

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 6310/2021

Date of Institution ... 18.06.2021

Date of Decision ... 09.12.2021

Hasnain Ali Khan S/O Abdur Rehman R/O Village Darwesh District Haripur.
... (Appellant)

VERSUS

The Inspector General Prisons Khyber Pakhtunkhwa, Peshawar and two others.
... (Respondents)

Present:

SYED NOMAN ALI BUKHARI,
Advocate,

--- For Appellant.

MUHAMMAD ADEEL BUTT,
Additional Advocate General

--- For respondents.

AHMAD SULTAN TAREEN
SALAH-UD-DIN

--- CHAIRMAN
--- MEMBER(Judicial)

JUDGEMENT.

AHMAD SULTAN TAREEN, CHAIRMAN:- The appellant invoked the jurisdiction of this Tribunal through the service appeal described above in the heading with the prayer that on acceptance of this appeal, order, dated 10.12.2020 and 18.03.2021 may kindly be set aside and the respondents may further be directed to reinstate the appellant into service with back/consequential benefits.

2. The factual account of appeal in nutshell is that the appellant was appointed as Warder in BS-05 vide order dated 03.10.2019 in the respondent-department; that he was performing his duty and in the mean-time, he was issued an erroneous show cause notice on 03.11.2020 for remaining absent from duty and jail premises; that he was kept in state of lurch with regard to initiation of proceedings brought under



question and as such no order pertaining to his removal from service was communicated to him till filing of the service appeal; that he preferred departmental appeal/representation on 02.03.2021 seeking reinstatement into service, which stood rejected on 18.03.2021. The service appeal was preferred on 18.06.2021. Obviously, the service appeal was not preferred within 30 days after rejection of the departmental appeal on 18.03.2021 and as such it is time barred in the usual course. However, the question of limitation was dealt with in the order passed in pursuance to the preliminary hearing. The findings in this respect as given in order dated 18.06.2021 are copied below:

“The departmental appellate authority rejected the departmental appeal on 18.03.2021 which was communicated to the appellant vide Endst. No. 8785-87, dated 18.03.2021, hence, the present appeal on 18.06.2021. In terms of normal procedure, the appeal appears to be time barred but in view of Section-30 of the Khyber Pakhtunkhwa Pandemic Control and Emergency Relief Act, 2020, the limitation period provide under any law shall remain frozen. This appeal having been filed after promulgation of the said act, is not affected by bar of limitation”

03. We have heard the arguments and perused the record.

04. The respondents in their joint para-wise comments precisely asserted that the appellant from the very beginning of his appointment was not interested in his duty and violating the law and rules as elaborated in Rule No. 1082/1083 of Khyber Pakhtunkhwa Prison Rules, 2018; that in terms of the condition No.7 in his appointment letter, his services are liable to be terminated if his work and conduct remain unsatisfactory during period of probation and his service were found unsatisfactory; that the respondent No.3 issued show cause notice to the appellant due to willful absence from duty for 118 days; that the appellant willfully absented

and also avoided appearance during his personal hearing. The final show cause notice dated 13.11.2020, impugned office order dated 10.12.2020 and the letter dated 03.12.2020 addressed to the Superintendent Central Prison Haripur, by respondent No.3 about personal hearing of the individual, enumerated in the said letter, as annexed with the comments of the respondents are available on record. As far as impugned order dated 10.12.2020 is concerned, the same as per averment of the appellant vide para-7 of the service appeal was not communicated to him till filing of the service appeal. The respondents in their reply to the said para did not admit the same as correct and added that the appellant willfully absented and also avoided appearance during his personal hearing. The stance of the respondents if viewed in light of the letter dated 03.12.2020 issued by respondent No.3 for personal hearing of thirteen (13) individuals including the appellant at serial No. 12, there is no remark against the name of appellant whether he was served with the letter of personal hearing or not. Contrary to the stance of respondents in their reply to para-7, it is mentioned in the impugned order issued by respondent No.3 that he passed the said order having considered the charges, evidence of record and report submitted by the Superintendent Central Prison Haripur, the explanation of the accused officials and after affording opportunity of personal hearing. The impugned order in its particular style is also defective as the same pertains to imposition of penalty on thirteen (13) officials by the single order. All other individuals enumerated in the impugned orders except the appellant were censured but the appellant was imposed with the punishment of removal from service and his absence period was treated as Extra Ordinary Leave without pay. We are mindful of the fact that the respondents took the plea of probation period of the appellant but at the same time we are clear in our mind that the appellant has not been proceeded against under the provision of rules relating to probation on account of his purported


unsatisfactory performance. Rather, the proceedings in their particular style seem to have nexus with efficiency and disciplinary rules. The Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 provide particular mode and manner of the proceedings regarding misconduct etc and also in the matter of willful absence from duty. Needless to say that according to the reply of the respondents, the charge against the appellant was about his willful absence from duty. The disciplinary action in case of willful absence is regulated by Rule-9 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Disciplinary) Rules 2011. Rule 9 of the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011 provides a self-contained procedure for action on account of wilful absence as well as the penalty in pursuance to the action taken there-under. Accordingly, it is provided that in case of willful absence from duty by a government servant for seven days or more days, a notice shall be issued by competent authority through registered acknowledgement on his home address directing him to resume duty within fifteen days of the issuance of the notice. If the same is received back as undelivered or no response is received from the absentee within the stipulated time, a notice shall be published in at least two newspapers directing him to resume duty within fifteen days of the publication of that notice, failing which an ex-parte decision shall be taken against that absentee. On expiry of the stipulated period given in the notice, major penalty of removal from service may be imposed upon such government servant. The appellant has been condemned with major penalty of removal from service otherwise then due course of law. Therefore, the impugned order is not tenable under the facts and law as discussed herein above.

05. For what has gone above, the impugned order dated 10.12.2020 is set aside and the appellant is reinstated into service from the said date. The period of absence

from duty and remaining period till date of this judgment be treated as leave without pay in order to bridge the gap in service. The appeal is accepted in the above term. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
09.12.2021

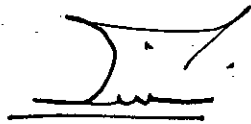

(SALAH UD DIN)
MEMBER(J)


(AHMAD SULTAN TAREEN)
CHAIRMAN

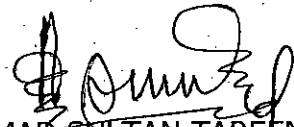
ORDER

09.12.2021 Appellant alongwith his counsel present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Suleman, Senior Instructor and Mr. Tariq Sheikh, Law Officer for respondents present.

Vide our detailed judgment, the impugned order dated 10.12.2020 is set aside and the appellant is reinstated into service from the said date. The period of absence from duty and remaining period till date of this judgment be treated as leave without pay in order to bridge the gap in service. The appeal is accepted in the above term. Parties are left to bear their own costs. File be consigned to the record room.



(SALAH-UD-DIN)
Member(J)



(AHMAD SULTAN TAREEN)
Chairman

ANNOUNCED
09.12.2021

24.11.2021

Appellant in person present.

Muhammad Adeel Butt, learned Additional Advocate General alongwith Tariq Sheikh Law Officer and Suleman Senior Instructor for respondents present.

Former made a request for adjournment as his counsel is not available today. Request is accorded. To come up for arguments on 09.12.2021 before D.B.

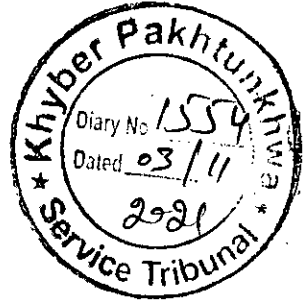


(Atiq ur Rehman Wazir)
Member (E)



(Rozina Rehman)
Member (J)

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR.



Appeal No. 6310/2021

put up to the writing chair - as
with relevant appeal

Husnain Ali Khan

V/S

prison Deptt:

03/11/2021

Reader

**APPLICATION FOR FIXING OF ANY OTHER NEAR BY POSSIBLE
DATE OF HEARING IN THE ABOVE TITLED APPEAL INSTEAD OF
30.11.2021**

RESPECTFULLY SHEWETH:

1. That the appellant has filed the instant appeal against the removal order, whereby the appellant was awarded major penalty of removal from service.
2. That the previous date in the instant appeal for written reply and the next date fixed for arguments is fixed for 30.11.2021 before this Honourable KP Service Tribunal.
3. That I will not available on 30.11.2021 due to reason that my cases has fixed in Islamabad Federal Service Tribunal and I will not available on that day in Peshawar.
4. That as the appellant is removed from service and his financial position is unbearable and if the instant appeal is still linger on, the appellant will suffer allot.
5. That it will be in the interest of justice to fix in the instant case at any other near by possible date.

