BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR.

Service Appeal No. 11152/2020

Date of Institution ... 21.09.2020

Date of Decision ... 18.05.2022

Farooq Khan, Ex-Warder (BS-07) at Peshawar Central Jail, Peshawar

... (Appellant)

VERSUS

The Superintendent Headquarters Prison Peshawar and two others.

... (Respondents)

MR. MUHAMMAD UZAIR KHAN CHAMKANI, Advocate --- For appellant.

MR. NASEER-UD-DIN SHAH, Assistant Advocate General --- For respondents.

MR. SALAH-UD-DIN --- MEMBER (JUDICIAL)
MS ROZINA REHMAN --- MEMBER (JUDICIAL)

JUDGMENT:

SALAH-UD-DIN, MEMBER:- Brief facts giving rise to filing of the instant service appeal are that the appellant while posted as Warder in Central Prison Peshawar was proceeded against departmentally on the charge reproduced as below:-

"as per report of the Superintendent Central Prison Peshawar vide his No. 5717/LO dated 28.04.2020, you attached to his jail were allotted duty at roof top of main gate (Dewri) on 26.04.2020 from 12:00 A.M to 03:00 P.M. During the course of your duty at about 12:43 P.M you threw a shopping bag inside of the jail in front of the gate to under trial prisoner Aurangzeb S/O Gulzada, who took the bag and kept it inside his pocket, as shown in the CCTV camera caught by control

room (No. 2) operators Warder Rooh Ullah and Warder Alamgir on the spot, which constitute gross misconduct on your part".

On conclusion of the inquiry, the appellant was awarded major penalty of removal from service vide order dated 10.06.2020 passed by competent Authority. The same was challenged by the appellant through filing of departmental appeal, which was also rejected vide order dated 24.08.2020, hence the instant service appeal.

2. Notices were issued to the respondents, who submitted their comments, wherein they refuted the assertions made by the appellant in his appeal.

3. Learned counsel for the appellant has contended that the inquiry proceedings were conducted in a haphazard manner and the mandatory provisions of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 were not complied with; that statements of the witnesses were recorded in absence of the appellant and no opportunity of cross examination was provided to him; that the recovery of Charas was an offence punishable under the law, however no FIR has been lodged in the matter, which clearly shows that the whole proceedings were false and fabricated; that the appellant was not afforded any opportunity to record evidence in his defense and he was thus treated with discrimination.

4. On the other hand, learned Assistant Advocate General for the respondents has contended that a shopping bag containing Charas was thrown by the appellant to accused Aurangzeb and the whole episode was recorded in the camera installed in the jail premises; that statement of accused Aurangzeb as well as joint statement of Camera Operators namely Muhammad Alamgir Khan and Rooh Ullah Khan were recorded, wherein they have categorically supported the allegations against the appellant; that the appellant was provided opportunity of

self defense as well as personal hearing, however he could not rebut the allegations leveled against him.

5. We have heard the arguments of learned counsel for the appellant as well as learned Assistant Advocate General for the respondents and have perused the record.

6. On going through the charge sheet as well as statement of allegations, it is crystal clear that nothing has been mentioned therein that the shopping bag, allegedly thrown by the appellant from the roof top, was having Charas in it. Moreover, in case there was Charas in the shopping bag and the same was then recovered, it is not understandable as to why any criminal case was not registered in the matter. The shopping bag was allegedly handed over to an accused Noor Zada and upon his search, Charas weighing 175 gram was recovered from the concerned shopper. The statement of the officer/official, who had searched the accused Noor Zada, has not been recorded during the inquiry. Even the statement of accused Noor Zada has not been recorded by the inquiry officer. According to the inquiry report available on the record, the inquiry officer has recorded the statement of accused Aurangzeb as well as joint statement of Camera Operators namely Muhammad Alamgir Khan and Rooh Ullah Khan in support of the allegations leveled against the appellant. Copies of the aforementioned statements are available on the record, which would show that no opportunity of cross examination was given to the appellant. Moreover, nothing is available on the record, which could show that the aforementioned statements were recorded in the presence of the appellant. The provision of Rule-11 (1) and (4) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 were thus not complied and the statements so recorded could not be legally taken into consideration for awarding penalty to the appellant. Similarly, inquiry report would show that the statement of the appellant was recorded in

the shape of questionnaire, which practice has time and again being deprecated by worthy apex court.

7. In view of the above discussion, the appeal in hand is allowed by setting-aside the impugned order and the appellant is reinstated in service with all back benefits. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
18.05.2022

(SALAH-UD-DIN)
MEMBER (JUDICIAL)

(ROZINA REHMAN)
MEMBER (JUDICIAL)

ORDER
18.05.2022

Learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Vide our detailed judgment of today, separately placed on file, the appeal in hand is allowed by setting-aside the impugned order and the appellant is reinstated in service with all back benefits. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
18.05.2022

(Rozina Rehman)
Member (Judicial)

(Salah-Ud-Din)
Member (Judicial)

17.11.2021 Appellant in person present. Mr. Suleman, Senior Instructor alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

The learned Member (Judicial) Mr. Salah-ud-Din is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments before the D.B on 04.02.2022.

(Mian Muhammad)
Member (E)

04.02.2022 Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 18.05.2022 for the same as before.

Reader

11152/2020

06.07.2021 Counsel for the appellant and Mr. Muhammad Suleman, Instructor for respondents No. 1 and 2 alongwith Mr. Kabirullah Khattak, Addl. AG for respondents present.

Respondents No. 1 to 2 have furnished reply/comments. Learned AAG seeks further time on behalf of respondent No. 3. Learned AAG is required to contact the said respondent to submit reply/comments within 10 days in office, positively. In case the requisite reply/comments are not submitted within the stipulated time by respondent No. 3, office shall put up the appeal with a report of non-compliance. To come up for arguments before the D.B on 17.11.2021.

Stipulated period has passed and reply has not been submitted.

Chairman

P.S

28.07.2021 Learned Addl. A.G be reminded about the omission and for submission of Reply/comments within extended time of 10 days.

Chairman

10.12.2020 Appellant present through counsel. Preliminary arguments heard. File perused.

Points raised need consideration. Admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to respondents for written reply/comments. To come up for written reply/comments on 08.03.2021 before S.B.

Appellant Deposited
Security & Process Fee
16/12/20

(Rozina Rehman)
Member (J)

08.03.2021 Appellant in person present. Addl: AG for respondents present.

Written reply not submitted. Learned AAG seeks time to contact the respondents for submission of written reply/comments.

Adjourned to 18.05.2021 before S.B.

(Mian Muhammad)
Member (E)

18.05.2021 Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 05.07.2021 for the same as before.

Reader

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1152 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	23/09/2020	The appeal of Mr. Farooq Khan resubmitted today by Muhammad Uzair Khan Chamkani Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please. REGISTRAR
2-		This case is entrusted to S. Bench for preliminary hearing to be put up there on 09/11/2020 CHAIRMAN
09.11.2020		Nemo for the appellant. Since the Members of the High Court as well as of the District Bar Associations, Peshawar, are observing strike today, therefore, learned counsel for appellant is not available today. Adjourned to 26.01.2021 on which date to come up for preliminary hearing before S.B. (Muhammad Jamal Khan) Member (Judicial)

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA PESHAWAR

Service Appeal No. /2020.

FAROOQ KHAN, EX WARDER (BS-07) AT PESHAWAR CENTRAL JAIL, PESHAWAR

VERSUS

KPK POLICE DEPARTMENT AND OTHERS.

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4	Copy of the Reply to the Charge, inquiry Report, and Final Show Cause Notice	C , D , and 'E'	8, 11, 12
5	Copy of the Reply to the Final Show cause notice, application and order	F', 'G' and 'H'	13, 16, 17
6	Copy of the Departmental Appeal and Order	I' and 'J'	18, 20
7	Copy of the affidavit of Mukhtiar Shah (Co-Warder)	'K'	21
8	Wakalatnama		In Original

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 11152 of 2020.

Farooq Khan, Ex Warder (BS-07) At Peshawar Central Jail, Peshawar

.....Appellant.

Versus

1. The Superintendent Headquarters Prison Peshawar.
2. Inspector General of Prisons Khyber Pakhtunkhwa Peshawar.
3. Khyber Pakhtunkhwa Police Department Through Inspector General Khyber Pakhtunkhwa Peshawar.

