

11.01.2019

Appellant absent. Learned counsel for the appellant absent. Mr. Muhammad Jan learned Deputy District Attorney for the respondents present. Case called for several time but none appeared on behalf of the appellant. Therefore the present service appeal is dismissed in default. No order as to costs. File be consigned to the record room.

  
Member


  
Member

**ANNOUNCED**  
**11.01.2019**

04.10.2018

Appellant absent. Learned counsel for appellant absent.  
Mr. Muhammad Jan learned Deputy District Attorney present.  
Adjourned. To come up for arguments on 21.11.2018 before D.B.

  
(Hussain Shah)  
Member

  
(Muhammad Hamid Mughal)  
Member

21.11.2018

Since 21.11.2018 has been declared as public holiday on  
account of 12<sup>th</sup> Rabi ul Awal. Therefore, the case is adjourned. To  
come up on 09.01.2019!

  
Reader

09.01.2019

Appellant absent. Learned counsel for the appellant  
absent. Mr. Muhammad Jan learned Deputy District  
Attorney for the respondents present. Adjourned. To come  
up for arguments on 11.01.2019 before D.B.

Member


Member

01.09.2018

Learned counsel for appellant present. Learned counsel for respondent present.  
Mr. Muhammad Jan learned Deputy District Attorney present. Mr. Muhammad Jan learned Deputy District Attorney present.

28.02.2018

Counsel for the appellant present. Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Sohrab Khan, Junior Clerk for the respondents also present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 04.05.2018 before D.B.

  
Member (Executive)

  
Member (Judicial)


04.05.2018


The Tribunal is defunct due to retirement of Hon'ble Chairman. Therefore, the case is adjourned. To come on 29.06.2018

  
READER

29.06.2018


Appellant absent. Learned counsel for the appellant is also absent. Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Adjourned. To come up for arguments/further proceedings on 09.08.2018 before D.B.


  
(Muhammad Amin Kundi)  
Member

  
(Muhammad Hamid Mughal)  
Member

09.08.2018

Clerk to counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney present. Clerk to counsel for the appellant seeks adjournment as learned counsel for the appellant is not in attendance. Adjourned. To come up for arguments on 04.10.2018 before D.B.

  
(Muhammad Amin Kundi)  
Member

  
(Muhammad Hamid Mughal)  
Member

06.06.2017

Counsel for the appellant and Mr. Sohrab Khan, Assistant alongwith Mr. Muhammad Adeel Butt, Additional AG for the respondent present. Counsel for the submitted rejoinder which is placed on file. To come up for arguments on 04.10.2017 before D.B.

(Gul Zeb Khan)  
Member

*MA*  
(Muhammad Amin Khan Kundi)  
Member

04.10.2017

Counsel for the appellant present. Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Counsel for the appellant seeks adjournment. Adjourn. To come up for arguments 29.12.2017 before D.B.

*[Signature]*  
Member  
(Executive)

*[Signature]*  
Member  
(Judicial)

29.12.2017

Clerk to counsel for the appellant and Usman Ghani, District Attorney alongwith Mr. Suhrab, Junior Clerk for respondents present. Arguments could not be heard due to incomplete bench. Adjourned. To come up for arguments on 28.02.2018 before D.B.

*[Signature]*  
Member

22.03.2016

None present for appellant. Mr. Sheharyar Khan, ASJ alongwith Addl: A.G for respondents present. Para-wise comments submitted. The appeal is assigned to D.B for rejoinder and final hearing for 11.7.2016.

  
Chairman

11.07.2016

Appellant in person and Mr. Sheharyar Khan, ASJ alongwith Mr. Muhammad Jan, GP for respondents present. Due to strike of the Bar learned counsel for the appellant is not in attendance today therefore, case is adjourned for rejoinder and arguments to

24-10-16

  
MEMBER

  
MEMBER

24.10.2016

Clerk to counsel for the appellant and Mr. Sohrab Khan, Junior Clerk alongwith Mr. Muhammad Jan, GP for respondents present. To come up for rejoinder and final hearing on 28.02.2017 before D.B.

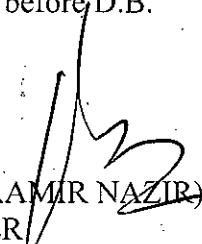
  
Member

  
Chairman

28.02.2017

None for the appellant present. Addl: AG for respondents present. Notices be issued to the appellant and his counsel. To come up for rejoinder and final hearing on 06.06.2017 before D.B.

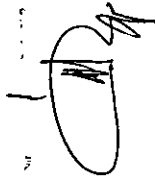
  
(AHMAD HASSAN)  
MEMBER

  
(MUHAMMAD AAMIR NAZIR)  
MEMBER

12.06.2015

Appellant with counsel present. Learned counsel for the appellant argued that the appellant served as Senior Clerk for a period of about 23/24 years as Central Prison when subjected to inquiry on the allegations of fraud and misconduct and vide order dated 23.10.2014 awarded punishment in the shape of reduction to lowest stage in the same pay scale for 3 years which order was communicated to the appellant on 23.11.2014 regarding which appellant preferred departmental appeal on 20.12.2014 which was rejected on 25.3.2015 and communicated to the appellant on 26.4.2015 and hence the instant service appeal on 26.5.2015.

Appellant Deposited  
Security & Process Fee



That the impugned orders are against facts and law and that the inquiry was not conducted in the prescribed manners.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply for 22.9.2015 before S.B.

  
Chairman

22.09.2015

Agent of counsel for the appellant and Addl: A.G for respondents present. Requested for adjournment. To come up for written reply/comments on 30.11.2015 before S.B.

  
Chairman

30.11.2015




None present for appellant. Mr. Sheharyar Khan, ASJ alongwith Addl: A.G for respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 22.3.2016 before S.B.

  
Chairman

Form- A  
FORM OF ORDER SHEET

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

Case No. 489/2015


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	26.05.2015	<p>The appeal of Mr. Muhammad Lateef presented today by Mr. Muhammad Usman Khan Turlandi Advocate, may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	27-5-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>29-5-15</u></p> <p style="text-align: right;"> CHAIRMAN</p>
3	29.05.2015	<p>None present for appellant. Notice to counsel for the appellant be issued for preliminary hearing for 12.6.2015 before S.B.</p> <p style="text-align: right;"> Chairman</p>

**BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR**In Ref: to Appeal No. 489 of 2015Muhammad Latif Senior Clerk.....**Appellant****VERSUS**I.G Prisons & others.....**Respondents****INDEX**

<b>S.No</b>	<b>Description of Documents</b>	<b>Annex</b>	<b>Pages</b>
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10.	Copy of the final impugned order	<b>E</b>	17
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M.   
**APPELLANT**

Through

  
**Muhammad Usman Khan**  
**Turlandi**  
 Advocate, Peshawar  
 Office: Flat -C, Murad Plaza,  
 Dalazak Road, Peshawar City  
**Cell No.0333-9153699**  
 0300-5895841

Dated 26/5/2015



②

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.**

In Ref; to S. Appeal No. 489 of 2015. **A.W.F. Province  
Service Tribunal  
Diary No. 552  
Dated 26-5-2015**

Muhammad Latif R/O Village Kakki, Bannu, working and posted as Senior Clerk (BPS-14), Central Prison Bannu.....**APPELLANT.**

**VERSUS**

1. Secretary to the Govt; of Khyber Pakhtunkhwa, Home & Tribal Affairs Department, Civil Secretariat Peshawar.
2. Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar.
3. Superintendent, Central Prisons Bannu.....**RESPONDENTS.**

**APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT,  
AGAINST THE IMPUGNED ORDER BEARING NO. 6896-  
DATED 25-03-2015 PASSED BY THE RESPONDENT NO. 1,  
COMMUNICATED/HANDED OVER TO THE APPELLANT  
INFORMALLY DATED 26-04-2015 WHEREBY THE  
DEPARTMENTAL REPRESENTATION OF THE  
APPELLANT WAS DISMISSED AND THE ORDER OF  
REDUCTION TO LOWEST STAGE IN PRESENT TIME  
SCALE FOR THREE YEARS PASSED BY THE RESPONDENT  
NO. 2 VIDE ORDER/ENDORSEMENT NO. 26278-79 DATED  
23-10-2014 WAS UPHELD.**

**PRAYERS:-**

On acceptance of this appeal the both, the original and subsequent appellate impugned orders passed by the respondent No. 1 dated 25-03-2015 may be set-aside and the appellant be reinstated in services with all back benefits and allied allowances.

Filed to-day  
26/5/15  
Registrar

RESPECTFULLY SHEWETH:-

1. That the appellant belongs to a respectable family of village Kikki, (Bannu) and has joined the services and served the prisons Department as Senior Clerk for about 23/24 years with great zeal and enthusiasm and no adverse remarks whatsoever has ever been assigned to him from any quarter.
2. That surprisingly, the respondent No. 3 unexpectedly and all of a sudden became annoyed for the reason best known to him and besides disgracing the appellant publically, also recorded adverse remarks in his annual ACR/PER for two years consecutively. The appellant was expelled from his office to outside the jail and by relegating/demoting him from the post of senior clerk was assigned the duties of head of the Sweepers but the appellant did assume the shameful duty being the order of his Boss. [REDACTED]  
[REDACTED]
3. That the appellant was given Show Cause Notice wherein proper inquiry was dispensed with for no good reason. (Copy of the Show Cause Notice is annexure "A").
4. That the appellant submitted his reply to the Show Cause Notice but without affording any opportunity of personal hearing, the major penalty of reduction to lowest stage in present time scale for three years was awarded/imposed vide first/original impugned order dated 25-03-2015 communicated/handed over to the appellant dated 26-04-2015, passed by the respondent No. 2. (Copy of the reply to the show cause notice and the original impugned order are annexure "B" & "C" respectively).
5. That the appellant in the given circumstances, preferred the departmental appeal before the respondent No. 1 which was dismissed vide appellate impugned order dated 25-03-2015

communicated/handed over to the appellant informally dated 26-04-2015. (Copy of the departmental appeal and impugned order thereon are annexure "D" & "E" respectively).

6. That the appellant while aggrieved of the impugned order and having no other adequate remedy available in the circumstances of the case, approaches this august Tribunal for setting-aside the impugned orders-with consequential relief of his re-instatement in service with all back benefits and allied allowances on the following amongst other grounds inter-alia.

**G R O U N D S :-**

- a. That the impugned order passed by the respondent No. 1 whereas the appeal of the appellant for his re-instatement in service was dismissed, is against the facts, circumstances and law on the subject.
- b. That the impugned order has been passed in the exercise of colorful authority which is unlawful, without lawful authority, without jurisdiction, un-Islamic, un-constitutional, against the norms of equity and natural justice.
- c. That admittedly the appellant has committed no offence whatsoever and the allegations leveled in the Show Cause Notice have no concern/relevancy whatsoever with the appellant.