Fix in a week starting from 24/11/2021.

03/11/2021

It is, therefore, most humbly prayed that on acceptance of this application, any other near by possible date of hearing may kindly be fixed in the above Service Appeal instead of 30.11.2021. Any other remedy which this august Tribunal deems fit and appropriate that may also be awarded in favour of the appellant.

Appellant
Husnain Ali

THROUGH:


SYED NOMAN ALI BUKHARI
ADVOCATE, HIGH COURT.

29.07.2021

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


Chairman

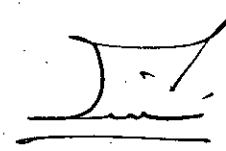
Stipulated period passed reply not submitted.

6.10.2021

Learned counsel for the appellant present. Mr. Tariq Shaikh, Law Officer alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Joint para-wise comments on behalf of respondents submitted, which is placed on file and copy of the same is handed over to learned counsel for the appellant. Adjourned. To come up for rejoinder, if an, as well as arguments on 30.11.2021 before the D.B.


(MIAN MUHAMMAD)
MEMBER (E)


(SALAH-UD-DIN)
MEMBER (J)

1-9-21

Due to Summer vacations, the
case is Adjourned to 30, 9, 21 For the same as
Before.

F.
Reeder

30-9-21

DB is on Tour case to come up
For the same on Dated. 26-10-21

F.
Reeder

Contd

18.06.21

respondents come up with cogent reason supported by tangible material about existence of the impugned order and its having been issued in compliance with due process, the appellant has got a good arguable case, necessitating admission of appeal for regular hearing. The Departmental Appellate authority rejected the departmental appeal on 18.03.2021 which was communicated to the appellant vide Endst. No. 8785-87, dated 18.03.2021, hence the present appeal on 18.06.2021. In term of normal procedure, the appeal appears to be time barred but in view of Section 30 of the Khyber Pakhtunkhwa Epidemic Control and Emergency Relief Act, 2020, the limitation period provided under any law shall remain frozen. This appeal having been filed after promulgation of the said Act, is not affected by bar of limitation.

The appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days of the receipt of notices positively. If the written reply/comments are not submitted within the stipulated time, the office is directed to submit the file with a report of non-compliance. File to come up for arguments on 01.09.2021 before the D.B.

Appellant Deposited
Security & Process Fee

18/6/21


Chairman

18.06.2021

Appellant present in person. Preliminary arguments heard.



The appellant contends that he was neither provided with opportunity of hearing nor any show cause notice was issued in line with the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011; and the Competent Authority ignored the procedure provided in the said rules, disregard to the principle of due process. The appellant admitted issuance of a show cause notice in factual part of the memorandum of Appeal and also annexed the copy therewith. The said notice bearing endorsement No. 3480-93, dated 13.11.2020 is meant to charge thirteen Warders conjointly in one final show cause notice. Although it has been shown have been issued reference to Rule 5(i)(a) r/w Rule 7 of the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011; it nowhere discloses about the option for personal hearing of the accused. The appellant has not annexed copy of the impugned order of his removal from service but in departmental appeal as well as present appeal, he did not admit to have received the same. There is mention of such order in the appellate order of appellate Authority that the appellant was removed from service vide order No. 3769 dated 10.12.2020. However, the said Authority did not disclose in the appellate order as to whether the appellant before disposal of the appeal, was called upon and confronted with the said order or not. Unless the

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 6310 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	18/06/2021	<p>The appeal of Mr. Hasnain Ali Khan resubmitted today by him may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>18/06/2021</u></p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

The appeal of Mr. Hasnain Ali Khan son of Abdur Rehman r/o Village Darwesh Haripur received today i.e. on 18.06.2021 is incomplete on the following score which is returned to the appellatant for completion and resubmission within 15 days.

Copy of impugned order dated 10.12.2020 mentioned in the heading of appeal is not attached with the appeal which may be placed on it.

No. 1043 /S.T.

Dt. 18/06 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Hasnain Ali Khan Appellant.

صاحب محترم
درخواست کے نمبر 1043-20-15-12-20
کو مکمل والیوں نے مل دیا ہے۔ اس کا معائنہ
دفتر میں کیا گیا ہے لیکن اس کا رد دفتر والوں
اکور کی گائیڈ لائن ہے۔ اس کے لئے اپنے
محکمہ سے رپورٹ بھی اس کے ساتھ لکھی ہے۔



18/06/2021

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BEFORE THE SERVICE TRIBUNAL KP (CAMP COURT)
ABBOTTABAD
Service Appeal No. 6310/2021

Mr. Hasnain Ali Khan

.....Appellant

Versus

Inspector General Prisons KP & Others

.....Respondent(s)

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Appellant

Through

0333-5872405

BEFORE THE SERVICE TRIBUNAL KP (CAMP COURT)
ABBOTTABAD

Service Appeal No. 63/10/2021

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 6611

Dated 18/6/2021

Hasnain Ali Khan S/O Abdur Rehman R/O Village Darwesh
District Haripur

.....Appellant

Versus

1. The Inspector General Prisons Khyber Pakhtunkhwa, Peshawar
2. Additional Inspector General of Prisons Khyber Pakhtunkhwa, Peshawar
3. Superintendent Circle Headquarters Prison Haripur

.....Respondent(s)

APPEAL UNDER SECTION 4 OF THE KP
SERVICE TRIBUNAL ACT, 1974 IMPUGNING
THEREIN THE OFFICE ORDER NO. 3769
DATED 10.12.2020; WHEREIN MAJORY
PENALTY OF REMOVAL FROM SERVICE
HAVING BEEN AWARDED BY RESPONDENT
NO. 3; AND AGAINST THE ORDER DATED
18-03-2021 WHEREBY THE
DEPARTMENTAL APPEAL IS REJECTED ON
NO GOOD GROUNDS WHICH ACT
NONETHELESS IS CONTRARY TO THE
CONSTITUTION, LAW AND
JURISPRUDENCE IN VOGUE IN THE STATE
OF ISLAMIC REPUBLIC OF PAKISTAN.

Filed to-day
Registrar
18/6/2021

Re-submitted to-day
and filed.

Registrar
18/6/2021

Respectfully Sheweth,

1. That the Constitution of Islamic Republic of Pakistan aims at protecting civil servants in order to ensure smooth running of affairs of the Government and Institutions so as to benefit the public citizenry.
2. The Constitution of Islamic Republic of Pakistan equally beshields civil servants from being treated otherwise than in accordance with law.

In Sheikh Riaz-ul-Haq's Case¹, it was held that,
"Admittedly, civil servants being citizens of Pakistan have fundamental rights including the right to access to justice as envisaged under Article 9 of the Constitution".

3. That the Constitution of Islamic Republic of Pakistan evenly emphasizes on equality for the citizens and by the citizens; aimed at underpinning rule of law.

ON FACTS

4. That the appellant was appointed against the post of Warder (BPS-05) in the Khyber Pakhtunkhwa Prisons Department vide order dated 03.10.2019. **(Copy of the office order dated 03.10.2019 is annexed as Annexure "A")**.
5. That the appellant was performing as warder to the best of his abilities, determination and perseverance; to the entire satisfaction of the competent authority from the date of inception; in the Prisons Department Khyber Pakhtunkhwa.
6. That during the interregnum the appellant was issued an erroneous show-cause notice on 13.11.2020 for remaining absent from duty and jail premises. **(Copy of the show-cause notice dated 13.11.2020 is annexed as Annexure "B")**

¹ PLD 2013 SC 501

7. That it is important to note that; the appellant was kept in state of lurch; with regard to initiation of proceedings brought under question; as such no order pertaining to removal of services has been communicated till date.

In Suo Moto Case No. 19 of 2016², it was held that, *"Good governance was not a favour to be bestowed on the people; it was their right".*

8. That having said that, the appellant preferred departmental appeal/representation on 02.03.2021; seeking reinstatement into service; which stood rejected on 18.03.2021. Hence the instant service appeal inter-alia on the following grounds:- **(Copy of the Departmental Appeal dated 02.03.2021 and Office Order dated 18.03.2021 is annexed as Annexure "C" and "C-1")**

In Tanveer Ahmad's Case³, it was held that, *"Discretion without a uniform yardstick or a formula was a loose jumble of haphazard human subjectivity, which was inescapably susceptible to error and indubitably arbitrary, ex facie discriminatory, highly irrational and illogical; administrative compulsion and wisdom to structure discretion was to remove human subjectivity from exercise of discretion; constitutional and jurisprudential importance of structured discretion was that it nursed the requirements of due process, fairness and fair trial and safeguarded the discretion against the vice of discrimination and arbitrariness".*

GROUNDS

- A.** That the impugned notification dated 10.12.2020; is contrary to law, well-settled jurisprudence in field and practice.
- B.** That the impugned notification dated 10.12.2020; is totally uncalled for, against the law governing the subject matter.
- C.** That the appellant was neither provided opportunity of hearing nor any show-cause notice was issued in line with E

² 2017 SCMR 683

³ PLD 2013 Lhr 386

& D rules, 2011 of Khyber Pakhtunkhwa.

- D.** That the competent authority had failed to take into consideration the procedure provided; under E & D rules of 2011.
- E.** That the respondent No. 3; having overlooked the well-settled principles, while imposing major penalty of Removal from Service; which cannot stand at all.
- F.** That exercise of such powers and that too by respondent(s); abdicates the well-entrenched principle of "structured discretion.
- G.** That the purported omission(s) on the part of respondents; itself speaks volumes engraving danger to the notion of good governance, hence requires interference of the Hon'ble Court.

In Qaiser Iqbal's Case⁴, it was held that, "Rule of Law meant supremacy of law as opposed to arbitrary authority of the Government; said supremacy guaranteed three concepts; first, the absence of arbitrary power; second, equality before law and third the rights of a citizen".

- H.** That it is cardinal principle of law and justice that what cannot be done directly cannot be done indirectly.⁵
- I.** That public functionaries had to reinforce good governance, observe rules strictly and adhere to rule of law in public service; public functionaries were not obliged to follow illegal orders of higher authorities⁶.
- J.** That "Expressio Unis Est Exclusio Alterius", commanding that when law requires a thing to be done in particular manner then, it should be done in that manner as anything done in conflict of the command of law shall be unlawful being prohibited.
- K.** That "*Ignorantia juris non excusat*", commanding that ignorance of the law excuses not.
- L.** That further necessary grounds will be raised during the course of arguments.

⁴ 2018 PLD Lahore 34

⁵ PLD 1993 SC 473 at Page 687

⁶ 2015 SCMR 456; PLD 2013 SC 195

PRAYER

It is therefore humbly prayed that on acceptance of this Service Appeal:-

1. That on the acceptance of this appeal order dated 10-12-2020 and 18-03-2021 may kindly be set aside and the respondents may further be directed to reinstate the appellant into service with back/consequential benefits.
2. Any such order be passed which this Hon'ble Tribunal deems fit and appropriate as the circumstances may require for determination of the subject at hand.



Appellant

Through

BEFORE THE SERVICE TRIBUNAL KP (CAMP COURT)**ABBOTTABAD**

Service Appeal No. /2021

Mr. Hasnain Ali Khan

.....Appellant

Versus

Inspector General Prisons KP & Others

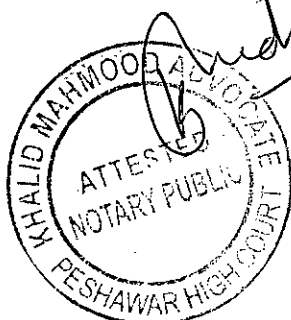
.....Respondent(s)

AFFIDAVIT

I, **Hasnain Ali Khan S/O Abdur Rehman R/O Village Darwesh District Haripur**, appellant do hereby on oath affirm and declare that the contents of the Service Appeal are true and correct to the best of my knowledge, belief and nothing has been concealed therefrom the Hon'ble Tribunal.


Deponent

CNIC # 13302-4695744-7



18-6-21

BEFORE THE SERVICE TRIBUNAL KP, PESHAWAR

Service Appeal No. /2021

Mr. Hasnain Ali Khan

.....Appellant

Versus

Inspector General Prisons KP & Others

.....Respondent(s)

MEMO OF ADDRESS OF PARTIES**Appellant**

Hasnain Ali Khan S/O Abdur Rehman R/O Village Darwesh
District Haripur

Respondent(s)

1. The Inspector General Prisons Khyber Pakhtunkhwa,
Peshawar
2. Additional Inspector General of Prisons Khyber
Pakhtunkhwa, Peshawar
3. Superintendent Circle Headquarters Prison Haripur

**Appellant****Through**

BEFORE THE SERVICE TRIBUNAL KP, PESHAWAR**CM:-****IN RE:-****Service Appeal No. /2021**

Mr. Hasnain Ali Khan

.....**Appellant****Versus**

Inspector General Prisons KP & Others

.....**Respondent(s)****APPLICATION FOR CONDONATION OF DELAY****Respectfully Sheweth,**

1. That the titled case is pending adjudication before the Hon'ble Court.
2. That due to constraints on account of COVID-19 pandemic throughout the country coupled with the factum that the competent authority having passed an order revolving around removal of service of the appellant; not communicated to till date and delay in communication of the order passed by the appellate authority; as such the instant application for condonation of delay.

In lieu of the above; it is therefore humbly prayed and submitted that the application seeking condonation of delay may please be allowed for securing the ends of justice.

**Appellant****Through**

(9) (A)

OFFICE OF THE
SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR
No: _____ P/B Dt: 03/10/2019

OFFER OF APPOINTMENT

Upon recommendation of the Departmental Selection Committee, **Mr. Hasnain Ali Khan S/o Abdur Rahman** is hereby appointed against the post of **Warder (BPS-05)** in the Khyber Pakhtunkhwa Prisons Department in Basic Pay Scale Rs. (10260-500-25290) plus other usual admissible allowances on the following terms and conditions:-

- 1- His appointment will take effect from the date of joining duty at his place of posting.
- 2- His appointment is purely temporary and his services are liable to be terminated at any time on 15 days' notice without assigning any reasons.
- 3- No TA/DA will be admissible to him for joining first appointment.
- 4- In case he wishes to resign at any time he will give one month notice OR in lieu thereof one month's pay will be forfeited from him subject to the discretion of the competent authority in public interest and will leave the service after acceptance of his resignation.
- 5- His appointment is subject to Medical fitness for Government Service.
- 6- He will be eligible for continuance on the post if his work and conduct remained satisfactory during the period of his this temporary appointment provided the vacancy against which he has been appointed continues.
- 7- He will be on probation for a period of one year extendable upto another year. During probation period his services will be terminated if his work and conduct is not found satisfactory OR the vacancy ceases to exist.
- 8- He will be liable to serve anywhere in the Prisons Department of Khyber Pakhtunkhwa.
- 9- For all other purposes such as Pay, T.A and Medical Attendance etc; he will be governed by such Rules as may be issued by the Government for the category of Government Servants of the Prisons Department to which he will belong.
- 10- He will be governed by the Khyber Pakhtunkhwa Government Servants (Conduct) Rules 1987, the Khyber Pakhtunkhwa Civil Servants (Appeal) Rules 1986, the Khyber Pakhtunkhwa Civil Servants Act, 1973, the Civil Servants (Appointment, Promotion and Transfer) Rules 1989, the Khyber Pakhtunkhwa (E&D) Rules, 2011 the Khyber Pakhtunkhwa Prison Department Service Rules and all other rules / regulations framed or to be framed by the Government from time to time.
- 11- His service will be liable to termination / reversion at any stage if his Academic Certificates / Degrees (if any), CNIC, Domicile etc; are found fake, his services will be considered as terminated automatically and FIR will be lodged against him.
- 12- His salary will be released after making proper verification of his antecedents/ character roll, Domicile, and Academic Qualification Certificates / Degrees etc; from the quarter concerned by the jail of his first posting. Moreover, if any verification charges are involved on this account, the same will be paid by the appointee.
- 13- If he accepts the appointment on the above cited terms and conditions, he should report to the **Superintendent District Jail Abbottabad** within 30 (Thirty) days of the receipt of this offer of appointment at his own expense. In case he fails to join duty within the same period, the offer of appointment will be treated as cancelled /withdrawn.

[Signature]
SUPERINTENDENT

HEADQUARTERS PRISON PESHAWAR

Endorsement No: 678-675

Copy of the above is forwarded to:-

- 1- Superintendent Circle Headquarters Prison Haripur.
- 2- **The Superintendent District Jail Abbottabad** for information. On arrival of the above named official an undertaking should be taken on judicial stamp paper from him to the effect that he has accepted all terms and conditions contained in the offer of his appointment and submitted to this office for record. **The condition No. 12 may be fulfilled before releasing his salary within shortest possible time.**
- 3- The District Account Officer Abbottabad for information & further necessary action.
- 4- **Mr. Hasnain Ali Khan S/o Abdur Rahman R/o Mohallah Peeran Wala Village Darwesh Post Office, Distt: & Tehsil Haripur** for information and necessary action.

[Signature]
SUPERINTENDENT

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

Attested

[Signature]

<Musawer>



10 B

OFFICE OF THE SUPERINTENDENT
CIRCLE (EASTERN) HQs PRISON HARIPUR

Ph/Fax: 0995-920066

No. _____

Dated 13 / 11 / 2020.

FINAL SHOW CAUSE NOTICE UNDER RULE-5 (i) (a) READ WITH RULE-7 OF THE KHYBER PUKHTUNKHWA GOVERNMENT SERVANTS (EFFICIENCY & DISCIPLINE) RULES, 2011.

I, Maqsud Ur Rehman, Superintendent Circle Headquarters Prison Haripur as competent authority do hereby charge you following Warders (BPS-07) attached to Central Prison Haripur as follows:-

S.#	Name with parentage	Designation	Faults
01	Adnan s/o Rehman Gul	Warder	You remained absent from duty and Jail premises without the permission of competent authority w.e.f 31-10-2020 to 07-11-2020 (08 days).
02	Aqeel Nazir s/o Nazir Hussain	-do	You remained absent from duty and Jail premises without the permission of competent authority w.e.f 23-08-2020 to 30-08-2020 (08 days).
03	Manzoor Ahmad s/o Noor ur Rehman	-do	You remained absent from duty and Jail premises without the permission of competent authority w.e.f 03-09-2020 to 09-09-2020 (07 days).
04	Shah Faisal s/o Abdul Khaliq	-do	You remained absent from duty and Jail premises without the permission of competent authority w.e.f 28-08-2020 to 13-09-2020 (17 days).
05	Hasrat Khan s/o Safdar Zaman	-do	You remained absent from duty and Jail premises without the permission of competent authority w.e.f 01-08-2020 to 15-09-2020 (46 days).
06	Aneel Ikhlaz s/o Muhammad Ikhlaz	-do	You remained absent from duty and Jail premises without the permission of competent authority w.e.f 10-09-2020 to 15-09-2020 (06 days).
07	Sajjad Ahmed s/o Dilawar	-do	You remained absent from duty and Jail premises without the permission of competent authority w.e.f 17-09-2020 to 21-09-2020 (05 days).
08	Zubair Gulzar s/o Gulzar Muhammad	-do	You remained absent from duty and Jail premises without the permission of competent authority w.e.f 01-08-2020 to 28-09-2020 (59 days).
09	Tauseef Shah s/o Makhdoom Shah	-do	You remained absent from duty and Jail premises without the permission of competent authority w.e.f 02-09-2020 to 04-09-2020 (33 days).
10	Suleman Khan s/o Fazal Aman	-do	You remained absent from duty and Jail premises without the permission of competent authority w.e.f 11-10-2020 to 16-10-2020 (06 days).
11	Faisal Nazeer s/o Nazir Hussain	-do	You remained absent from duty and Jail premises without the permission of competent authority w.e.f 19-10-2020 to 21-10-2020 (03 days).
12	Husnain Ali s/o Abdul Rehman	-do	You remained absent from duty and Jail premises without the permission of competent authority w.e.f 29-06-2020 to 25-10-2020 (118 days).
13	Muhammad Rameez s/o Muhammad Bashir	-do	You remained absent from duty and Jail premises without the permission of competent authority w.e.f 13-10-2020 to 25-10-2020 (25 days).

Your this practice is a grave misconduct on your part & entails you for strict disciplinary action under the E & D Rules-2011.

I, Maqsud Ur Rehman, Superintendent Circle Headquarters Prison Haripur as competent authority, am satisfied by the report submitted by Inquiry Officer & there is no need of holding any further inquiry.

Now therefore, you above named accused Warders are hereby called upon to show cause within seven (07) days as to why admissible Minor or Major Punishment may not be awarded to you for your above stated act of misconduct.

Sd

**SUPERINTENDENT
CIRCLE H/Qs PRISON HARIPUR**

Endst: No. 3480-93/Dated: 13 / 11 / 2020.

1. The Superintendent Central Prison Haripur for information w/r to No.8148 dated. 11-11-2020 please.
2. Accused Warders (BPS-07) attached to Central Prison Haripur for information and reply in feedback.

Attended

**SUPERINTENDENT
CIRCLE H/Qs PRISON HARIPUR**

بخدمت جناب انسپکٹر جنرل جیل خانہ جات مسعود الرحمان صاحب

عنوان :- درخواست بمراد بحالی پر ملازمت

جناب عالی!

گزارش ہے کہ سائل ہری پور سنٹرل جیل میں ڈیوٹی سرانجام دے رہا تھا، کچھ عرصہ پہلے سائل کی والدہ سخت بیمار تھی کیونکہ جنگلی دیکھ بھال کرنے والا اور کوئی نہ تھا، ان کے علاج معالجہ کے لئے سائل سے غیر حاضری ہوئی تھی، جبکہ سائل دوبارہ حاضر ہو کر ڈیڑھ ماہ ڈیوٹی خوش اسلوبی سے سرانجام دے رہا تھا اور یہ کہ اپنی بہن کی شادی پر جب چھٹی پر گیا تو واپس جب ڈیوٹی پر آیا تو کہا گیا کہ آپ ڈس مس ہو گئے ہو اور مجھے ڈیوٹی پر نہیں لیا گیا، میں روزانہ آتا جاتا رہا مگر میری طرف کسی نے بھی توجہ نہ دی اور تاحالی ڈھائی ماہ گزر گئے کہ باوجود بھی نہ مجھے ڈیوٹی پر لیا گیا ہے اور نہ ہی مجھے کوئی نوٹس دیا گیا اور نہ ہی مجھے کوئی ڈس مس آرڈر دیا گیا، جبکہ جیل کے کافی چکر لگا چکا ہوں۔ سائل ایک غریب گھرانے سے تعلق رکھتا ہے اور اس وقت بہت مشکلات سے دوچار ہوں۔

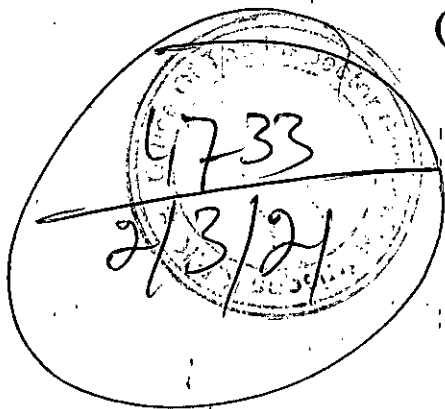
لہذا جناب سے بذریعہ درخواست التماس کی جاتی ہے کہ سائل کے ساتھ انصاف کیا جا کر سائل کو ڈیوٹی پر بحالی کا حکم صادر فرمائیں۔ عین نوازش ہوگی۔ سائل ہمیشہ آپ کے لئے دعا گو رہوں گا۔

المرقوم: 01/03/2021

الحارض

سائل :- حسین علی خان ولد عبد الرحمان (ریٹک وارڈ)

سنٹرل جیل ضلع ہری پور۔



(12) C-1



OFFICE OF THE
INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

☎ 91-9210334, 9210406

☎ 091-9213445

No. Est/ Ward-/Orders/ ICC 8784 1-

Dated 18-03-2021 /

ORDER

WHEREAS, **Warder Hasnain Ali Khan S/O Abdur Rehman** while attached to Central Prison Haripur was awarded the major penalty of "**Removal from service**" by Superintendent HQs Prison Haripur vide his office order No. 3769 dated 10-12-2020 due to his misconduct and willful absence w.e.f 29-06-2020 to 25-10-2020.

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 time-barred and penalty awarded to him by the competent authority due to his misconduct and willful absence after observing all legal and codal formalities as required under the E&D Rules 2011.

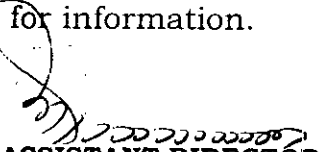
NOW THEREFORE, keeping in view the facts on record, the provision of rules in vogue and in exercise of powers conferred under Rule-17 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 read with Rule-05 of Khyber Pakhtunkhwa Service Appeal Rules 1986, the decision of the competent authority is upheld and appeal of the appellant is hereby rejected being time-barred and without any substance.

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

ENDST; NO. 8785-87 /.

Copy of the above is forwarded to:-

1. The Superintendent, Headquarters Prison Haripur for information and necessary action with reference to his order referred to above.
2. The Superintendent Central Prison Haripur for information and necessary action. He is directed to inform the appellant accordingly and to make necessary entry in his Service Book under proper attestation.
3. Ex-Warder Hasnain Ali Khan S/O Abdur Rehman R/o Muhallah Piran Wala Village Darwesh District Haripur (0333-5872401) for information.


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

Attested



VAKALATNAMA

NO. _____/20

IN THE COURT OF KP SERVICE TRIBUNAL PESHAWAR

Hasnam ALI Khan

Appellant
Petitioner
Plaintiff

VERSUS

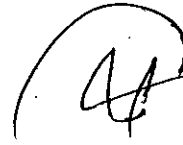
Prison

Respondent (s)
Defendants (s)

I/WE Hasnam ALI Khan

do hereby appoint and constitute the **SYED NOMAN ALI BUKHARI Advocate High Court** for the aforesaid Appellant(s), Petitioner(S), Plaintiff(s) / Respondent(s), Defendant(s), Opposite Party to commence and prosecute / to appear and defend this action / appeal / petition / reference on my / our behalf and all proceedings that may be taken in respect of any application connected with the same including proceeding in taxation and application for review, to draw and deposit money, to file and take documents, to accept the process of the court, to appoint and instruct council, to represent the aforesaid Appellant, Petitioner(S), Plaintiff(s) / Respondent(s), Defendant(s), Opposite Party agree(s) ratify all the acts done by the aforesaid.

DATE _____/20



(CLIENT)

ACCEPTED



**SYED NOMAN ALI BUKHARI
ADVOCATE HIGH COURT**

CELL NO: 0306-5109438

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR.

In the matter of

Service Appeal No. 6310/2021

Hasnain Ali Khan, Ex-Warder, Central Prison Haripur.....Appellant

VERSUS

1. The Inspector General of Prisons Khyber Pakhtunkhwa, Peshawar
2. The Additional Inspector General of Prisons Khyber Pakhtunkhwa, Peshawar
3. The Superintendent Circle Headquarters Prison HaripurRespondents

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5	Show Cause Notice	C	8
6	Impugned order	D	9
7	IG Prison office order dated 18-03-2021	E	10.


Deponent

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

In the matter of

Service Appeal No. 6310/2021

Hasnain Ali Khan, Ex-Warder, Central Prison Haripur.....Appellant

VERSUS

1. The Inspector General of Prisons Khyber Pakhtunkhwa, Peshawar
2. The Additional Inspector General of Prisons Khyber Pakhtunkhwa, Peshawar
3. The Superintendent Circle Headquarters Prison HaripurRespondents

SUBJECT: JOINT PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1, 2 and 3.

Respectfully Sheweth:-

PRELIMINARY OBJECTION:

- i. That the appellant has got no cause of action to file the Appeal.
- ii. That the appeal is not maintainable in its present form.
- iii. That the appellant is estopped by his own conduct.
- iv. That the appellant has got no locus standi to file present appeal.
- v. That the appellant has not come to the court with clean hands.
- vi. That the appeal is bad for mis- joinder and non-joinder of necessary and proper parties.
- vii. That the Present appeal is badly time barred.

FACTUAL OBJECTIONS:-

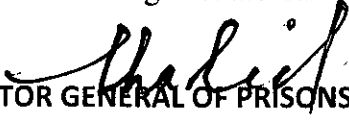
1. Admitted and correct.
2. Admitted and correct.
3. Admitted to the extent that all the citizens shall be treated equally according to Law and Rules.
4. Admitted and correct.
5. Incorrect and not admitted. That the appellant from the very beginning on his appointment not interested to his duty and violating Law and Rules as elaborated in Rule No. 1082/1083 of Khyber Pakhtunkhwa Prison Rule 2018 (**Annexure-A**). It is also crystal clear from his appointment letter in Para 07 that his service is liable to be terminated if his work and conduct remained unsatisfactory during his period of probation and in that period his service was found unsatisfactory. Appointment letter is (**Annexure-B**).
6. Incorrect and not admitted. The respondent No. 03 issued show cause notice to the appellant due to his wilful absence from duty for 118 days. Copy of the show cause notice is attached as (**Annexure-C**)
7. Incorrect and not admitted. The Appellant wilfully absented and also avoided appearance during his personal hearing. The impugned order (**Annexure-D**) is in accordance with law/rules.
8. Admitted and correct to the extent that the appellant preferred departmental appeal which was rejected by the competent authority because of badly time barred (**Annexure-E**).

OBJECTION ON GROUNDS:

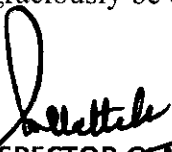
- A) Incorrect and not admitted. The appellant was duly proceeded under Rule 3 of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011 for the charges of his mis-conduct and wilful absence from service for the period of 118 days and the competent authority grant him opportunity of personal hearing on 19-12-2020 having consider the charges, evidence on record and report submitted by Line Office. The competent authority grant him major punishment of “**Removal from Service**” .Copy of the first impugned order is attached as (Annexure-D).
- B) Incorrect and not admitted. Detail reply has been given in Para ibid.
- C) Incorrect and not admitted. Proper opportunity of personal hearing and show cause notice has been issued to the appellant but he wilfully absented by avoiding departmental proceedings.
- D) Incorrect and not admitted. The appellant has been treated according to E&D Rules of 2011.
- E) Incorrect and not admitted. The respondent No.3 being the competent authority granted him major penalty of “Removal from Service” by observing all codal formalities in exercise of Powers conferred under Rule 14(5) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011.
- F) Incorrect and not admitted. Respondents exercised the powers which are vested under the Rules.
- G) As explained in Para-F above.
- H) Admitted to the extent that respondents treated the appellant according to Law and Rules.
- I) Admitted to the extent that the Governmental functionaries are working under their domain and limitation imposed by the Law and never acted contrary to Law.
- J) As explained in Para-H above.
- K) Incorrect and not admitted. The respondents after due course of Law imposed the major penalty upon the appellant by violating Rules and regulations of Khyber Pakhtunkhwa Rules 2018.
- L) That the respondents will also raise additional grounds at the time of arguments on the permission of Honourable Service Tribunal.


Prayer:


It is prayed that on acceptance of the above submission of Joint Para wise comments on behalf of respondents No.01 to 03, the appeal of the appellant may graciously be dismissed being devoid of Merits and against the Law.


INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA PESHAWAR
(RESPONDENT NO. 01)


26/12/21


ADDL INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA PESHAWAR
(RESPONDENT NO. 02)


26/12/21


SUPERINTENDENT
CENTRAL PRISON HARIPUR
(RESPONDENT NO.03)

BEFORE THE HONORABLE PESHAWAR HIGH COURT PESHAWAR

In the matter of

Service Appeal No. 6310/2021

Hasnain Ali Khan, Ex-Warder, Central Prison Haripur.....Appellant

VERSUS

1. The Inspector General of Prisons Khyber Pakhtunkhwa, Peshawar
2. The Additional Inspector General of Prisons Khyber Pakhtunkhwa, Peshawar
3. The Superintendent Circle Headquarters Prison HaripurRespondents

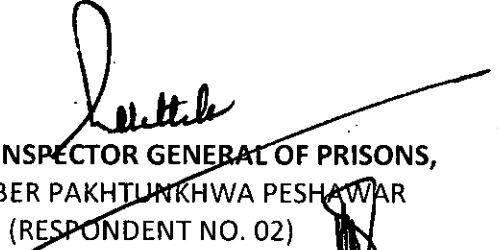
AFFIDAVIT

We the following respondents do hereby solemnly affirm and declare that the contents of Para-wise Comments are true and correct to the best of our Knowledge and belief and nothing have been concealed from this Honorable Service Tribunal.

INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA PESHAWAR
(RESPONDENT NO. 01)


26/8/21

ADDL INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA PESHAWAR
(RESPONDENT NO. 02)


26/8/21

SUPERINTENDENT
CENTRAL PRISON HARIPUR
(RESPONDENT NO.03)



1

**GOVERNMENT OF THE KHYBER PAKHTUNKHWA
HOME AND TRIBAL AFFAIRS DEPARTMENT.**

NOTIFICATION

Peshawar, dated the 14th March 2018.

No.SO(P&R)HD/3-3/2018.-In exercise of the powers conferred by section 59 of the Prisons Act, 1894 (IX of 1894) and in supersession of rules issued in this behalf, the Government of the Khyber Pakhtunkhwa is pleased to make the following rules, namely:

**THE KHYBER PAKHTUNKHWA
PRISONS RULES, 2018.**

**Chapter-1
General Provision**

1. Short title and commencement.---(1) These rules may be called the Khyber Pakhtunkhwa Prisons Rules, 2018.

(2) It shall come into force at once.

2. Definitions.---(1) In these rules, unless otherwise prescribed the following expressions shall have the meaning hereby respectively assigned to them, that is to say-

- (a) "Act" means the Prisons Act, 1894 (Act IX of 1894);
- (b) "Additional Inspector General" means Additional Inspector General of Prisons appointed by Government under these rules;
- (c) "Assistant Superintendent" means Assistant Superintendent of the Prisons and includes Senior Assistant Superintendent or Senior Lady Assistant Superintendent appointed by Government;
- (d) "Central Prison" means a Central Prison declared as such by Government;
- (e) "Chief Warder" means Chief Warder either male or female, as the case may be, in respective ward in a Prison;
- (f) "Code" means the Code of Criminal Procedure, 1898 (V of 1898);
- (g) "condemned prisoner" means prisoner sentenced to death and his sentence of death confirmed by the Supreme Court of Pakistan;

(2) Every member of the Warder establishment of a circle shall be liable to serve at any place in or prison or outside his Circle when required, if such circles exist.

(3) No subordinate officer shall be posted to a Prison, other than a Central Prison, in his home district without the sanction of the Inspector General

(4) It shall be the duty of every candidate for employment and of every subordinate officer to forthwith inform the Superintendent if he is in any way related to or connected with another officer employed in the same prison, or with any prisoner confined in that prison.

1078. Prohibition against employment of Officers/officials persons dismissed or punished criminally.---(1) Officers or officials who have been dismissed from Government Service shall not be employed in the Prisons Department without the special sanction of Government. Government shall, be given a full statement of the facts relating to such dismissal.

(2) Officers or officials who have been convicted of any offence against the Criminal Law and punished with imprisonment and shall not be employed in the Prison Department without the special sanction of the Inspector General.

(3) Only persons of good conduct and respectable character shall be employed as prison officers.

1079. Candidates to disclose previous punishment.---(1) Before any person is temporarily or permanently appointed as prison officer, he shall be required to make a declaration that he has not at any time been dismissed from Government service or convicted of any offence and punished with imprisonment.

(2) If any such person has been dismissed or convicted and punished, he shall instead of making a declaration as aforesaid, make a full disclosure of the circumstances attending such dismissal or conviction and punishment, for the information and orders of the proper authority.

1080. Prohibition against business and pecuniary transactions.---(1) No prison officer shall directly or indirectly engage in any trade, business or employment other than his legitimate duties.

(2) No prison officer shall lend money to, borrow money from, enter into any pecuniary transaction with, or incur any obligation in favor of any other officer or any prisoner.

1081. Residential quarters.---(1) Rent free residential quarters shall ordinarily be provided at each prison for the Superintendent, Deputy Superintendent, Senior Assistant Superintendent, Assistant Superintendents, Senior Medical Officer, Medical Officer, Pharmacy Technician, Assistants and Clerical Staff, Storekeepers, Instructors, Teachers, Head Warders and the Warders.

(2) Every prison official for whom the residential quarters are not available in prison shall reside within such distance from the prison as the Superintendent may direct,

1082. Leave to Subordinate Officers.---(1) No subordinate officer shall, at any time, without the permission of the Deputy Superintendent, if such officer is subordinate to him, and, in any other case, of the Superintendent, be absent from the prison premises, whether by day or night.

(2) The Deputy Superintendent shall not, without the sanction of the Superintendent, grant leave of absence to any subordinate officer, or permit any such officer to remain absent, for any period exceeding four hours at any one time.

(3) Whenever any leave is granted by the Deputy Superintendent to any subordinate officer he shall, at the time the leave is granted, record the fact, and the period of leave in his report book.

(4) Every subordinate officer shall immediately on return from leave report the fact to the Deputy Superintendent, who shall forthwith record his arrival in his report book.

(5) The Deputy Superintendent shall similarly record in his report book, all leave granted by the Superintendent and all reports made of return from leave.

(6) Fifteen (15) days recreation leave shall be granted to every employee of Department once in a calendar year on rotation basis.

1083. Absence caused by illness or other unavoidable cause.---Whenever any subordinate officer is at any time prevented by sudden illness or other unavoidable cause, from attending the prison or performing his duties he shall forthwith give notice to the Superintendent along with his reasons for absence. The Superintendent shall then make suitable arrangements for the due performance of his duties.

1084. Acquaintance with these rules and directions.---It shall be the duty of every prison officer to make himself thoroughly acquainted with the duties of his office and these rules and directions. He shall discharge his duties with zeal, efficiency, honesty, alacrity and regularity.

1085. Note Book.---Every subordinate officer shall keep a notebook with him in which he shall record every order given to him by his superior officers.

1086. Subordinate Officer to render prompt obedience.---It shall be the duty of every subordinate officer at all times to render prompt and implicit obedience to every lawful order, given to him by superior officer, with proper courtesy and respect.

1087. Prohibition against communicating with prisoners, their-relatives and friends.---(1) No subordinate officer shall, otherwise than with the special permission of the Superintendent, at any time,-

- (a) correspond or communicate with any relative or friend of any prisoner;
- (b) hold any unauthorized communication with any prisoner;


(9) (A)

OFFICE OF THE
SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR
No: _____ P/B Dt: 03/10/2019

OFFER OF APPOINTMENT

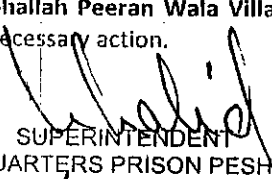
Upon recommendation of the Departmental Selection Committee, **Mr. Hasnain Ali Khan S/o Abdur Rahman** is hereby appointed against the post of **Warder (BPS-05)** in the Khyber Pakhtunkhwa Prisons Department in Basic Pay Scale Rs. (10260-500-25290) plus other usual admissible allowances on the following terms and conditions:-

- 1- His appointment will take effect from the date of joining duty at his place of posting.
- 2- His appointment is purely temporary and his services are liable to be terminated at any time on 15 days' notice without assigning any reasons.
- 3- No TA/DA will be admissible to him for joining first appointment.
- 4- In case he wishes to resign at any time he will give one month notice OR in lieu thereof one month's pay will be forfeited from him subject to the discretion of the competent authority in public interest and will leave the service after acceptance of his resignation.
- 5- His appointment is subject to Medical fitness for Government Service.
- 6- He will be eligible for continuance on the post if his work and conduct remained satisfactory during the period of his this temporary appointment provided the vacancy against which he has been appointed continues.
- 7- He will be on probation for a period of one year extendable upto another year. During probation period his services will be terminated if his work and conduct is not found satisfactory OR the vacancy ceases to exist.
- 8- He will be liable to serve anywhere in the Prisons Department of Khyber Pakhtunkhwa.
- 9- For all other purposes such as Pay, T.A and Medical Attendance etc; he will be governed by such Rules as may be issued by the Government for the category of Government Servants of the Prisons Department to which he will belong.
- 10- He will be governed by the Khyber Pakhtunkhwa Government Servants (Conduct) Rules 1987, the Khyber Pakhtunkhwa Civil Servants (Appeal) Rules 1986, the Khyber Pakhtunkhwa Civil Servants Act, 1973, the Civil Servants (Appointment, Promotion and Transfer) Rules 1989, the Khyber Pakhtunkhwa (E&D) Rules, 2011 the Khyber Pakhtunkhwa Prison Department Service Rules and all other rules / regulations framed or to be framed by the Government from time to time.
- 11- His service will be liable to termination / reversion at any stage if his Academic Certificates / Degrees (if any), CNIC, Domicile etc; are found fake, his services will be considered as terminated automatically and FIR will be lodged against him.
- 12- His salary will be released after making proper verification of his antecedents/ character roll, Domicile, and Academic Qualification Certificates / Degrees etc; from the quarter concerned by the jail of his first posting. Moreover, if any verification charges are involved on this account, the same will be paid by the appointee.
- 13- If he accepts the appointment on the above cited terms and conditions, he should report to the **Superintendent District Jail Abbottabad** within 30 (Thirty) days of the receipt of this offer of appointment at his own expense. In case he fails to join duty within the same period, the offer of appointment will be treated as cancelled / withdrawn.


SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR

Endorsement No: 670-6751

- Copy of the above is forwarded to:-
- 1- Superintendent Circle Headquarters Prison Haripur.
 - 2- **The Superintendent District Jail Abbottabad** for information. On arrival of the above named official an undertaking should be taken on judicial stamp paper from him to the effect that he has accepted all terms and conditions contained in the offer of his appointment and submitted to this office for record. **The condition No. 12 may be fulfilled before releasing his salary within shortest possible time.**
 - 3- The District Account Officer Abbottabad for information & further necessary action.
 - 4- **Mr. Hasnain Ali Khan S/o Abdur Rahman R/o Mohallah Peeran Wala Village Darwesh Post Office, Distt: & Tehsil Haripur** for information and necessary action.


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

<Musawer>



OFFICE OF THE SUPERINTENDENT
CIRCLE (EASTERN) HQs PRISON HARIPUR

Ph/Fax: 0995-920066

No. _____

Dated 13 / 11 / 2020.

**FINAL SHOW CAUSE NOTICE UNDER RULE-5 (i) (a) READ WITH RULE-7
OF THE KHYBER PUKHTUNKHWA GOVERNMENT SERVANTS
(EFFICIENCY & DISCIPLINE) RULES, 2011.**

I, Maqsud Ur Rehman, Superintendent Circle Headquarters Prison Haripur as competent authority do hereby charge you following Warders (BPS-07) attached to Central Prison Haripur as follows:-

S.#	Name with parentage	Designation	Faults
01	Adnan s/o Rehman Gul	Warder	You remained absent from duty and Jail premises without the permission of competent authority w.e.f 31-10-2020 to 07-11-2020 (08 days).
02	Aqeel Nazir s/o Nazir Hussain	-do	You remained absent from duty and Jail premises without the permission of competent authority w.e.f 23-08-2020 to 30-08-2020 (08 days).
03	Manzoor Ahmad s/o Noor ur Rehman	-do	You remained absent from duty and Jail premises without the permission of competent authority w.e.f 03-09-2020 to 09-09-2020 (07 days).
04	Shah Faisal s/o Abdul Khaliq	-do	You remained absent from duty and Jail premises without the permission of competent authority w.e.f 28-08-2020 to 13-09-2020 (17 days).
05	Hasrat Khan s/o Safdar Zaman	-do	You remained absent from duty and Jail premises without the permission of competent authority w.e.f 01-08-2020 to 15-09-2020 (46 days).
06	Aneel Ikhlaiq s/o Muhammad Ikhlaiq	-do	You remained absent from duty and Jail premises without the permission of competent authority w.e.f 10-09-2020 to 15-09-2020 (06 days).
07	Sajjad Ahmed s/o Dilawar	-do	You remained absent from duty and Jail premises without the permission of competent authority w.e.f 17-09-2020 to 21-09-2020 (05 days).
08	Zubair Gulzar s/o Gulzar Muhammad	-do	You remained absent from duty and Jail premises without the permission of competent authority w.e.f 01-08-2020 to 28-09-2020 (59 days).
09	Tauseef Shah s/o Makhdoom Shah	-do	You remained absent from duty and Jail premises without the permission of competent authority w.e.f 02-09-2020 to 04-09-2020 (33 days).
10	Suleman Khan s/o Fazal Aman	-do	You remained absent from duty and Jail premises without the permission of competent authority w.e.f 11-10-2020 to 16-10-2020 (06 days).
11	Faisal Nazeer s/o Nazir Hussain	-do	You remained absent from duty and Jail premises without the permission of competent authority w.e.f 19-10-2020 to 21-10-2020 (03 days).
12	Husnain Ali s/o Abdul Rehman	-do	You remained absent from duty and Jail premises without the permission of competent authority w.e.f 29-06-2020 to 25-10-2020 (118 days).
13	Muhammad Rameez s/o Muhammad Bashir	-do	You remained absent from duty and Jail premises without the permission of competent authority w.e.f 13-10-2020 to 25-10-2020 (25 days).

Your this practice is a grave misconduct on your part & entails you for strict disciplinary action under the E & D Rules-2011.

I, Maqsud Ur Rehman, Superintendent Circle Headquarters Prison Haripur as competent authority, am satisfied by the report submitted by Inquiry Officer & there is no need of holding any further inquiry.

Now therefore, you above named accused Warders are hereby called upon to show cause within seven (07) days as to why admissible Minor or Major Punishment may not be awarded to you for your above stated act of misconduct.

Sd/

SUPERINTENDENT
CIRCLE H/Qs PRISON HARIPUR

Endst: No. 3480-93/Dated: 13/11/2020.

1. The Superintendent Central Prison Haripur for information w/r to No.8148 dated. 11-11-2020 please.
2. Accused Warders (BPS-07) attached to Central Prison Haripur for information and reply in feedback.

SUPERINTENDENT
CIRCLE H/Qs PRISON HARIPUR

OFFICE OF THE SUPERINTENDENT
CIRCLE (EASTERN) HQs PRISON HARIPUR

No. 3769-1-

Dated 10/12/2020 1-

Phone/Fax: 0995-920066

OFFICE ORDER:

WHEREAS, following accused Warders (BPS-07) attached to Central Prisons Haripur were proceeded against, under Rules-3 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges of their misconduct as mentioned in the Show cause Notice served upon them.

S#	NAME	PUNISHMENT AWARDED
01	Adnan s/o Rehman Gul	"Censure" And Absence period w.e.f 31-10-2020 to 07-11-2020 (08 days) may be considered as Extra Ordinary Leave Without Pay .
02	Aqeel Nazir s/o Nazir Hussain	"Censure" And Absence period w.e.f 23-08-2020 to 30-08-2020 (08 days) may be considered as Extra Ordinary Leave Without Pay .
03	Manzoor Ahmad s/o Noor ur Rehman	"Censure" And Absence period w.e.f 03-09-2020 to 09-09-2020 (07 days) may be considered as Extra Ordinary Leave Without Pay .
04	Shah Faisal s/o Abdul Khaliq	"Censure" And Absence period w.e.f 28-08-2020 to 13-09-2020 (17 days) may be considered as Leave Due Kind .
05	Hasrat Khan s/o Safdar Zaman	"Censure" And Absence period w.e.f 01-08-2020 to 15-09-2020 (46 days) may be considered as Extra Ordinary Leave Without Pay .
06	Aneel Ikhlq s/o Muhammad Ikhlq	"Censure" And Absence period w.e.f 10-09-2020 to 15-09-2020 (06 days) may be considered as Extra Ordinary Leave Without Pay .
07	Sajjad Ahmed s/o Dilawar	"Censure" And Absence period w.e.f 17-09-2020 to 21-09-2020 (05 days) may be considered as Extra Ordinary Leave Without Pay .
08	Zubair Gulzar s/o Gulzar Muhammad	"Censure" And Absence period w.e.f 01-08-2020 to 28-09-2020 (59 days) may be considered as Extra Ordinary Leave Without Pay .
09	Tauseef Shah s/o Makhdoom Shah	"Censure" And Absence period w.e.f 02-09-2020 to 04-10-2020 (33 days) may be considered as Extra Ordinary Leave Without Pay .
10	Suleman khan s/o Fazal Aman	"Censure" And Absence period w.e.f 11-10-2020 to 16-10-2020 (06 days) may be considered as Extra Ordinary Leave Without Pay .
11	Faisal Nazeer s/o Nazir Hussain	"Censure" And Absence period w.e.f 19-10-2020 to 21-10-2020 (03 days) may be considered as Extra Ordinary Leave Without Pay .
12	Husnain Ali s/o Abdul Rehman	" Removal From Service" Absence period w.e.f 29-10-2020 to 28-11-2020 (18 days) will be treated as EOL without Pay
13	Muhammad Rameez s/o Muhammad Bashir	"Censure" And Absence period w.e.f 13-10-2020 to 25-10-2020 (13 days) may be considered as Leave on Medical Ground .

WHEREAS, they furnished their reply, which was found satisfactory as per punishment awarded.

AND WHEREAS, the undersigned being the competent authority granted them the opportunity of personal hearing on 09-12-2020 as provided for under rules ibid.

NOW THEREFORE, in exercise of powers conferred under Rule-14(5) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rule 2011, having considered the charges, evidence on record & Report submitted by Superintendent Central Prison Haripur, the explanation of the accused officials and after affording the opportunity of personal hearing, undersigned being the competent authority , do hereby award them minor penalty of "CENSURE" as quoted above to the said Warders (BPS-07) attached to Central Prison Haripur with immediate effect.

SUPERINTENDENT
CIRCLE H.Q. PRISON HARIPUR

Endst: No: 3770-82 1

Copy of the above is forwarded to:

(11) C

بخدمت جناب انسپکٹر جنرل جیل خانہ جات مسعود الرحمان صاحب

عنوان:- درخواست پمرا ادبجالی پر ملازمت

جناب عالی!

گزارش ہے کہ سائل ہریپور سنٹرل جیل میں ڈیوٹی سرانجام دے رہا تھا، کچھ عرصہ پہلے سائل کی والدہ سخت بیمار تھی کیونکہ جنگی دیکھ بھال کرنے والا اور کوئی نہ تھا، ان کے علاج معالجہ کے لئے سائل سرغرم حاضر کیا ہوا تھا، جبکہ سائل دوبارہ حاضر ہو کر ڈیڑھ ماہ ڈیوٹی خوش اسلوبی سے



OFFICE OF THE SUPERINTENDENT
CIRCLE (EASTERN) HQs PRISON HARIPUR

No. 3675 /-

Dated 03/12/2020 /-

Phone/Fax: 0995-920066

To,
The Superintendent,
Central Prison Haripur.

Subject:- **PERSONAL HEARING.**
Memo:

Following ccused Warders attached to your Jail may be directed to attend the office of undersigned on Wednesday 09-12-2020 for Personal Hearing at 10.30 AM positively:-

- 01 ✓ Adnan S/o Rehman Gul — only Answer
- 02 ✓ Aqeel Nazir s/o Nazir Hussain
- 03 Manzoor Ahmad s/o Noor ur Rehman
- 04 ✓ Shah Faisal s/o Abdul Khaliq
- 05 Hasrat Khan s/o Safdar Zaman
- 06 ✓ Aneel Ikhlq s/o Muhammad Ikhlq
- 07 Sajjad Ahmed s/o Dilawar
- 08 Zubair Gulzar s/o Gulzar Muhammad — Medical
- 09 ✓ Tauseef Shah s/o Makhdoom Shah — only Answer
- 10 Suleman khan s/o Fazal Aman — only Answer
- 11 ✓ Faisal Nazeer s/o Nazir Hussain — Medical
- 12 Husnain Ali s/o Abdul Rehman
- 13 ✓ Muhammad Rameez s/o Muhammad Bashir. Medical.

Further, they should be directed to appear in proper uniform and their service history may be furnished for perusal of service track.

SUPERINTENDENT
CIRCLE H.Q. PRISON HARIPUR

بخدمت جناب انسپکٹر جنرل جیل خانہ جات مسعود الرحمان صاحب

عنوان :- درخواست بمراد بحالی بر ملازمت

جناب عالی!

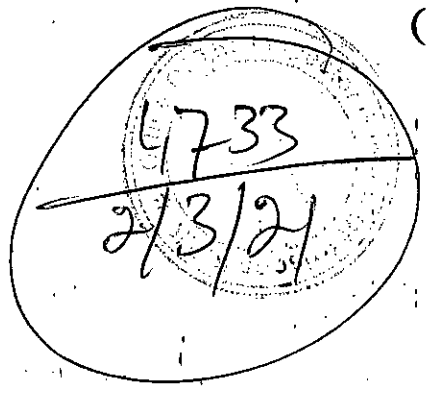
گزارش ہے کہ سائل ہری پور سنٹرل جیل میں ڈیوٹی سرانجام دے رہا تھا، کچھ عرصہ پہلے سائل کی والدہ سخت بیمار تھی کیونکہ جنگلی دیکھ بھال کرنے والا اور کوئی نہ تھا، ان کے علاج معالجہ کے لئے سائل سے غیر حاضری ہوئی تھی، جبکہ سائل دوبارہ حاضر ہو کر ڈیڑھ ماہ ڈیوٹی خوش اسلوبی سے سرانجام دے رہا تھا اور یہ کہ اپنی بہن کی شادی پر جب چھٹی پر گیا تو واپس جب ڈیوٹی پر آیا تو کہا گیا کہ آپ ڈس مس ہو گئے ہو اور مجھے ڈیوٹی پر نہیں لیا گیا۔ میں روزانہ آتا جاتا رہا مگر میری طرف کسی نے بھی توجہ نہ دی اور تاحال ڈھائی ماہ گزر رہے ہیں۔ باوجود بھی نہ مجھے ڈیوٹی پر لیا گیا ہے اور نہ ہی مجھے کوئی نوٹس دیا گیا اور نہ ہی مجھے کوئی ڈس مس آرڈر دیا گیا، جبکہ جیل کے کافی چکر لگا چکا ہوں۔ سائل ایک غریب گھرانے سے تعلق رکھتا ہے اور اس وقت بہت مشکلات سے دوچار ہوں۔

لہذا جناب سے بذریعہ درخواست التماس کی جاتی ہے کہ سائل کے ساتھ انصاف کیا جا کر سائل کو ڈیوٹی پر بحالی کا حکم صادر فرمائیں۔ عین نوازش ہوگی۔ سائل ہمیشہ آپ کے لئے دعا گو رہوں گا۔

المقوم: 01/03/2021

العارضی

سائل :- حسین علی خان ولد عبدالرحمان (ریٹک وارڈ)
سنٹرل جیل ضلع ہری پور۔





OFFICE OF THE
INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

91-9210334, 9210406

091-9213445

No.Estb/Ward-/Orders/ LC 8784 1-

Dated 18-03-2021 1-

ORDER

WHEREAS, **Warder Hasnain Ali Khan S/O Abdur Rehman** while attached to Central Prison Haripur was awarded the major penalty of "**Removal from service**" by Superintendent HQs Prison Haripur vide his office order No. 3769 dated 10-12-2020 due to his misconduct and willful absence w.e.f 29-06-2020 to 25-10-2020.

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 time-barred and penalty awarded to him by the competent authority due to his misconduct and willful absence after observing all legal and codal formalities as required under the E&D Rules 2011.

NOW THEREFORE, keeping in view the facts on record, the provision of rules in vogue and in exercise of powers conferred under Rule-17 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 read with Rule-05 of Khyber Pakhtunkhwa Service Appeal Rules 1986, the decision of the competent authority is upheld and appeal of the appellant is hereby rejected being time-barred and without any substance.

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

ENDST; NO. 8785-87 /.,

Copy of the above is forwarded to:-

1. The Superintendent, Headquarters Prison Haripur for information and necessary action with reference to his order referred to above.
2. The Superintendent Central Prison Haripur for information and necessary action. He is directed to inform the appellant accordingly and to make necessary entry in his Service Book under proper attestation.
3. Ex-Warder Hasnain Ali Khan S/O Abdur Rehman R/o Muhallah Piran Wala Village Darwesh District Haripur (0333-5872401) for information.

PB

ASSISTANT DIRECTOR

**INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR**