers/warders /prisoners were called and their statements were recorded:

NAME & DESIGNATION	STATEMENT RECORDED
Mr. Usman Ali, Superintendent, District Jail Karak.	He stated that he supervises all activities in the jail as well as proper regular search is being carried out. The line officer is carrying out regular search to curb prohibited articles and everything is under control. All watch and wards are kept under surveillance and restricted to their residential barracks. Judicial officers are paying regular visits and no such incident or

	<p>complaint as indicated in the complaint has been noticed and this complaint is based on false and fabricated tales just to malign the jail administration vide(F/C)</p>
<p>2 <b>Mr. Nasir Ali,</b> Line Officer, District Jail Karak.</p>	<p>He denied all allegations indicated in the complaint and openly challenged the substance of the complaint. He also requested for any evidence or record to prove against him. He categorically stated that this complaint has sent by Mst. Saeeda (Female Warder) who is allegedly involved in certain unlawful acts. She was suspended once and her service record is replete with departmental enquiries. She was transferred so many times on administrative grounds and is a habitual complainant having links with others in jail who by collusion makes such like complaints.</p> <p>A female warder has already committed suicide in this jail by virtue of such like tense situation. Her existence in this jail adds anxiety to staff and may be transferred as if not then he be transferred because her blaming tactics cannot be borne any more.</p>
<p>3 <b>Zahir Nawaz,</b> Warder</p>	<p>He stated that such like complaints are written with the aim to grind own one axe. It's a blame game which is manouvoured for ulterior motives. It is needed that jail administration must be efficient and disciplined for better result.</p>
<p>4 <b>Sardaraz,</b> Warder</p>	<p>He stated that he is concerned only with duty and bound to obey orders of the officers. The contents of the compliant are not known to him but one thing is clear that Mst. Saeeda (Female Warder) is the mover of all such activities and may be transferred from this jail because text of the complaint is contradictory to prevailing situation in the jail.</p>
<p>5 <b>Tahir Ali,</b> Warder</p>	<p>During enquiry proceedings, he stated that he is serving as a gun man of the superintendent and all locals of karak are problematic and complainant of high caliber. It is true that some ills do exist in the jail but not so grave as shown in the compliant.</p>
<p>6 <b>Shah Tamaz,</b> Warder</p>	<p>He stated that no mobile is used in the jail nor any prohibited articles are found so far from prisoners. No corruption or mal practices are carried out by the jail administration. It is efficient and responsive but certain elements in jail want to disturb this peaceful atmosphere by false and fabricated tales for self-interest.</p>
<p>7 <b>Mst. Saeeda,</b> Female Warder</p>	<p>She stated that she has been in this jail for the last 12 years and serves in better manner but remained quiet to any evidence or record about complaint launched by her; rather she became annoyed over its contents. She expressed it a blame game and attributed it to other colleagues. She showed resentment to answer any question during enquiry proceedings. She</p>

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		<p>was rather grumbling while recording statement and presented herself as embodiment of regularity and piety and rest of the staff members are wrong doers and less regular in duties. it was observed that she was concealing something to utter and her bias, prejudice and evil motives could be easily judged from her dubious character and statement. She was trying hard to prove herself innocent and fair.</p>
8	<p><b>Mst. Kishwar Begum,</b> Female Warder</p>	<p>She expressed grave concern over the helm of affairs and stated categorically that she has just been transferred from District Jail Kohat a month before and knows nothing about all those persons narrated in the complaint. She knows this only that before my arrival I was threatened by Mst. Saeeda about various things in jail and its staff members. She tried at all levels to suppress and defame her in the eyes of locals. She sees her own picture in my eyes but with the grace of Allah, I am not a woman of ill character like Mst: Saeeda. She does not like to let loose her gripe over all affairs of the jail. All locals know her character and mine as well. I am a respectable woman of karak and my father was retired from Pakistan Army. Being an educated woman I can't not ignore the bad intentions of Mst. Saeeda and do my duty with utmost care and dedication.</p> <p>She further stated that her transfer is inevitable as it is not easy for her to perform duty here in her presence because one of our sister female warder Mst; Rozina has already committed suicide in this jail vide (F/D).</p>
9	<p><b>Mst. Basmia</b> (Prisoner under trial) Sabir abad.</p>	<p>She stated that Mst. Saeeda Female warder is involved in illegal activities and creates problems for female prisoners to serve ulterior motives. She utters unnecessary words and presses them to receive share in all particles coming from their home or from jail kitchen. She bears no good character. Rests of the female warders are good enough in duty and fairness vide (F/E).</p>
10	<p><b>Mst. Fauzia</b> (Under trial prisoner) Mardan</p>	<p>-do-</p>
11	<p><b>Mst: Aseel Jana</b> (Under trial prisoner) Orakzai Agency</p>	<p>She stated if this jail is to be maintained a good one, she (Saeeda) may be transferred from karak as she has deliberately deteriorated situation in the jail to sway over all affairs of it. She passes all her duty time in back biting and utters immoral sentences. She is to blame others in order to conceal her own features. It is requested that she may be transferred to some other Jail in public interest vide (F/F).</p>
12	<p><b>Mst. Tahira Bano</b> (Under trial Prisoner) Karak</p>	<p>-do-</p>

5. It was noticed that at first stance, the complainant (Mst. Saeeda) declined to own the complaint and she stated that it has been written to malign her in the eyes of high ups but later on it was seen by the undersigned that she was trying to conceal some facts and had some ulterior motives to serve by sending this complaint.

6. Keeping in view the double standard of the complainant's statement, some questions were asked to dig out hidden truth and with this, she started blame game by labeling one party or another. There is no doubt that there exists loopholes in general administration of the jail but at the moment it can be deduced that all matters revolve around her as she is the pivot of all problems.

7. It is a fact that she has been in this jail for the last 12 years and has established her hegemony over all aspects and any interference or loosing grip over affairs of the jail, she resorts to such like tactics by sending complaints to various quarters. During enquiry proceedings, it has been learnt that her service record also adds much to her dubious character.

8. In Zanankhana all the four confined prisoners complained that she presses them hard for one demand or another and even receives full portion of ration from their due share of diet. Her style of talking, unbearable attitude and vulgar mood add anxiety to the circumstances and enhances their fatigue and miseries.

**GEDNERAL FINDINGS**

During enquiry proceedings, the following findings have been unearthed which are submitted for perusal and necessary action as;

- a) Drinking water is a burning issue of the jail which may be resolved.
- b) The number of watch and warders may adjusted according to the population of the jail as most of the employees were seen busying in playing cards, sitting idle and roaming about here & there.
- c) Medicines standard may be taken for consideration as doctors complained for its poor quality.
- d) All those calls dialed from PCO of the jail must be recorded.
- e) Un-hygenic condition of kitchen and tandoor may need proper attention.
- f) Shop prices need to be in accordance of market prices.

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**SPECIFIC FINDINGS**

- i. Jail administration is to be directed to enhance efficiency and standard of management of jail and keep vigilant eye on all affairs of the jail.
- ii. All those watch and warders residing in barracks and tents must be directed to keep themselves restricted to their respective residential sites and not to enter at any cost to residential family compound or without prior permission of jail superintendent.
- iii. Maintain record of all events, duty roster and attendance register of all staff updated.
- iv. Any mishap should be immediately reported to head quarters without accepting any political pressure or compromise in official matters

**RECOMMENDATIONS**

Considering the events, evidences and text of statements recorded, it is strongly recommended that Mst: Saeeda Female Warder may be transferred on administrative ground to any other district jail or Central Prison in the best public interest and the concerned jail superintendent may also directed to keep vigilant eye on her during duty hours and in Jail premises.

(BASHIR AHMAD)  
INQUIRY OFFICER  
HOME T.As DEPARTMENT



Miss - Ameer - B

OFFICE OF THE  
INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR

NO. 2/395-2008/5405-06 - NF

DATED 25-02-2013

*Recd*

To

1. The Superintendent,  
Headquarters Prison D.I.Khan.
2. The Superintendent,  
District Jail Karak.

Subject:-  
Memo:

ENQUIRY REPORTED AGAINST STAFF OF DISTRICT JAIL KARAK.

I am directed to refer to the subject and to forward herewith a copy of letter No.SO(Com/Enq)HD/1-39-B/2011/KC dated 12-2-2013 alongwith its enclosures received from Government of Khyber Pakhtunkhwa Home & T.As Department Peshawar, on the captioned subject (self explanatory) for information and immediate necessary action.

*Mc PB. for Compliance*  
*5/3/2013*

*[Signature]*  
ASSISTANT DIRECTOR(ADMN)  
FOR INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA PESHAWAR.

ENDST:NO. \_\_\_\_\_

*N. 445*  
*25-3-13*

Copy of the above is forwarded to the Secretary to Government of Khyber Pakhtunkhwa Home & T.As Department Peshawar, for information with reference to his letter referred to above.

*[Signature]*  
ASSISTANT DIRECTOR(ADMN)  
FOR INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA PESHAWAR.

PESHAWAR

DIRECTOR

Amra - D

OFFICE OF THE  
SUPERINTENDENT  
DISTRICT JAIL KARAK  
NO. \_\_\_\_\_ /  
DATED. \_\_\_\_ / \_\_\_\_ / 2013

TELE FAX: 0927-210537

To,

Female Warder Saeeda Bibi.  
Attached to District jail Karak

Subject: RELIEVING DOCKET

Memo,

Under the instruction contained in the superintendent circle/  
Headquarter jail D.I.Khan office NO. 817 Dated 04-02-2013 you are  
hereby relieved of your duties today on 6 / 02 / 2013, AN and directed to  
report to Superintendent Head Quarter Jail DI Khan For further duty there.

Your are allowed Two days joining time.

*Saxxa*  
SUPERINTEDENT  
DISTRICT JAIL KARAK

Endst NO 167 Dated 6 / 02 / 2013.