.....Respondents

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE UNLAWFUL REMOVAL OF THE EX-WARDER (BS-07) FAROOQ KHAN.

Filed to-day
Registrar
21/9/2020

Respectfully Sheweth,

Re-submitted to -day and filed.
Registrar
23/9/2020

The appellant most soberly seeks the permission of this Learned Tribunal to submit as under:

BRIEF FACTS:

1. That the appellant was a (BS-07) Civil Servant of the Government of Khyber Pakhtunkhwa, belonged to the respectable Police department. The appellant became member of the respectable department on 16.05.2013.
2. That on .05.2018 ,the appellant was transferred to Peshawar Central Jail where he served for about two years.
3. That on 26.04.2020, the appellant was on his duty at the roof top of main gate (Dewri) from 12:00 AM to 03:00 PM. The Holy month of Ramazan was going on because of which he brought taro (Kachalu) from market for iftari, as they are not

given food there at Prison, and due to unavailability of fridge, etc there was an apprehension of decaying of Kachalu. The companion warder namely Mukhtiar Shah suggested the appellant to throw away the taro(kachalu) but the appellant instead of throwing away, threw it to one of the prisoner namely Aurangzeb (An under trial prisoner).

4. That the taro (Kachalu) were in a shopping bag which was caught by the prisoner and kept it inside the pocket. The said act was recorded in the CCTV camera by the Control Room (No. 2) Operators namely Warder Rooh Ullah and Warder Alamgir.
5. That the appellant was called by the Superintendent Headquarters Prison Peshawar namely Khalid Abbas regarding the act. The Appellant told the Superintendent the whole truth, but despite this the Superintendent issued a disciplinary action and charge sheet on 30.04.2020 against the Appellant, stating that the shopping bag contained chars weighing 175 grams. (Copy of the disciplinary action and Charge sheet is Annexed as 'A' and 'B').
6. That the appellant answered the allegations placed against him on 05.05.2020 and denied all the charges but the same were ignored and the statements of the under trial accused Aurangzeb and the operator warder Alamgir were believed without giving an opportunity to the appellant to cross examine the witnesses and a final show cause notice and inquiry report were issued by the Superintendent Headquarters Prison Peshawar on 13.05.2020.(Copy of the Reply to the Charge, Inquiry report, and Final Show Cause notice is annexed as 'C', 'D' and 'E').
7. That the appellant answered the final show cause notice on 20.05.2020 denying all the allegations placed against him. The appellant also produced an application that an electronic evidence in the form of Call record of the witness Alamgir (operator warder) is also present but the Respondent No.1, disregarding the appellant, passed an order dated 10.06.2020 regarding the removal of the appellant from the service. The fact should not be neglected that the inquiry of the said act was conducted in the absence of the appellant and the appellant was removed on the same basis through an order passed on 10.06.2020.(Copy of the Reply to the final show cause notice, application and order is annexed as 'F', 'G' and 'H')
8. That there is no direct evidence available on record. The witness Alamgir, himself, stated in his statement that 'later on we came to know that chars were present in the shopper' and no explanation had been provided further. It is pertinent to mention here that no F.I.R has been registered against the appellant nor any FSL report has been presented by the Superintendent Headquarters Prison Peshawar.

9. That the under trial accused said in his statement that the appellant asked me to hand over the shopping bag to another accused named Noor Zada and I did the same. As a reward, the appellant gave me Rs. 500/- . The malignance of the respondents can be inferred from the fact that neither Noor Zada's statement has been recorded nor has he been part of the investigation.
10. That the statement of the under trial accused also depicts the malafide intentions as the warder served around two to three years and it is possible that the warder might reprimanded the under trial prisoner for which the under trial prisoner thought of the revenge and under the influence of the Superintendent served the statement against the warder.
11. That the appellant filed a departmental appeal on 17.06.2020 but the same was rejected and dismissed on the ground that the appeal is without any substance, without being heard the appellant. (Copy of the departmental appeal and order is annexed as 'I' and 'J').
12. That it is also meaningful to state that the co- warder of the appellant namely Mukhtiar Shah has also given affidavit regarding the innocence of the appellant but the affidavit was overlooked and even he was not given the opportunity to record the statement in favour of the appellant. (Copy of the affidavit is annexed as 'K').
13. That feeling aggrieved from the impugned actions of the Respondents by illegally and unlawfully removing the appellant, the Appellant now approaches this learned tribunal on the following grounds inter alia:

GROUNDS:

A. That neither any F.I.R has been registered against the appellant nor any FSL report has been presented by the concerned authority in support of their claim which shows that actions were taken arbitrarily and in a tyrannical manner.
B. That the appellant was neither given the right to fair trial nor was he heard at all by the concerned authority. The appellant has the constitutional right to be properly heard but because of the prejudice of the Respondent No.1, his right was curtailed.
C. That the actions of the Respondents against the appellant are perverse, arbitrary and illegal. Moreover the said action is also tantamount to discrimination and colorful exercise of power showing malafide.
D. That the fundamental rights of the appellant as enshrined in the Constitution as well as those set out in terms and conditions of his employment have been blatantly infringed by the respondents.

E. That the haphazardness and absurdity with which order dated 24.08.2020 have been passed, favoritism and nepotism cannot be lightly set aside.

F. That the order of removal by the Respondent No.1 dated 10.06.2020 and the rejection of appeal by the Respondent No.2 dated 24.08.2020 is bereft of all principles of fairness and justice.

G. That the appellant is entitled to non-discriminatory and equal treatment as such it is in the interest of justice to allow the subject service appeal.

H. That any other ground may be raised at the time of arguments.

PRAYER

It is, therefore, submitted with profound respect that this Honorable Tribunal may very graciously be pleased to:

- Declare the order dated 13.05.2020 to be illegal and void having been passed in gross violation of law and policy.
- Declare that the order dated 24.08.2020 is incompetent in law to order.
- Grant any other relief as deemed appropriate by this Learned Tribunal.

M. Farooq
Appellant

Through,

MUHAMMAD UZAIR KHAN CHAMKANI.

Dated: 20.09.2020

VERIFICATION

Verified on oath on this 21/09 Year 2020, that the contents of this service appeal including all paragraphs, facts and grounds, prayer and all other figures mentioned therein are correct to our knowledge and beliefs and nothing has been concealed from this Honourable Tribunal either intentionally or otherwise.

DEPONENT

M. Farooq

M. **FAROOQ KHAN (EX-WARDER BS 07)**

(5)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. _____ of 2020.

Farooq Khan

Versus

Inspector General of Prisons Khyber Pakhtunkhwa Peshawar and others.

Affidavit

I, Farooq Khan, Ex Warder (BS-07) At Peshawar Central Jail, Peshawar, do hereby solemnly swear and affirm on oath that the contents of this service appeal are true and correct to the best of my knowledge and nothing has been concealed from this honourable court either intentionally or otherwise.

Deponent

M. Farooq Khan

CNIC # 17301-2064676-1

ATTESTED
SHAFIQ-UR-REHMAN SHAHAB
Oath Commissioner
High Court Peshawar

20-09-020.

(B) (A)

OFFICE OF THE
SUPERINTENDENT
HEADQUARTERS PRISON PESHAWRA
No: 1382 P/B Dt: 30 /04/2020

DISCIPLINARY ACTION

I, **Khalid Abbas,** Superintendent Headquarters Prison Peshawar as Competent Authority am of the opinion that **Warder (BPS-07) Farooq Khan** attached to Central Prison Peshawar has rendered himself liable to be proceeded against as he committed the following act/ omission within the meaning of rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS:-

As per report of the Superintendent Central Prison Peshawar vide his No. 5717/LO dated 28-04-2020, **Warder Farooq Khan** attached to his jail was allotted duty at the roof top of main gate (Dewri) on 26-04-2020 from 12:00 AM to 03:00 PM. During the course of his duty at about 12:43 PM, he threw a shopping bag inside the jail in front of the main gate to undertrial prisoner Aurangzeb S/o Gul Zada who took the bag and kept it inside his side pocket, as shown in CCTV camera, caught by Control Room (No. 2) Operators Warder Rcohullah & Warder Alamgir on the spot, which constitutes gross misconduct on part of accused Warder Farooq Khan.

2- **Mr. Badshah Said**, Sr. Assistant Superintendent Central Prison Peshawar is hereby appointed as Inquiry Officer against the accused Warder with reference to the above allegations, under rule 10(1)(a) of the ibid rules.

3- The Inquiry Officer shall in accordance with the provision of the ibid rules, provide the reasonable opportunity of hearing to the accused, record its findings, within fifteen days of the receipt of this order, recommendations as to punishment or other appropriate action against the Warder accused.

4- The accused Warder shall join the proceedings on the date, time and place fixed by the Inquiry Officer.

SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR

Endorsement No: 1383-85 /-

Copy of the above is forwarded to the:-

1- **Mr. Badshah Said,** Sr. Assistant Superintendent Central Prison Peshawar (Inquiry Officer) for initiating proceedings against the above named accused Warder under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

2- Warder (BPS-07) **Farooq Khan,** C/o Superintendent Central Prison Peshawar with the direction to appear before the Inquiry Officer for the purpose of inquiry on the date, time & place fixed.

3- Superintendent Central Peshawar with reference to his report quoted above.

SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR

Attested by Advocate

(B) (7)

CHARGE SHEET

I, **Khalid Abbas,** Superintendent Headquarters Prison Peshawar as Competent Authority, hereby charge you, Warder Farooq Khan attached to Central Prison Peshawar as follows: -

As per report of the Superintendent Central Prison Peshawar vide his No. 5717/LO dated 28-04-2020, you attached to his jail were allotted duty at the roof top of main gate (Dewri) on 26-04-2020 from 12:00 AM to 03:00 PM. During the course of your duty at about 12:43 PM, you threw a shopping bag inside the jail in front of the main gate to undertrial prisoner Aurangzeb S/o Gul Zada who took the bag and kept it inside his side pocket, as shown in CCTV camera, caught by Control Room (No. 2) Operators Warder Roohullah & Warder Alamgir on the spot, which constitutes gross misconduct on your part.

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

3- You are therefore required to submit your written defense within 07 days of the receipt of this Charge Sheet to the Inquiry Officer.

4- Your written defense, if any, should reach to the Inquiry Officer/ Inquiry Committee within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.

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

6- Statement of Allegations is enclosed.

SUPERINTENDENT
HEADQUUARTERS PRISON PESHAWAR
E-mail: hqprisonpeshawar@gmail.com

Attested by Advocate

بخدمت جناب اسٹیٹ سپرنٹنڈنٹ / ایڈمنسٹریٹر صاحب

سنٹرل جیل لاہور

جواب شکوہ/نوٹس

جناب عالی!

سائیل حسب ذیل عرض رساں ہے

۱۔ یہ کہ سائیل آپ کے زیر سایہ تقدس مقرر شدہ دعا سے ریجی ڈویژن مطابق احکامات اعلیٰ حکام اور خوش اسلوبی سے گزار رہا ہے اور کبھی بھی کسی قسم کی غیر قانونی سرگرمیوں کا حصہ نہیں بنا۔

۲۔ یہ کہ مدعا علیہ کو سائیل کی ڈویژن پر اعتراض ہے۔

۳۔ یہ کہ سائیل ریجی ڈویژن کا حامل ہے۔ اور ریجی ڈویژن کا حق ہر سائل کا ہے۔

۴۔ یہ کہ شاید میری بیماری کی وجہ سے اور سزا کی شدت کی وجہ سے میرا وزن خراب ہو گیا ہے۔ لہذا میں نے اپیل اور درخواست دائر کی ہوئی ہے۔ (ملزم)

جو شکست ڈیوٹی سپرنٹنڈنٹ کو ڈیوٹی دھی سے پہنچے
مذکورہ بالا کا شاہنامہ میں پیشکار اور اسے
گیا کہ یہ بالا ضرب سمجھ رہا ہے لہذا اسے
استعمال کریں

یہ کہ مجیب سے علم ہے کہ مذکورہ اور مدعا علیہ نے
کمیشن اپنے بیان میں اس مسئلہ پر مبہم اشارہ کیا ہے
کہ مذکورہ شاہد سیاسیات تھا جس کے بارے
میں صرف کوئی ثبوت پیش نہ کر سکا۔
یہ کہ کسی سائل نے کبھی بھی مذکورہ عورت کا ٹیسٹ نہیں لیا
اور ہمیشہ اپنی ڈیوٹی مکمل ایمانداری اور فرض دہی سے
انجام دی ہے

استدعا ہے کہ اور مدعا علیہ مذکورہ کے بیان کو جو کہ
جھوٹ اور سازش پر مبنی ہے کو درخواست نہ سمجھا
مسترد فرمایا جائے۔ اور مدعا علیہ کو
مذکورہ الزام سے بری فرمادیں

یہ کہ سائل کو معافی فرما کر اسے اپنی ڈیوٹی پر بحال

(10)

بعد

کی اجازت دی جائے

میں تابع فرمان رہوں گا

17301-2066676-1

M. Waseem

محمد وسیم ولد محمد

(WASEEM)

Cell: 0313 9699116

5/5/202

مبارک حسن

وسیم اقبال کو مبارک باد پیش کرتا ہوں

اور امید کرتا ہوں کہ وہ ترقی کرے گا

Attested by Advocate

ATTESTED
Zahoor Khan Advocate
Notary Public
Peshawar District & Sessions Courts Peshawar

محمد وسیم

(D) (11)

To

The Superintendent,
Headquarters Prison, Peshawar.

Subject:- INQUIRY REPORT IN RESPECT OF WARDER MUHAMMAD FAROOQ

Respected Sir,

Reference your disciplinary action notice vide Endorsement No. 1383-85 dated 30-04-2020.

The accused Warder submitted his written reply against the charge sheet and was also accorded the opportunity of personal hearing and interrogated with cross questions.

Statement of Warder Muhammad Farooq

In response to the charge against him, he said that he has been performing his duty in prison department since 07 years with dignity and honesty. On the day of incident i.e 26-04-2020 I was performing my duty at roof top of main gate (Dewri). Furthermore he stated that he brought Taro with him and as they were in shopper so because of risk that it may get rotten in heat, I threw it to undertrial prisoner Aurangzeb s/o Gul Zada who was inside the jail. I am unaware of the reason that why accused Aurangzeb has given false statement against me that there were drugs in the shopper about which he is unable to give any proof. To a question asked from him he stated that I was performing duty for my friend who came late for duty because of some urgent work. He further stated that I have performed my duty with honesty and requested that the statement of accused Aurangzeb is just blame and therefore requested to withdraw the same (statement alongwith questionnaire is hereby attached).

Statement of Warder Alamgir (Control Room operator)

He stated that on 26-04-2020 at 12:43 PM, in camera PTZ-9 suspicious movement of accused Aurangzeb was observed. He went towards main gate (Dewri) and someone threw something to him from roof top of the Dewri which put in his pocket. We informed Relief Chakkar about the incident. Later on we came to know that chars were present in the shopper which was thrown by Warder Muhammad Farooq towards the accused Aurangzeb (statement attached)

Statement of accused Aurangzeb s/o Gul Zada

He stated that I was performing the duty on main gate. Warder Muhammad Farooq duty was on roof top of Main Gate (Dewri) he called me at 12:43 PM on 26-04-2020 and said give the shopper of Taro ( ) to Noor Zada. I did not check the shopper and put it in my pocket and delivered it to Noor Zada for which he gave me Rs. 500/-. Upon searching Noor Zada 175 grams chars was recovered from that shopper. I say on oath that the recovered chars were thrown to me by Warder Muhammad Farooq from the roof top of main gate (Dewri).

FINDINGS

After going through the written reply and interrogating Warder Muhammad Farooq, it is concluded that the chars recovered from the possession of convicted prisoner Noor Zada was delivered to him by Warder Muhammad Farooq from the roof top of main gate on 26-04-2020 at about 12:43 PM through undertrial prisoner Aurangzeb s/o Gul Zada. The video recording is also attached in the shape of CD as a proof against Warder Farooq. Furthermore it was also found that the accused Warder deliberately exchanged duty with his other fellow for the purpose of delivering the chars.