In reference to the first allegation given in the Show Cause Notice with regards to the stoppage of the monthly pay in r/o one Waseem Akram Warder, It is respectfully stated that an order written by hand was issued by the Assistant Superintendent Jail to the appellant, conveying the order of respondent No. 3, to stop the monthly pay of certain Warders (Properly named therein) wherein the name of Warder Waseem Akram was not mentioned and the appellant did stop the pay as per written orders but could not stop the pay of Warder Waseem

Akram. Hence the appellant can never be held responsible for the payment of monthly pay to the said Warder Waseem Akram. (Copy of the order written by hand, is annexure "F").

Similarly in reference to the allegation at serial number (ii) of the Show Cause Notice, it is respectfully submitted that the Warder namely Abid Yaqoob was received on transfer from District Jail Kohat to Central Jail Bannu and as per his Last Pay Certificate (LPC) he was paid up-to 30-06-2013 (AN) from Kohat. The said LPC (at the bottom) also envisages his arrival report dated 03-07-2013 duly indorsed by the respondent No. 3 dated 04-07-2013. Furthermore, the concerned Line Muharrior Central Jail Bannu had also directed the appellant by conveying the order of respondent No. 3 to release the entire monthly pay and be paid to the transferee namely Warder Abid Yaqoob. (Copy of the LPC and order written by hand to release the pay is annexure "G" & "H" respectively). In such factual circumstances, if both the orders are kept in juxtaposition with the Show Cause Notice, no inference except innocence of the appellant could be drawn.

- d. That the appeal of the appellant has been dismissed with a single stroke of pen and no speaking order has been passed so the fate of the appellant should not be left on the mercy of the respondents.
- e. That no proper enquiry has been conducted and the statements of the concerned PWs and even the statement of the appellant have not been recorded at least to establish the allegations against the appellant.
- f. That no statement of the PWs have been recorded on oath in presence of the appellant and the appellant has never been given a chance of cross examination and thus no credibility could be relied upon which has no value in the eyes of law if any such statement is produced by the respondents.

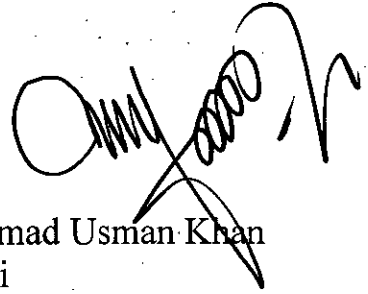
- g. That the respondent No. 2 while passing the impugned order has never bothered to requisition the service file of the appellant and at least should see the length of spot-less service for about 23/24 years rendered by the appellant and in such a circumstances both the impugned orders having no value in the eyes of law which are liable to be set-aside.
- h. That no chance of personal hearing which is mandatory one, has ever been given to the appellant either by the respondent No. 2 prior to the original impugned order was passed nor by the respondent No. 1 before passing the appellate impugned order.
- i. That valuable right was accrued to the appellant whereas his fundamental valuable rights have been encroached by the respondents No. 2 & 1 on their personal whims & wishes and such encroachment is hit by the command of the constitution of the Islamic Republic of Pakistan 1973.
- j. That further submissions will be advanced at the time of hearing the appellant at the bar.

In view of the foregoing facts, circumstances and submissions, it is therefore humbly prayed that on acceptance of this appeal, both, the original and appellate impugned orders may be set-aside and the appellant may be re-instated in services with all back benefits and allied allowances.

Any other remedy if available may also be extended in favour of the appellant to meet the ends of justice.

  
APPELLANT.

Through

  
Muhammad Usman Khan  
Turlandi  
Advocate Peshawar.

Dated: 26/05/2015

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.**

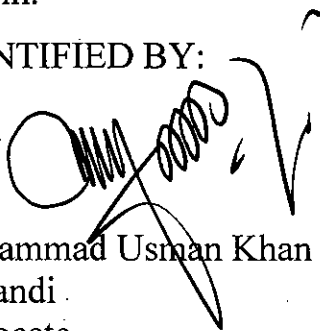
In Ref; to Appeal No. \_\_\_\_\_ of 2015.

Muhammad Latif Senior Clerk.....Versus.....I.G Prisons & others.

**AFFIDAVIT.**


I, Muhammad Latif R/O Village Kakki (Bannu) working and posted as Senior Clerk (BPS-14) at Central Prison Bannu, do hereby solemnly affirm and declare on oath that contents of the accompanying appeal are true and correct to the best of my knowledge and belief and nothing has been kept secret or concealed therein.

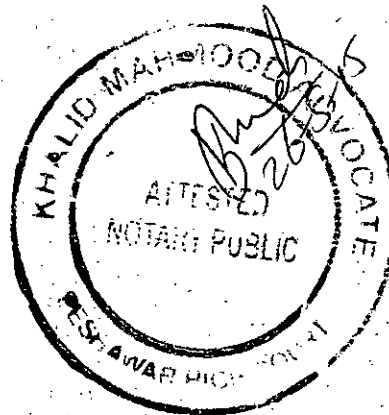
IDENTIFIED BY:



Muhammad Usman Khan  
Turlandi  
Advocate

DEPONENT

M. 



**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.**

In Ref; to Appeal No. \_\_\_\_\_ of 2015.

Muhammad Latif Senior Clerk..... VS.....I.G Prisons & others.

**APPLICATION FOR CONDONATION OF DELAY**

**RESPECTFULLY SHEWETH:-**

1. That the petitioner has filed the accompanying appeal for setting aside the impugned order before this august Tribunal today wherein no date of hearing has yet been fixed.
2. That balance of convince and inconvenience also lies in favor of the petitioner.
3. That the grounds already taken in the accompanying appeal may be considered the integral part and parcel of this application.
4. That the impugned order has been passed by the respondent No. 2 dated 23-10-2014, communicated to the applicant dated 23-11-2014 whereas the applicant has submitted the departmental appeal within the stipulated period provided by the law.
5. That the applicant waited for the fate of his departmental representation till the communication of the final appellate impugned order.
6. That the applicant could not engage his counsel and could not file the appeal in time due the general strike of the Lawyers of the PHC Bar Association & KPK Bar Counsel Peshawar w.e.f 22-05-to 23-5-2015 whereas dated 24-5

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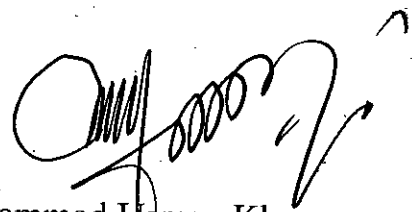
was Sunday (weekend holiday) and as such the appeal is being submitted on 25-05-2015.

7. That there is no legal bar on the condonation of delay and the superior court of the country have hold that any grievances if otherwise legally redress-able then technicalities like limitation should not be kept as hurdle or impediment therein.
8. That further submission will be advanced at the time of hearing the applicant at the bar.

It is therefore humbly prayed that the delay if any in filling the appeal before this august Tribunal beyond the limitation may be condoned just to save the ends of justice

  
APPLICANT.

Through



Muhammad Usman Khan  
Turlandi  
Advocate Peshawar.

Dated: 26/05/2015





10

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.**

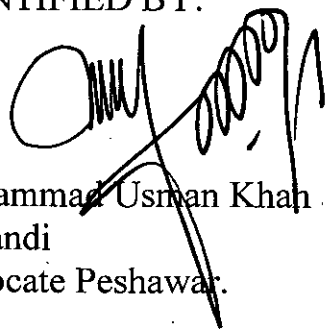
In Ref; to Appeal No. \_\_\_\_\_ of 2015.

Muhammad Latif Senior Clerk.....Versus.....I.G Prisons & others.

**AFFIDAVIT.**

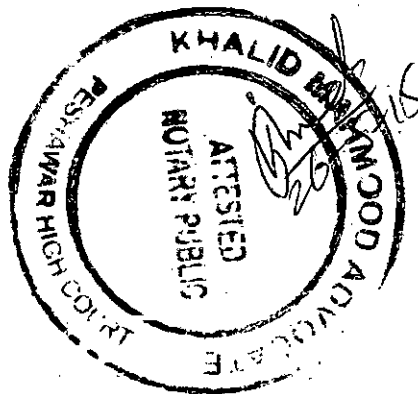
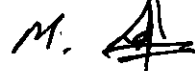
I, Muhammad Latif R/O Village Kakki (Bannu) working and posted as Senior Clerk (BPS-14) at Central Prison Bannu, do hereby solemnly affirm and declare on oath that contents of the accompanying application for condonation of delay are true and correct to the best of my knowledge and belief and nothing has been kept secret or concealed therein.

IDENTIFIED BY:



Muhammad Usman Khan  
Turlandi  
Advocate Peshawar.

DEPONENT



11 8

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.**

In Ref; to Appeal No. \_\_\_\_\_ of 2015.

Muhammad Latif Senior Clerk.....Versus.....I.G Prisons & others.

**ADDRESSES OF PARTIES.**

**APPELLANT.**

Muhammad Latif R/O Village Kakki (Bannu) working and posted as Senior Clerk (BPS-14) at Central Prison Bannu.

**VERSUS**

**RESPONDENTS.**

1. Secretary to the Govt; of Khyber Pakhtunkhwa, Home & Tribal Affairs Department, Civil Secretariat Peshawar.
2. Inspector General of Prisons, Khyber Pakhtunkhwa old Jamrud Road Peshawar.
3. Superintendent, Central Prisons Bannu. *M. A.*

**APPELLANT.**

Through

*Muhammad Usman Khan*  
Turlandi  
Advocate Peshawar.

Dated: 26/05/2015

SHOW CAUSE NOTICE

I, **Kifayatullah Khan, Inspector General of Prisons Khyber Pakhtunkhwa**, as Competent Authority, under **Rule-5(1)(a) read with rule-7 of Khyber Pakhtunkhwa Government Servants (E&D) Rules,2011**, do hereby serve you, **Mr.Muhammad Latif, Senior Clerk (BPS-14) posted to Central Prison Bannu**, that consequent upon the material on record, you have committed the following acts of Commission /Omission specified in **Rule-3** of the said rules:-

- i. You were assigned the duty of Pay Branch, failed to stop monthly pay in respect of warder Waseem Akram who tendered his resignation on 22-1-2014 and drawn his salary for two months i.e January & February 2014 to the tune Rs.38691/- which later-on detected by Superintendent Jail and amount recovered from him and deposited through challan No.1 dated 17-4-2014, the said irregularity admitted by you in your statement .
- ii. You make fraud with your immediate officer and succeeded in drawal of seven months salary to the tune of Rs.117294/- in respect of warder Abid Yaqoob pertaining to the period of District Jail Kohat, who remains continuously absent from the duty and sustained huge loss to state and violated Rule-15,16 and 23 of GFR. The said irregularity/fraud also admitted by you in your statement .

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

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

Now, therefore, I, **Kifayatullah Khan, Inspector General of Prisons Khyber Pakhtunkhwa** Competent Authority, call upon you through this Notice to explain why the major penalty of **"Removal from Service"** should not be imposed upon you.