Copy of the above is forwarded to the Superintendent Circle  
Headquarter jail D.I.Khan with reference his order referred to above please.

*6/2/13*  
SUPERINTEDENT  
DISTRICT JAIL KARAK

Annex-B

جناب چیف منسٹر سندھ کے محکمہ صحت، کراچی

Mo: 595  
dt: 22/3/13

عبدلیق لیو

عنوان :-

40 PB

(4)  
22/3/13

عنوان :-

بخوانہ درخواست سلسلہ نذریم قلیس

گذشتہ کئی عرصے سے سلسلہ نذریم قلیس بیمار ہے۔ اور مختلف ڈاکٹروں کے زیر علاج ہے۔ اور ڈاکٹروں نے منہ نہ کھلا ہے۔ نہ کوئی حکم نہیں دے سکی اور باقی وقت ختم ہونے کا خطرہ ہے۔

ایذا بہ نصرت اطباء سلسلہ نذریم قلیس سے نمٹ رہے ہیں اور نذریم قلیس روفا سے ہی سیکرٹری ریسٹریکٹ بھی جا رہا ہے۔ اور درخواستیں کئی ہیں۔ انڈیشن نقص لگانے کی کوششیں کی جا رہی ہیں۔

- |       |           |                   |
|-------|-----------|-------------------|
| 3 دن  | 09-2-13   | 1 از 6-2-2013 تا  |
| 5 دن  | 14-2-13   | 2 از 10-2-2013 تا |
| 10 دن | 24-2-2013 | 3 از 15-2-2013 تا |
| 7 دن  | 04-2-2013 | 4 از 25-2-2013 تا |
| 7 دن  | 11-3-2013 | 5 از 5-3-2013 تا  |
| 7 دن  | 19-3-2013 | 6 از 12-3-2013 تا |

الکساندر

سجاد سعید (پبلیک ریلز ڈائریکٹر) (آن لیو) ہاؤس نمٹ لکھنؤ  
صلوات





Annea F

OFFICE OF THE  
SUPERINTENDENT  
CIRCLE H/Qs PRISON D.I.KHAN

No. 1777/WB/H/Q Dated 22/3/13

REGISTERED.

To,

The Medical Superintendent, (By Name)  
District Headquarter Teaching Hospital  
Bannu.

Subject:- VERIFICATION OF MEDICAL CERTIFICATES.

Memo:-

Enclosed please find herewith-medical certificates issued by your hospital.

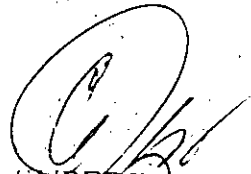
Detail given below:-

Female warder Saeeda Bibi -----OPD No.2090 dated 25-02-2013 (01 week)  
OPD No.12674 dated 05-03-2013 (01 week)  
OPD No.10395 dated 12-03-2013 (01 week)  
OPD No.328 dated 06-02-2013 (03 days)  
OPD No.482 dated 10-02-2013 (05 days)  
OPD No.Nil dated 15-02-2013 (10 days)

It is therefore requested to kindly verify the above medical certificates whether genuine or otherwise to proceed further in the matter. The medical certificates ~~in~~ original are enclosed for your kind perusal, which may please be returned to this office when no longer required, at an early date.

*P/c 71*

*Q*

  
SUPERINTENDENT  
CIRCLE H/QS PRISON DIKHAN  
*1777*

Annex-G

NO: 1057  
From:

Dated Bannu the 08/04/2013

To:

The Medical Superintendent,  
DHQ: Teaching Hospital Bannu.

Office of the Superintendent Circle H-Qs Prison  
D.I.Khan.

Sub:-  
Memo.

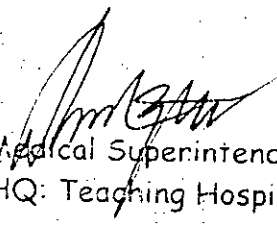
VERIFICATION OF MEDICAL CERTIFICATES.

Ref: your letter NO 1777 WQ/H Q Dated 22/03/2013

You are requested to direct the Mst: Saeeda Bibi Female Warder under your Control to attend the Office of the undersigned on any working day, with the remarks to bring with her all the Original Medical Certificates regarding medical rest as some of the OPD chits do not seem to be of this Hospital.

1/c PA for m/c add  
11/4/2013

No 2 752  
11/4/2013

  
Medical Superintendent  
DHQ: Teaching Hospital BU

06/04/2013



Amor-H

OFFICE OF THE  
SUPERINTENDENT  
CENTRAL PRISON D.I.KHAN

No. 9200/wc / Dated 12/4/13

To.

Mst: Saeeda bibi,

Female Warder attached to District Jail Karak.


Subject: VERIFICATION OF MEDICAL CERTIFICATES.

Memo:

Enclosed find herewith a photo copy <sup>of</sup> self-explanatory memo No.1057 dated 08-04-2013 issued by Medical Superintendent District Headquarter Teaching Hospital Bannu for verification of medical certificate submitted by you to the undersigned as desired by the M/S.D.H.Q. Hospital Bannu that her original medical certificates may be produced by the female warder personally on any working day.

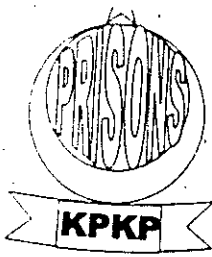
Therefore you <sup>are</sup> directed to do the need full at an early date.

Indst: No. 9201 dated 12/4/13

  
SUPERINTENDNET  
CENTRAL PRISON D.I.KHAN  
12/4

Copy of the above is forwarded to the Medical Superintendent District Headquarter Teaching Hospital Bannu for information. w/ & clear pl.

  
SUPERINTENDNET  
CENTRAL PRISON D.I.KHAN  
12/4



Amree-I

OFFICE OF THE  
SUPERINTENDENT  
CIRCLE H/Qs PRISON D.I.KHAN

No. 2186 /H/Q Dated 12/4/13

To,

The Superintendent,  
District Jail Karak.

Subject:

**SERVICE APPEAL NO.543/2013 FILED BY MST: SAEEDA BIBI  
FEMALE WARDER.**

Memo:

Reference Inspector General of Prisons Khyber Pakhtunkhwa, Peshawar  
memo No.K.C/10875/WE dated 12-04-2012.

The transfer order issued by this Headquarter vide No.817/ HQ dated 04-02-  
2013 in respect of female warder (BPS-5) Saeeda bibi wife of Sattar attached to your jail  
from District Jail Karak to Central Prison DIKhan may be held in abeyance till final  
decision of the case by Khyber Pakhtunkhwa service Tribunal Peshawar.

For information and necessary action.

ENDST NO. 2187-90 DATED 12/04/2013.

  
SUPERINTENDENT  
CIRCLE H/QS PRISON DIKHAN  
12/4

Copy of the above is forwarded to the;-

1. Secretary to Government of Khyber Pakhtunkhwa, Home & TAs Department  
Peshawar.
2. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
3. Government Pleader Khyber Pakhtunkhwa Service Tribunal. Peshawar
4. Superintendent Central Prison DIKhan (Line Office).

For information with reference to above please.

  
SUPERINTENDENT  
CIRCLE H/QS PRISON DIKHAN  
12/4

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

In the matter of  
Service Appeal No.543/2013  
Mst; Saeeda Bibi  
Female Warder, District Jail Karak. ....Appellant.


**Versus**

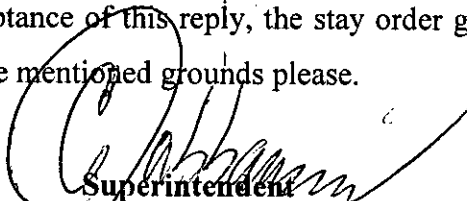
1. The Inspector General of Prisons,  
Khyber Pakhtunkhwa, Peshawar.
2. The Superintendent,  
Circle Headquarters Prison, DIKhan.
3. The Superintendent,  
District Jail Karak.
4. Mst; Gulab Bibi,  
Female warder Central Prison D.I.Khan.....Respondents


**PARAWISE COMMENTS ON STAY APPLICATION IN SERVICE APPEAL NO.543/2013 IN  
RESPECT OF MST; SAEEDA BIBI FEMALE WARDER DISTRICT JAIL KARAK**

- 1) No Comments.
- 2) Incorrect, misleading. In the main body of service appeal there are certain facts being hidden by the appellant to misguide the Honorable Tribunal. Furthermore, the prima-facie favour is being termed by the appellant because her interest involves in the main body of the appeal and that is one way traffic. On such one sided storey one cannot assume the conclusion without going through the version of the other side i.e Provincial Government Khyber Pakhtunkhwa through Inspector General of Prisons. As earlier stated that main body of service appeal have no such sound facts which is not desirable and which goes in favour of the appellant.
- 3) Incorrect, misleading. According to the laid down procedure Provincial Government all such accused has to be suspended at the first stage in order to secure public interest. It is also pertinent to mention here that during suspension the suspended employee regularly getting his / her emoluments besides other facilities attached with the position of the suspended incumbent. Moreover, such suspension also in any sort of affect on the services / seniority and other relevant aspects of the suspended employee then by saying that the operation of the said order i.e 04-02-2013 in instant case by no means damage any interest to the appellant rather the question of irreparable losses does not arise at all.

It is therefore, humbly prayed that on acceptance of this reply, the stay order granted in service appeal may kindly be vacated on the above mentioned grounds please.

  
Inspector General of Prisons  
Khyber Pakhtunkhwa Peshawar  
(Respondent No.1)

  
Superintendent  
Circle Headquarters Prison  
D.I.Khan.  
(Respondent No.2)

  
Superintendent  
District Jail Karak  
(Respondent No.3)

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

In the matter of  
Service Appeal No.543/2013  
Mst; Saeeda Bibi  
Female Warder, District Jail Karak. ....Appellant.