RECOMMENDATION

The case has been probed deeply in light of evidence and other available record. The accused warder was afforded ample opportunity of personal hearing in friendly environment to disclose the factuality but he was denying the facts and was hesitated which clearly revealed that there was something wrong in the bottom.

In light of above the undersigned is of the opinion that charges are fully proved against the accused warder.

Submitted for order as deemed appropriate please.

Attested by Advocate

Inquiry Office

13/5/2020

(BADSHAH SAHIB)
Assistant Superintendent
Central Prison Peshawar

No: 1530-31

(E) (12)

dated 13/05/2020

FINAL SHOW-CAUSE NOTICE

I, **Khalid Abbas,** Superintendent Headquarters Prison Peshawar as Competent Authority under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, do hereby serve you, do hereby serve you, **Warder Muhammad Farooq** attached to Central Prison Peshawar as follows: -

(v) That consequent upon the completion of inquiry conducted against you by the Inquiry Officer for which you were given opportunity of hearing, vide this Headquarters communication No. 1383-85 dated 30-04-2020.

On going through the findings and recommendations and other connected papers including your defense before the said Inquiry Officer, after detailed inquiry conducted by the Inquiry Officer vide above cited communication, it was concluded that ***" The case has been probed deeply in light of evidence and other available record. The accused Warder has been afforded ample opportunity of personal hearing in friendly environment to disclose the factuality but he was denying the facts and was hesitated which clearly revealed that there was something wrong in the bottom.***

In light of above the undersigned is of the opinion that charges are fully proved against the accused Warder."

2- As a result thereof, I, as Competent Authority have tentatively decided to impose upon the major penalty of **"Removal from Service"** under section 3 of the said ordinance.

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

4- If no reply to this notice is received within 07 days of its delivery in the normal course of circumstances, it shall be presumed that you have no defense to put it and in that case ex-parte action will be taken against you.

5- An extract of the inquiry report is attached.

SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR
E-mail: hqprisonpeshawar@gmail.com

Warder Muhammad Farooq
Attached to Central Prison Peshawar

Attested by Advocate

(F) (13)

عدالت جناب سپرنٹنڈنٹ صاحب سنٹرل جیل پشاور

جناب عالی!

مورخہ 21/5/21 کو میں رمضان کے مطابق ڈیوٹی چھت پر اپنی ڈیوٹی سرانجام دے رہا تھا چونکہ رمضان المبارک کا بابرکت مہینہ ہے تو میں نے گھر سے آتے وقت اپنے اور اپنے ساتھی وارڈر کے افطاری کیلئے بازار سے کیلا خریدے۔ وہ کیلا میں نے واٹر کولر میں پانی میں رکھے تاکہ خراب نہ ہو لیکن برف اور ٹھنڈے پانی نہ ہونے کی وجہ سے وہ کیلا خراب ہو رہے تھے تو میرے ساتھی وارڈر نے جو اُس وقت میرے ساتھ ڈیوٹی پر موجود تھا نے مجھ سے کہا کہ یہ خراب ہو جائینگے اسکو کولر سے نکال کر پھینک دو تو میں نے وہ کیلا کولر سے نکال کر پھینکنے کے بجائے نیچے گھر کے صحن میں گزیب گود دیئے اور کہا کہ خود رکھ لو یا کسی اور کو دے دو۔

اس میں پتہ چلا کہ وہ کیلا چرس بن گئے جسمیں کوئی صداقت ہی نہیں جناب عالی میں نے کوئی چرس نہیں پھینکا وہ نیکی جو میں نے کی وہ غلطی بن گئی نہ ہی کیمرے نے چرس کو دیکھا ہے نہ ہی اُس وقت اور گزیب سے کچھ برآمد ہوا اور نہ ہی تو زیادہ سے زیادہ کچھ برآمد ہوا۔

Attested
by Advocate

مجھے پتا نہیں اورنگزیب اور نوزادہ کے آپس میں کیا اختلافات ہیں
اور اورنگزیب کو اس جھوٹے بیان کیلئے کس نے کہا اور کیوں کہا
اسکے پیچھے آس کا اصل مقصد کیا تھا۔

میرے ساتھ وارڈر مختیار شاہ اس وقت ہمہ وقت ڈیوٹی پر موجود تھا
وہ اس بات کا گواہ ہے کہ وہ کیجالو بس تھے جو میں نے اورنگزیب کو
دیئے افسوس کہ انکوائری آفیسر نے میرے ساتھ وارڈر سے
پوچھا تک نہیں کہ یہ ماجرا کیا ہے بس ایک ملزم کے بیان پر
مجھے قصوروار ثابت کر دیا۔ جو خود کئی بار جواب تبدیل کر چکا
اورنگزیب نے پہلے کہا کہ مجھے پتہ نہیں کہ شاپر میں کیا تھا پھر
کہا کہ شاپر میں چرس تھا اور مجھے پانچ ہزار روپے انعام میں
ملے ہے

جناب عالی! یہ جس برآمدگی کا ذکر ہو رہا ہے یہ (175) گرام
چرس 27/04/020 کو جیدی بلاک میں آئین مذکور شخص
کے کڑی سے برآمد ہوا دوران تلاشی جو جنرل تلاشی
ہو رہی تھی یہ (175) گرام اورنگزیب یا نوزادہ سے
برآمد نہیں ہوا اس وقت وہ دونوں چکی میں بند تھے۔

آپ کے کسی تفتیش کے یہ پکڑ چیف کرے کہ یہ چرس کہاں سے
آیا اس (175) گرام چرس کو مجھ سے منسوب کر دیا
بغیر کسی انکوائری کے۔

آپ سے صاحبان سے گزارش ہے کہ یہ جھوٹ پر مبنی انکوائری
کو ختم کر کے مجھ بے گناہ اور میرے گھر والوں پر رحم
کریں اور مجھے اپنی ڈیوٹی کرنے کا موقع دیں۔

اور دعا گو رہیں گے تمام عمر دعا گو رہیں گا۔

M Farooq

آپ کا تابعدار وارڈر محمد فاروق۔

عین نوازش ہوں گی۔

Attested by Advocate

20/05/2020

(9) (16)

آپریشن عالمگیر خان

جوابات عدالت:

فائنل شوکاز میں جب میں نے عالمگیر کا بیان پڑھا تو میں نے وارڈر عالمگیر کو فون کیا اور اُس کو کہا کہ تمہاری اپنے یہ بیان دیا جو غلط ہے آپ کو پتہ ہیں کہ اوزبکستان کے پاس سے کوئی منشیات برآمد نہیں ہوئی اور نہ ہی اُس شاہد کے پاس کوئی منشیات موجود تھی تو جواب میں وارڈر عالمگیر نے کہا کہ یہ پریس برآمدگی کا بیان میرا نہیں انکوائری آفیسر نے مجھ سے یہ کہنے کو بولا۔

جناب یہ عالمگیر کی اپنی زبان سے نکلا ہوا لفظ ہے جو اُس نے کئی بار کہا میرے پاس یہ کال ریکارڈ موجود ہے جو بطور ایویڈنس میں پیش کر سکتا ہوں جب آپ صاحبان چاہیں تو وہ ریکارڈ بھی پیش کر دونگا۔

Attested
by Advocate

(H) 17

OFFICE OF THE
SUPERINTENDENT
HEADQUARTERS PRISON PESHAWRA
No: 1782 P/B Dt: 10/06/2020

OFFICE ORDER

WHEREAS, the accused Warder (BPS-07) **Farooq Khan** attached to Central Prison Peshawar was charge sheeted within the meaning of Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges of his misconduct contained in Statement of Allegations/ Disciplinary Action served upon him vide this Headquarters endorsement No. 1383-85 dated 30-04-2020 wherein **Mr. Badshah Said** Senior Assistant Superintendent Central Prison Peshawar was appointed as Inquiry Officer: -

AND WHEREAS, the Inquiry Officer conducted inquiry against the accused Warder in the light of his written defense and other available record and submitted his report dated 13-05-2020.

AND WHEREAS, the above accused Warder was served with final show-cause notices vide this HQs. memo No. 1530-30 dated 13-05-2020 in light of Rule-14(4) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rule, 2011, whose reply were submitted by the accused Warder dated 20-05-2020.

AND WHEREAS, in light of Rule-15 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rule, 2011, the accused Warder was afforded ample opportunity of personal hearing on 09-06-2020 vide this HQs. memo No. 1686 dated 03-06-2020. During personal hearing, he could not defend himself, charge of smuggling charas was proved against him.

NOW THEREFORE, in exercise of powers conferred under Rule-14(5) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 having considered the charges leveled against him in light of available record and report of the inquiry officer, the undersigned being Competent Authority is hereby pleased to award him the major penalty of Removal from Service with immediate effect.

Sd
SUPERINTENDENT
HEADQUUARTERS PRISON PESHAWAR

Endorsement No: 1783-88 /-
Copy of the above is forwarded to the: -

1- Inspector General of Prisons Khyber Pakhtunkhwa Peshawar please.
2- Superintendent Central Prison Peshawar with reference to his report No. 5717/LO dated 28-04-2020. Proper entry at this effect may be made in their Service Books under proper attestation.
3- Mr. Badshah Said, Senior Assistant Superintendent Central Prison Peshawar. (Inquiry Officer).
4. Accountant General, Khyber Pakhtunkhwa, Peshawar.
5- Head Clerk (Pay Branch) Central Prison Peshawar.
6- Official concerned.

SUPERINTENDENT 10.6.2020
HEADQUUARTERS PRISON PESHAWAR

Attested by Advocate

(I) (18)

To,

The Inspector General of Prison

Khyber Pakhtunkhwa

Subject: - Departmental Appeal/Representation

Respected Sir;

1. That the appellant served to your department for 7 years as warder Bps 7, and no complaint has been ever received since then and he always performed his duty full zeal and satisfaction of superior.

2. That on the day of occurrence the appellant was in routine duty in the roof of dewari and due to ramzankareem, the appellant bring taro (kachalu) from market for aftari but due unavailability of fridge etc there is apprehension of decaying of Kachalu.

3. That companion warder of appellant namely Muhtiar Shah suggested me to through away the Kachalu but the petitioner instead of throwing away the Kachalu chat throw it to one of the accused namely Aurangzeb from the roof of Dewari.

4. That the appellant don't even know about any narcotics and how he is involved in the narcotics (chars) as the allegation of narcotics (Chars) is baseless and without any justification.

5. That the companion of appellant Mukhtiar Shah has also given affidavit regarding the innocence of appellant.

6. That the statement of said accused namely Aurangzeb is also doubtful as he is under the influence of authority and even no opportunity of cross examination was given to appellant moreover the said statement is recorded in absence of appellant and there is apprehension to appellant that the statement is not recorded by the said Aurangzeb himself.

7. That the inquiry has been conducted in the absence of appellant.

8. That the statement of control room operator is not relevant as he is not the eye witness of the occurrence and is also suspicious as no opportunity of cross examination is provided.

9. That regular inquiry has not been conducted under the rules and the allegation leveled against the appellant has not been proved.

10. That no opportunity of defense has been given to the appellant.

It is there for most humbly requested that on acceptance of instant departmental appeal/representation the impugned order passed by the superintendent vide order dated 10/06/2020 may kindly be set aside and the appellant may kindly be exonerated form the charges leveled against him and also reinstate the appellant.

You're obediently,

M. Farooq Khan (Warder)

Dated: 17/06/2020

Attested by Advocate

2720
25/8/2020

OFFICE OF THE
INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR
091-9210334, 9210406 091-9213445

No.Estb/Ward-/Orders/ 29557 /-

Dated 24-8-2020

ORDER

WHEREAS, Ex- Warder Farooq Khan attached to Central Prison Peshawar, was awarded the major penalty of "Removal from service" by Superintendent HQ Prison Peshawar vide his order No.1782 dated 10-06-2020 due to his un-satisfactory work / misconduct.

AND WHEREAS, the said warder preferred his departmental appeal for setting-aside the penalty awarded to him, which was examined in light of the available record of the case and it was observed that his appeal is without any substance and penalty was awarded to him by the competent authority due to smuggling of Charas (Hashish) after observing all legal and codal formalities as required under the E & D Rules.

NOW THEREFORE, keeping in view the facts on record, the provision of rules in vogue and in exercise of power conferred under Rule-5 of Khyber Pakhtunkhwa Civil Servants Appeal Rules 1986, the decision of the competent authority is upheld and appeal of the appellant is hereby rejected being without any substance.

INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA , PESHAWAR.

ENDST;NO. 29558-60.

Copy of the above is forwarded to :-

1. The Superintendent, Headquarters Prison Peshawar for information and necessary action with reference to his Order referred to above.
2. The Superintendent, Central Prison Peshawar for information and necessary action with reference to the Superintendent HQ Prison Peshawar order referred to above. He is directed to inform the appellant accordingly and also to make necessary entry in his Service Book under proper attestation.
3. Ex-Warder Farooq Khan, C/O Superintendent Central Prison Peshawar at his home address through registered post, for information.

ASSISTANT DIRECTOR
INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

24/8

T.A/L.
Forwarded to the
Attested
by
Advocate.

(K)

(21)

بیان حلفی وارڈر مختیار شاہ

میں وارڈر مختیار شاہ 26/04/20 کو ڈیوٹی پر تھا میرے ساتھ وارڈر محمد فاروق بھی ڈیوٹی پر موجود تھا۔

اور میں یہ گواہی دیتا ہوں کہ وارڈر محمد فاروق کے پاس چوکیدار کے وہ میں نے خود دیکھے اور کولر میں رکھے اُس میں کوئی ممنوعہ چیز موجود نہیں اور وہ ہم دونوں کے اختیاری کیلئے خراب ہونے کی وجہ سے میں نے وارڈر محمد فاروق کو اسے پھینکنے کا کہا جواب میں اس نے کہا کہ پھینکنے کی بجائے کسی کو دے دیتا ہوں وہ کھا لے گا اور میں یہ اقرار کرتا ہوں اور گواہی دیتا ہوں کہ اُس میں کوئی منشیات موجود نہیں تھا۔

یہ بات بھی سچ ہے کہ اُس میں منشیات تھی۔

آپکا تابعدار وارڈر مختیار شاہ

Attested by Advocate

قیمت 50 روپے

60781

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

ایڈوکیٹ: Uzair Khan

بار کونسل/ایسوسی ایشن نمبر: 16-7166

رابطہ نمبر: 03159027125

بعدالت جناب The Khyber Pakhtunkhwa Service Tribunal

منجانب: Appellant

دعویٰ: Appeal

علت نمبر: —

مورخہ: —

جرم: —

تھانہ: —

بنام

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ

آن مقام ۔۔۔ کیلئے Hassan and Uzair کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے وتقرر ثالث وفیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی ونظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ بااختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور وقبول ہوگا دوران مقدمہ میں جو خرچہ ہرجانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہٰذا وکالت نامہ لکھ دیا تا کہ سند رہے

المرقوم: _____

العبد گواہ شد العبد

مقام _____ کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

Faxdog Khan Ex Warden (BS-17) Peshawar
Central Jail Peshawar

GS&PD.KP.SS-1777/2-RST-20,000 Forms-09.05.18/PHC Jobs/Form A&B Ser. Tribunal/P2

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

S.B

No.

Appeal No. 552 *of 20* 20

Fayaaz Khan *Appellant/Petitioner*

Versus

The Superintendent Head Quarters Prison Peshawar *Respondent*

Respondent No. 2

Notice to: Inspector General CF Prison KPK Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 8/3/2021 **at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.**

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 6th

Day of Jan **20** 21

One letter 13/1/21

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2 Always quote Case No. While making any correspondence.

GS&PD.KP.SS-1777/2-RST-20,000 Forms-09.05.18/PHC Jobs/Form A&B Ser. Tribunal/P2

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

CB

No.

Appeal No. 1152 *of 20* 20

Farooq Khan *Appellant/Petitioner*

Versus

The Supdt: Head Quarters Prison Peshawar. *Respondent*

Respondent No. 3

Notice to: Through Inspector General Police Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 8/3/2021 **at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.**

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this~~

office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 6th

Day of Jan 20 21

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

15.1

Note: 1 The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2 Always quote Case No. While making any correspondence.

GS&PD.KP.SS-1777/2-RST-20,000 Forms-09.05.18/PHC Jobs/Form A&B Ser. Tribunal/P2

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

SB

No.

Appeal No. 1152 *of 20* 20

Farooq Khan *Appellant/Petitioner*

Versus

The Supdt Headquarters Prison Peshawar. *Respondent*

Respondent No. 1

Notice to: The Superintendent Headquarters Prison Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 8/3/2021 **at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.**

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 6th **Day of** January **20** 21

Received
18/1/2021

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

In matter of Service Appeal No.11152/2020

Farooq Khan, Ex-Warder (BPS-07), Central Prison Peshawar.....(Appellant)

VERSUS

Inspector General of Prisons & others

S.NO.	DESCRIPTION OF DOCUMENTS	Annex	Page No.
1-	Para-wise comments	-	1-3
2-	Affidavit	-	4
3-	Statements of Alamgir and Aurangzeb	A & B	5 & 6
4-	Final show Cause notice	C	7
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Deponent

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

In matter of Service Appeal No. 11152/2020

Farooq Khan, Ex-Warder (BPS-07), Central Prison Peshawar.....**Appellant.**

VERSUS

1- **Superintendent,**
Headquarter Prisons Peshawar.

2- **Inspector General of Prisons,**
Khyber Pakhtunkhwa Peshawar .....**Respondents.**

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO 1 & 2

Preliminary Objections

1. That the appellant is incompetent and not maintainable in its present form.
2. That the appellant is estopped by his own conduct to bring the present appeal.
3. That the appellant has got no cause of action.
4. That the appellant has got no locus standi to file the present appeal.
5. That the appeal is bad for mis-joinder and non of necessary party.
6. That the presently appeal is also badly time based.

FACTUAL OBJECTION:-

1. Pertain to appellant service history hence no comment.
2. Admitted and correct.
3. Incorrect and not admitted that the chars recovered from the possession of convicted prisoner Noor zada was delivered to him by warder Farooq khan from the roof top of main gate on 26-04-2020 at about 12:43 PM Through under trail prisoner Aurangzeb S/o Gul zada . The video recording is also attached in the shape of CD as a proof against Farooq khan. It is also worthy to mention that the accused warder deliberately exchanged duty with his other fellow for the purpose of delivery chars.
4. Incorrect and not admitted. Statement recorded by Alamgir Khan (Control room operator) and stated that on 26-04-2020 at 12:43 PM in Camera PTZ-9 Suspicious moment of accused Aurangzeb was observed. He went toward main gate down and someone threw something to him from roof top of the down which he put in pocket. We informed relief Chakkar about the incident later on it was confirmed that chars were present in the shopper which was threw

by warder Farooq Khan towards the accused.(**Statement of Alamgir khan and Aurangzeb is attached as "Annexure A & B")**

5. Admitted & correct. The accused was properly served with show cause notice and also charge sheet properly under the law/rules as required. (**Show cause notice & charge sheet is attached as "Annexure C & D")**

6. Incorrect and no admitted. The case against the accused warder Farooq Khan has been deply Proved in light of evidence and other available record. The accused warder was afforded ample opportunity of personel hearing in friendly environment to disclose the factuality but he was denying the facts and was hesitated which clearly revealed that there was something wrong in the bottom. He has been also availed a fair opportunity by way of fair inquiry. **(Inquiry report is attached as "Annexure E")**

7. Detailed answer is elaborated in Para No. 6 above.

8. Incorrect and not admitted. The charge against the accused is duly probed. As concern to Fir- Superintendent Jail being competent Authority initiated against him departmental proceeding under the relevant rules/ law. Resultantly he was removed from service due to his heinous act. **(Removal order is attached as Annexure F)**

9. Incorrect and not admitted. The allegation has been duly proved against him. The accused warder was fully associated during whole departmental proceeding to prove him innocent but failed to do so.

10. Incorrect and not admitted answer is elaborated in para No 9 above.

11. Incorrect and not admitted. The accused warder departmental appeal was carefully examined in the light of available record of the case and it was observed that the allegation which was leveled against him was fully proved by observing all codal formalities. The Superintendent Jail being a Competent Authority after his satisfaction charged him under efficiency and disciplinary rules due to smuggling of chars (Hashish) inside Jail which is heinous offence. **(Rejection order is attached as Annexure G)**

12. Incorrect and not admitted. The stance taken by the accused warder is baseless and charged for the commission of offence and thus renders himself for departmental proceedings which was conducted under E & D rules.

13. No comments.

OBJECTION ON GROUNDS:

A. Superintendent Jail being Competent Authority has initiated departmental proceedings by way of fair inquiry under E & D rules by observing all codal formalities as per rules/law.

B. Answer is elaborated in Para "A" of objection in ground.

C. Respondent are law abiding officials, even could not think any discrimination with the accused warder. All proceedings are initiated under the relevant rules/ law and treated him legally.

D. No one should be above the Law. Everyone should be treated according to their own acts is golden principle of nature. The accused treated for their wrong legally.

E. Answer is elaborated in Para No "D" of the objection on ground.

F. Due process of Law has been carried out by the respondent as enshrined in E & D rules/ Law.

G. No comments.

H. No comments.

Prayer

It is therefore humbly submitted that on acceptance of this instant reply/ Para-wise comments on behalf of respondents the appeal of the appellant may graciously be dismissed being devoid of merit and Laws.

Superintendent,
Headquarters Prison Peshawar
(Respondent No. 1)

Inspector General of Prisons
Khyber Pakhtunkhwa Peshawar
(Respondent No. 2)

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL PESHAWAR

In the matter of
Service Appeal No. 11152/2020
Farooq Khan, Ex-Warder (BPS-07),
attached to Central Prison Peshawar---------- Appellant

VERSUS

1- **Superintendent,**
Headquarter Prison, Peshawar.

2- **Inspector General of Prisons**
Khyber Pakhtunkhwa Peshawar ----------Respondents

COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENTS No. 1 & 2.

We, the undersigned respondents do hereby solemnly affirm and declare that the contents of the para-wise comments in the above cited appeal are true and correct to the best of our knowledge and belief that no material/ facts have been kept concealed from this Honorable Service Tribunal.

Superintendent,
Headquarters Prison Peshawar
(Respondent No. 1)

Inspector General of Prisons
Khyber Pakhtunkhwa Peshawar
(Respondent No. 2)

بیان۔

جناب عالی!

مورخہ 26/6/2020 بوقت 12:43Pm کو میرے نمبر

دیکھا گیا۔ کہ ثلث اور نگزیب مشکوک انداز میں ادھر اُدھر دیکھ رہا

اور پھر وہ ڈیوڈھی کی طرف چلا گیا۔ اور ڈیوڈھی برج سے کسی

چیز گرائی۔ جو اس نے پکڑ کر جیب میں ڈال دی۔ جسکی

میم نے چیکر چیف (ریلیف) کو فوراً دے دی۔ جس پر کاروائی

ئے ثلث اور نگزیب کو سیل بلاک میں بند کر دیا گیا۔ بعد میں

تو کہ اس لفافے میں ہیروئن تھی۔ اور ثلث اور نگزیب کو

فاروق نے ڈیوڈھی کے چھت سے پھینکی تھی۔

لہٰذا رپورٹ عرض ہے

ایریٹر۔ محمد عالمگیر خان

گواہ ایریٹر۔ روح اللہ خان

بیان از خوالانی اوزگنزیب ولد گل زادہ حال سنٹرل جیل پشاور
ذریعہ پیالی

یہ کہ میری ڈیوٹی بطور تلاشی مین گیٹ کے سامنے مقرر تھی۔
واجد فاروق جس کی ڈیوٹی اوپر ڈیوڑھی چھت پر تھی۔ مجھے 26-4-2020 بوقت 12-43 PM بدوران ڈیوٹی اوپر چھت سے مجھے بلایا۔ اور کہا کہ نفیلی قیدی نوروزادہ کے حوالہ کیا جائے۔ اس نے کہا کہ اس نفیلی میں چپلیں ہے۔ میں نے نفیلی کو چیک نہیں کیا گیا۔ اور جیب میں ڈالم لیا۔ اور قیدی نوروزادہ کے حوالہ کیا۔ اور قیدی نوروزادہ نے مجھے 500/- روپے نوٹ بھی دیا گیا۔ جب کیمروں میں یہ تمام واقعات (صورتحال) کیمرے کیا گیا۔ تو کیمروں پر ڈیوٹی والے سٹاف نے سرکاری اہلکاروں کو بتایا۔ اور مذکورہ پیسے کے بعد اس نفیلی سے جس سے مقدار 175 گرام برآمد ہوئی صفحہ بیان کرتا ہوں کہ مذکورہ چرس مجھے واجد فاروق نے ڈیوڑھی کے اوپر چھت سے پھینکا تھا۔

ATTESTED

Assistant Superintendent
Central Prison Peshawar

خوالانی اوزگنزیب ولد گل زادہ

7

No: 1530-31 dated 13/05/2020

FINAL SHOW-CAUSE NOTICE

I, **Khalid Abbas,** Superintendent Headquarters Prison Peshawar as Competent Authority under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, do hereby serve you, do hereby serve you, **Warder Muhammad Farooq** attached to Central Prison Peshawar as follows: -

(v) That consequent upon the completion of inquiry conducted against you by the Inquiry Officer for which you were given opportunity of hearing, vide this Headquarters communication No. 1383-85 dated 30-04-2020.

On going through the findings and recommendations and other connected papers including your defense before the said Inquiry Officer, after detailed inquiry conducted by the Inquiry Officer vide above cited communication, it was concluded that ***" The case has been probed deeply in light of evidence and other available record. The accused Warder has been afforded ample opportunity of personal hearing in friendly environment to disclose the factuality but he was denying the facts and was hesitated which clearly revealed that there was something wrong in the bottom.***

In light of above the undersigned is of the opinion that charges are fully proved against the accused Warder."

2- As a result thereof, I, as Competent Authority have tentatively decided to impose upon the major penalty of **"Removal from Service"** under section 3 of the said ordinance.

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

4- If no reply to this notice is received within 07 days of its delivery in the normal course of circumstances, it shall be presumed that you have no defense to put it and in that case ex-parte action will be taken against you.

5- An extract of the inquiry report is attached.

SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR
E-mail: hqprisonpeshawar@gmail.com

Warder Muhammad Farooq
Attached to Central Prison Peshawar

8

CHARGE SHEET

I, **Khalid Abbas,** Superintendent Headquarters Prison Peshawar Competent Authority, hereby charge you, Warder Farooq Khan attached Central Prison Peshawar as follows: -

As per report of the Superintendent Central Prison Peshawar vide No. 5717/LO dated 28-04-2020, you attached to his jail were allotted duty at roof top of main gate (Dewri) on 26-04-2020 from 12:00 AM to 03:00 PM. During the course of your duty at about 12:43 PM, you threw a shopping bag inside the jail in front of the main gate to undertrial prisoner Aurangzeb S/o Gul Zada took the bag and kept it inside his side pocket, as shown in CCTV camera, caught by Control Room (No. 2) Operators Warder Roohullah & Warder Alamgir on the spot, which constitutes gross misconduct on your part.

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

3- You are therefore required to submit your written defense within 7 days of the receipt of this Charge Sheet to the Inquiry Officer.

4- Your written defense, if any, should reach to the Inquiry Officer/ Inquiry Committee within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.

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

6- Statement of Allegations is enclosed.

SUPERINTENDENT
HEADQUUARTERS PRISON PESHAWAR
E-mail: hqprisonpeshawar@gmail.com

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OFFICE OF THE
SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR
No: 1382 P/B Dt: 30 /04/20

DISCIPLINARY ACTION

I, **Khalid Abbas,** Superintendent Headquarters Prison Peshawar as Competent Authority am of the opinion that **Warder (BPS-07) Farooq Khan** attached to [illegible] Prison Peshawar has rendered himself liable to be proceeded against as he committed the following act/ omission within the meaning of rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS:-

As per report of the Superintendent Central Prison Peshawar vide [illegible] 5717/LO dated 28-04-2020, **Warder Farooq Khan** attached to his jail was allotted duty at the roof top of main gate (Dewri) on 26-04-2020 from 12:00 AM to 03:00 PM. During the course of his duty at about 12:43 PM, he threw a shopping bag [illegible] jail in front of the main gate to undertrial prisoner Aurangzeb S/o Gul Zada who [illegible] the bag and kept it inside his side pocket, as shown in CCTV camera, caught by Control Room (No. 2) Operators Warder Roohullah & Warder Alamgir on the spot which constitutes gross misconduct on part of accused Warder Farooq Khan.

2- **Mr. Badshah Said,** Sr. Assistant Superintendent Central Prison Peshawar is hereby appointed as Inquiry Officer against the accused Warder with reference to the above allegations, under rule 10(1)(a) of the ibid rules.

3- The Inquiry Officer shall in accordance with the provision of the ibid rules, provide the reasonable opportunity of hearing to the accused, record its findings, within fifteen days of the receipt of this order, recommendations as to punishment or other appropriate action against the Warder accused.

4- The accused Warder shall join the proceedings on the date, time and place fixed by the Inquiry Officer.

SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR

Endorsement No: 1383-85 /-

Copy of the above is forwarded to the: -

1- **Mr. Badshah Said,** Sr. Assistant Superintendent Central Prison Peshawar (Inquiry Officer) for initiating proceedings against the above named accused Warder under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

2- Warder (BPS-07) **Farooq Khan,** C/o Superintendent Central Prison Peshawar with the direction to appear before the Inquiry Officer for the purpose of inquiry on the date, time & place fixed.

3- Superintendent Central Peshawar with reference to his report quoted above.

SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR

10

The Superintendent,
Headquarters Prison, Peshawar.

Subject:- INQUIRY REPORT IN RESPECT OF WARDER MUHAMMAD FAROOQ

Respected Sir,

Reference your disciplinary action notice vide Endorsement No. 1383-85 dated 29.4.

The accused Warder submitted his written reply against the charge sheet and was given opportunity of personal hearing and interrogated with cross questions.

Statement of Warder Muhammad Farooq

In response to the charge against him, he said that he has been performing his duties in department since 07 years with dignity and honesty. On the day of incident i.e 26-04-2020 I was on duty at roof top of main gate (Dewri). Furthermore he stated that he brought Taro with him and shopper so because of risk that it may get rotten in heat, I threw it to undertrial prisoner Aurangzeb who was inside the jail. I am unaware of the reason that why accused Aurangzeb has given false to me that there were drugs in the shopper about which he is unable to give any proof. To a question he stated that I was performing duty for my friend who came late for duty because of some urgency stated that I have performed my duty with honesty and requested that the statement of accused is false blame and therefore requested to withdraw the same (statement alongwith questionnaire is hereby attached)

Statement of Warder Alamgir (Control Room operator)

He stated that on 26-04-2020 at 12:43 PM, in camera PTZ-9 suspicious movement of Aurangzeb was observed. He went towards main gate (Dewri) and someone threw something to him of the Dewri which put in his pocket. We informed Relief Chakkar about the incident. Later on we that chars were present in the shopper which was thrown by Warder Muhammad Farooq towards Aurangzeb (statement attached)

Statement of accused Aurangzeb s/o Gul Zada

He stated that I was performing the duty on main gate. Warder Muhammad Farooq roof top of Main Gate (Dewri) he called me at 12:43 PM on 26-04-2020 and said give the shopper of to Noor Zada. I did not check the shopper and put it in my pocket and delivered it to Noor Zada for me Rs. 50/- Upon searching Noor Zada 175 grams chars was recovered from that shopper. I say recovered chars were thrown to me by Warder Muhammad Farooq from the roof top of main gate (Dewri).

FINDINGS

After going through the written reply and interrogating Warder Muhammad Farooq concluded that the chars recovered from the possession of convicted prisoner Noor Zada was delivered Warder Muhammad Farooq from the roof top of main gate on 26-04-2020 at about 12:43 PM through prisoner Aurangzeb s/o Gul Zada. The video recording is also attached in the shape of CD as a proof Warder Farooq. Furthermore it was also found that the accused Warder deliberately exchanged duty with fellow for the purpose of delivering the chars.

RECOMMENDATION

The case has been probed deeply in light of evidence and other available record. The warder was afforded ample opportunity of personal hearing in friendly environment to disclose the facts by keeping the facts and was hesitated which clearly revealed that there was something wrong in the

In light of above the undersigned is of the opinion that charges are fully proved against accused warder.

Submitted for order as deemed appropriate please.

Inquiry Officer

(BADSHAH SAID)
Assistant Superintendent
Central Prison Peshawar

OFFICE OF THE
SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR
No: 1782 P/D Dt: 10/06/20

OFFICE ORDER

WHEREAS, the accused Warder (BPS-07) Farooq Khan attached to Central Prison Peshawar was charge sheeted within the meaning of Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges of his misconduct contained in Statement of Allegations/ Disciplinary Action served upon him vide this Headquarters endorsement No. 1383-85 dated 30-04-2020 wherein **Mr. Badshah Said** Senior Assistant Superintendent Central Prison Peshawar was appointed as Inquiry Officer: -

AND WHEREAS, the Inquiry Officer conducted inquiry against the accused Warder in the light of his written defense and other available record and submitted his report dated 13-05-2020.

AND WHEREAS, the above accused Warder was served with final show-cause notice vide this HQs. memo No. 1530-30 dated 13-05-2020 in light of Rule-14(4) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rule, 2011, whose reply was submitted by the accused Warder dated 20-05-2020.

AND WHEREAS, in light of Rule-15 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rule, 2011, the accused Warder was afforded ample opportunity of personal hearing on 09-06-2020 vide this HQs. memo No. 1686 dated 03-06-2020. During personal hearing, he could not defend himself, charge of smuggling charas was proved against him.

NOW THEREFORE, in exercise of powers conferred under Rule-14(5) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 having considered the charges leveled against him in light of available record and report of the inquiry officer the undersigned being Competent Authority is hereby pleased to award him the major penalty of Removal from Service with immediate effect.

10/06/2020

SUPERINTENDENT
HEADQUUARTERS PRISON PESHAWAR

Endorsement No: 1783-88 /-

Copy of the above is forwarded to the: -

1- Inspector General of Prisons Khyber Pakhtunkhwa Peshawar please.
2- Superintendent Central Prison Peshawar with reference to his report No. 5717/LO dated 28-04-2020. Proper entry at this effect may be made in their Service Books under proper attestation.
3- Mr. Badshah Said, Senior Assistant Superintendent Central Prison Peshawar. (Inquiry Officer).
4. Accountant General, Khyber Pakhtunkhwa, Peshawar.
5- Head Clerk (Pay Branch) Central Prison Peshawar.
6- Official concerned.

10.6.20

SUPERINTENDENT
HEADQUUARTERS PRISON PESHAWAR

(I) (18)

To,

The Inspector General of Prison

Khyber Pakhtunkhwa

Subject: - Departmental Appeal/Representation

Respected Sir;

1. That the appellant served to your department for 7 years as warder Bps 7, and no complaint has been ever received since then and he always performed his duty full zeal and satisfaction of superior.

2. That on the day of occurrence the appellant was in routine duty in the roof of dewari and due to ramzankareem, the appellant bring taro (kachalu) from market for aftari but due unavailability of fridge etc there is apprehension of decaying of Kachalu.

3. That companion warder of appellant namely Muhtiar Shah suggested me to through away the Kachalu but the petitioner instead of throwing away the Kachalu chat throw it to one of the accused namely Aurangzeb from the roof of Dewari.

4. That the appellant don't even know about any narcotics and how he is involved in the narcotics (chars) as the allegation of narcotics (Chars) is baseless and without any justification.

5. That the companion of appellant Mukhtiar Shah has also given affidavit regarding the innocence of appellant.

6. That the statement of said accused namely Aurangzeb is also doubtful as he is under the influence of authority and even no opportunity of cross examination was given to appellant moreover the said statement is recorded in absence of appellant and there is apprehension to appellant that the statement is not recorded by the said Aurangzeb himself.

7. That the inquiry has been conducted in the absence of appellant.

8. That the statement of control room operator is not relevant as he is not the eye witness of the occurrence and is also suspicious as no opportunity of cross examination is provided.

9. That regular inquiry has not been conducted under the rules and the allegation leveled against the appellant has not been proved.

10. That no opportunity of defense has been given to the appellant.

It is there for most humbly requested that on acceptance of instant departmental appeal/representation the impugned order passed by the superintendent vide order dated 10/06/2020 may kindly be set aside and the appellant may kindly be exonerated form the charges leveled against him and also reinstate the appellant.

You're obediently,

M. Farooq

Farooq Khan (Warder)

Dated: 17/06/2020

25/8/09

OFFICE OF THE
INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR
091-9210334, 9210406 091-92[illegible]
No.Estb/Ward-/Ordom/ 29557
Dated 24-8-2020

12

ORDER

WHEREAS, Ex- Warder **Farooq Khan** attached to Centre Peshawar, was awarded the major penalty of "Removal from service" by Superintendent HQ Prison Peshawar vide his order No.1782 dated 10-06-2020 due to un-satisfactory work / misconduct.

AND WHEREAS, the said warder preferred his departmental appeal for setting-aside the penalty awarded to him, which was examined in light of the available record of the case and it was observed that his appeal is without any substance. The penalty was awarded to him by the competent authority due to smuggling of charas (Hashish) after observing all legal and codal formalities as required under the Prison Rules.

NOW THEREFORE, keeping in view the facts on record, the provisions of rules in vogue and in exercise of power conferred under Rule-5 of Khyber Pakhtunkhwa Civil Servants Appeal Rules 1986, the decision of the competent authority is upheld and appeal of the appellant is hereby rejected being without substance.

INSPECTOR GENERAL OF PRISONS.
KHYBER PAKHTUNKHWA , PESHAWAR.

ENDST;NO. 29558-60.

Copy of the above is forwarded to :-

1. The Superintendent, Headquarters Prison Peshawar for information and necessary action with reference to his Order referred to above.
2. The Superintendent, Central Prison Peshawar for information and necessary action with reference to the Superintendent HQ Prison Peshawar order referred to above. He is directed to inform the appellant accordingly and also to make necessary entry in Service Book under proper attestation.
3. Ex-Warder Farooq Khan, C/O Superintendent Central Prison Peshawar at his home address through registered post, for information.

ASSISTANT DIRECTOR
INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

24/8

Attested to be
true copy

Before The Court of Service Tribunal Peshawar

Farooq Khan vs Headquarters Prison Peshawar etc

Application for Early hearing in the above mentioned case

Respected Sir,

1) That the above mention case is Pending in this Honourable Court and Now it is fixed for to day. but due to the reason of P.B.C Strick it was change and ~~Ated~~ Now date has been fixeed for ~~26~~-01-2021

2) That my client is a poor man and his life and her family life depend upon his Salaries

It is therefor requested to fixed my case within a weeks for the best interest of Justice

Applicant

Through Zhussain

Uzair Advocate Charsadda

Peshawar

Accepted Be Court allegation assigned

11/11/2020

Reader

Date 9-11-2020

To be accelerated a date in 1st week of December, 2020

19/11/20

Mob No = 0315.9027125

KHYBER PAKHTUNKWA

SERVICE TRIBUNAL, PESHAWAR

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

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

No: _____/ST Dated:____/_____/2022

To,

Superintendent Headquarters Prison
Peshawar.

Subject: **JUDGMENT IN APPEAL NO. 11152/2020 IN CASE TITLE FAROOQ KHAN VS PRISON**

I am directed to forward herewith a certified copy of Judgment dated 18.05.2022 passed by this Tribunal on the above subject for strict compliance.

Encl: As Above.

(WASEEMAKHTAR)
REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

KHYBER PAKHTUNKWA

SERVICE TRIBUNAL, PESHAWAR

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

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

No: _____/ST Dated:____/_____/2022

To,

Superintendent Headquarters Prison
Peshawar.

Subject: **JUDGMENT IN APPEAL NO. 11152/2020 IN CASE TITLE FAROOQ KHAN VS PRISON**

I am directed to forward herewith a certified copy of Judgment dated 18.05.2022 passed by this Tribunal on the above subject for strict compliance.

Encl: As Above.

(WASEEMAKHTAR)
REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR