Form- A FORM OF ORDER SHEET

Court of	
Case No	1083/2014

	Case No	1083/2014
S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1.	. , 2	3
1	27/08/2014	The appeal of Mr. Haseeb Safdar presented today by Mr. Ahmad Ali Advocate may be entered in the Institution
	,	register and put up to the Worthy Chairman for preliminary
		hearing. REGISTRAR
2	16-10-14	This case is entrusted to Touring Bench D.I.Khan for
		preliminary hearing to be put up there on 38-10-14
	•	HARRAN
3.		appellant Notice be issued to appellant/ counsel for preliminary hearing on 27-1-15 at court, Dilitian.
		council for prelimenary hearing on 27-1-1/3
		at camp court, Dilikhan. Regishar Carop Court, Dilik
	27-1-15	No one present on behalf of
		appellant. Fresh notice be usued to appellant/Coursel for 23-2-2015 at
		Camp Court, D1. Khan
		Member
		Carry's Consts

23/2/2015

Mr. Ahmad Ali Advocate For The appearant and GP for the State present. Learned Coursed SubmielTed that the deptt: has Sur aside the hipigned order, and the histant appead may be dismissed as Wilhdraw. Signature obtained an margin. Dismissed as withdrawn. mourced.

· Camp court, D.1.K,

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No	083 of 2014

Haseeb Safdar Vs. Govt. of K.P.K. etc

INDEX .

S#	Description of Documents	Annexure	Page Numbers
	Grounds of Service appeal		1-6
2.	Copies of the appointment letter No.394/P.B. dated 08/05/2013 and medical certificate	A & B	7-8
13.W	Copy of the letter No 5390 dated 11/09/2013 of respondent No 5	TO COME	9
4.	Copies of the FIR No.114 and complete Challan	D & D-1	10-11
5.	Copy of the Show-Cause Notice and reply	E-1 & E-2	12-13
6.	Copy of the impugned letter No.1/14-J- 1920/7512 dated 24/03/2014	F	14.
	Copies of the first Departmental Appeal and the letter No. 9386 dated 10/04/2014	G1&G2	153.16
8.	Copies of the Department Appeal to Secretary Home and Registered Postal Receipt	H-1 & H-2	17-18
98.0	Copy of the office order bearing No.SO (Prisons)/HD/8-3/2014/Vol-II dated 084 August 2014 issued by respondent No.2		19-21
10.	Copy of the letter No.1/14-J-1920/21455 dated 20/08/2014	I-1	20-21
	Copy of the order of District Police Officer Tank		22
12.	Vakalatnama		23

Yours Humble Appellant

(Haseeb Safdar)

Through Counsel

Dt. <u>26</u>/08/2014

AHMAD ALI Advocate Supreme Court, Stationed at D.I.Khan.

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 1083 of 2014

21-8-8-14

Haseeb Safdar, son of Muhammad Safdar, caste Awan, resident of House No.784-E, Mohallah Saád Abad, near Zakria Masjid, Tehsil & District D.I.Khan.

Appellant

VERSUS

- 1. Govt. of Khyber Pakhtunkhwa, through Secretary Home & Tribal Affairs Department, Peshawar.
- 2. Secretary to Govt. of Khyber Pakhtunkhwa, Home & Tribal Affairs Department, Peshawar.
- 3. Inspector General Prisons, Khyber Pakhtunkhwa, Peshawar.
- 4. Superintendent, Circle Headquarters Prison, Peshawar.
- 5. Superintendent, Headquarters Prison Dera Ismail Khan.
- 6. Superintendent, Judicial Lock-up District Tank.

Respondents

SERVICE APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNAL ACT) 1974) AGAINST THE LETTER NO.1/14-13-1920/7512 DATED 24/03/2014 ISSUED BY THE RESPONDENT NO.3 WHEREBY, THE APPELLANT WAS DISMISSED FROM SERVICE;

PRAYER:

TO PLEASE TAKE COGNIZANCE OF THIS SERVICE APPEAL AND BY SETTING ASIDE THE IMPUGNED LETTER NO.1/14-1-1920/7512 DATED 24/03/2014, THE APPELLANT MAY PLEASE BE REINSTATED IN THE SERVICE WITH ALL BACK BENEFITS.

RESPECTFULLY SHEWETH,

1. That the appellant was appointed as Warder BPS-5' vide appointment letter No.394/P.B. dated 08/05/2013 by the respondent No.4. The appellant after obtaining Medical

- 2. That the petitioner Vide letter No.5390 dated 11/09/2013 of respondent No.5 was relieved from duties and directed to report to the respondent No.6. Copy of the letter No.5390 dated 11/09/2013 of respondent No.5 is enclosed as **Annexure C.**
- That in the meanwhile two prisoners namely Muntazir and 3. Javed Iqbal escaped from the Judicial Lock-up Tank. At that time Nasir Mahmood warder, Inayatullah Warder, Constable Humayun 373, Constable Jamshed 127, Constable Rizwan 484 and constable Muhammad Jan 244 were deputed at Judicial Lock-up to guard the prisoners; and Warder Inayatullah was not present on his duty whereas, constable Muhammad Jan 244 was offering Fajar prayer. In this regard an FIR No.114 dated 08/02/2014 u/s 223/224 PPC was registered at Police Station Shaheed Mureed Abbas, District Tank, on the report of Noor Aslam ASI, In-charge Judicial Lockup Tank. In the said FIR all the facts have been mentioned in detail. It is pertinent to mention that being un-trained warder the appellant was not entrusted with duty on the Prisoners in Judicial Lock-up but was only assigned duties outside the Judicial Lock-up. Therefore, appellant was also not held responsible in the FIR. Copies of the FIR No.114 ibid and complete Challan are enclosed as Annexure D & D-1.
- 4. That the respondent No.3 issued Show-Cause Notice to the appellant and appellant submitted his detailed reply wherein he has specifically mentioned that fact that he (appellant) being untrained was deputed for outside duties and appellant is absolutely not responsible for the said occurrence of escape. Copy of the Show-Cause Notice and reply are enclosed as Annexure E-1 & E-2 respectively.



- That thereafter the respondent No.3 vide letter bearing Endst. No.7513-23 dated 24/03/2014 dismissed the appellant from service. Copy of the impugned letter No.1/14-J-1920/7512 dated 24/03/2014 is enclosed as **Annexure F.**
- 6. That aggrieved of the impugned letter, the appellant on 01/04/2014 preferred a Departmental Appeal before the respondent No.3 and the same was returned to the appellant vide letter No. 9386 dated 10/04/2014 with the directions to present the same before appellate authority (Home Secretary) Copies of the Departmental Appeal and the letter No. 9386 dated 10/04/2014 are enclosed as Annexure G-1 & G-2 respectively.
- Representation/Appeal before the respondent No.2 on 21/05/2014. Till date no response has been received to the appellant for said Departmental Appeal. Copies of the Department Appeal and Registered Postal Receipt are enclosed as **Annexure H-1 & H-2**. Thus, the appellant is filing instant Service Appeal for his reinstatement and cancellation of the impugned letter No.1/14-J-1920/7512 dated 24/03/2014 on, inter alia, the following grounds:

GROUNDS:

- that the impugned letter No.1/14-J-1920/7512 dated 24/03/2014 is against law & facts, illegal, unlawful, based on malafide and against the admitted realities thus, the same is liable to be set aside.
- ii. That the warders Inayatullah and Nasir Mehmood who were also dismissed from service along with the petitioner under the same letter No.1/14-J-1920/7512 have been reinstated in service by the respondent No.2 vide. Hence, the petitioner has been discriminated due to malafide. Copy of the office order bearing No.SO (Prisons)/HD/8-3/2014/Vol-II dated 08th

ign.eti Teach

August 2014 issued by respondent No.2 is enclosed as **Annexure I.**

- iii. That the respondent No.3 vide letter No.1/14-J-1920/21455 dated 20/08/2014 (Annexure I-1) has complied with the office order bearing No.SO (Prisons)/HD/8-3/2014/Vol-II dated 08th August 2014 issued by respondent No.2.
- iv. That at the time of the occurrence of escape from Judicial Lock-up Tank the appellant being un-trained was not entrusted with the responsibility to guard the prisoners rather he was deputed for the miscellaneous duties outside the Judicial Lock-up. Thus, being not responsible for the said occurrence of escape, appellant was neither named in the FIR registered in this regard nor his name was included in the Complete Challan. The appellant has been dismissed without any rhyme and reason and as such a great injustice has been done to the petitioner.
- v. That there was no negligence or misconduct on the part of appellant in performance of his duties as only Nasir Mahmood warder, Inayatullah Warder, Constable Humayun 373, Constable Jamshed 127, Constable Rizwan 484 and constable Muhammad Jan 244 were deputed at Judicial Lock-up to guard the prisoners. This fact is evident from the FIR & Complete Challan. Had the petitioner responsible for occurrence, his would have been included in the FIR.
- vi. That the warders Inayatullah and Nasir Mehmood who were also dismissed from service along with the petitioner under the same letter No.1/14-J-1920/7512 have been reinstated in service by the respondent No.2 vide office order bearing No.SO(Prisons)/HD/8-3/2014/Vol-II dated 08th August 2014.
- vii. That the police official who were held responsible for the said occurrence of escape were awarded punishment of forfeiture of one year service only by the District Police Officer Tank. Copy of the order of District Police Officer Tank is enclosed as Annexure J.

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- viii. That the impugned letter is based on malafide and the appellant has not been treated in accordance with the relevant law & record.
- ix. That the counsel for appellant may be allowed to raise additional grounds at the time of hearing.

It is, therefore, humbly prayed that on acceptance of the present appeal and by setting aside the impugned letter No.1/14-J-1920/7512, the appellant may please be reinstated into service with all back & future benefits.

Yours Humble Appellant

(Haseeb Safdar)

Through Counsel

Dt. 26 /08/2014

Advocate Supreme Court, Stationed at D.I.Khan.

NOTE:

The addresses of parties as given in the heading of service appeal are correct & sufficient for the purpose of service.

CERTIFICATE:

I, the appellant, on this day of the August-2014, at District D.I.Khan, do hereby verify that all the Para-wise contents of this Service Appeal are true & correct to the best of my knowledge and belief; and nothing has been deliberately concealed from this Honourable Court.

Appellant

AFFIDAVIT:

ommission

I, the appellant, do hereby solemnly affirm and declare on oath that all the Para-wise contents of the above Service Appeal are true & correct to the best of my knowledge & belief and nothing has been deliberately concealed from this Honourable Tribunal.

Identified by Counsel:



OFFICE OF THE <u>SUPERINTENDEN</u>

E HQs. PRISON PESHAW

To

MR. HASEEB SAFDAR S/O MUHAMMAD SAFDAR Near Zakria Masjid, 784/E, Monallah Saad Abad, Tehsil & District D.I.Khan

Subject:

APPOINTMENT AS WARDER (BPS-05)

Memo:

You are hereby offered the post of temporary Warder in BPS-05 (5400-260-13200) and other usual allowances as admissible under the rules subject to the following conditions: -

- You are liable to serve anywhere in the jails of Khyber Pakhtunkhwa.
- Your appointment is purely temporary and your services can be terminated at any time without 2assigning any reason during probationary period 3-
- For all other purposes such as Pay, T.A & Medical Attendance etc., you will be governed by the rules applicable to the government servants of your category.
- The terms and conditions of your appointment as Warder will be those as laid down in the NWFP Prison Rules 1985, Prisons Department (Recruitment, Promotions and transfers) rules 1980 and all other rules and regulations prescribed to the Government Servants or the rules which may be promulgated by the Government from time to time in this behalf.
- Your appointment will be subject to your Medical fitness.
- No TA/ DA will be admissible to you on joining your first appointment 6-7.
- You cannot resign from service immediately but will have to put in writing at least one month prior notice or in lieu thereof, one month pay shall be forfeited from you.
- Your appointment is subject to fulfillment of all the conditions laid down in the service rules. 8-9.
- You will be on probation for a period of two years extendable to one more year. 10-
- On your report for duty, it will be taken for granted that you have accepted all the above terms and conditions and if you failed to report within 10 days of the receipt of this appointment order, i will be presumed that you have declined to accept this offer, hence this order of appointment should be presumed that you have declined to accept this offer, hence this order of appointment should be presumed that you have declined to accept this offer, hence this order of appointment should be presumed that you have declined to accept this offer, hence this order of appointment should be presumed that you have declined to accept this offer, hence this order of appointment should be presumed that you have declined to accept this offer, hence this order of appointment should be presumed that you have declined to accept this offer, hence this order of appointment should be presumed to accept the presume that the
- You are directed to attend this office immediately for your medical examination at Police & . 11-

Endorsement No:

Copy of the above is forwarded to the:

Superintendent Borstal Institution Bannu. The above named newly appointed warder is attached with his jail for all purposes against the vacant post. District Accounts Officer Bannu.

CIRCLE HOS PRISON PI

NTENDENT

WAR

lasawer/-

Ann, B MEDICAL CERTIFICATE Name of official Haseph Soldar. Caste or race_ Father's name___ Residence Huzd Zikrya Mosque Abad · Mon Sadd 13/08 Date of birth_ Exact height by measurement _____ Personal mark of identification_____ Signature of the official_____ Signature of head of office_____ Seal of office I do hereby certify that I have examined Mr. Muhamuel Habeeb for employment in the Office of the Prison Deparm and cannot discover that he had any disease communicable or other constitutional affection or bodily I do no consider this as disqualification for employment in the office of the His age according to his own statement year and by appearance about CIVIL HOSPITALICE S LEFT HAND THUMB AND FINGER IMPRESSIONS



OFFICE OF THE SUPERINTENDENT CENTRAL PRISON BANNU

NO. 5390 / DATED: // 9 /2013

Ann. C

To,

Warder Hasees Safday
Attached Central Prison Bannu B-1

Subject: -

RELIEVING DOCKET.

Memo:

Under the instructions contained in the Superintendent Circle Headquarters Prison D.I. Khan Order No. 9890-92 dated 26/8//3 you are hereby relieved of your duties at this Jail on the FN/AN of 16-7-13 & directed to report to the Superintendent Tidrael Cockap, for further duty there.

You are allowed N/C days joining time.

SUPERINTENDENT CENTRAL PRISON BANNU

Endst: No.

Copy forwarded to:-

1. The Inspector General of Prisons, Khyber Pakhtun Khwa Province Peshawar for information w/r to the Superintendent Circle Fleadquarters Prison D.I. Khan order No. quoted above please.

2. The Superintendents Circle Headquarters Prison D.I Khan for information please.

3. The Superintendents Hollands Dot Chanfor information and necessary action please.

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SUPERINTENDENT CENTRAL PRISON BANNU

لى يوليس صوبه خيبر بخونخوا فارم نمبر ۲۳ ت اندازی پولیس رپورٹ شده زیر دفتہ ۱۵۴ مجموعہ ضابط فوجداری 5024 il 206:50 cis 08 14 pris cis 300 1 07180 CU 08 08 08 1. 07:20 cis 08 74 dila نام وسكونت اطلاع د هنده مستغيث مختفر کیفیت مجرم (معہ دنعہ) حال اگر کچھ لیا گیا ہو willing age withit with cit de finde نام وسكونت ملزم كاردائى جوَّقتيش كے متعلق كي گئ اگراطلاع درج كرنے ميں تو تف ہوا ہوتو وجہ بيان كرو تھانہ سے روانگی کی تاریخ ووقت ابتداني اطلاع يسح درج لرو سنسته مدر منازم مراع بيوري المريس في درور درا ع في منه الله المراز و 30 و في المنه المنه المراز و 30 و في المراز و 30 و في المنه المراز و 30 و في المنه المراز و 30 و في المراز و وران الم المان المان المان و 373 نام المعرود بينا حراب المان الم المان الم المان الم المان الم المان الم المان الم بروال نبي الما تعلى المرافع المركولا المركان ا Michely William a confine of the selection الما من المعاملة والمعالى والما المعاملة الما المعالى والمرا عدون الما معدد المعدد المراط كو كعد كالموا ننا مرس الما و مارة الازماد وها وعد ما برائط الروالان جور ميل كالمع المع المرابط الروالان جور ميل كالمع المعالي المعالي المعالية وص عندم لین وروز نبر کار درای کو کام اسر والی قرانسان بدی بیا کارا در (replied : as of willist dilluster per estilities as birdiste Smile 1302-324 105 09 an 523 ipu @ Strait 1 324/34 1012 43 and 93 pin 531 pin 331/34 105 09 en 531 pin 3 ور مر الم الم الما من ما فرق و الدن و و الما تعد على الدالان فر و المرابين ما فرا اور نیامیان کی می لازی کرای نی در الم اور در الی بروورفا می نیان نور کاری از در الی بروورفا می نوان ان از الا وفروز خاص طرح فرس بر بولس ما برا المال و و و المال و و و المال المال و المال و المال و المال و المال المال و المال و المال و المال و المال المال و المال الم الموال وقع مرون من المرافع الم LUINION CONTENTED SON TO SE COLLETA, مان د فار د دوالان مو د منسل کای آی 80 affest

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Ji Sma rei Me 223/24, 29 8 74 en 114 icut po CULSMA IL it, wie view is it willyed Des Osin के कि : कार्या हर्षित महारा महाराम हर्षित है । कि कि 16 (installand in The world ولا عاق زور المرون عالى روي دري مروز الموادث ما ك ك دومون ود 66 م سرفتا ؟ وه ودي كره فورتر ما روي العني سخد من مار فريدس معروق من - و تورسار مه فري در روده · il sma il in 10 will de ت درس من المراد المرد المراد ا על בנונים לוציעים בנוניענוציים שם פנונים ומן في سن عماله على على ورس كارونات טיב של לות צער - נסים ציביאת בר נס פרני ינ ובים בנים The consing of 6 رتناءس (3 ورول عدوازه كرده ما در كرمارك سورون ع تقيما مَدْ مَنْ كُون عَلَى عَلَى وَ لَعَالَ كُرُون وَوَقَى لِي وَوَقِي لِلْ وَوَقِي لِلْ وَوَقِي لِلْ وَوَقِي وي رومان ١٩١١ 00000 عنددى كريس ورواس وروس مراس مراس مراس مراس مراس مراس منسطر muspie of co ع ودر رونال _ فرار مرفعی کامن ب موف - طرح دردال فشار فال مشرم علا (a) Mounty 1302-54 21 5 9 EN 530 1/2 10 12 31 20 12 8 EN 635 626 011 100 منوب الله عرف 31 ع و و 324 353 من Ama أند المولايل wi Si pricione (6) TILSMA (is she copy O en 14) in 13A0 25 165 . 13A0 29 93 (20 (14) U) قرار و اله ١١٦ يم في مراي من الوزة منر فرالال ودرك ك سي ماكر مس مريس ولافر براندورا (Les / je d'aver a distre llustres resellilie : 10. 10

وتدم معدر عد مورث موزش ورسترم در الم موره ولول المدن كا عقلت در م دون الم الم عالمون ع - وردن كران در لرز كا مر فور عارت دام عور فروس وران ارد ك الدي الدي الله ١٤٥٠ و ١٤١ راغون و١٤١ كو مدرس حس فامع رُفْن رائه من عوالت في د و ووادل ك عدوه وكروك بنون لد فود في والدك عاستدل عربت عندر تا نوف من مدان منظمان عاور رسال مررتها و و دور من عدف الان دوري مل وي ع. مرا کانگانت سے سرارت و میں اس کی کانگارہ فیماک مادین و کار میرون علام میں اس کے مرمان مان ال أفاريده عفدت موس موس موس موس مان مان مان زرونع 12 مي ف وه ما رسى عن وُس مان ورا Sto Son A- Tink عرويين درورساديوا درورس معمرى . درورد الله ما دروس ميريان وروسويل . دروس مرترمزند و روز الله ما ما مرون و ما الله الما الله ما الله ما مرون مورد الما مرون الله المرائل

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SHOW CAUSE NOTICE

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I, Kifayatullah Khan, Inspector General of Prisons Khyber Pakhtunkhwa, as Competent Authority, under Rule-5(1)(a) read with rule-7 of Khyber Pakhtunkhwa Government Servants (E&D) Rules,2011, do hereby serve you, Mr. Haseeb Safdar, Warder (BPS-05) under suspension attached to Judicial Lockup Tank, that consequent upon the material on record, you have committed the following acts of Commission /Omission specified in Rule-3 of the said rules:-

While you were assigned duties inside the lockup after lockout on 08-02-2014: -

(i) Due to your gross negligence / in efficiency in the performance of your duties, Two (02) dangerous undertrial prisoners namely Javed Iqbal and Muntazir made good their escape from the lockup in the broad daylight on 08-02-2014, after lockout, thus you have violated rules -1072 and 1095 (f) of Khyber Pakhtunkhwa Prison Rules 1985.

By virtues of the above, you appear to be guilty of inefficiency and gross negligence and have made yourself liable to penalties specified in Rule 4 of Khyber Pakhtunkhwa Government Servants (E&D) Rules-2011.

And whereas in exercise of powers Rule-5 (1)(a) of the same Rules, I am satisfied that sufficient evidence is available in the aforementioned documents /material. on record warranting to dispense with further inquiry.

Now, therefore, I, Fifayatullah Than, Ir pector General of Frisons Knyber Pakhtunkhwa Competent Authority, call upon you through this Notice to explain why the major penalty of "Removal from Service" should not be imposed upon you.

Your reply must be received within seven days of receipt of this Notice, failing which it will be assumed that you have no defence and in that case ex-parte action shall be taken against you.

Attested

INSPECTOR GÉNERAL OF PRISONS, KHYBER PAKATUNKHWA PESHAWAR

ي دست مناب المبلئر بزل أن جيل خاند جات جير پڪنو كوره بستاور عنوان (سُوكام الالسن) ما فزار گذارش سے کہ سائل محتب وار دُر مورفر 13.5.8 کو عفر تی ہوا۔ کا كوكسى فنم كى تُرينگ بهيں دى كى اسكف نيا دور غير تُر ننيگ شدہ بوسے كى وجہ مع سال كى ديم فى جود كيل لاك ايد مانك مين جيل و ليفير تناب بريق سائل ك اسك مالوه كوئى مزيد ديم كي أسيل ري كي عقى . جون جيل عوي ك واليه مع يل مين دلمان بين مع الانتيان التي بنديو على الإنتيان التي بنديو على المواد الدينان التي بنديو و المالية いける他といんといりととりというきさいとうという مع تا تفا اور حوالا تبون مين تقيم كر ديما عقا . جب فراری کاوقوم برا- سائی اُس نائم سید میں نقا دور نج کی ملا ادا كورها عقا. مجر كى نماز كا مغرره وقت مج ١٤٥٥ تنا. جب سي بوقيت مناف عائمة فرار منده والانتيان كى تلاش مين فوتان ميا. المذاسال ما زانه طور برعوش الراس كدايد نوسائل ى ديون فرايد ك وقدة ميل مين بني على ملكر سائل أن وري ميل برانفر سماب برعن. العرود والرابي عمر سألل فرادى عوقت نماز في ادا فرمها عقا . کمنا مالی ای وادی می افزیس می ماه در ای می ایم ای می می می ا مانی کے خلاف جاہم بھی میں کے کیونکہ مائل کی ڈیونی و فرو کے کام يمرينيس تحفي. معدد امی معاصان سے گزادش عبر سائل کوربنی ویوی بر عالی فرما کومترور فرمانين سأبل تا حات دياكو دياك. · (file! Sor Filipide مألى معطل وليروثور سيب صفور جوزيش لأم رب ما مك , Daniel Attested



OFFICE OF THE
INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA PESHAWAR.

NO. ///2

DATED

24-03-204

ORDER

On completion of proceedings and in exercise of powers conferred under Rule-14 of Khyber Pakhtunkhwa Government Servants(Efficiency & Discipline) Rules 2011, after having considered the charges, evidence on record, the explanations of the accused officer/officials and affording an opportunity of personal hearing to the accused, the undersigned being competent authority is pleased to pass the orders as noted against each officer/officials with immediate effect in a case regarding escape of two undertrial prisoners from Judicial Lockup Tank 08-2-2014:

Ann:

S.No.	NAME OF /OFFICERS/ OFFICIALS	ORDERS/PENALTY
1.	Mr.Muhammad Naeëm, Senior Assistant; Superintendent Jail (BPS- 16).	Reduction to lower post /pay scale i.e Assistant Superintendent Jail (BPS-14) for a period of five years.
2.	Warder (BPS-5) Anayatullah S/O Muhammad Sadiq Khan.	Dismissal from Service.
3.	Warder (BPS-5) Nasir Mehmood S/O Muhammad Sadiq Jatoi.	Dismissal from Service.
4.	Warder (BPS-5)Haseeb Safdar S/O Muhammad Safdar	Dismissal from Service.

Officer at S.No.1 above is hereby re-instated in service with immediate effect. On his re-instatement in service he is hereby transferred and posted to Central Prison Bannu against the vacant post.

ENDST;NO. 75/3 -23

INSPECTOR GENERAL OF PRISONS, KHYBER PAKETUNKHWA PESHAWAR

Copy of the above is forwarded to:

1. The Secretary to Government of Khyter Pakhtunkhwa Home & T.As Department Peshawar, for information with reference to Home Department letter No.. SO(Com/Enq)HD/1-39/Tank/2014 dated 0?-3-2014.

2. The Provincial Police Officer Khyber Pakhtunkhwa Peshawar, for information with reference to Home Department letter referred to above. He is requested that DPO Tank may kindly be directed to finalize the departmental proceedings against the Police personnel involved in the subject cited escape case for similar action under the relevant rules under intimation to this office as well as other concerned.

3. The Secretary to Commissioner D.I.Khan Division D.I.Khan for information with reference to his letter No.1056 dated 18-2-2014.

4. The Deputy Commissioner Tank, for information with reference to his letter No.813 dated 10-2-2014.

5. The DPO Tank for information and immediate necessary action.

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

7. The Superintendent, Central Prison Bannu & D.I.Khan.

8. The Superintendent, Judicial Lockup Tank. for information and necessary action.

9. The District Accounts Officers Bannu & Tank, for information.

Attested

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INSPECTOR GENERAL OF PRISONS, KHYBER PAKHTUNKHWA PESHAWA

2

بخدمت جناب انسكير جنزل جيل غانه جائت خيبر يختونخواه ببناور عنوان: درخواست برائے رخم گزارش ہے کہ سائل بحسشیت وارڈمحکمہ جیل خانہ جات میں مورخہ 2013-05-48 کوبھرتی ہواسائل چونکہ نیا بھرتی شدہ تھااس دجہ سے سائل کی ڈیوٹی جوڈیشل لاک اپٹا تک میں حوالا تیوں کے لئے باز ارسے سوداساف لانے کی تھی اورسائل بہڈیوٹی احس طریقے سے انجام دے رہاتھا ٹائک جوڈیٹل لاک ایے صوبے کی سب سے چھوٹی جیل ہے اس لئے جیل میں دکان موجود نہیں صرف حوالاتی اشیاء ضرورت کی لسٹ بزا کر دیتے تھے اور سائل کی یہی ڈیوٹی تھی کہ سائل وہ اشیاء خرید کرلے آتا اور لسٹ کے مطابق حوالا تیوں میں تقسیم کر دیتا تھا۔ حوالاتی اشیاء ضرورت کی لسٹ گنتی بند ہونے سے پہلے دے دیتے تصاور سائل بیاشیاء مج سورے بیاشیاء بازارہے لے، آتا تھا۔ جب جوڈیشل لاک ایٹ ٹانک سے دوحوالا تیوں کی فرار أن کا واقع ہوا سائل اس ٹائم نماز فجر کی ادائیگی کے لئے مسجد میں تھا فجر کی نماز کی جماعت 6:40AM مقررتھی جب میں نماز کی ادائیگی کے بعد 55AM -60 پرواپس آیا تو فراری کا واقع ہو چکا تھاوا قع کے بعد سائل دیگراٹاف کے ساتھ فرارشدہ حوالا تیوں کی تلاش میں شامل ہو گیالیکن حوالاتی فراری کے بعد لا پیتہ ہو چکے تھے اس کے بعد جو ڈیشل لاک اپ ٹا نک کے اسٹینٹ سپر ڈینڈنٹ غیر حاضر وارڈن کوچھوڑ کر حاضر وارڈن کےخلاف معطلی اورگرفتاری کے لئے لیٹر کر دیا۔ چونکہ سائل کی اس واقع میں کوئی ذ مہداری نہیں تھی اس لئے سائل کے خلاف ایف ائی آ رنہیں کاٹی گئی صرف سائل کو معطل کردیا گیا۔ لہذااستدعاکے ساتھ عاجز انہ طور پررهم کی اپیل ہے کہ سائل کواپنی سروس پر بحال کیا جاوے ۔ سائل ایک غیریب خاندان کا داحد کفیل ہے اوراس مہنگائی کے دور میں گھر کی ضروریات، کو بورا کرنا چھوٹے بہن بھائیوں کی تعلیم کوجاری رکھنا لہذا غریب بروری کا ثبوت دیتے ہوئے سائل کی رحم کی ابیل کومنظور فر ماکرسائل کونوکری بر بحال کیا جاوے سائل اورسائل کے بوڑھے والدین آپ کے لئے ہمیشہ دعا گور ہیں گے۔ آپ کی عین نوازش ہوگی مور نته 2014-04-01 Atested سأئل سابقه وارذن حسيب صفدر روز كريام جدمكان نمبر £784/ محلّد سعدا باختصيل وضلع ذيره اساعيل خان موبائل نمبر 9825985-0345

Ann. 6.2



REGISTERED

То

OFFICE OF THE INSPECTOR GENERAL OF PRISONS KHYBER PAKHTUNKHWA PESHAWAR

Dated

Mr. Haseeb Safdar, Ex-warder,

Near Zakaria Masjad H.No.784/E Mohallah Saadabad,

Tehsil & District D.I.Khan.

Subject:-

DEPARTMENTAL APPEAL

Memo"

I am directed to refer to the subject and to return herewith to your departmental appeal(in original) with the remarks that the same may be address to appellate authority (Home Secretary) instead of I.G.Prisons if you desired.

> ASSISTANT DIRECTOR(ADMN) FOR INSPECTOR GENERAL OF PRISONS, KHYBER PAKHTUNKHWA PESHAW

بخدمت جناب ہوم سیکرٹری ً ورنمنٹ آ ف خیبر پختونخواہ بیٹاور

نابعالى!

عنوان: درخواست برائے غیر جاند راندا تھوائری کرائے جانے انتم صادر فر مایا جائے۔

گزارش ہے کہ تحسیب وارڈن محکہ جیل خانہ جات مور نہ 2013-05-08 کو مجرتی بواسائل نیا ہجرتی شدہ تھا اس لئے سائل کی جوڑی جو ڈیوٹی اور سائل سے دیا تھا تا تک دیا ہو اسائل سے دیا تھا تا تک جوڈیشل لاک اپ موجوڈیشل کا معابق حوالاتی اشیا ہفرورت کی اسٹ کنتی اور سائل کی بھی ڈیوٹی تھی کہ سائل وہ اشیا ہو موجو کی سے بھی اور اشیا ہو کہ بھی اور اشیا ہو کہ بھی ایسا تھی ہے مطابق حوالاتی میں تعلیم کرویتا تھا۔ حوالاتی اشیا ہفرورت کی اسٹ کنتی بند ہونے سے اور میں جو رہے میا شیا تم اور اسے لے آتا تھا۔

جب جوڈ بیشل لاک اپٹا تک سے ووحوالا تیوں کے ارکا واقع ہوا ساکل اس وقت نماز نجر کی اوائیگی کے لئے مجد می تھا نجر کی نماز کی جاعت 6:40 AIM مقرر تحقی جب سائل نماز کی اوائیگی کے اعد سائل ویکر تعاواقع ہو چکا تھا واقع ہو چکا تھا واقع کے بعد سائل ویکر اسان کے جائے اسان کے ساتھ فراوشد وحوالا تیوں کی تلاش میں شامل ہو گیا لیکن حوالاتی فرار کے بعد لا بیتہ ہو پی تھے۔ DPO اور کمشز صاحب نے جائے وقع میں ہوگئی تھے۔ DPO صاحب نے تصوار وار ملز ہان کے خلاف FIR درج کرنے کا تھم ویا ۔ جس میں 6 ملز مان کے خلاف نمبر کے تعایات اللہ ہوگیا تیوں کا تعامی درج کو انتظام کی اور DPO ساحب نے تصوار وار ملز ہان کے خلاف آب FIR درج کرنے کا تھم ویا ۔ جس میں 6 ملز مان کے خلاف بیش کی ۔ جب یہ واقعہ پیش کی ۔ جب یہ واقعہ پیش کی ۔ جب یہ واقعہ پیش کی اس ویت کوئی ڈیونی نہیں تھی ۔ اس لئے سائل کا تا ہم ان کہ انتظام کی اس ویت کوئی ڈیونی نہیں تھی ۔ اس لئے سائل کا تا ہم ان کہ انتظام کی درج نہیں کیا ۔

بیرون میں میں میں میں میں میں میں ہوتی ہے ہیں ہوئی فر مداری نہیں تھی سر سائل کو معطل کر دیا گیا اور بعد میں آئی جی پی سا حب جیل خانہ جات بھاور نے جو فکہ سائل کی اس واقع میں کوئی فر مداری نہیں تھی سر سائل ہے گناہ تھا ۔ لہذا آپ سے التجا ہے کہ دوبارہ غیر جانبدار انگوئری کے جھے Dismiss From Service کر دیا ۔ حالا کا کہ فر میں گرکی آف ان آرمور نہ 2014-02-08 الف ہے)۔

کر نے کا تھی صادر فر مایا جائے تا کہ فدو کی اپنی توکری ہے دوبارہ بنال ہوجائے ۔ (فوٹو کا پی آف ان آرمور نہ 2014-02-08 الف ہے)۔

کرونکہ سائل ایک غریب خاندان کا واحد کنیل ہے اور اس مبنگائی کے دور میں گھرکی ضروریات کو پورا کرنا جبو نے بہن بھائیوں ک

تعلیم کوجاری رکھنا ناممکن ہوگیا ہے سائل کے بوڑھے والدین آپ کے لئے ہمیشہ ذیا گور ہیں گے۔

لما د من من المنظمة آپ كي عين نوازش بهو گي موردند - 2014-05-21

ا______ارمر

سائل سماليقندواردُّ ن حسيب صندر نورز كرياسجد مكان نمبر 784/E مُلَّد سندا بَا يَحْسَيل وَسَلَّى وَارِواسَا مِمْل هَان موباكل نمبر: 9825985-0345

Alusted



Ann.

Government of Khyber Pakhtunkhwa Home & Tribal Affairs Department

OFFICE ORDER

The Competent Authority has been pleased to set aside the decision of Inspector General of Prisons Khyber Pakhtunkhwa vide letter No. 1/14-J-1920/7512-WE dated 24/03/2014 and reinstate Mr. Nasir Mehmood and Mr. Anayatullah, Warders, to the same post with immediate effect. However, they have been awarded minor penalty of stoppage of three annual increments without cumulative offect. The intervening period of both the warders shall be considered as leave without pay as per rule.

Dated the, 08th August, 2014, Peshawar.

(REHMAT ALY WAZIR) SECTION OFFICER (PRISONS) GOVT OF KHYBER PAKHTUNKHWA

No SO (Prisons)/HD/8-3/2014/Vol-II: - Dated the, 08th August, 2014, Peshawar.

A copy to forwarded for information and necessary action to: -

1. Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar.

2. PS to Secretary Home, Khyber Pakhtunkhwa.

3. PS to Special Secretary Home, Khyber Pakhtunkhwa.

1/Official concerned.

5. Master file/Office Order file.



OMNICE OF THE INSPECTOR GENERAL OF PRISONS, KHYBER PAKHTUNKHWA PESHAWAR.

SHORE

In pursuance of Fisher & T.A.s Department of ice order No.S.O(Prisons)HD/8-3/2014/vol-II dated 08-8-2014 and upon acceptance of departmental appeals in respect of Exwarders M/S Nasit Mehmond and Anayawllah the major penalty of dismissal from service awarded to them vide this office order No.1/4-J-1 20/7512 dated 24-3-2014 has been modified and . converted into minor penalty of stoppage of three annual increments without our dative effect and reinstate them in service with immediate effect. Their intervening period is from the date of dismissal from service to the date of reinstal ment in service treated as leave without pay.

On their reinstatement in service, they are hereby posted to the jails asked against their naines.

- Warden Analystullah gosted to Interiment Centre Kohat against the vacant
- Marcher, Passir McEmitour protect to Central Prison Barrau against the vacant

INSPECTOR GIMERAL OF PRISONS KHYBER PAKHTUNKHWA PESHAWAI

Copy of the above is forwarded to i-

- The Secretary to Government of Khyter Pakhunkhwa Horre & T.As Department has nawar, for information with reference to Home Department order referred to above.
- The Superintendent, Headquarters Prison D.L.Khan.
- The Superintendent, Central Preson Barray.
- The Superintendent, Judicial Locker Tank.
- · It harge Internment Centre Kohot
- The District Accounts Officers, Fichet, Tank & Bannn.

For information and recessary action. A copy of Home Department order referred to hove is enclosed he swith for ready reference please.

> LESPECTOR GENERAL OF PRISONS LIYEER PARITIENKEWA PESELEWAR.

CONTRACT CON

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OFFICE OF THE
INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA PESHAWAR.
No. 1/14-J-1920/21455
Dated 20-08-2014

ORDER

In pursuance of Home & T.As Department Office order No.SO(Prisons)HD/8-3/2014/vol-II dated 08-08-2014 and upon acceptance of departmental appeals in respect of Ex-warders M/S Nasir M/S Nasir Mehmood and Anayatullah the major penalty of dismissal from service awarded to them vide this office order No.1/14-J-1920/7512 dated 24-3-2014 has been modified and converted into minor penalty of stoppage of three annual increments without comulative effect and reinstated them in service with immediate effect. Their intervening period i.e. from the date of dismissal from service to the date of reinstratemnt in service treated as leave without pay.

On their reinstatement in service, they are hereby posted to the jail quoted against their names:-

- 1. Warder Anayatullah posted to Interment Centre Kohat against the vacant post.
- 2. Warder Nasir Mehmood posted to Central Prison Bannu against the vacant post.

Sd/-Inspector General of Prisons Khyber Pakhtunkhwa, Peshawar.

Endst. No. 21456-63/

Copy of the above is forwarded to:

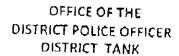
- 1. The Secretary to Government of Khyber Pakthunkhwa Home & T.As Department Peshawar, for information with reference to Home Department order referred to above.
- 2. The Superintendent, Headquarter Prison D.I.Khan.
- 3. The Superintendent, Central Prison, Bannu.
- 4. The Superintendent, Judicial Lockup Tank.
- 5. Incharge Interment Centre Kohat.
- 6. The District Accounts Officers, Kohat, Tank & Bannu.

For information and necessary action. A copy of Home Department order referred to above is enclosed herewith for read reference please.

Attested

Sd/-

Inspector General of Prisons Khyber Pakhtunkhwa, Peshawar.





OFFICE ORDER.

My this orders will dispose off Departmental enquiry initiated under Khyber PakhtunKhwa Police Rules 1975 against the following Police Officials deployed on Guard Duty of Judicial Lock-Up Tank on the allegations of escaping of Under Trial Prisoners namely Javed Iqbal Son of Umer Khan Bhittani R/o Kirri Ahmad Shah Tank and Muntazir Son of Mohammad Sharif Bhittani R/o Kirri Haider, Tank from Judicial Lock-Up, Tank on 08.02.2014;-

- 1) ASI Noor Aslam No. 264 Guard Commander of Police Guard Judicial Lock-Up, Tank,
- 2) Head Constable Reham Dil Khan No. 103. 3) Constable Jamshed No. 127.
- 4) Constable Rizwan No. 484.
- 6) Constable Chulum Abbas No. 335.
- 8) Constable Inavatullah No. 621.
- 10) Constable Ali Ullah No. 22.
- 12) Constable Ahmad Jan No. 619.
- 14) Constable Parvez No. 525.

- 5) Constable Humayyun No. 373.
- 7) Constable Saif-ud-Din No. 570.
- 9) Constable Mohammad Jan No. 244.
- 11) Constable Imran No. 676.
- 13) Constable Inved Aslam No. 40.

They were placed under suspension and closed to Police Lines, Tank for departmental proceedings immediately. A separate criminal case was also registered against the following Police and Jail officials in which they are on bial;-

- 1. Consiable Humayyun No. 373 of Police Department, Tank.
- 2. Constable Rizzvan No. 484 of Police Department, Tank.
- 3. Constable Jamshed No. 127 of Police Department, Tank.

They were charge sheeted. The Charge sheets along with statement of allegations were got served upon them properly. The DSP/HQIs, Tank was nominated as Enquiry Officer. After completion of enquiry proceedings, the Enquiry Officer has submitted his detailed finding report. The enquiry report was received and perused. The papers were re-marked to SDPO/Rural, Tank for Denovo proceedings. On finalization of Denovo proceedings, the Inquiry Officer submitted a finding report. The papers were received and perused. The delinquent officials were also called on and heard in person. Keeping in view recommendation of the Enquiry Officer and other circumstantial evidence collected during the proceedings. I ANWAR SAEED KUNDL (PSP) District Police Officer, Tank in exercise of Powers vested upon me under Khyber PakhtunKhwa Police Rule 1975, awards punishment of FORFEITURE OF ONE YEAR APPROVED SERVICE to all the Police Officials mentioned above at St. No. 1 to 14. They are reinstated in service with immediate effect.

06/05/2014

(ANWAR SAEED KUNDI) PSP District Police Officer,

Tank.

ماعث تحررآ نكه مرصوف کواطلاع دیکر ماضرِ عدالت کرول گا، اگریشی برمظبر ماضرت اور مقدمد میری غیر ماضری گی وجدے کی طور پرمیرے برطاف ہوگیا۔ توصاحب موصوف اسکے کی طرح ذمددارند ہوں گے، نیز وکیل صاحب موصوف صدر مقام کجبری کے علاوہ کی جگہدیا کجبری کے اوقات سے پہلے یا پیچھے یا بروز تعظیل بیروی کرنے کے ذمددارند بوں گے۔ نیز وکیل صاحب موصوف صدرمقام کچبری کے علاوہ کسی جگہ یا کچبری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمددارند بوں مے اور مقدمه صدر کچبری کےعلادہ اور جگہ عاعت ہونے یا بروز تعطیل یا کجبری کے اوقات کے آئے پیچیے پیش ہونے پرمظمر کوکوئی تقصان سینچاتو اُس کے دمہ واریا اُس کے واسطے کی معاوضہ کے اداکرنے یا مختانہ واپس کرنے ہے بھی موصوف ذمد دارنہ ہوں گے۔ مجھ کوکل ساختہ پر داختہ صاحب موصوف مثل کردہ ذات نود منظور وقبول بوگار اورصاحب موصوف كومنى ديوى ، يا جواب ديوى يا درخواست اجرائ وگرى دنظر تانى البيل تكرانى و بترم درخواست يرد شخط وتقعد يق كرن كا بھی اختیار ہوگا۔اور کسی تھم یا ڈگری کرانے اور برختم کاروبیدوسول کرنے اور رشیدویے اور داخل کرنے اور برخم کے بیان دیے اوراس پر عالتی یا راضی تامدوفیسلہ بر حلف کرنے، اقبال دعویٰ کا بھی اختیار ہوگا۔ اور بصورت مقرر ہونے تاریخ پیٹی مقدمہ ندکورہ ہیرون از کچبری صدر پیروی مقدمہ ندکورہ نظر انی واپیل ونگرانی و برآ مدگ مقدمه بامنسونی و گری میطرف یاد خواست حکم امتاع با قرتی با گرفتاری قبل از فیصله اجرائ و گری بھی صاحب موصوف کوبشرط ادائینگی علیحده مختانه بیروی کاانفتیار بهوگا اورتهام سانت پرداخته صاحب موسوف شل كرده و ات خود منظور و تبول بوگارا و ربصورت ضرورت صاحب موصوف كوي بحى اختيار بوگا كدمقدمد نمكوره يااسكمكي جزو كى كاروائى يابصورت درخواست نظر تانى ابيل يا تكرانى ياديكر معامله مقدمه خركوره كمى دوسرت وكيل يابير سركواسية بجائ يااسية بمراه مقرزكريل اورالييم شيرقا نون كو مجى برامر ميں وہي اور و پيے اختيارات حاصل موں مے ، جيسے صاحب موصوف كو حاصل ميں ، اور دوران مقدمه ميں جو يجھ مر جاندالتواء پزيگا ، وہ صاحب موصوف کاحق بوگا گرصاحب موصوف کو پوری فیس تارت پیش سے پہلے ادائد کروں گا۔ تو صاحب موصوف کو پورا اختیار بوگا کدو و مقدمد کی بیروی شرکریں اورالیمی صورت میں میر اکوئی مطالبہ کی تم کاصاحب موصوف کے برخلاف نہیں ہوگا۔ ون وکالت نامیس لیا ہے۔اوراچھی طرت سمجھ لیا ہے اور منظور ہے۔

بلوچ فو ٹوسٹیٹ سروس احاطہ کچبری ڈسٹر کٹ بارڈ سرہ