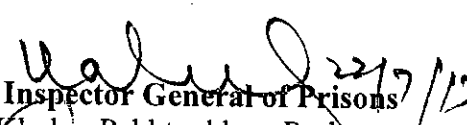
**Versus**

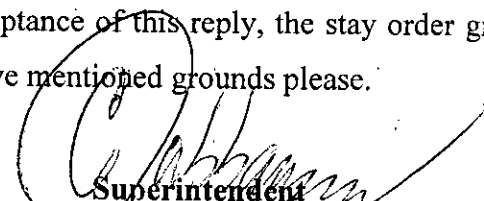
1. The Inspector General of Prisons,  
Khyber Pakhtunkhwa, Peshawar.
2. The Superintendent,  
Circle Headquarters Prison, D.I.Khan.
3. The Superintendent,  
District Jail Karak.
4. Mst; Gulab Bibi,  
Female warder Central Prison D.I.Khan..... Respondents


**PARAWISE COMMENTS ON STAY APPLICATION IN SERVICE APPEAL NO.543/2013 IN RESPECT OF MST; SAEEDA BIBI FEMALE WARDER DISTRICT JAIL KARAK**

- 1) No Comments.
- 2) Incorrect, misleading. In the main body of service appeal there are certain facts being hidden by the appellant to misguide the Honorable Tribunal. Furthermore, the prima-facie favour is being termed by the appellant because her interest involves in the main body of the appeal and that is one way traffic. On such one sided storey one cannot assume the conclusion without going through the version of the other side i.e Provincial Government Khyber Pakhtunkhwa through Inspector General of Prisons. As earlier stated that main body of service appeal have no such sound facts which is not desirable and which goes in favour of the appellant.
- 3) Incorrect, misleading. According to the laid down procedure Provincial Government all such accused has to be suspended at the first stage in order to secure public interest. It is also pertinent to mention here that during suspension the suspended employee regularly getting his / her emoluments besides other facilities attached with the position of the suspended incumbent. Moreover, such suspension also in any sort of affect on the services / seniority and other relevant aspects of the suspended employee then by saying that the operation of the said order i.e 04-02-2013 in instant case by no means damage any interest to the appellant rather the question of irreparable losses does not arise at all.

It is therefore, humbly prayed that on acceptance of this reply, the stay order granted in the service appeal may kindly be vacated on the above mentioned grounds please.

  
Inspector General of Prisons  
Khyber Pakhtunkhwa Peshawar  
(Respondent No.1)

  
Superintendent  
Circle Headquarters Prison  
D.I.Khan.  
(Respondent No.2)

  
Superintendent  
District Jail Karak  
(Respondent No.3)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR****Service Appeal No. 543 2013**

Mst. Saeeda Bibi .....Appellant

Versus

The IGP and others.....Respondents

---

**REJOINDER ON BEHALF OF APPELLANT IN  
RESPONSE TO REPLY FILED BY  
RESPONDENTS NO. 1-3.**

---

Respectfully Sheweth,

**Preliminary Objections:**

Preliminary objections raised by answering respondents are erroneous and frivolous, the detailed replies thereof are as under:-

I&IV. That valuable rights of the appellant have been infringed through the impugned order(s) which have been challenged through the instant appeal under the law, therefore, appellant has got a strong cause of action and for that matter locus standi to file the instant appeal.

II. That all codal formalities as per the Khyber Pakhtunkhwa Service Tribunal Act, 1974 have been complied with and therefore the appeal is in its correct form and shape.

- III. That it is a settled principle that estoppel does not operate against the law.
- V. That all necessary and proper parties have been arrayed as Respondents in the instant appeal, hence the question of mis-joinder and non-joinder is misconceived.
- VI. That the appeal is within time.

**Facts:**

- 1&2. Being not replied hence admitted.
3. Misconceived hence vehemently denied. It is an admitted fact that the impugned transfer order was issued on 04.02.2013 whereas the so called enquiry was held on 07.02.2013, therefore, the impugned transfer order is not the outcome of the enquiry so conducted but it was a malafide order issued before the enquiry was conducted and much before the report was submitted. When once the enquiry was conducted and appellant was found not involved in any sort of irregularities then the holding of the second enquiry was also uncalled for. Although it is correct that a civil servant is liable to serve anywhere in the Province but the transfers are regulated by the Transfer/Posting Policy regulated by the Provincial Government and any deviation from the said policy for malafide reasons renders the transfer order as nullity in the eye of law.
- 4&5. Being not replied hence admitted.



Grounds:

A-D. Replies to grounds-A to D are evasive and hence amounts to admission under the law.

E. Incorrect.

F. Being not replied hence admitted.

It is, therefore, humbly prayed that the reply of answering Respondents No.1-3 may graciously be rejected and the appeal as prayed for may graciously be accepted with costs.

Appellant  
Khalid Rahman  
Advocate Peshawar.

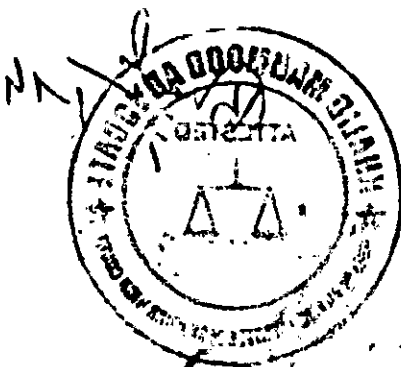
Through

Dated: 01/01/2014

Affidavit

I, Khalid Rahman, Advocate, as per instructions, do hereby affirm and declare on oath that the contents of this rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Deponent



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No. 543 2013**

Mst. Saeeda Bibi .....Appellant

Versus

The IGP and others.....Respondents

**REJOINDER ON BEHALF OF APPELLANT IN  
RESPONSE TO REPLY FILED BY  
RESPONDENTS NO. 1-3.**

Respectfully Sheweth,

**Preliminary Objections:**

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**Grounds:**

A-D. Replies to grounds-A to D are evasive and hence amounts to admission under the law.

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F. Being not replied hence admitted.

It is, therefore, humbly prayed that the reply of answering Respondents No.1-3 may graciously be rejected and the appeal as prayed for may graciously be accepted with costs.

Through

Appellant

Khaled Rahman  
Advocate, Peshawar.

Dated: 6 / 01/2014

**Affidavit**

I, Khaled Rahman, Advocate, as per instructions, do hereby affirm and declare on oath that the contents of this rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Deposent



مدد جناب چیمبر مین صاحب، خدیبر ڈیپوٹ افواج سروس ٹریبونل پشاور -

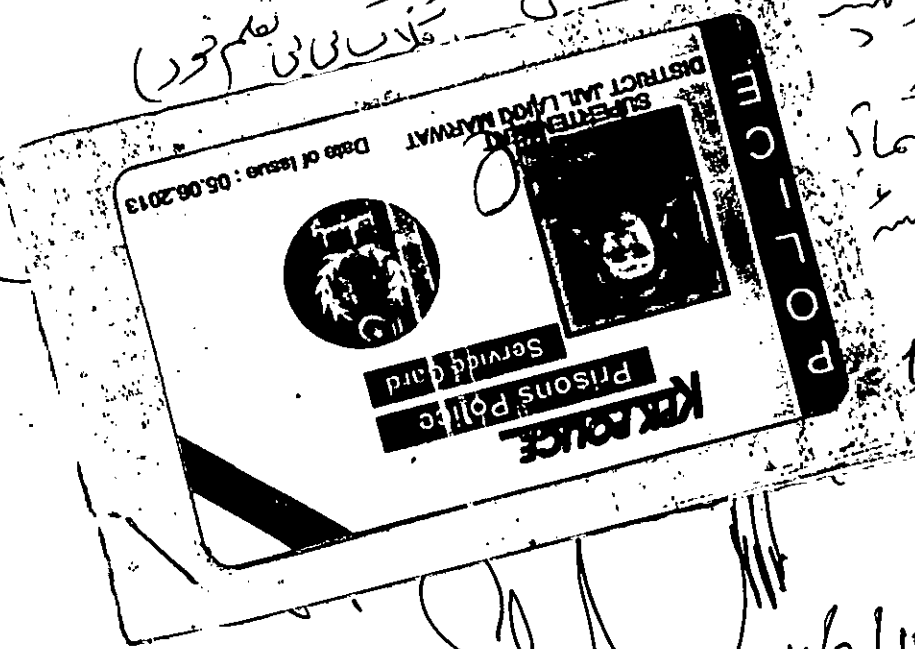
عنوان ہے درخواست بمراد مشوخی ریسپانڈنٹس بائٹ سروس اپیل نمبر 543/2013

جناب عالی شان! انتہائی عافرانہ گزارش کی جاتی ہے کہ سائلہ ڈسٹریکٹ جیل ٹکی ٹرون میں بطور فحیل وارد راجعیتا ہے۔ سائلہ قبل ازاں ڈیڑھ ایسا عمل خانہ جیل میں ڈیوٹی سرانجام دینی رہی۔

سائلہ کو سماہ سمدیہ جی بی فحیل وارد نے سروس اپیل نمبر (543/2013) میں فریق بائٹ ٹرانسفر آرڈر نامزد کیا ہے۔ جو بالکل غیر قانونی ہے۔ کیونکہ سائلہ نے ہمیشہ حکام ہالانے احکاماتی پیروی کرتے ہوئے آرڈر کی تعمیل کی ہے اور ہر سیشن پر فوراً ڈیوٹی کی رپورٹ کی ہے۔ مذکورہ بالا سروس اپیل میں من سائلہ کو فریق بنانا از روئے قانون غلط ہے۔

مزید برآں سائلہ ایک فریب بھرا عورت ہے اور قلیل تنخواہ میں اپنے بچوں کا پیٹ پانگی ہے۔ اور ٹکی ٹرون سے ہر تاریخ پر ایسی خورز عداوت میں پیش رہی پر مالی اخراجات کا بوجھ برداشت کرنے سے لوجھا قاصر و لاچار ہے۔ کہ بحرف 14/09/13 کو پھر عدالت میں تاریخ حورج لکیزہ پر فوائت ہیں اسٹریٹ کی جاتی ہے کہ من سائلہ کو درج بالا سروس اپیل سے بخشش فریق خارج کر دینا احکامات صادر فرما کر مشکور و ممنون فرماویں۔

سائلہ تازہ ہے۔ سٹی۔ مکتبہ ایف بی (تعمیر خود)



رفیقہ: سماہ  
ڈسٹریکٹ

4/9/14

Medical Certificate

11:45 am

305

18-4-2014

Certified that I examined

Gulab Bibi today dated

17-4-14. She is suffering

from severe abdominal pain

(Acute abdomen). She is not

fit for traveling and cannot

attend the court tomorrow i.e.

18-4-14.

True

17-4-14

Dr. Gulam Nabi  
8090 City Hospital  
Lahore

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No. 543 /2013**

717  
12-8-14

Mst. Saeeda Bibi.....Applicant/Appellant.

Versus

The IG Prisons and others.....Respondents

---

**Application for suspending the operation of the order dated 05.08.2014 passed during the pendency of the Service appeal, till the final disposal of the instant appeal.**

---

Respectfully Sheweth,

1. That the above titled service appeal is pending before this Hon'ble Tribunal wherein the next date of hearing is 22.08.2014.
2. That this Hon'ble Tribunal has granted status-quo orders (**Annex:-A**) in the case but inspite of the same vide order dated 05.08.2014 (**Annex:-B**) issued by Respondent No.2, appellant has been transferred from District Jail Karak to Central Prison, D.I.Khan and one Mst. Parveen Bibi has been transferred in her stead and consequently appellant has been unilaterally relieved from duties by Respondent No.3 vide letter dated 05.08.2014 (**Annex:-C**).
3. That the facts alleged and grounds taken in the body of main appeal may kindly be as an integral

part of this application, which make out an excellent prima facie case in favour of the appellant and balance of convenience also lies in favour of appellant and in case the impugned orders are not suspended the appellant will suffer irreparable loss.

4. That it is a settled law that during the pendency of the case especially when the order of status-quo is in the field, no order is legally permissible which could pre-empt the authority of the Hon'ble Tribunal.

It is, therefore, humbly prayed that on acceptance of this application, the operation of the order dated 05.08.2014 may graciously be suspended till the final disposal of the appeal.

Through

Applicant

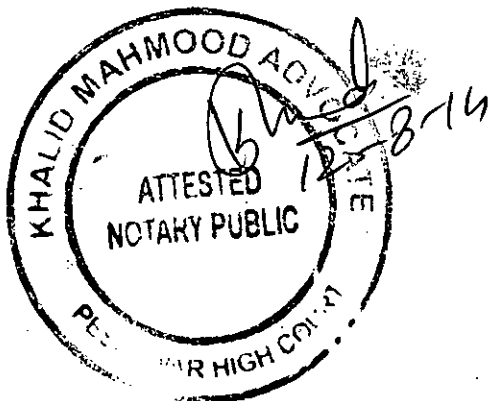
Khaled Rahman,  
Advocate, Peshawar.

Dated: 12/08/2014

Affidavit

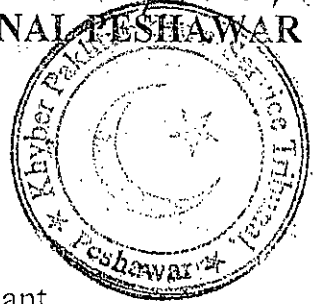
I, Khaled Rahman, Advocate, as per instructions of my client, do hereby affirm and declare on oath that the contents of this application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Deponent





BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR



Service Appeal No. 543 /2013

Mst. Saeeda Bi Bi,  
Femal Warder, District Jail Karak.....Appellant.

Versus

1. The Inspector General,  
Prisons Khyber Pakhtunkhwa Peshawar.
2. The Superintendent,  
Circle Headquarters Prison, DI Khan.
3. The Superintendent,  
District Jail Karak.
4. Mst. Gulab Bi Bi, Female warder,  
Central Prison DI Khan.....Respondents

*[Handwritten notes and stamps]*  
S.W. J. Prisons  
Khyber Pakhtunkhwa  
No. 547  
12-3-13

SERVICE APPEAL UNDER SECTION 4 OF THE  
KHYBER PAKHTUNKHWA SERVICE TRIBUNALS  
ACT, 1974 AGAINST THE IMPUGNED ORDER  
DATED 04.02.2013 WHEREBY APPELLANT WAS  
UNLAWFULLY TRANSFERRED FROM DISTRICT  
JAIL KARAK TO CENTRAL PRISON D.I.KHAN  
AGAINST WHICH APPELLANT FILED  
DEPARTMENTAL REPRESENTATION TO  
RESPONDENT NO.1 BUT THE SAME WAS  
REJECTED VIDE ORDER DATED 04.03. 2013.

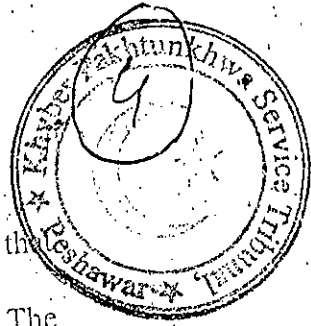
PRAYER:

On acceptance of the instant appeal, the impugned  
orders dated 04.02.2013 of Respondent No.2 and the  
appellate order dated 04.03.2013 of Respondent No.1  
may kindly be set aside and appellant be allowed to serve  
at District Jail Karak.

*[Vertical stamp and handwritten notes on the left margin]*  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar  
12/3/13

*[Handwritten signature]*

Appeal No. 543/2013  
Mst. Saeeda Bilal



3. 2.4.2013

Counsel for the appellant present and heard. Contended that the appellant has not been treated in accordance with the law. The appellant has not completed her normal tenure. The impugned order has been passed in violation of posting/transfer policy of the Government, because no transfer order can be issued on administrative ground. Her child is studying in District Karak and her ailing old age father is also supported by her. The impugned order is neither in the public interest nor in exigency of service. On humanitarian ground the appellant being a female/widow is also entitled to be retained at her present place of posting. The appellant preferred a departmental appeal but the same has been filed on 4.3.2013. Points raised need consideration. The appeal is admitted to regular hearing, subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, notice be issued to the respondents. Counsel for the appellant has also submitted an application for suspending the operation of the impugned orders dated 4.2.2013 and 4.3.2013. Copy of application also be sent to the respondents. Case adjourned to 25.4.2013 for reply on main appeal as well as reply/arguments on application. Till then status-quo be maintained.

Certified to be a true copy  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

ld/-  
Members

Date of Presentation of Application 4-4-2013  
Number of Words 800  
Copying Fee 6  
Urgency 2  
Total 8  
Date of Copy 4-4-2013  
Date 11-11-2013

Better Copy

OFFICE OF THE  
SUPERINTENDENT  
CENTRAL PRISON D.I.KHAN

5  
AmB

KPKP

No. 8627/ Dated 05.08.2014

OFFICE ORDER

Following Transfers/Postings are hereby made in the public interest.

Female Warder (BPS-5) Mst. Saeeda Bibi attached to District Jail Karak is hereby transferred and posted at Central Prison D.I.Khan against vice No.2.

Female Warder (BPS-5) Mst. Parveen Bibi attached to Central Prison D.I.Khan is hereby transferred and posted at District Jail Karak against vice No.1.

\_\_\_\_\_ the charge to report for further \_\_\_\_\_

Sd/-  
SUPERINTENDENT  
CENTRAL PRISON D.I.KHAN

No. 8628/

Dated 05.08.2014

Copy of the above is forwarded to:-

1. Honourable Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information with reference to the telephonic talk of Mr. Zafar Khan Deputy Director of Inspectorate of Prisons Khyber Pakhtunkhwa of date please.
2. Superintendent Central Prison, D.I.Khan/Line Officer.
3. Superintendent District Jail Karak.

Sd/-  
SUPERINTENDENT  
CENTRAL PRISON D.I.KHAN

ll

8

[ 0000 0000 0000 ]

0000 0000 0000 0000

0000 0000 0000 0000

0000 0000 0000 0000



KPKP

OFFICE OF THE  
SUPERINTENDENT

OFFICE OF THE SUPERINTENDENT  
JAIL KARAK, DISTRICT KARAK, KARNATAKA  
NO. 22, 2ND FLOOR, KARAK

SECRET

Following Transfer: Following Order is hereby issued in the public interest.

Parasik Warde (BPS-05) Mr. Sagar Bibi attached to District Jail Karak is hereby transferred and posted to District Jail Karak against vide No. 2

Mr. Sagar Bibi (BPS-05) Mr. Parasik Warde attached to District Jail Karak is hereby transferred and posted to District Jail Karak against vide No.

This order is issued in the public interest and the contents are correct for further reference.

SECRET  
SUPERINTENDENT  
JAIL KARAK, DISTRICT KARAK, KARNATAKA

2/0 96/2/...

1. Honorable Director General of Prisons, Mysore: Please refer information with reference to the telegraph (SK) dated 15/08/2014.
2. Director of Inspection of Prisons, Bangalore: Please refer information with reference to the telegraph (SK) dated 15/08/2014.
3. Superintendent, District Jail Karak: The Officer.
4. Superintendent, District Jail Karak.

For Director General of Prisons, Mysore

SECRET  
SUPERINTENDENT  
JAIL KARAK, DISTRICT KARAK, KARNATAKA

*Me*

Better Copy

OFFICE OF THE  
SUPERINTENDENT  
DISTRICT JAIL KARAK

Tel: & Fax: 0927-210537

No. 951  
Dated 05.08.2014

To

Female Warder Mst. Saeeda Bibi  
Attached to District Jail Karak

(7)

Subject: RELIEVING DOCKET

Amx C

Memo:

Under the instruction contained in the Superintendent Circle/Headquarter Prison D.I.Khan office order No.8627 dated 05.08.2014, you are hereby relieved of your duties today on 05/08/2014, A.N and directed to report to Superintendent Central Prison, D.I.Khan for further duty there.

You are allowed Nil days joining time.

Sd/-  
SUPERINTENDENT  
DISTRICT JAIL KARAK

No. \_\_\_\_\_ /

Dated \_\_\_\_ .08.2014

Copy of the above is forwarded to:-

1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information with reference to the telephonic talk of Mr. Zafar Khan Deputy Director of Inspectorate of Prisons Khyber Pakhtunkhwa of date please.
2. The Superintendent Circle/Headquarter Jail D.I.Khan for information with reference his order referred to above please.
3. The Superintendent Central Prison, D.I.Khan for information please.

Sd/-  
SUPERINTENDENT  
DISTRICT JAIL KARAK

*(Handwritten signature)*

OFFICE OF THE  
SUPERINTENDENT  
DISTRICT JAIL KARAK  
NO. 951  
DATED. 5/8/2014.

8

TELE FAX: 0927-210537

To

Female Warder Mst. Saecda Bibi,  
Attached to District Jail Karak

Subject: RELIVING DOCKET

Memorandum

Under the instruction contained in the superintendent circle/ Headquarter Prison D.I.Khan office order No. 8627 dated 05-08-2014, you are hereby relieved of your duties today on 05/08/2014, A.N and directed to report to Superintendent Central Prison, D.I Khan for further duty there.

You are allowed Nil days joining time.

  
SUPERINTENDENT  
DISTRICT JAIL KARAK

Encl No.

Dated 5/08/2014.

Copy of the above is forwarded to:-

- 1- The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information with reference to the telephonic talk of Mr. Zafar Khan Deputy Director of Inspectorate of Prisons Khyber Pakhtunkhwa of date please.
- 2- The Superintendent Circle/ Headquarter Jail D.I. Khan for information with reference his order referred to above please.
- 3- The Superintendent Central Prison, D.I Khan for information please.

  
SUPERINTENDENT  
DISTRICT JAIL KARAK

M

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 543 /2013

Mst. Saeeda Bibi.....Applicant/Appellant.

Versus

The IG Prisons and others.....Respondents

---

Application for suspending the operation of the order dated 05.08.2014 passed during the pendency of the Service appeal, till the final disposal of the instant appeal.

---

Respectfully Sheweth, ..

1. That the above titled service appeal is pending before this Hon'ble Tribunal wherein the next date of hearing is 22.08.2014.
2. That this Hon'ble Tribunal has granted status-quo orders (**Annex:-A**) in the case but inspite of the same vide order dated 05.08.2014 (**Annex:-B**) issued by Respondent No.2, appellant has been transferred from District Jail Karak to Central Prison, D.I.Khan and one Mst. Parveen Bibi has been transferred in her stead and consequently appellant has been unilaterally relieved from duties by Respondent No.3 vide letter dated 05.08.2014 (**Annex:-C**).
3. That the facts alleged and grounds taken in the body of main appeal may kindly be as an integral

part of this application, which make out an excellent prima facie case in favour of the appellant and balance of convenience also lies in favour of appellant and in case the impugned orders are not suspended the appellant will suffer irreparable loss.

4. That it is a settled law that during the pendency of the case especially when the order of status-quo is in the field, no order is legally permissible which could pre-empt the authority of the Hon'ble Tribunal.

It is, therefore, humbly prayed that on acceptance of this application, the operation of the order dated 05.08.2014 may graciously be suspended till the final disposal of the appeal.

Through

Applicant

Khaled Rahman,  
Advocate, Peshawar.

Dated: \_\_\_\_\_ / 08/2014

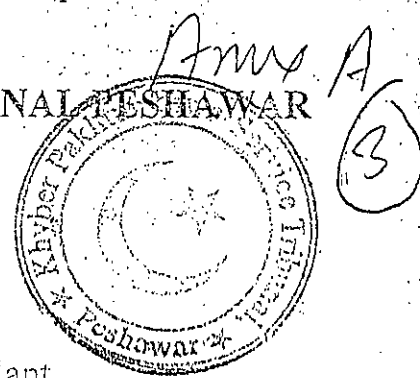
**Affidavit**

I, Khaled Rahman, Advocate, as per instructions of my client, do hereby affirm and declare on oath that the contents of this application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Deponent



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR



Service Appeal No. 543 /2013

Mst. Saceda Bi Bi,  
Femal Warder, District Jail Karak.....Appellant.

Versus

1. The Inspector General,  
Prisons Khyber Pakhtunkhwa Peshawar.
2. The Superintendent,  
Circle Headquarters Prison, DI Khan.
3. The Superintendent,  
District Jail Karak.
4. Mst. Gulab Bi Bi, Female warder,  
Central Prison DI Khan.....Respondents

Handwritten notes: 547, 12-3-13

SERVICE APPEAL UNDER SECTION 4 OF THE  
KHYBER PAKHTUNKHWA SERVICE TRIBUNALS  
ACT, 1974 AGAINST THE IMPUGNED ORDER  
DATED 04.02.2013 WHEREBY APPELLANT WAS  
UNLAWFULLY TRANSFERRED FROM DISTRICT  
JAIL KARAK TO CENTRAL PRISON D.I.KHAN  
AGAINST WHICH APPELLANT FILED  
DEPARTMENTAL REPRESENTATION TO  
RESPONDENT NO.1 BUT THE SAME WAS  
REJECTED VIDE ORDER DATED 04.03.2013.

PRAYER:

On acceptance of the instant appeal, the impugned  
orders dated 04.02.2013 of Respondent No.2 and the  
appellate order dated 04.03.2013 of Respondent No.1  
may kindly be set aside and appellant be allowed to serve  
at District Jail Karak.

ATTESTED  
Mst. Saceda Bi Bi  
Service Tribunal

12/3/13

15/3/13

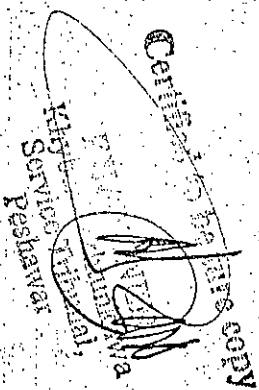
modified

Appeal No. 543/2013  
Mgt. Saeeda Bilal



3. 2.4.2013

Counsel for the appellant present and heard. Contended that the appellant has not been treated in accordance with the law. The appellant has not completed her normal tenure. The impugned order has been passed in violation of posting/transfer policy of the Government, because no transfer order can be issued on administrative ground. Her child is studying in District Karak and her ailing old age father is also supported by her. The impugned order is neither in the public interest nor in exigency of service. On humanitarian ground the appellant being a female/widow is also entitled to be retained at her present place of posting. The appellant preferred a departmental appeal but the same has been filed on 4.3.2013. Points raised need consideration. The appeal is admitted to regular hearing, subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, notice be issued to the respondents. Counsel for the appellant has also submitted an application for suspending the operation of the impugned orders dated 4.2.2013 and 4.3.2013. Copy of application also be sent to the respondents. Case adjourned to 25.4.2013 for reply on main appeal as well as reply/arguments on application. Till then status-quo be maintained.



sd/-  
members

Date of Presentation of Application 4-4-2013  
Number of Words 800  
Copying Fee 6  
Urgency 2  
Total 8  
Date of Copy 4-4-2013

Better Copy

OFFICE OF THE  
SUPERINTENDENT  
CENTRAL PRISON D.I.KHAN

5

*AMB*

KPKP

No: 8627/ Dated 05.08.2014

OFFICE ORDER

Following Transfers/Postings are hereby made in the public interest.

Female Warder (BPS-5) Mst. Saeeda Bibi attached to District Jail Karak is hereby transferred and posted at Central Prison D.I.Khan against vice No.2.

Female Warder (BPS-5) Mst. Parveen Bibi attached to Central Prison D.I.Khan is hereby transferred and posted at District Jail Karak against vice No.1.

\_\_\_\_\_ the charge to report for further \_\_\_\_\_

Sd/-

SUPERINTENDENT  
CENTRAL PRISON D.I.KHAN

No: 8628/

Dated 05.08.2014

Copy of the above is forwarded to:-

1. Honourable Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information with reference to the telephonic talk of Mr. Zafar Khan Deputy Director of Inspectorate of Prisons Khyber Pakhtunkhwa of date please.
2. Superintendent Central Prison, D.I.Khan/Line Officer.
3. Superintendent District Jail Karak.

Sd/-

SUPERINTENDENT  
CENTRAL PRISON D.I.KHAN

8

[ Faint header text ]



OFFICE OF THE SUPERINTENDENT

Prison, Bangalore  
No. 22/2014

ORDER

Following details of staff are hereby advised in the public interest.

1. Mr. M. S. (BPS-05) Main Street, B.M. Road to District Jail, Bangalore is hereby transferred to District Jail, Bangalore against vide No. 22/2014.

2. Mr. M. S. (BPS-05) Main Street, B.M. Road to District Jail, Bangalore is hereby transferred to District Jail, Bangalore against vide No. 22/2014.

3. Mr. M. S. (BPS-05) Main Street, B.M. Road to District Jail, Bangalore is hereby transferred to District Jail, Bangalore against vide No. 22/2014.

Superintendent  
Prison, Bangalore

2014/08/07

1. Honorable Inspector General of Prisons, Karnataka, Bangalore for information with reference to the above mentioned staff.
2. Director of Prisons, Bangalore for information with reference to the above mentioned staff.
3. Superintendent, District Jail, Bangalore.

For information of the above mentioned staff.

Superintendent  
Prison, Bangalore

Better Copy

OFFICE OF THE  
SUPERINTENDENT  
DISTRICT JAIL KARAK

Tel: & Fax: 0927-210537

No. 951

Dated 05.08.2014

To

Female Warder Mst. Saeeda Bibi  
Attached to District Jail Karak

(7)

Subject: RELIEVING DOCKET

Amx C

Memo:

Under the instruction contained in the Superintendent Circle/Headquarter Prison D.I.Khan office order No.8627 dated 05.08.2014, you are hereby relieved of your duties today on 05/08/2014, A.N and directed to report to Superintendent Central Prison, D.I.Khan for further duty there.

You are allowed Nil days joining time.

Sd/-  
SUPERINTENDENT  
DISTRICT JAIL KARAK

No. \_\_\_\_\_/

Dated \_\_\_\_ .08.2014

Copy of the above is forwarded to:-

1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information with reference to the telephonic talk of Mr. Zafar Khan Deputy Director of Inspectorate of Prisons Khyber Pakhtunkhwa of date please.
2. The Superintendent Circle/Headquarter Jail D.I.Khan for information with reference his order referred to above please.
3. The Superintendent Central Prison, D.I.Khan for information please.

Sd/-  
SUPERINTENDENT  
DISTRICT JAIL KARAK

OFFICE OF THE  
SUPERINTENDENT  
DISTRICT JAIL KARAK  
NO. 951  
DATED. 5/8/2014.

TELE FAX: 0927-210537

To


Female Warder Mst. Saeeda Bibi,  
Attached to District Jail Karak

Subject: RELIVING DOCKET

Re: Memo;

Under the instruction contained in the superintendent circle/  
Headquarter Prison D.I.Khan office order No. 8627 dated 05-08-2014, you  
are hereby relieved of your duties today on 05/08/2014, A.N and directed to  
report to Superintendent Central Prison, D.I Khan for further duty there.

You are allowed Nil days joining time.


  
SUPERINTENDENT  
DISTRICT JAIL KARAK

Encl No.

Dated 5/08/2014.

Copy of the above is forwarded to:-

- 1- The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information with reference to the telephonic talk of Mr. Zafar Khan Deputy Director of Inspectorate of Prisons Khyber Pakhtunkhwa of date please.
- 2- The Superintendent Circle/ Headquarter Jail D.I. Khan for information with reference his order referred to above please.
- 3- The Superintendent Central Prison, D.I Khan for information please.

  
SUPERINTENDENT  
DISTRICT JAIL KARAK

Service Appeal No. 543 /2013

Mst. Saeeda Bibi.....Applicant/Appellant.

Versus

The IG Prisons and others.....Respondents

---

Application for suspending the operation of the order dated 05.08.2014 passed during the pendency of the Service appeal, till the final disposal of the instant appeal.

---

Respectfully Sheweth,

1. That the above titled service appeal is pending before this Hon'ble Tribunal wherein the next date of hearing is 22.08.2014.
2. That this Hon'ble Tribunal has granted status-quo orders (**Annex:-A**) in the case but inspite of the same vide order dated 05.08.2014 (**Annex:-B**) issued by Respondent No.2, appellant has been transferred from District Jail Karak to Central Prison, D.I.Khan and one Mst. Parveen Bibi has been transferred in her stead and consequently appellant has been unilaterally relieved from duties by Respondent No.3 vide letter dated 05.08.2014 (**Annex:-C**).
3. That the facts alleged and grounds taken in the body of main appeal may kindly be as an integral

part of this application, which make out an excellent prima facie case in favour of the appellant and balance of convenience also lies in favour of appellant and in case the impugned orders are not suspended the appellant will suffer irreparable loss.

4. That it is a settled law that during the pendency of the case especially when the order of status-quo is in the field, no order is legally permissible which could pre-empt the authority of the Hon'ble Tribunal.

It is, therefore, humbly prayed that on acceptance of this application, the operation of the order dated 05.08.2014 may graciously be suspended till the final disposal of the appeal.

Through

Applicant

Khaled/Rahman,  
Advocate, Peshawar.

Dated: \_\_\_\_\_ / 08/ 2014

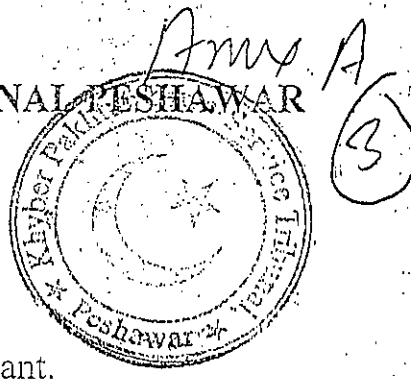
**Affidavit**

I, Khaled Rahman, Advocate, as per instructions of my client, do hereby affirm and declare on oath that the contents of this application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Deponent



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR



Service Appeal No. 543 /2013

Mst. Saeeda Bi Bi,  
Femal Warder, District Jail Karak.....Appellant.

Versus

1. The Inspector General,  
Prisons Khyber Pakhtunkhwa Peshawar.
2. The Superintendent,  
Circle Headquarters Prison, DI Khan.
3. The Superintendent,  
District Jail Karak.
4. Mst. Gulab Bi Bi, Female warder,  
Central Prison DI Khan.....Respondents

Stamp: 547  
12-3-13

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 04.02.2013 WHEREBY APPELLANT WAS UNLAWFULLY TRANSFERRED FROM DISTRICT JAIL KARAK TO CENTRAL PRISON D.I.KHAN AGAINST WHICH APPELLANT FILED DEPARTMENTAL REPRESENTATION TO RESPONDENT NO.1 BUT THE SAME WAS REJECTED VIDE ORDER DATED 04.03. 2013.

PRAYER:

On acceptance of the instant appeal, the impugned orders dated 04.02.2013 of Respondent No.2 and the appellate order dated 04.03.2013 of Respondent No.1 may kindly be set aside and appellant be allowed to serve at District Jail Karak.

Vertical stamp: Khyber Pakhtunkhwa Service Tribunal Peshawar

Handwritten: 12/3/13

Handwritten: 15/3/13

Handwritten: modified

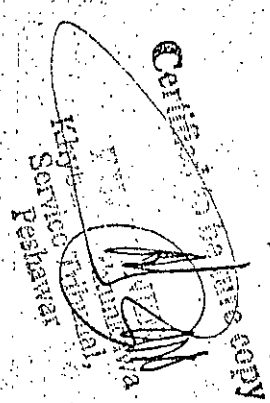
Appeal No. 543/2013  
 Mgt. Saxeela Bibi



3. 2.4.2013

Counsel for the appellant present and heard. Contended that

the appellant has not been treated in accordance with the law. The appellant has not completed her normal tenure. The impugned order has been passed in violation of posting/transfer policy of the Government, because no transfer order can be issued on administrative ground. Her child is studying in District Karak and her ailing old age father is also supported by her. The impugned order is neither in the public interest nor in exigency of service. On humanitarian ground the appellant being a female/widow is also entitled to be retained at her present place of posting. The appellant preferred a departmental appeal but the same has been filed on 4.3.2013. Points raised need consideration. The appeal is admitted to regular hearing, subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, notice be issued to the respondents. Counsel for the appellant has also submitted an application for suspending the operation of the impugned orders dated 4.2.2013 and 4.3.2013. Copy of application also be sent to the respondents. Case adjourned to 25.4.2013 for reply on main appeal as well as reply/arguments on application. Till then status-quo be maintained.



sd/-  
 members

Date of Presentation of Application 4-4-2013  
 Number of Wards 800  
 Copying Fee 6  
 Urgent 2  
 Total 8  
 Date of Copy 4-4-2013

Better Copy

OFFICE OF THE  
SUPERINTENDENT  
CENTRAL PRISON D.I.KHAN

5

AMB

KPKP

No: 8627/ Dated 05.08.2014

OFFICE ORDER

Following Transfers/Postings are hereby made in the public interest.

Female Warder (BPS-5) Mst. Saeeda Bibi attached to District Jail Karak is hereby transferred and posted at Central Prison D.I.Khan against vice No.2.

Female Warder (BPS-5) Mst. Parveen Bibi attached to Central Prison D.I.Khan is hereby transferred and posted at District Jail Karak against vice No.1.

\_\_\_\_\_ the charge to report for further \_\_\_\_\_

Sd/-  
SUPERINTENDENT  
CENTRAL PRISON D.I.KHAN

No: 8628/

Dated 05.08.2014

Copy of the above is forwarded to:-

1. Honourable Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information with reference to the telephonic talk of Mr. Zafar Khan Deputy Director of Inspectorate of Prisons Khyber Pakhtunkhwa of date please.
2. Superintendent Central Prison, D.I.Khan/Line Officer.
3. Superintendent District Jail Karak.

Sd/-  
SUPERINTENDENT  
CENTRAL PRISON D.I.KHAN

8

[ PAPER AND STAMP ]



KPICKP

OFFICE OF THE SUPERINTENDENT

OFFICE OF THE SUPERINTENDENT  
POLICE, KARAK

ORDER

Following transfer of Mr. [Name] to [Location] in the public interest.  
Mr. [Name] (BPS-05) Mr. [Name] is transferred to District of [Location] to  
investigate and report on the case of [Name] against No. 2

Mr. [Name] (BPS-05) Mr. [Name] is attached to District of [Location] to  
investigate and report on the case of [Name] against No. [Number]

Mr. [Name] (BPS-05) Mr. [Name] is attached to District of [Location] to  
investigate and report on the case of [Name] against No. [Number]

Stamp and signature of the Superintendent of Police, Karak.

96/2014

- 1. Honorable Director General of Police, Mysore
- 2. Information with reference to the telephone call of Mr. [Name] to the  
Director of Inspectorate of Police, Mysore
- 3. Superintendent of Police, Karak
- 4. Superintendent of Police, [Location]
- 5. Superintendent District Jail Karak.

For the Superintendent of Police, Karak

Stamp and signature of the Superintendent of Police, Karak.

Better Copy

OFFICE OF THE  
SUPERINTENDENT  
DISTRICT JAIL KARAK

Tel: & Fax: 0927-210537

No. 951

Dated 05.08.2014

To

Female Warder Mst. Saeeda Bibi  
Attached to District Jail Karak

(7)

Subject: RELIEVING DOCKET

Annex C

Memo:

Under the instruction contained in the Superintendent Circle/Headquarter Prison D.I.Khan office order No.8627 dated 05.08.2014, you are hereby relieved of your duties today on 05/08/2014, A.N and directed to report to Superintendent Central Prison, D.I.Khan for further duty there.

You are allowed Nil days joining time.

Sd/-  
SUPERINTENDENT  
DISTRICT JAIL KARAK

No. \_\_\_\_\_ /

Dated \_\_\_\_ .08.2014

Copy of the above is forwarded to:-

1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information with reference to the telephonic talk of Mr. Zafar Khan Deputy Director of Inspectorate of Prisons Khyber Pakhtunkhwa of date please.
2. The Superintendent Circle/Headquarter Jail D.I.Khan for information with reference his order referred to above please.
3. The Superintendent Central Prison, D.I.Khan for information please.

Sd/-  
SUPERINTENDENT  
DISTRICT JAIL KARAK

OFFICE OF THE  
SUPERINTENDENT  
DISTRICT JAIL KARAK  
NO. 951  
DATED. 5/8/2014.

TELE FAX: 0927-210537

To

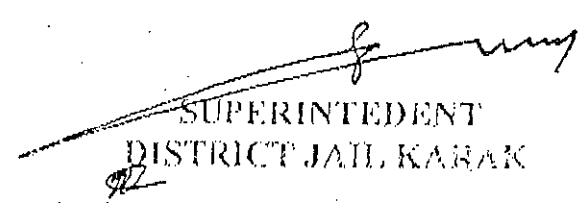
Female Warden Mst. Saeeda Bibi,  
Attached to District Jail Karak

Subject: RELIVING DOCKET

Memo:

Under the instruction contained in the superintendent circle/  
Headquarter Prison D.I.Khan office order No. 8627 dated 05-08-2014, you  
are hereby relieved of your duties today on 05/08/2014, A.N and directed to  
report to Superintendent Central Prison, D.I Khan for further duty there.

You are allowed Nil days joining time.


  
SUPERINTENDENT  
DISTRICT JAIL KARAK

Encl No.

Dated 5/08/2014.

Copy of the above is forwarded to:-

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- 2- The Superintendent Circle/ Headquarter Jail D.I. Khan for information with reference his order referred to above please.
- 3- The Superintendent Central Prison, D.I Khan for information please.

  
SUPERINTENDENT  
DISTRICT JAIL KARAK

**Service Appeal No. 543 /2013**

Mst. Saeeda Bibi.....Applicant/Appellant.

Versus

The IG Prisons and others.....Respondents

---

**Application for suspending the operation of the order dated 05.08.2014 passed during the pendency of the Service appeal, till the final disposal of the instant appeal.**

---

Respectfully Sheweth,

1. That the above titled service appeal is pending before this Hon'ble Tribunal wherein the next date of hearing is 22.08.2014.
2. That this Hon'ble Tribunal has granted status-quo orders (**Annex:-A**) in the case but inspite of the same vide order dated 05.08.2014 (**Annex:-B**) issued by Respondent No.2, appellant has been transferred from District Jail Karak to Central Prison, D.I.Khan and one Mst. Parveen Bibi has been transferred in her stead and consequently appellant has been unilaterally relieved from duties by Respondent No.3 vide letter dated 05.08.2014 (**Annex:-C**).
3. That the facts alleged and grounds taken in the body of main appeal may kindly be as an integral

part of this application, which make out an excellent prima facie case in favour of the appellant and balance of convenience also lies in favour of appellant and in case the impugned orders are not suspended the appellant will suffer irreparable loss.

4. That it is a settled law that during the pendency of the case especially when the order of status-quo is in the field, no order is legally permissible which could pre-empt the authority of the Hon'ble Tribunal.

It is, therefore, humbly prayed that on acceptance of this application, the operation of the order dated 05.08.2014 may graciously be suspended till the final disposal of the appeal.

Through

Applicant

Khaled Rahman,  
Advocate, Peshawar.

Dated: \_\_\_\_\_ / 08/ 2014

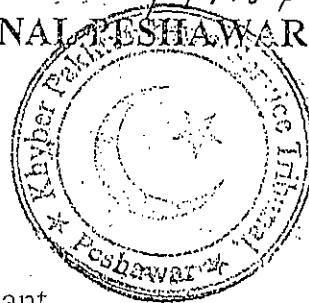
**Affidavit**

I, Khaled Rahman, Advocate, as per instructions of my client, do hereby affirm and declare on oath that the contents of this application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Deponent



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR



Service Appeal No. 543 /2013

Mst. Saceda Bi Bi,  
Femal Warder, District Jail Karak.....Appellant.

Versus

1. The Inspector General,  
Prisons Khyber Pakhtunkhwa Peshawar.
2. The Superintendent,  
Circle Headquarters Prison, DI Khan.
3. The Superintendent,  
District Jail Karak.
4. Mst. Gulab Bi Bi, Female warder,  
Central Prison DI Khan.....Respondents

*[Handwritten notes and stamps]*  
547  
12-3-13

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 04.02.2013 WHEREBY APPELLANT WAS UNLAWFULLY TRANSFERRED FROM DISTRICT JAIL KARAK TO CENTRAL PRISON D.I.KHAN AGAINST WHICH APPELLANT FILED DEPARTMENTAL REPRESENTATION TO RESPONDENT NO.1 BUT THE SAME WAS REJECTED VIDE ORDER DATED 04.03.2013.

PRAYER:

On acceptance of the instant appeal, the impugned orders dated 04.02.2013 of Respondent No.2 and the appellate order dated 04.03.2013 of Respondent No.1 may kindly be set aside and appellant be allowed to serve at District Jail Karak.

*[Vertical stamp and handwritten notes on the left margin]*  
Khyber Pakhtunkhwa Service Tribunal  
Peshawar

12/3/13

15/3/13

*[Handwritten signature]*

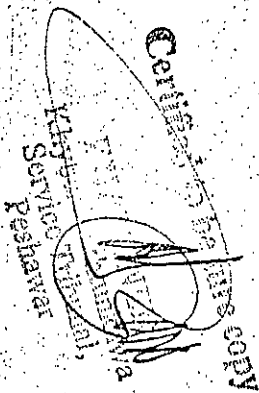
Appeal No. 543/2013  
Mst. Saeeda Bibi



3. 2.4.2013

Counsel for the appellant present and heard. Contended that

the appellant has not been treated in accordance with the law. The appellant has not completed her normal tenure. The impugned order has been passed in violation of posting/transfer policy of the Government, because no transfer order can be issued on administrative ground. Her child is studying in District Karak and her ailing old age father is also supported by her. The impugned order is neither in the public interest nor in exigency of service. On humanitarian ground the appellant being a female/widow is also entitled to be retained at her present place of posting. The appellant preferred a departmental appeal but the same has been filed on 4.3.2013. Points raised need consideration. The appeal is admitted to regular hearing, subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, notice be issued to the respondents. Counsel for the appellant has also submitted an application for suspending the operation of the impugned orders dated 4.2.2013 and 4.3.2013. Copy of application also be sent to the respondents. Case adjourned to 25.4.2013 for reply on main appeal as well as reply/arguments on application. Till then status-quo be maintained.



sd/-  
Members

Date of Presentation of Application 4-4-2013  
Number of Wards 800  
Copying Fee 6  
Urgent 2  
Total 8  
Date of Copy 4-4-2013

Better Copy

OFFICE OF THE  
SUPERINTENDENT  
CENTRAL PRISON D.I.KHAN

5

AmB

KPKP

No. 8627/ Dated 05.08.2014

OFFICE ORDER

Following Transfers/Postings are hereby made in the public interest.

Female-Warder (BPS-5) Mst. Saeeda Bibi attached to District Jail Karak is hereby transferred and posted at Central Prison D.I.Khan against vice No.2.

Female Warder (BPS-5) Mst. Parveen Bibi attached to Central Prison D.I.Khan is hereby transferred and posted at District Jail Karak against vice No.1.

\_\_\_\_\_ the charge to report for further \_\_\_\_\_

Sd/-  
SUPERINTENDENT  
CENTRAL PRISON D.I.KHAN

No. 8628/

Dated 05.08.2014

Copy of the above is forwarded to:-

1. Honourable Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information with reference to the telephonic talk of Mr. Zafar Khan Deputy Director of Inspectorate of Prisons Khyber Pakhtunkhwa of date please.
2. Superintendent Central Prison, D.I.Khan/Line Officer.
3. Superintendent District Jail Karak.

Sd/-  
SUPERINTENDENT  
CENTRAL PRISON D.I.KHAN

8

[ 2014 08 07 08:35:11 ]

TO: DIRECTOR, PANGLOSS

FROM: SUPERINTENDENT

DATE: 2014 08 07 08:35:11



OFFICE OF THE SUPERINTENDENT

STATE OF CALIFORNIA  
AG 10022 AG 0000000000

TO: DIRECTOR, PANGLOSS

Following transfer of assignments are hereby made in the public interest:

Special Warden (BPS-03) Mar Gerson Bill attached to District 20, District 20, and posted at Cent in Prison Detachment against vice law 2

Special Warden (BPS-03) Mar Gerson Bill attached to District 20, District 20, and posted at Cent in Prison Detachment against vice law 2

The following assignments are hereby made in the interest of the Department:

S. J. PANGLOSS  
SUPERINTENDENT

cc: [Handwritten signature]

- 1. Honorable Director General of State Prison Plantation, Pangloss, information with reference to the telephone talk with Jalar Kim, Chief Director of Inspection of State Prison, Pangloss, and the person Pangloss, on the phone with Pangloss, the Office, Superior District Jail Karak.

To inform the [unclear]

S. J. PANGLOSS  
SUPERINTENDENT

Better Copy

OFFICE OF THE  
SUPERINTENDENT  
DISTRICT JAIL KARAK

Tel: & Fax: 0927-210537

No. 951

Dated 05.08.2014

To

Female Warder Mst. Saceda Bibi  
Attached to District Jail Karak

7

Subject: RELIEVING DOCKET

Amx C

Memo:

Under the instruction contained in the Superintendent Circle/Headquarter Prison D.I.Khan office order No.8627 dated 05.08.2014, you are hereby relieved of your duties today on 05/08/2014, A.N and directed to report to Superintendent Central Prison, D.I.Khan for further duty there.

You are allowed Nil days joining time.

Sd/-  
SUPERINTENDENT  
DISTRICT JAIL KARAK

No. \_\_\_\_\_ /

Dated \_\_\_\_ .08.2014

Copy of the above is forwarded to:-

1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information with reference to the telephonic talk of Mr. Zafar Khan Deputy Director of Inspectorate of Prisons Khyber Pakhtunkhwa of date please.
2. The Superintendent Circle/Headquarter Jail D.I.Khan for information with reference his order referred to above please.
3. The Superintendent Central Prison, D.I.Khan for information please.

Sd/-  
SUPERINTENDENT  
DISTRICT JAIL KARAK

OFFICE OF THE  
SUPERINTENDENT  
DISTRICT JAIL KARAK  
NO. 951  
DATED. 5/8/2014.

TELE FAX: 0927-210537

To


Female Warder Mst. Saeeda Bibi,  
Attached to District Jail Karak

Subject: RELIVING DOCKET

Memo:

Under the instruction contained in the superintendent circle/  
Headquarter Prison D.I.Khan office order No. 8627 dated 05-08-2014, you  
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report to Superintendent Central Prison, D.I Khan for further duty there.

You are allowed Nil days joining time.

  
SUPERINTENDENT  
DISTRICT JAIL KARAK

Encl No.

Dated 5/08/2014.

Copy of the above is forwarded to:-

- 1- The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information with reference to the telephonic talk of Mr. Zafar Khan Deputy Director of Inspectorate of Prisons Khyber Pakhtunkhwa of date please.
- 2- The Superintendent Circle/ Headquarter Jail D.I. Khan for information with reference his order referred to above please.
- 3- The Superintendent Central Prison, D.I Khan for information please.

  
SUPERINTENDENT  
DISTRICT JAIL KARAK

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 543 /2013

7/6  
12-8-14

Mst. Saeeda Bibi.....Applicant/Appellant.

Versus

The IG Prisons and others.....Respondents

---

**Application for initiating appropriate proceedings against Respondents No.1 to 3 for flouting the orders of the Hon'ble Tribunal.**

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Respectfully Sheweth,

1. That the above titled service appeal is pending before this Hon'ble Tribunal wherein the next date of hearing is 22.08.2014.
2. That this Hon'ble Tribunal has granted status-quo orders (**Annex:-A**) in the case but inspite of the same vide order dated 05.08.2014 (**Annex:-B**) issued by Respondent No.2, appellant has been transferred from District Jail Karak to Central Prison, D.I.Khan and one Mst. Parveen Bibi has been transferred in her stead and consequently appellant has been unilaterally relieved from duties by Respondent No.3 vide letter dated 05.08.2014 (**Annex:-C**).
3. That the order/letter ibid have been issued during the currency of the status-quo orders issued by the Hon'ble Tribunal, therefore, the same amounts to

contempt of the orders of the Hon'ble Tribunal.

- 4. That due to the reasons stated above the Respondents No.1 to 3 are guilty of the contempt of the orders of the Hon'ble Tribunal and are accordingly liable to penalty under the law.

It is, therefore, humbly prayed that on acceptance of this application, appropriate proceedings for the contempt of the orders of the Hon'ble Tribunal may graciously be initiated against Respondents No.1 to 3 and they be punished accordingly.

*[Handwritten Signature]*  
 Applicant

Through

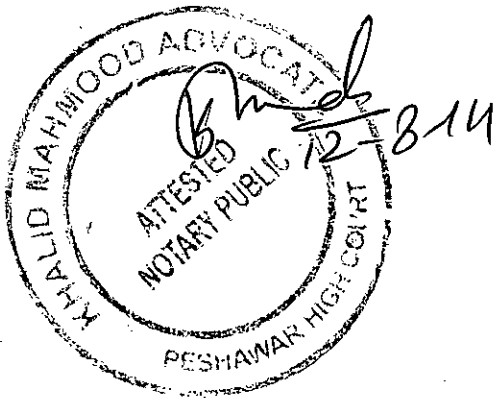
*[Handwritten Signature]*  
 Khaled Rahman,  
 Advocate, Peshawar.

Dated: \_\_\_\_\_ / 08/ 2014

Affidavit

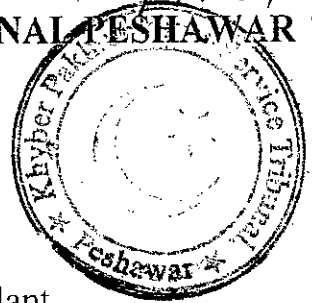
I, Khaled Rahman, Advocate, as per instructions of my client, do hereby affirm and declare on oath that the contents of this application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

*[Handwritten Signature]*  
 Deponent





BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR



Amir A  
3

Service Appeal No. 543 /2013

Mst. Saeeda Bi Bi,  
Femal Warder, District Jail Karak.....Appellant.

Versus

~~...~~  
547  
12-3-13

1. The Inspector General,  
Prisons Khyber Pakhtunkhwa Peshawar.
2. The Superintendent,  
Circle Headquarters Prison, DI Khan.
3. The Superintendent,  
District Jail Karak.
4. Mst. Gulab Bi Bi, Female warder,  
Central Prison DI Khan.....Respondents

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 04.02.2013 WHEREBY APPELLANT WAS UNLAWFULLY TRANSFERRED FROM DISTRICT JAIL KARAK TO CENTRAL PRISON D.I.KHAN AGAINST WHICH APPELLANT FILED DEPARTMENTAL REPRESENTATION TO RESPONDENT NO.1 BUT THE SAME WAS REJECTED VIDE ORDER DATED 04.03.2013.

ATTESTED  
 KHYBER PAKHTUNKHWA  
 SERVICE TRIBUNAL  
 PESHAWAR

12/3/13

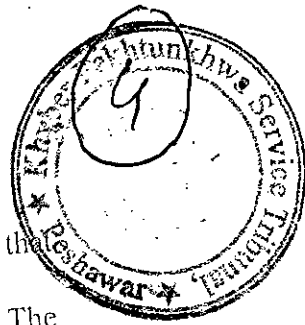
PRAYER:

On acceptance of the instant appeal, the impugned orders dated 04.02.2013 of Respondent No.2 and the appellate order dated 04.03.2013 of Respondent No.1 may kindly be set aside and appellant be allowed to serve at District Jail Karak.

15/3/13

modified

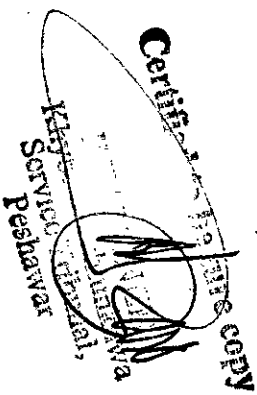
Appeal No. 543/2013  
Mst. Saeeda Bibi



3. 2.4.2013

Counsel for the appellant present and heard. Contended that

the appellant has not been treated in accordance with the law. The appellant has not completed her normal tenure. The impugned order has been passed in violation of posting/transfer policy of the Government, because no transfer order can be issued on administrative ground. Her child is studying in District Karak and her ailing old age father is also supported by her. The impugned order is neither in the public interest nor in exigency of service. On humanitarian ground the appellant being a female/widow is also entitled to be retained at her present place of posting. The appellant preferred a departmental appeal but the same has been filed on 4.3.2013. Points raised need consideration. The appeal is admitted to regular hearing, subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, notice be issued to the respondents. Counsel for the appellant has also submitted an application for suspending the operation of the impugned orders dated 4.2.2013 and 4.3.2013. Copy of application also be sent to the respondents. Case adjourned to 25.4.2013 for reply on main appeal as well as reply/arguments on application. Till then status-quo be maintained.



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Date of presentation of impugned order 4-4-2013  
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OFFICE OF THE  
SUPERINTENDENT  
CENTRAL PRISON D.I.KHAN

5

AmB

KPKP

No. 8627/ Dated 05.08.2014

OFFICE ORDER

Following Transfers/Postings are hereby made in the public interest.

Female Warder (BPS-5) Mst. Saeeda Bibi attached to District Jail Karak is hereby transferred and posted at Central Prison D.I.Khan against vice No.2.

Female Warder (BPS-5) Mst. Parveen Bibi attached to Central Prison D.I.Khan is hereby transferred and posted at District Jail Karak against vice No.1.

\_\_\_\_\_ the charge to report for further \_\_\_\_\_

Sd/-  
SUPERINTENDENT  
CENTRAL PRISON D.I.KHAN

No. 8628/

Dated 05.08.2014

Copy of the above is forwarded to:-

1. Honourable Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information with reference to the telephonic talk of Mr. Zafar Khan Deputy Director of Inspectorate of Prisons Khyber Pakhtunkhwa of date please.
2. Superintendent Central Prison, D.I.Khan/Line Officer.
3. Superintendent District Jail Karak.

Sd/-  
SUPERINTENDENT  
CENTRAL PRISON D.I.KHAN

شہادت نامہ صحت کے لیے II مرحلے کے لیے تیار کیا گیا ہے

اسی کے 543  
2013

صحت کے لیے سیدہ بی بی نام ان کے لیے تیار کیا گیا ہے

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خبرنامه شماره ۲۲ در روز شنبه ۱۳۹۲/۱۰/۱۵

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**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

No. 1480 /ST

Dated 28 /9 /2015


To

The Superintendent,  
Circle Headquarters Prison,  
D.I. Khan.

Subject: - Judgement

I am directed to forward herewith certified copy of Judgement dated 17.9.2015 passed by this Tribunal on subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.