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

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

*Handwritten signature/initials*

*Handwritten signature*

Received on  
A. 27  
2014

(13)

Annex - B

The Inspector General of Prisons,  
Khyber Pakhtunkhwa, Peshawar

Subject:- SHOW CAUSE NOTICE

R/Sir;

Kindly refer to your show cause notice No. Nil dated Nil received on  
02.7.2014 on the subject cited above

Para wise reply is submitted as under:-

1. It is submitted that though I am Senior Clerk and at that time the duty of pay branch was assigned to me but the resignation of warder Waseem Akram was neither received in the pay branch nor marked to the pay branch by the DDO for necessary action but rather the resignation was received to the "Line Officer" being the officer incharge of watch & ward staff as pointed out subsequently. So I was not responsible for the stoppage of pay. Moreover, the pay and allowances drawn have been recovered from the defaulter and no actual loss has been made to the "Public Exchequer".
2. It is incorrect that the pay of Mr. Yaqoob Warder was pertaining to the period of District Jail Kohat. Form the LPC of Mr. Yaqoob Warder is indicating that the whole period pertains to the Central Prison Bannu as is evident he has been relieved of his duties from District Jail Kohat on 30.06.2013 and assumed his duty in Central Prison Bannu on 23/12/2014. Only the intervening period between relinquishment and assumption of charge in Bannu is ~~two months~~ <sup>175 days</sup> and required sanction for extension in joining time.

Therefore, the charges of fraud is baseless, unfounded and mendacious. Furthermore ~~baseless~~ it will be proper to mention here that notice of inquiry was not served upon me, however the inquiry officer called me at the last working time to appear before him and where the Inquiry officer recorded my statement from the general discussion made between mine and him containing some on the record and some off the record facts. Thus giving no chance for defense statement in my favour to have been prepared systematically prefer in written shape. The Inquiry report has been prepared in hap-hazard ignoring the important points.

Keeping in view the above position the charges leveled against me are one sided and prejudice.

It is therefore, very humbly requested that the inquiry report and baseless charges be withdrawn.

Dated:- 04.7.2014

Yours Obediently,

M.  7/7/2014.

Muhammad Latif Khan

SIC  
Central Prison Bannu



Handwritten notes: "30/11/14", "14", "G.A. H. B. O. D.", "He", "Muhammad", "30/11/14", "30/11/14"

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

NO. 3/2-J-91/26276

DATED 23/10/2014

ORDER

In exercise of powers conferred under Rule 14 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, having considered the charges mentioned in the Show Cause Notice, evidence on record, the explanation of the accused official and affording an opportunity of personal hearing to the accused, the undersigned being competent authority, hereby award major penalty of "Reduction to lowest stage in present time pay scale for three years" to Mr. Muhammad Latif Senior Clerk attached to Central Prison Bannu.

*[Signature]*  
INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA PESHAWAR.

ENDST; NO. 26278-79 1.

Copy of the above is forwarded to :-

1. The Superintendent, Central Prison Bannu, for information and necessary action. Necessary entry shall be made in the Service Book of official concerned under proper attestation.
2. The District Accounts Officer Bannu, for information.

*[Signature]*  
INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA PESHAWAR.

H-C  
PLB: Process carefully  
*[Signature]*  
BA  
30/11/14

(15)

Annex - D

The Honorable Secretary, to Government of Khyber Pakhtunkhwa  
Home and T As Department Peshawar.

Through:- Proper channel

Subject:- REPRESENTATION AGAINST THE ORDER OF INSPECTOR GENERAL OF PRISONS  
PESHAWAR VIDE HIS OFFICE NO 3/2-J-91/76276 DATED 23/10/2014 IN WHICH I HAVE BEEN  
AWARDED MAJOR PENALTY.

R/Sir.

My prayers are as under:-

1. I have been recruited as senior clerk in Khyber Pakhtunkhwa Prison Department in the year 1991' and since then was performing duty in different establishment of prison department
2. That performance my duties have been appreciated by all the officers under the commands of whom I have been served and were very much satisfied from my performance of duty as evident from my entire service record.
3. Throughout my service no adverse/advice note OR comments have been issued to me from my superior officers except the one issued by the Superintendent Central Prison Bannu which was also based on melafide of authorized officer, Inquiry Officer and authority which has been highly condemned by the superior court in their judgments.
4. I am subordinate official and unless and until not mandated by the authority for stoppage of pay of any officer/officials, <sup>I cannot stop the pay of any official.</sup> Furthermore the acquittance roll prepared by subordinate official is going through the officers concerned while signing the same and no Omni bus signature is required while sending the financial matters to the quarters concerned. Had the Superintendent Central Prison Bannu was of the view that pay of Warden Abid Yaqoob should not be disbursed to him, the acquittance roll for onward submission to the accounts office
5. Being subordinate official I am not record holder on my general correspondence and when ever any letter pertaining to my field is received the same is marked to me by the authority for compliance where as in this case no such letter/directions have been received regarding the stoppage of pay of the warden Abid Yaqoob and therefore, no fault lies upon my shoulders.

16

6. It is the bounding Principles' laid down by the court in deferent ruling as whenever Major penalty is to be inflicted upon any official/officer then Proper opportunity will be provided to the defaulter officers/officials for his defense including final show cause notice accompanied with the findings of the inquiry officer, but in my case all these provisions have blatantly been violated and inflicted major penalty upon me ignoring the principal defaulter.
7. It will be proper to mention hear that notice of inquiry was not served upon me, however, the inquiry officer called me at the last working time to appear before him and where the inquiry officer recorded my statement from the general discussion made between mine and him containing some on the record and some off the record facts. Thus giving no chance for defense statement in my fever to have been prepared systematically prefer in written shape. The inquiry report has been prepared in hap hazard ignoring the important points.

Sir,

I have not committed any crime nor indulged in any mal practice but I have been made scape-goat for the entire dilemma. The charges leveled against me have not proved during the course of inquiry proceedings but even then I have been blamed for the same.

Prayer:-

In the light of the above facts and circumstances it is requested that the order of the Inspector General of Khyber Pakhtunkhwa Prisons may be set aside and major penalty may be removed from my service record or a denovo inquiry may be ordered, as I am fully and completely innocent in the instant case and that the main responsible defaulter officer i.e. Superintendent Jail Bannu may be penalized for such blunder, mishap and inefficiency towards his job.

It is further requested that I may be heard in person please.

Thanks

Yours most obedient servant

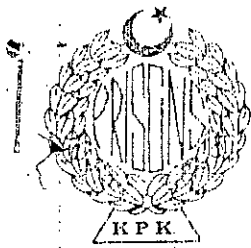
19-

MUHAMMED LATIF KHAN

Senior Clerk center Prison Bannu.

Dated: 20-12-2011





17

OFFICE OF THE **Amex-E**  
INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA PESHAWAR.

NO. 6896 -178

DATED 25-03-2015

*Rest*

To

The Superintendent,  
Central Prison Bannu.


Subject:-

DEPARTMENTAL APPEAL IN RESPECT OF MR. MUHAMMAD LATIF  
SENIOR CLERK

Memo:

I am directed to refer to your letter No.6356-WE-dated 20-12-2014 on the subject and to convey that appeal in respect of above named official regarding setting aside the major penalty of reduction to lowest stage in present time pay scale for three years has been considered and dismissed by the Appellate Authority vide Home Department order No. SO(Prisons)/834ID/BC-113969/2014/Vol III dated 12-3-2015(copy enclosed).

Please inform him accordingly.

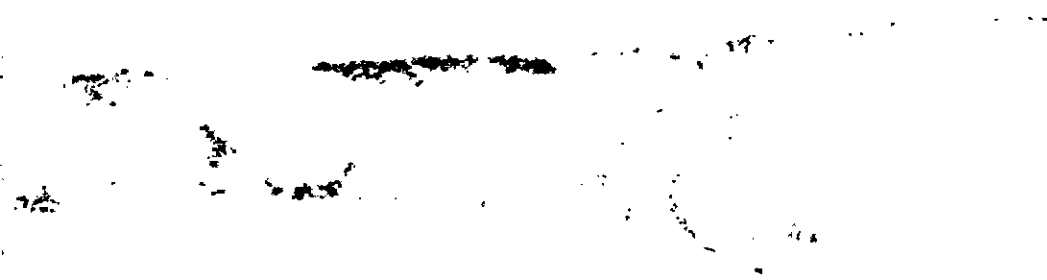
  
ASSISTANT DIRECTOR (ADMIN)  
FOR INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA PESHAWAR

*Rest / HC  
25-3-15*

*2/0. 8*

*141*

2. - 1000



8  
10/10/10

already  
closed.

- ① مورڈر - شیر خان - ② حاسم علی - وارڈز سراج
- ③ وارڈز سراج
- ④ سلطان محمد ⑤ علی ان صروت ⑥ وارڈز سراج
- ⑦ سنو کڈ اسٹریٹ ⑧ سنو کڈ اسٹریٹ

مورڈر اور وارڈز سراج کا سنو کڈ اسٹریٹ

کلم صاحب عباد

11/2/14

پندرہ روزانہ عابد علی

1) نادر خان انڈیا کے  
2) سامان ملک قادیان

3) پندرہ روزانہ

19

Annex-9

NO. 00473898

# LAST PAY CERTIFICATE

1. Last Pay Certificate of Abdul Yaqoob warden  
of the attached to Dist jail Kohat  
proceeding to Transfer to Central jail Bannu.

2. He has been paid upto 30-06-2013. AN.  
as per following rates:—

**PARTICULARS:**

Substantive Pay:—

Officiating Pay:—

Exchange Compensation Allowance:—

GPF/A/C No. 1111/KK/605.  
244 28-10-13

J.M. KK-605

VERIFIED

Basic pay	---	Rs. 5920-
H.R.	---	Rs. 1002-
C.A.	---	Rs. 1840-
M.A.	---	Rs. 1000-
R.S.A.	---	Rs. 681-
C.R.A.	---	Rs. 300-
Prisons	---	Rs. 3340-
AR 2011	---	Rs. 501-
AR 2012	---	Rs. 1184-
AR 2013	---	Rs. 888-

Total: Rs. 16658-

Deduction District Accounts Officer  
GPF/A/C No. 1111/KK/605  
AB/17/Cri/67/-

3. He made over charge of the Office of Supdt Dist jail Kohat  
as a Warden.  
on the after noon of 30-6-2013.

4. Recoveries are to be made from the pay of the Government servant as detailed on the reverse.

5. He has been paid leave salary as detailed below. Deductions have been made as noted on the reverse.

From \_\_\_\_\_ to \_\_\_\_\_ at Rs. \_\_\_\_\_ a month.  
 From \_\_\_\_\_ to \_\_\_\_\_ at Rs. \_\_\_\_\_ a month.  
 From \_\_\_\_\_ to \_\_\_\_\_ at Rs. \_\_\_\_\_ a month.

6. He is entitled to draw the following:—

7. He is also entitled to joining time for Three days.

8. The details to the Income Tax recovered from him upto the date from the beginning of the current year are noted on the reverse.

03/07/13 Arrival report at this Jail

03/07/13  
04/07/2013

Dated at Central jail Bannu

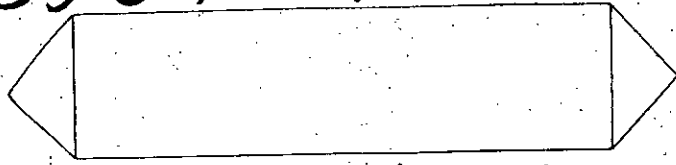
Signature [Signature]  
Designation SUPERINTENDENT DISTRICT JAIL KOHAT.  
P.T.O.

پے اکاؤنٹ

مکتبہ ادریشی، اور اور اور علیہ معقولہ 7/3 300 کو  
 قبل دوپہر حاضر ہو کر حاضر ڈیوٹی ہو گئی ہے  
 مینڈا شہزاد میں شروع کیا جائے  
 حکم علیہ شہزاد

دست فر  
 Khadija  
 13-2-2014

بعدالت کے لیے مندرجہ بالا



Service Appeal No. — 12015

Appellant.

2 مخدوم

جولائی 2015ء

KPK و غیرہ

بنام

محمد لطیف

سینئر مقرر BPS-14

دوسرے (جبل بنوں)۔

مورخہ

مقدمہ

دعویٰ

جرم

Respondents.

باعث تحریر آنکے اسپلینٹ

ایڈووکیٹ ایس آر

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

آن مقام KPK-ST کیلئے محمد عثمان خان ٹرانڈی ایڈووکیٹ ایس آر

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کمال اختیار ہوگا۔ نیز

وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور وصولی چیک ڈرو پیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق

زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی

اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت

مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے

تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے

اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے

سبب سے وہ ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب باندھوں

گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

ایس آر  
ایس آر  
2015

الرقوم  
بصیر  
ماہ  
سہ

Handwritten signature and stamp.

واہ العباد

کے لئے منظور ہے۔

Appellant  
M. 4

مقام

1

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

In the matter of  
Service Appeal No.489/2015  
Muhammad Latif Senior Clerk  
attached to CP Bannu.....**Appellant.**

**VERSUS**

- 1- Secretary to Government of Khyber Pakhtunkhwa,  
Home and T.A Department.
- 2- Inspector General of Prisons,  
Khyber Pakhtunkhwa Peshawar.
- 3- Superintendent  
Central Prison Bannu .....**Respondents.**

**PARAWISE REPLY ON BEHALF OF RESPONDENTS**

**Preliminary Objections.**

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

**ON FACTS**

- 1- Incorrect, misleading. Though the appellant served Prisons Department for more than two long decades yet it is on record that his track service record is not so neat and clean as claimed in his appeal as evident from "Annex-A".
- 2- The plea of the appellant is without any logic because there exists proper mechanism with regard to resolution of any issue on account of adverse entry in the PER of the incumbent. As far as assigning of any official task / duty is concerned, it is upto the competent authority to assign him the task fit for him hence there is no space to regret any assigning official task. Moreover, in the official arena there is no such assignment to which one can call a shameful assignment, it is nothing but the self assumed prestige to underestimate or overestimate any official duty / assignment.
- 3- Incorrect. It is the lame excuse of the appellant using such terminology after the conduct of proper departmental proceedings / findings thereof and imposition of penalty of "Reduction to lowest stage in present time pay scale for three years".
- 4- Incorrect, mis-leading. As elaborated in preceding Para, Departmental proceeding made with regard to the Show Cause Notice and Charges framed thereafter and on the




basis of recommendation made by the inquiry officer, the penalty was imposed upon the appellant.


- 5- Incorrect, the departmental appeal was accordingly processed but having no sound footing, it was accordingly could not acceded to, thus was filed.
- 6- No comments however, the plea of the appellant is not based on facts.

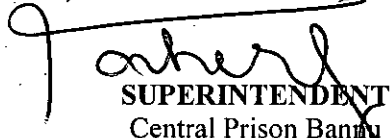
**GROUND:** -

- A. Incorrect, the departmental appeal was accordingly processed but having no sound footing, it was accordingly not acceded to, thus filed.
- B. Incorrect, on the basis of recommendation / findings of the inquiry, the competent authority while considering all other materials / matters available on record has finally awarded a penalty as required under the law and relevant rules.
- C. Incorrect, being involved in an intentional fraud in respect of non payments to the concerned quarters and thus sustaining loss to the Public Exchequer. Incorrect plea of the appellant that name of warder Waseem was not included in the hand written orders that is why his pay was not stopped, if considering this plea of the appellant then why he did not bring the matter of non-payment of monthly salary of an absent warder for long. Keeping his pay with himself for no reason as long as it was detected by the concerned authority is in it-self sufficient proof of his guilt. Furthermore, transfer cases have their own patent rules which are mandatory for all officials and there is no need of taking fresh orders from any authority because the documentary proof resolve all such issues without any complications.
- D. Incorrect, the departmental appeal was accordingly processed but having no sound footing it could not acceded to and was filed.
- E. As elaborated in the preceding Paras, that as per laid down procedure proper inquiry was conducted and after fulfilling all codal formalities, the penalty was imposed upon the appellant.
- F. Incorrect, misleading, as elaborated in Para-"E", the laid down procedure was properly adopted and all required steps were taken in proper and judicious manner.
- G. As elaborated in Para-1 above.
- H. As elaborated in Para-E & F above.
- I. No doubt the Constitution of Pakistan guarantees certain basic human rights to all citizens of Pakistan without their creed, caste and Political Affiliation. In the instant case, the rights were duly protected by providing ample opportunities to defend him self against the leveled allegation / charges.
- J. No comments.

In view of the above parawise comments, the appeal of Muhammad Latif Senior Clerk may be dismissed with cost please.

  
**SECRETARY TO GOVERNMENT**  
Khyber Pakhtunkhwa  
Home & T.As Department Peshawar.  
(Respondent No.1)

  
**INSPECTOR GENERAL OF PRISONS**  
Khyber Pakhtunkhwa Peshawar  
(Respondent No.2)

  
**SUPERINTENDENT**  
Central Prison Bannu  
(Respondent No.3)

100/12/15

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**


In the matter of  
 Service Appeal No.489/2015  
 Muhammad Latif Senior Clerk  
 attached to CP Bannu.....**Appellant.**

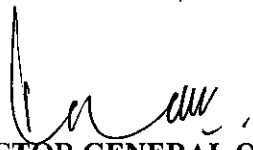
**VERSUS**

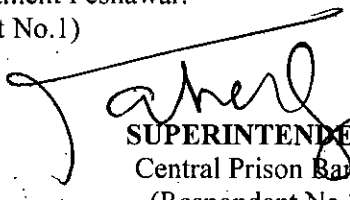
- 1- Secretary to Government of Khyber Pakhtunkhwa,  
Home and T.A Department.
- 2- Inspector General of Prisons,  
Khyber Pakhtunkhwa Peshawar.
- 3- Superintendent  
Central Prison Bannu .....**Respondents.**

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

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

  
**SECRETARY TO GOVERNMENT**  
 Khyber Pakhtunkhwa  
 Home & T.As Department Peshawar.  
 (Respondent No.1)

  
**INSPECTOR GENERAL OF PRISONS**  
 Khyber Pakhtunkhwa Peshawar  
 (Respondent No.2)

  
**SUPERINTENDENT**  
 Central Prison Bannu  
 (Respondent No.3)



Annex-A

OFFICE OF THE  
INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR 83

091-9210334, 9210406 091-9213445

No. 3/2-J-91/35-1, WE

Dated 01-01-2015 1,

To

The Secretary to Government of Khyber Pakhtunkhwa,  
Home and T.As Department,  
Peshawar.

Subject:- DEPARTMENTAL APPEAL AGAINST THE OFFICE ORDER NO.3/2-J-91/26276  
DATED 23-10-2014 PASSED BY THE INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR.

Sir,

I am directed to refer to Home Department letter No.SO(Prisons)/8-3/HD/BC-113969/2014/Vol-III dated 23-12-2014 on the subject and to convey that Superintendent Central Prison Bannu had reported vide his letter No.25 dated 18-4-2014 (copy enclosed) that Mr.Muhammad Latif, Senior Clerk attached to his jail was assigned the duties of Accounts and he prepared pay and adjustment of watch and ward staff illegally through source form due to which Superintendent Central Prison Bannu requested for initiation disciplinary action against him .

In order to know the factual position of the case, Mr.Samiullah Deputy Superintendent cum-Superintendent District Jail Kohat was directed to proceed to Central Prison Bannu and conduct a detailed inquiry in the matter and fix clear cut responsibilities on the shoulder of officer/official at fault with specific charges/rules violated in the matter and submit his report vide this office letter No.3/2-J-91/12640-WE dated 14-5-2014 (copy enclosed). The officer concerned submitted his inquiry report for further necessary action vide his letter No.1541-WE dated 05-6-2014 (copy enclosed). According to the said report, he fixed responsibility on the shoulder of appellant. As required, Show Cause Notice was served upon the accused official under Rule-5(1)(a) read with rule-7 of E&D Rules 2011 through Superintendent Central Prison Bannu vide this office letter No.17390-WE Dated 25-6-2014 (copy enclosed). The accused official furnished his reply but the same were found un-satisfactory, however, before passing final orders the opportunity of personal hearing was also afforded to him vide this office letter No.19887 dated 23-7-2014 (copy enclosed) .

As the charges stood proved against the accused official, upon completion of procedural formalities, he was awarded the major penalty of "Reduction to lowest stage in present time pay scale for three years" vide this office order No.26276 dated 23-10-2014(copy enclosed).

Now feeling aggrieved with the above decision, the above named Senior Clerk has preferred his departmental appeal for setting aside the penalty awarded to him.

As his appeal is time barred and no solid grounds have been given by the appellant in his appeal, therefore, the same may please be rejected.

His history of service is as under for kind perusal please:-

S.#	Name	Designation with BPS	D/O/Birth	D/O Appointment	Penalties awarded previously
1.	Mr.Muhammad Latif.	Senior Clerk (BPS-14).	07-2-1965	19-9-1991	He was awarded the penalty of removal from service for his willful absence vide this office order No.13560 dated 18-9-1999. He filed an appeal before the appellate authority(Home Secretary). On acceptance of his appeal, the said penalty was reduced to the stoppage of one annual increment without cumulative effect vide Home Deptt; order No.4/22-A-SO(Prs) HD/99 dated 17-11-1999.

Yours Obediently,

ASSISTANT DIRECTOR(ADMN)  
FOR INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA PESHAWAR.

43

OFFICE OF THE  
SUPERINTENDENT  
DISTRICT JAIL KOHAT  
No 1347 dt 23/05/2014.  
Phone & Fax-0922554150

To

The Superintendent,  
Central Prison Bannu.

**PRISONS DEPARTMENT**

Inspector General.....  
I.C.O.....  
Admin. Officer.....

43  
21/17

Subject:- DISCIPLINARY ACTION.

Memo;

Reference Worthy Inspector/General of Prisons Khyber Pakhtunkhwa office order No. 3/2-J-91/12640, dated: 14-05-2014 on the subject titled above.

It is submitted that the undersigned will proceed to your Jail on 29-05-2014 at 11:30 AM for conducting inquiry into the matter. Therefore, it is requested that all concerned staff may please be directed to join the proceeding and also produce the relevant record on the day and date fixed above.

SUPERINTENDENT,  
DISTRICT JAIL KOHAT.

Endst No: \_\_\_\_\_

Copy of the above forwarded to the worthy Inspector General of Prisons Khyber Pakhtunkhwa for information please.

10809  
275804

29/1/14

Sd/- x x x  
SUPERINTENDENT,  
DISTRICT JAIL KOHAT.

45

OFFICE OF THE  
SUPERINTENDENT  
DISTRICT JAIL KOHAT  
No \_\_\_\_\_ dt 23/05/2014  
Phone & Fax-0922554150

To

The Superintendent,  
Central Prison Bannu.

PRISONS DEPARTMENT  
Inspector General.....  
I.G.....  
Admn. Officer.....

*[Signature]*  
27/5/14

Subject:- DISCIPLINARY ACTION.

Memo;

Reference Worthy Inspector General of Prisons Khyber Pakhtunkhwa office order No. 3/2-J-91/12640, dated: 14-05-2014 on the subject titled above.

It is submitted that the undersigned will proceed to your Jail on 29-05-2014 at 11:30 AM for conducting inquiry into the matter. Therefore, it is requested that all concerned staff may please be directed to join the proceeding and also produce the relevant record on the day and date fixed above.

*sd/ x x x*  
SUPERINTENDENT,  
DISTRICT JAIL KOHAT.

Endst No: 1348

Copy of the above forwarded to the worthy Inspector General of Prisons Khyber Pakhtunkhwa for information please.

*WAF*

10810  
Date 27.5.2014

*[Signature]*

*[Signature]*  
SUPERINTENDENT,  
DISTRICT JAIL KOHAT.

Registered

OFFICE OF THE  
SUPERINTENDENT 47  
DISTRICT JAIL KOHAT  
No. 1541/NE at 05/06/2014.  
Phone & Fax-0922554150

The Inspector General of Prisons,  
Khyber Pakhtunkhwa Peshawar.

RECEIVED  
A.I.G.  
ADDITIONAL SUPERINTENDENT  
2453/16/14

Subject:- DISCIPLINARY ACTION.

Re:-

Reference Inspector General of Prisons order No.3/2-J-91/12610 Dated 16/04/2014 the undersigned proceeded to Central Prison Bannu and conducted a detailed inquiry into the matter. The undersigned investigated into the matter, checked the record and cross-examined the following officers/officials and recorded their statements which are annexed as follow:-

1. Superintendent jail ----- Attached as annexure-A.
2. Acting Deputy/Assistant Superintendent Asif Ali Shah-----  
----- Attached as annexure-B.
3. Senior clerk Muhammad Latif----- Attached as annexure-C.
4. Copy of Roznamcha----- Attached as annexure-D.
5. Copies of Pay Roll----- Attached as annexure-E.
6. Copy of challan----- Attached as annexure-F.
7. Source pay of warder Abid Yaqoob----- Attached as annexure-G.

FINDINGS:

The undersigned came to know that there were irregular withdrawal of pay of warders namely Waseem Akram and Abid Yaqoob. Waseem Akram tendered his resignation on 22/01/2014 copy of Roznamcha is attached as Annexure "D" as above but his pay under the rules was not stopped by the Senior clerk for which he was served with explanation notice vide Superintendent order No. 1584 dated 16/04/2014. Following his orders the Senior Clerk rendered the pay of the Warder Waseem Akram to the tune of Rs. 3890/- for the months of January and February and deposited the same on challan No. 01 dated 17/04/2014 into the Government treasury (copy annexed as Annexure "F" above).

Similarly, Warder Abid Yaqoob absented his self from Internment Center Kohat on 27/07/2013 and his pay was stopped at Internment Center from 1/05/2013 and

he was relieved for Central Prison Bannu on 2/12/2013 in his absence and he reported arrival at C.P. Bannu on 23/12/2014. The senior Clerk draw the pay of the Warder Abid Yaqoob at C.P. Bannu for seven months collectively including the period of his duty at Internment Center Kohat in which he was totally absent from the duty without the sanction of the competent authority. The source pay of the warder Abid Yaqoob is attached as annexure "G" which is full of blunders along with pay roll attached as annexure "E" as above. Further the Senior clerk is banned from entering the main gate and entrusted with the job which is not related to him i.e., supervision of class IV staff.

### Recommendations:

After perusal of the statements given by the officers/officials and examining ground realities the undersigned came to the following conclusion and proposes the following recommendations in the best interest of the jail administration:-

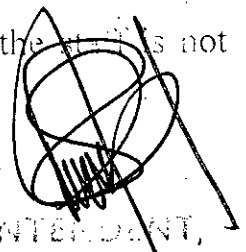
- 1) That warder Abid Yaqoob remains continuously absent from the duty and he is still at large and he also received his pay irregularly for seven months, therefore, he may be awarded major penalty along with recovery of seven months pay from him.
- 2) That concerned Senior Clerk Muhammad Latif was allotted the duty of Pay-in-charge who irregularly draw the pay of the staff which shows negligence on his part thus he has violated Rule No. 15, 16 and 23 of GFR. But as he has rectified his blunder and recovered the amount from one warder Wasim Akram and deposited into Government treasury as mentioned above but irregular withdrawal of pay to the tune of Rs.117294/- is still pending to the warder Abid Yaqoob for which the Senior Clerk is mainly responsible as he draw the pay of District Kohat in District Bannu which is clear violation of Rule No. 71 of Treasury Rules read with rules quoted above. The case is that of only recovery from warder Abid Yaqoob, therefore, the Senior Clerk Muhammad Latif may be awarded minor penalty and be transferred on administrative grounds to any other jail as there is already mistrust between Superintendent and clerk concerned, so that the clerk concerned may efficiently perform his duty at any other jail.
- 3) Superintendent Central Prison Bannu may please be ordered to recover the amount of Rs.117294/- from concerned warder Abid Yaqoob through Senior Clerk Muhammad Latif or directly and deposit the same into Government treasury.



5140

CONCLUSION:-

From thorough perusal of the Statement of officers/officials and their cross-examination as annexed above and piercing through record; the undersigned came to the conclusion that Senior Clerk Muhammad Latif was assigned the duty of Pay Branch under the rule 947PPR and all the irregularity took place in the pay of the above mentioned warders due to negligence on his part. Secondly, Aftab Noqob's habitual of being absent from the duty and is totally disinterested in the allotted duties and amount of Rs.117294/- is outstanding against him for the period in which he has not performed his duty. And rest of the staff is not involved in the case.



SUPERINTENDENT,  
DISTRICT JAIL ROHAT.

13144  
18/6/14

18/6/14



حلفاً بیان کیا جا رہا ہے۔ کہ کلرک لطیف کی کارکردگی کھٹ گئی ہے۔ اور اس کی ACR رپورٹ میں بھی اس کی کارکردگی کا ذکر نہیں کیا گیا ہے۔ اطمینان بخش نہیں ہے۔ اور اس کی ڈپوٹی ہو چکی ہے۔ اس لیے براہ راست پیش کیا گیا ہے۔ اور اس کی اصل حالت کو میں نے personally request کی ہے۔ کہ اس کی ڈپوٹی ہواں سے کسی اور جیل میں لے کر آئے۔ اور اس کے گارڈی جانے۔ اور اس کا داخلہ بھی اس جیل میں ہونا چاہیے۔ تاکہ اور کسی جیل اور ریکارڈ کو نقصان نہ لگے۔ اور اس کے بارے میں شہور ہے۔ کہ کلرک سے بدلے وارڈر بنا ہے۔ اور ڈاک ڈپوٹی پر مامور تھا۔ اور سرکاری خطوط مناسبت کر دیا تھا۔

x x x x x x x x x x x x x x x x  
 x x x x x x x x x x x x x x x x

سوال = کیا آپ نے متعلقہ کلرک کو بے فکر / آفیسری ڈپوٹی دی ہے۔  
 کیونکہ بیان پر اور بھی کلرک اور سٹاف موجود ہیں۔  
 جواب = ہاں اس کو بدلے سے بے فکر کی ڈپوٹی اراٹ کی ہے۔

2016/5/29  
 شجاع بیجان صاحب

اصف علی شاہ سفیر استغیث سپر فلورنس سٹریٹ لائل پور

جناب عالی!

مطابق روزنامہ ریکارڈ ڈاؤن لوڈ کر کے دیکھنے سے پتہ چلتا ہے کہ سفیر فلورنس سٹریٹ لائل پور کی

دور جو اسکو غلطی سے دی گئی تھی۔ اور میں نے ڈی پی سی سفیر فلورنس سٹریٹ لائل پور کا نام

باز لکھ کر افسانہ انجام دیا ہے۔ باقی اس وقت جب تک کیش کے مسئلہ کو حل نہیں کیا جاتا

زائدہ کام تھے۔ اور یہ کام سفیر فلورنس سٹریٹ لائل پور کے پاس بھی نہیں ہو سکتا تھا۔

باقی باغوالہ ریکارڈ عرض کیا جاتا ہے کہ وارڈر عابد لعلی جو غلطی سے لکھی گئی تھی

اسکی بجائے باقی عابد لعلی کے نام پر ہے۔ صرف ایچ آر اور ایف آئی کے نام پر لکھی گئی تھی۔

روزنامہ ریکارڈ اس نے اس وقت جب میں روزنامہ 23/12/2013 کو پڑھا تھا۔

+ + + + +  
x x x x x

سوال 1۔ کیا آپ کی زبرداری نہیں تھی۔ کہ آپ بحیثیت DI5 وسم اکرم کی سفارشات پر نہیں  
گئی ہیں۔

جواب 1۔ جناب عالی! ہم نے بروقت وسم اکرم کی سفارشات پر کارروائی کی اور اسکو سروس

دیا گیا تھا۔ بعد میں ہمیں پتہ چلا کہ سفارشات پر کارروائی نہیں کی گئی تھی۔

سوال 2۔ کیا آپ نے اس وقت دوسرے مہینے کا Payroll چیک نہیں کیا تھا۔ جب اسکی سفارشات دوبارہ  
لکھی۔

جواب 2۔ جناب عالی! ہم نے Payroll چیک کیا تو اس میں وسم اکرم کی سفارشات الٹی تھی۔

سفارشات کا ترمیم کیا گیا تو تفصیل موجود تھا۔

حلقہ بیاض تھامانگے کہ میں جو بھی نام لکھتا ہوں افسوس! ان بالذکر کے بیاض سے  
 لے کر تھامانگے۔ اور جو بھی سر سے لے کر تھامانگے کے بیاض سے لے کر وہ افسوس  
 بالذکر نے دستخط کرنے کا کام کیا ہے۔ اذہو بیان بیاض تھامانگے سے لے کر جو  
 صلا میں فوراً ڈیوٹی پر مامور کیا گیا ہے۔ جو کہ میرا کام نہیں ہے  
 لیکن پھر بھی میں نے اپنی ڈیوٹی سمجھا لیا ہے۔ اور مزید بیان  
 بیاض تھامانگے۔ کہ میں نے بے رول سے ورق نہیں لگائے ہیں اور  
 دفتر 24 گھنٹے کفیل رہنا ہے۔ جو کسی کی بھی حرکت ہو مستطرت  
 اور بہ سب مائل بھی لڑن کر اپنے ساتھ لے جاتا ہے۔ اور وہی  
 صاحب نے لے جاتا ہے۔ لہذا اس میں میرا کوئی مشورہ نہیں

x   x   x   x   x   x   x   x   x   x  
 x   x   x   x   x   x   x   x   x   x

سوال - کیا آپ نے وارڈر ویم اکریم کی تنخواہ میں ترمیم کی تھی جو  
 ڈالر روزنامہ، 22/1/2014 سے غیر حاضر تھا یعنی اسلئے دیا تھا۔؟

جواب - ہاں جو سے اس بابت غلطی ہوئی تھی۔ لیکن پھر وہ میں  
 نے اس سے دو ترمیم کی تنخواہ بابت جان کر  
 17/4/2014 کو ریویو کیا ہے۔

سوال - جب 2013 کا معائنہ کیا گیا۔ تو وارڈر عبدالعزیز  
 نے اکٹھا (7) بیٹوں کی تنخواہ آپ سے Source II سے لے کر 3000 روپے  
 سے دستخط کرنے کا کام کیا ہے۔ کیوں؟

ج۔ یہ تنخواہ جو سے وارڈر طارق جان نے لکھی ہے۔ اور Source II  
 صاحب سے دستخط کرنے کا کام ہے۔ جو کہ اس کی کوئی  
 میں نہیں تھی۔

عبارت اولیٰ ذی قیامت... (Handwritten header text)

عبد القادر... (Handwritten notes)

7-00	4-40	704	7-16
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ردیف	تاریخ	موضوع	ملاحظات
03	17	17	180 01
05	01	03	01
01	01	01	01
08	03	04	01
22	18	03	01
12	12		
02	02		
07	06	01	
03	03		
01	08	01	01
02	09	04	120
03	02	17	180 01 01 05 151

جناب عالی! وارد فرموده شد آج بعد از دوپہر (3) لوگ رخصت ہو رہے ہیں۔  
 جناب عالی! وارد فرمودہ شد آج قبل دوپہر (4) لوگ رخصت گئے۔  
 جناب عالی! وارد فرمودہ شد قبل دوپہر کوٹ انٹرنسٹ سے تہذیب ہو کر (5) لوگ رخصت ہو رہے ہیں۔

جناب عالی! وارد فرمودہ شد آج قبل دوپہر (4) لوگ رخصت گئے۔

(Handwritten signatures and notes at the bottom)

کارکنان شرکت دولتی قزوین

1

رعا علی دوتومی ذمہ دار

عزیزان اللہ صمد محمود ناصر انصاری شمس

(1) عبدالقادر (2) سعید

روزنامہ شمس، روزنامہ نوری، روزنامہ آفتاب، روزنامہ صبح، روزنامہ خبر، روزنامہ آواز

(2) محمد اللہ

(10) سعید

رقم	نام	پتہ	تعلقہ	موجودگی	نشانی	تعلقہ	رقم	نام	پتہ	تعلقہ	موجودگی
180	01	01	05	17	12	03					
05	01	-	-	03	01	-					
01	-	-	01	-	-	-					
08	-	-	-	03	04	-					
-	-	-	-	-	-	-					
12	-	-	-	18	03	01					
12	-	-	-	12	-	-					
02	-	-	-	02	-	-					
07	-	-	01	06	-	-					
-	-	-	-	-	-	-					
03	-	-	-	03	-	-					
60	01	-	02	47	08	01					
120	-	01	03	104	09	02					
180	01	01	05	151	17	02					

جناب عالی! وارد فرم فرم اللہ آج بعد از دوپہر (3) بوم رخصت ہو رہے ہیں۔  
 جناب عالی! وارد فرم فرم اللہ آج قبل دوپہر (4) بوم رخصت گنرا کر حاضر ہوا  
 جناب عالی! وارد فرم فرم اللہ آج قبل دوپہر کوٹا انٹرنسٹ سے تہنیل ہو کر (15) دن میں کل مدد کھینچ کر شرکت لاکر  
 لیبرز پیشی دوتومی کو لیا گیا۔  
 جناب عالی! وارد فرم فرم اللہ آج قبل دوپہر (4) بوم رخصت گنرا کر حاضر ہوا

Handwritten signatures and notes at the bottom of the page, including the name 'Raza' and other illegible scribbles.

Accounts Office Gannu  
PAYROLL REGISTER  
for the month of April 2014

DEBIT	DESCRIPTION	AMOUNT	QUARTER	PERIOD	DATE	BALANCE
1,000.00	3005 GPF Subscription - Rs	290.00				
1,000.00	3501 Benevolent Fund	290.00				
1,000.00	3511 Group Insurance	7.00				
1,000.00		57.00				
1,000.00						7,900.00

DEBIT	DESCRIPTION	AMOUNT	QUARTER	PERIOD	DATE	BALANCE
1,000.00	3005 GPF Subscription - Rs	290.00				
1,000.00	3501 Benevolent Fund	290.00				
1,000.00	3511 Group Insurance	7.00				
1,000.00		57.00				

عابد الجيوب

محمد الرحمن

DEBIT	DESCRIPTION	AMOUNT	QUARTER	PERIOD	DATE	BALANCE
6,440.00	3005 GPF Subscription - Rs	465.00				
1,002.00	3501 Benevolent Fund	180.00				
1,849.00	3511 Group Insurance	2.00				
						11,746.00





F 477  
65

PROVINCIAL

P  
Jail BU = 402/1

To  
The Manager,  
National Bank of Pakistan,  
Ramu.

Date 17-04-2014

C02659

Received the sum of Rs. 38691-00  
= Thirty Eight Thousand Six hundred and ninety one only  
to be credited to Govt account under Head C0-2659  
on account of Salary of Pay for the month of 01 and 2/2014.

*[Large handwritten signature/initials]*

*[Handwritten signature]*  
Signature and official designation  
of the officer ordering the money to be paid  
Superintendent

National Bank of Pakistan Ramu.  
Dated 17-04-2014

Received from the bearer superintendent  
Rs. 38691-00  
to be credit to Government account  
On account of Salary of Pay for month 01/2014

NATIONAL BANK OF PAKISTAN  
CHANDLER ROAD, CHANAYANA, ISLAMABAD  
10000  
17/04/2014  
CASH RECEIVED

Received from superintendent AKR on  
date to his resignation from service  
and one pay amount drawn by computer.

G

TR No 145  
17-2-16

FORM-07  
Dated 13/02/2014

Salary Status

Amendment Form  
Multiple Employee Entry  
Office of the Superintendent Central Prison Bannu  
For the Month of 02/2014  
L D O Code BU 4021  
Description Central Prison Bannu

Adjustment

Regular pay  
for 02/2014

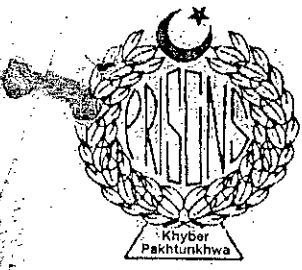
Personal No.	Employee Name	Regular	Adjustment	Remarks
201473898	Abid Yaqub wordes	0001-Pay 5920-	5901 S	
		1000-HRA 1000-	5501 Pay 41960-	Received on Transfer from District Jail Kohat.
		1210-CA 1840-	0002 HRA 7014-	
		1300MA 1000-	5011 CA 12880-	
	Diff - 465-	1547 RSA 681-	5012 MA 7000-	24 LPC & S/Borte attached.
	BF - 180-	1646 CRA 300-	5054 RSA 4767-	
	Di - 7-	1931 Prison 3340-	5079 CRA 2100-	
	AR - 67	1970 AR 501-	5990 Prison 23380-	LPC Received on 18-12-2013.
	Total: 719-	2118 AR 1184	5009 AR 3507-	
		2148 AR 888	5911 AR 8392-	
		Total: 16656-00	5938 AR 6294-	
		(-) 719-	Total: 117294-	
		Net: 15937-00		

Superintendent  
Central Jail Bannu  
Audited checked

13/2/2014  
Entered/verified By

Prepared By

67



69 ✓  
**OFFICE OF THE  
INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR**

☎ 091-9210334, 9210406 🏠 091-9213445

No. 17390 1. ✓

Dated 25-6-2014 1. ✓

*mt to day*  
✓

**IMMEDIATE/REGISTERED**

To

The Superintendent,  
Central Prison Bannu.

Subject:-  
Memo:

**SHOW CAUSE NOTICE**

Show Cause Notice is sent herewith (in duplicate) for service upon Mr. Muhammad Latif Senior Clerk. One copy of the show cause notice, duly signed and dated by him, should be returned to this office in token of its receipt.

2

*M.S.B*  
INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR.  
*[Signature]*

71

**SHOW CAUSE NOTICE**

1. **Kifayatullah Khan, Inspector General of Prisons Khyber Pakhtunkhwa**, as Competent Authority, under **Rule-5(1)(a) read with rule-7** of Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011, do hereby serve you, **Mr. Muhammad Latif, Senior Clerk (BPS-14) posted to Central Prison Bannu**, that consequent upon the material on record, you have committed the following acts of Commission /Omission specified in **Rule-3** of the said rules:-

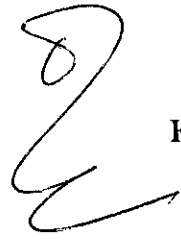
- i. You were assigned the duty of Pay Branch, failed to stop monthly pay in respect of warder Waseem Akram who tendered his resignation on 22-1-2014 and drawn his salary for two months i.e January & February 2014 to the tune Rs.38691/- which later-on detected by Superintendent Jail and amount recovered from him and deposited through challan No.1 dated 17-4-2014, the said irregularity admitted by you in your statement .
- ii. You make fraud with your immediate officer and succeeded in drawal of seven months salary to the tune of Rs.117294/- in respect of warder Abid Yaqoob pertaining to the period of District Jail Kohat, who remains continuously absent from the duty and sustained huge loss to state and violated Rule-15,16 and 23 of GFR. The said irregularity/fraud also admitted by you in your statement .

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

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

Now, therefore, I, **Kifayatullah Khan, Inspector General of Prisons Khyber Pakhtunkhwa** Competent Authority, call upon you through this Notice to explain why the major penalty of "**Removal from Service**" should not be imposed upon you.

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



**INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA PESHAWAR**





OFFICE OF THE  
SUPERINTENDENT  
CENTRAL PRISON BANNU

NO. 5223-WF /

DATED: 13 / 10 / 2014

TELE/FAX: 0928-633327/633326

To

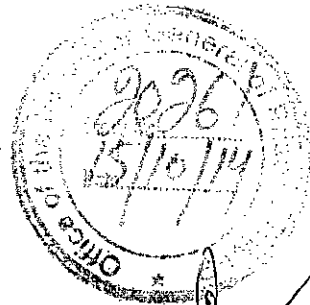
The Inspector General of Prisons,  
Khyber Pakhtunkhwa, Peshawar

Subject:- CHALLAN

Memo;

Enclosed find herewith a photocopy of Challan, No. 46 dated 03.10.2014, Rs. 117146/- (Rupees One Lac Seventeen Thousand One Hundred & Forty Six only) (overpayment of pay and allowances) recovered from Ex-Warder Abid Yaqboob through National Bank of Pakistan Main Branch Bannu, for further disposal please.

Encl:01



16/10/14

*Tahir*  
SUPERINTENDENT  
CENTRAL PRISON BANNU  
VA CA #

Handwritten file number '73' at the top right.

Stamp: pp. 5223-WF / 13/10/2014

Stamp: 15/10/14

PROVINCIAL.

75 50  
DD 0 BL 4021

To.

The Manager,  
National Bank of Pakistan,  
Bannu.

Jail  
CO2659

Dated 03/10/2014

Received the sum of Rs. 117146/- Rupees one lac  
Seventeen thousand one hundred and forty six only  
to be credited to Govt: account under Head CO 2659  
on account of Over Payment for the month of 10/2014

Signature and full official designation  
of the officer ordering the money to be paid

Superintendent  
Central Jail Bannu

National Bank of Pakistan Bannu.

Dated 03/10/2014

Received from the bearer Superintendent Central Prison Bannu the sum of  
Rs. 117146/-

To be credit to Government account under the Head CO 2659

On account of Over Payment of Pay to Ex. warder Abid Yaqoob

MANAGER



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

NO.

26276


DATED

23/10/2014

**ORDER**

In exercise of powers conferred under Rule-14 of Khyber Pakhtunkhwa Government Servants(Efficiency & Discipline) Rules 2011, having considered the charges mentioned in the Show Cause Notice, evidence on record, the explanation of the accused official and affording an opportunity of personal hearing to the accused, the undersigned being competent authority, hereby award major penalty of "Reduction to lowest stage in present time pay scale for three years" to Mr. Muhammad Latif Senior Clerk attached to Central Prison Bannu.

ENDST:NO. 26278-79 1.

  
INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA PESHAWAR.

Copy of the above is forwarded to :-

1. The Superintendent, Central Prison Bannu, for information and necessary action. Necessary entry shall be made in the Service Book of official concerned under proper attestation.
2. The District Accounts Officer Bannu, for information.

  
INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA PESHAWAR.



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HOME & TRIBAL AFFAIRS DEPARTMENT

NO. SO (PRISONS)/8-3/HD/BC-113969/2014/VOL-III  
Dated Peshawar the 23<sup>rd</sup> December, 2014

To

The Inspector General of Prisons,  
Khyber Pakhtunkhwa,  
Peshawar

PRISONS  
Inspector General  
123344  
A.I.G.  
Section Officer

Subject:- APPEAL AGAINST THE ORDER OF INSPECTOR GENERAL OF PRISONS PESHAWAR VIDE ORDER NO 3/2/J-91/26276 DATED 23/10/2014

Dear Sir,

I am directed to enclose herewith a copy of appeal which is self-explanatory filed by Mr. Muhammad Latif Khan, Senior Clerk attached to Central Prison Bannu for views/comments, enabling this department to proceed further in the matter.

Yours faithfully,

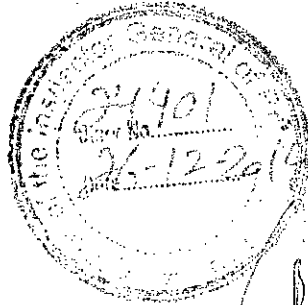
Section Officer (Prisons)

Enst: No. & date even

Copy forwarded for information to the:

1. PS to Special Secretary Home, Khyber Pakhtunkhwa.
2. Master File.

Section Officer (Prisons)



30/12/14





OFFICE OF THE  
INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA  
PESHAWAR

091-9210334, 9210406 091-9213445

No. 3/2-J-91/H2640 1- *WZ*

Dated 14-5-2014 1-

To

Mr. Samiullah Khan,  
Deputy Superintendent-cum-Superintendent,  
District Jail Kohat.

Subject:- **DISCIPLINARY ACTION**  
Memo:

I am directed to forward herewith a copy of letter No.25 dated 18-4-2014 received from Superintendent Central Prison Bannu on the captioned subject(self explanatory) for information.

I am further directed to ask you to proceed to Central Prison Bannu and conduct a detailed inquiry into the matter and fix clear cut responsibilities on the shoulder of officer/official at fault with specific charges/rules violated in the matter and submit your report within seven days positively for further necessary action by this office.

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

ENDST;NO. 12641 1.

Copy of the above is forwarded to the Superintendent, Central Prison Bannu for information with reference to his letter referred to above.

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



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HOME & TRIBAL AFFAIRS DEPARTMENT

NO. SO (PRISONS)/8-3/HD/BC-113969/2014/VOL-III  
Dated Peshawar the 13<sup>th</sup> January, 2015.

To

The Inspector General of Prisons,  
Khyber Pakhtunkhwa, Peshawar.

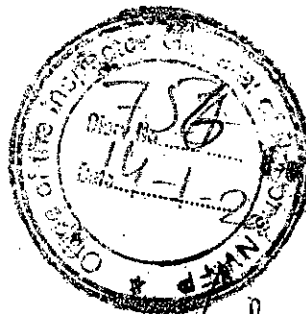
PRISONS  
Inspector ..... 125059  
A.I.G.....  
Admin Officer.....

Subject:- DEPARTMENTAL APPEAL AGAINST THE OFFICE ORDER NO 3/2-J-91/26276 DATED 23/10/2014 PASSED BY THE INSPECTOR GENERAL OF PRISONS KHYBER PAKHTUNKHWA PESHAWAR

Dear Sir,

I am directed to refer to your letter No. 3/2-J/91/35-WE dated 01/01/2015 on the subject noted above and to state that personal hearing of Mr. Muhammad Latif Senior Clerk has been scheduled on 19/01/2015 at 1100 hours, in the office of Secretary Home Khyber Pakhtunkhwa Peshawar. Therefore the appellant may please be informed accordingly.

Yours faithfully,



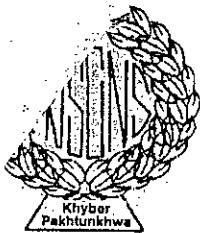
(Rahmat Ali Wazir)  
Section Officer (Prisons)

Enst: No. & date even

Copy forwarded for information to the:

1. PS to Secretary Home, Khyber Pakhtunkhwa.
2. PS to Special Secretary Home, Khyber Pakhtunkhwa.
3. Master File.

Handwritten signature and initials at the bottom right of the page.



*Agent  
Bog Fair*

OFFICE OF THE  
INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR

091-9210334, 9210406 091-9213445

No.Estb/O-Staff-Draft/ 3/2-7-91/13721-

Dated 15-01-2015 1-

To

The Superintendent  
Central Prison Bannu.

Subject: - **PRESENTATION AGAINST THE ORDER OF INSPECTOR GENERAL OF PRISONS PESHAWAR VIDE ORDER NO.26276 DATED 23-10-2014**

Sir,

I am directed to refer to your letter No.6356/WE dated 20-12-2014 on the subject and to convey that the appellate authority (Home Secretary) has called the appellant (Mr. Muhammad Latif, Senior Clerk) on 22-01-2015 at 0200 PM for personal hearing.

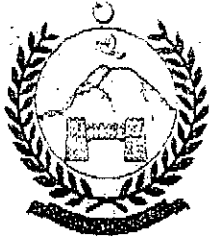
Please direct the official concerned to appear before the appellate authority on due date and time positively.

Endst; No; 1373 1-

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

Copy of the above is forwarded to the Secretary to Government of Khyber Pakhtunkhwa, Home and Tribal Affairs Department Peshawar for information with reference to telephonic message conveyed by Mr. Nadeem, of Prisons Section of Home Department on 15-01-2015.

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



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HOME & TRIBAL AFFAIRS DEPARTMENT

NO. SO (PRISONS)/8-8/HD/BC-118969/2014/VOL-III  
Dated Peshawar the 16<sup>th</sup> February, 2015.

To

The Inspector General of Prisons,  
Khyber Pakhtunkhwa, Peshawar.

PRISONS DEPARTMENT	
Inspector General	.....
A.I.G.	.....
Admn. Officer	..... 16/2/15

Subject:- DEPARTMENTAL APPEAL AGAINST THE OFFICE ORDER NO 3/2-J-91/26276 DATED 23/10/2014 PASSED BY THE INSPECTOR GENERAL OF PRISONS KHYBER PAKHTUNKHWA PESHAWAR.

Dear Sir,

I am directed to refer to your letter No. 3/2-J/91/35-WE dated 01/01/2015 on the subject noted above and to state that personal hearing of Mr. Muhammad Latif Senior Clerk has been scheduled on 19/02/2015 at 0930 hours, in the office of Secretary Home Khyber Pakhtunkhwa Peshawar. Therefore the appellant may please be informed accordingly.

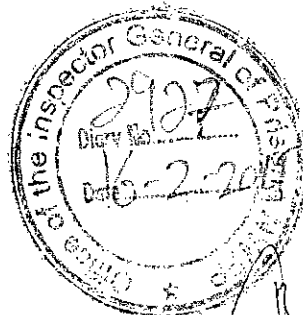
Yours faithfully,

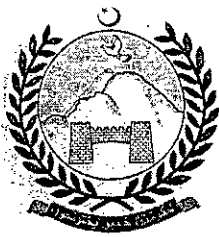
(Rahmat Ali Wazir)  
Section Officer (Prisons)

Enst: No. & date even

Copy forwarded for information to the:

1. PS to Secretary Home, Khyber Pakhtunkhwa.
2. PS to Special Secretary Home, Khyber Pakhtunkhwa.
3. Master File.





GOVERNMENT OF KHYBER PAKHTUNKHWA  
HOME & TRIBAL AFFAIRS DEPARTMENT

NO. SO (PRISONS)/8-3/HD/BC-113969/2014/VOL-III  
Dated Peshawar the 16<sup>th</sup> February, 2015.

To

The Inspector General of Prisons,  
Khyber Pakhtunkhwa, Peshawar.

PRISONS DEPARTMENT  
Inspector General  
17/15

Subject:-

DEPARTMENTAL APPEAL AGAINST THE OFFICE ORDER NO 3/2-J-91/26276 DATED 23/10/2014 PASSED BY THE INSPECTOR GENERAL OF PRISONS KHYBER PAKHTUNKHWA PESHAWAR

Dear Sir,

I am directed to refer to your letter No. 3/2-J/91/35-WE dated 01/01/2015 on the subject noted above and to state that personal hearing of Mr. Muhammad Latif Senior Clerk has been scheduled on 19/02/2015 at 0930 hours, in the office of Secretary Home Khyber Pakhtunkhwa Peshawar. Therefore the appellant may please be informed accordingly.

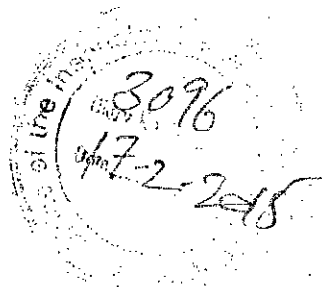
Yours faithfully,

(Rahmat Ali Wazir)  
Section Officer (Prisons)

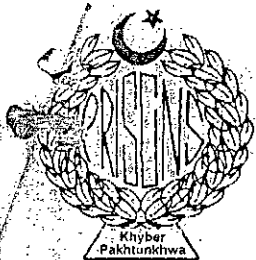
Enst: No. & date even

Copy forwarded for information to the:

1. PS to Secretary Home, Khyber Pakhtunkhwa.
2. PS to Special Secretary Home, Khyber Pakhtunkhwa.
3. Master File.



*[Handwritten signature]*



OFFICE OF THE  
INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR

091-9210334, 9210406 / 091-9213445

No. 3/2-J-91/3848 /.,

Dated 17-02-2015 /.,

MOST IMMEDIATE/BY FAX


To

The Superintendent,  
Central Prison Bannu.

Subject:- DEPARTMENTAL APPEAL AGAINST THE OFFICE ORDER NO.3/2-J-91/26276 DATED 23-10-2014 PASSED BY THE INSPECTOR GENERAL OF PRISONS KHYBER PAKHTUNKHWA PESHAWAR


Memo:

I am directed to refer to this office letter No.13721 dated 15-1-2015 on the subject and to convey that the appellate authority has fixed a new date i.e 19-2-2015 at 9.30 AM in the subject cited case, therefore, Mr.Muhammad Latif Senior Clerk attached to your jail may be directed to appear before the Secretary Home Khyber Pakhtunkhwa Peshawar in his office on the date and time mentioned above.

  
ASSISTANT DIRECTOR(ADMN)  
FOR INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA PESHAWAR.

ENDST;NO. 3849 /.,

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

  
ASSISTANT DIRECTOR(ADMN)  
FOR INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA PESHAWAR.



To

OFFICE OF THE  
INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR

091-9210334, 9210406 / 091-9213445

No. 3/2-J-91/5655 I.,

Dated 06-3-2015 I.,

The Secretary to Government of Khyber Pakhtunkhwa,  
Home and T.As Department,  
Peshawar.

**ATTENTION**  
**SECTION OFFICER(PRISONS)**

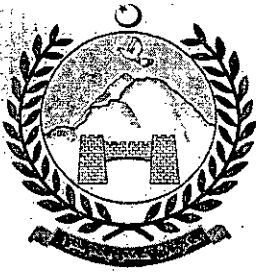
Subject:- **DEPARTMENTAL APPEAL AGAINST THE OFFICE ORDER NO.3/2-J-91/26276 DATED 23-10-2014 PASSED BY THE INSPECTOR GENERAL OF PRISONS KHYBER PAKHTUNKHWA PESHAWAR**

Sir,

I am directed to refer to Home Department letter No.SO(Prisons)/8-3/HD/BC-113969/2014/Vol-III dated 16-2-2015 and this office endst;No.3849 dated 17-2-2015 on the subject and to request you to kindly convey the decision on the departmental in respect of Mr.Muhammad Latif, Senior Clerk, if arrived at please.

Yours Obediently,


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



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HOME & TRIBAL AFFAIRS DEPARTMENT

**OFFICE ORDER**

PR No. 124421  
Inspector  
A.O.  
Admin Officer



**NO. SO (PRISONS)/8-3/HD/BC-113969/2014/VOL-III:** The Competent Authority is pleased to dismiss the appeal of Mr. Muhammad Latif, Sr. Clerk after perusal of the relevant record and providing opportunity of personal hearing to the appellant being not supported by legal circumstances.

Sd

Secretary Home

Dated the 12<sup>th</sup> March, 2015, Peshawar.

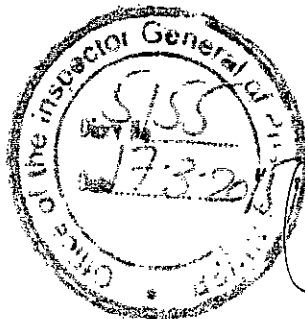
**SECTION OFFICER (PRISONS)  
GOVT OF KHYBER PAKHTUNKHWA**

**NO. SO (PRISONS)/8-3/HD/BC-113969/2014/VOL-III:** - Dated the 12<sup>th</sup> March, 2015, Peshawar.

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

1. Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar, w/r to his letter No. 3/2-J-91/35-WE dated 01/01/2015.
2. PS to Secretary Home, Khyber Pakhtunkhwa.
3. PS to Special Secretary Home, Khyber Pakhtunkhwa.
4. Official/Officer Concerned.
5. Master file/Office Order file.

**SECTION OFFICER (PRISONS)**



24/05/15





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

NO.

3/2-J-91/6896 -WE

DATED

25-03-2015

To

The Superintendent,  
Central Prison Bannu.

Subject:-

DEPARTMENTAL APPEAL IN RESPECT OF MR. MUHAMMAD LATIF  
SENIOR CLERK

Memo:

I am directed to refer to your letter No.6356-WE dated 20-12-2014 on the subject and to convey that appeal in respect of above named official regarding setting aside the major penalty of reduction to lowest stage in present time pay scale for three years has been considered and dismissed by the Appellate Authority vide Home Department order No. SO(Prisons)/8-3/HD/BC-113969/2014/Vol-III dated 12-3-2015(copy enclosed).

Please inform him accordingly.

ASSISTANT DIRECTOR(ADMN)  
FOR INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA PESHAWAR.

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

In Ref; to S. Appeal No. 489/ of 2015.

**Muhammad Latif Senior Clerk...*Versus*...I.G Prisons & others.**

**REJOINDER ON BEHALF OF THE APPELLANT.**

**REPLY TO THE PRELIMINARY OBJECTIONS:-**

- i) Incorrect. The appellant has a good case arguable and is sanguine of its success while having proper cause of action.
- ii) Incorrect. The appeal is competent and maintainable and has never been filed on malafide intention rather it has filed on bonafide intention.
- iii) Incorrect. No rule of estoppel is attracted in the instant appeal
- iv) Incorrect: The Appellant has proper locus-standi while filing the instant appeal.
- v) Incorrect. All the necessary parties have been arrayed as parties therein.
- vi) Incorrect. The Appeal in hand is well within time.

**FACTS :-**

- 1) Incorrect. Reply to Para-1 is ambiguous and misconceived. The appellant being highly eligible, having put more than two decades of spotless services has never committed any irregularity or illegality. As for as the document annexure-A with the comments/reply is concerned, it is a mere statement of the complainant having nothing to support and no such complaints/documents have been appended thereto.
- 2) Incorrect. The respondents have departed from the legal issue and have assumed the role of interpreter/analyst and have given misconceived reply having no overlapping status on the plea of the appellant.

- 3) Incorrect. It is not a lame excuse whereas the illegality and incurable irregularity is floating on the surface of the record and the appellant has never been treated in accordance with law.
- 4) Incorrect. As explained in Para-3 above.
- 5) Incorrect. The departmental representation has never been considered legally and except to file the appeal with a single stroke of pen no legal reply has been given. Neither the departmental appeal has ever been given any legal weight nor has a chance of personal hearing ever been bestowed in order to unearth the actual facts.
- 6) Incorrect. The plea of the appellant is legally very transparent and appealable to the prudent mind.

**GROUND.**

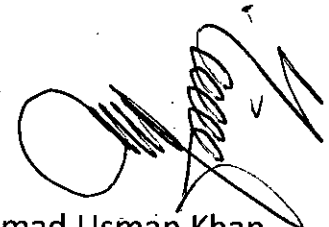
- a) Incorrect. The departmental representation has never been considered legally and except to file the appeal with a single stroke of pen no legal reply has been given. The departmental appeal has never been given any legal weight.
- b) As explained in the preceding Paras, the reply to Para-b is ambiguous, misconceived and denied. The major punishment on such malicious, vexatious, and frivolous grounds is against the canon of law and is liable to be set-aside.
- c) Incorrect. Neither a single penny is embezzled or misappropriated nor any fraud either committed or detected and no loss of a single penny has ever been sustained to government exchequer in the instant case at the hands of the appellant. The replying respondents have exaggerated the allegations over allegations which have no overlapping status on the evidence so furnished or demanded by the appellant as law shall follow its own course. The record of both the Jails regarding the transfer of the official concerned if kept in juxtaposition; it will automatically eliminate the allegation leveled against the petitioner/*Appellant*.
- d) Incorrect. As explained in Para-a above.
- e) Incorrect. The appellant has never been associated in the so-called inquiry nor has the appellant ever been given a chance of cross-examining the PWs.

- f) Incorrect. As explained in Para-e above. It is further added that no statement of the PWs in presence of the appellant have been recorded on oath and the appellant has never been given a chance of cross examination and thus no credibility could be relied upon which has no value in the eyes of law.
- g) Incorrect. That the respondent No. 2 while passing the impugned order has never bothered to requisite the service file/record of the appellant and at least should see the length of spot-less services for about 23/24 years, rendered by the appellant. No chance of personal hearing which is mandatory one, has ever been given to the appellant either by the respondent No. 2 prior to the original impugned order was passed nor by the respondent No. 1 before passing the final impugned order and in such a circumstances both the impugned orders having no value in the eyes of law which are liable to be set-aside.
- h) Incorrect. As explained in Para-f & g above.
- i) Incorrect. As explained in the preceding Paras, the reply to Para-i is ambiguous, misconceived and denied. The major punishment on such malicious, vexatious, and frivolous grounds is unlawful, without lawful authority, against the law on the subject and against the fundamental rights of the appellant guaranteed by the constitution and is liable to be set-aside.
- j) Legal.

It is therefore humbly prayed that the comments submitted by the respondents be set at naught and the appeal of the appellant may graciously be accepted by redressing her grievances as prayed for in the appeal.

M-   
APPELLANT.

Through

  
Muhammad Usman Khan  
Turlandi  
Advocate Peshawar.

  
6/06/2017  
Dated: ~~20/06/2017~~

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.**

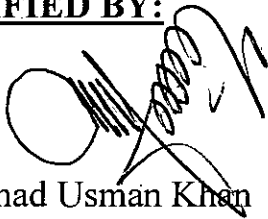
In Ref; to Appeal No. 489/ of 2015.

**Muhammad Latif Senior Clerk.....Versus.....I.G Prisons & others.**

**AFFIDAVIT.**

I, Muhammad Latif R/O Village Kakki (Bannu) working and posted as Senior Clerk (BPS-14) at Central Prison Bannu, do hereby solemnly affirm and declare on oath that contents of the accompanying rejoinder on behalf of the appellant are true and correct to the best of my knowledge and belief and nothing has been kept secret or concealed therein.

**IDENTIFIED BY:**



Muhammad Usman Khan  
Turlandi  
Advocate Peshawar.

M-   
**DEPONENT**

