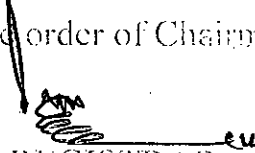


FORM OF ORDER SHEET

Court of _____

Case No. - 612/2023


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	20/03/2023	<p>The appeal of Mr. Muhammad Rasool Khan resubmitted today by Mr. Muhammad Saddiq Advocate. It is fixed for preliminary hearing before touring Single Bench at Swat on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR.</p>

The appeal of Mr. Muhammad Rasool Khan son of Muhammad Ayub Sweeper District Jail Timergra received today i.e. on 03.03.2023 is incomplete on the following score which is returned to the co Counsel for the appellant for completion and resubmission within 15 days.

- 1- Check list is not attached with the appeal.
- 2- Memorandum of appeal be got signed by the appellant.
- 3- Annexures of the appeal are unattested.
- 4- Affidavit be got signed by the Oath Commissioner.
- 5- Copy of orders dated 05.6.2006, 20.10.2022, 26.01.2023 and departmental appeal are illegible which may be replaced by legible/better one.
- 6- Certificate be furnished that whether any petition on the subject matter has earlier been filed in this court.
- 7- Six more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 884 /S.T,


Dt. 7/3 /2023


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Mujeeb Ullah Adv.
High Court at Peshawar.

Dear Sir,

Submitted after Compliance


Adv Mujeeb

20-03-2023

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No. 612 /2023

Muhammad Rasool


VERSUS

Govt of Kp & Others

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S.No	Description of documents	Annexure	Pages
1	Memo of Appeal		1-3
2	Affidavit		4
3	Address of Parties		5
4	Copy of appointment order dated 26-06-2018	A	6
5	Copy of show cause dated 29/07/2011 and reply to show cause	B-B/1	7-10
6	Copy of show cause dated 17/08/2019 and reply to show cause	C-C/1	11-12
7	Copy of show cause dated 25-07-2022 and reply to show cause	D-D/1	13-15
8	Copy of order of Respondent No.4	E	16-17
9	Copy of inquiry report	F	18-23
10	Copy of show cause dated 28/09/2022 and reply to show cause	G & H	24-26
11	Copy of office order of Respondent No.4	I	27
12	Copies of departmental Appellant and impugned order dated 26/01/2023	J & K	28-
13	Wakalatnama		

Through:


Mujeeb Ullah
Advocate High Court,

Khalid & Law Associates
46 C, Cantonment Plaza
2nd Floor, Peshawar, Sadar.
Email: mujeebdirvi@gmail.com
Cell No. 03018521721

①

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

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No. 612/2023.

Case No. 4029

Dated 3/3/2023

Muhammad Rasool Khan S/O Muhammad Ayub presently Serving as
Sweeper BPS-3 District Jhail Timergara Lower Dir .

APPELLANT

VERSUS

1. Govt; of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs Department, Secretariat Peshawar.
2. Inspector General of Prison Khyber Pakhtunkhwa, Peshawar
3. Deputy Director (E) Prison Khyber Pakhtunkhwa, Peshawar
4. Superintendent District Jhail, Timergara Lower Dir.

RESPONDENTS

**APPEAL UNDER SECTION-4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST
THE IMPUGNED ORDERS DATED 26/01/2023 WHEREBY
PENALTY OF STOPPAGE OF TWO ANNUAL INCREMENTS
WITH IMMEDIATE EFFECT HAS BEEN IMPOSED ON THE
APPELLANT.**

~~File to day~~

~~Registered~~ **Prayer:**

3/3/2023

By accepting the instant appeal, the impugned order dated 26/01/2023
& 20/10/2022 may kindly be set aside and the respondents may kindly be directed to
restore the forfeited increments. Any other relief, which this honorable
court deems fit and appropriate, may also be granted to the appellant for
the ends of justice.

Respectfully Sheweth:

Brief facts leading to the instant appeal are;

- 1- That the appellant is an employee of the Respondents department and is performing his duty as Sweeper since 2006 at District Jail Timergara Lower Dir quite efficiently and whole heartedly and up to the entire satisfaction of his superiors till date.
{Copy of Appointment order is annexed as A}
- 2- That while performing his duty a show cause notice was issued to the appellant vide dated 29/07/2011 whereby the allegations of not cleaning the toilets have been leveled against the appellant. Which was duly replied.
{Copy of show cause dated 29/07/2011 and reply to show cause are annexed as B-B/1}
- 3- That Appellant was performing his duty another show cause notice was issued to the appellant vide dated 17-08-2019 whereby the same allegations have been leveled against the appellant. Worth to note that Appellant duly replied the said show casue.
{Copy of show cause dated 17/08/2019 and reply to show cause are annexed as C-C/1}
- 4- That on 25-07-2022 another show cause dated 25-07-2022 was issued to the Appellant, this time allegation leveled against the Appellant was the same and in addition to the same another allegation of misbehavior with Chakar Chief was made in the said show cause. Reply to show cause was submitted well in time.
{Copy of show cause dated 25-07-2022 and reply to show cause are annexed as D-D/1}
- 5- That on 03/08/2022 disciplinary action was taken against the Appellant, wherein statement of allegation was made, and even Appellant was charge sheeted. Furthermore, inquiry proceedings were initiated against the Appellant.
{Copy of order of Respondent No.4 is annexed as E}
- 6- That Inquiry committee was constituted and in presence of Respondent No.4 being convener concluded the inquiry proceedings on 15/09/2022, wherein major penalty of compulsory retirement was imposed upon the appellant.
{Copy of inquiry report is annexed as F}
- 7- That appellant has show-caused for imposition of major penalty vides dated 28/09/2022. Wherein alleged allegation of not cleaning the latrine of the jail was fixed against the Appellant. Appellant submitted his written reply to the said show cause.
{Copy of show cause dated 28/09/2022 and reply to show cause are annexed as G & H}
- 8- Worth to note that after receiving reply to show cause dated 28/09/2022, Respondent No.4 vide its officer order dated 20/10/2022 imposed minor penalty of stoppage of two annual increments with immediate effect.
{Copy of office order of Respondent No.4 is annexed as I}
- 9- That Appellant being aggrieved from the order dated 20/10/2022 of Respondent No.4 preferred Departmental appeal before Respondent No. 2, which was dismissed vide order date 26/01/2023 and communicated to Appellant on 02/02/2023.

{Copies of departmental Appellant and impugned order dated 26/01/2023 are annexed as J & K}

10. That Appellant being aggrieved from the order dated 26/01/2023 whereby departmental appeal of the Appellant was not considered, having no other efficacious remedy available except to approach this Hon'ble Tribunal inter alia on the following grounds.

GROUNDS

- A. That the impugned office order dated 26/01/2023 & 20/10/2022 of Respondents are wrong, illegal, unfounded, unconstitutional, based on colorable exercise of power, hence, is liable to be set aside.
- B. That the impugned office orders issued by Respondents are in sheer violation of the Fundamental Rights guaranteed to the Appellant as envisaged under the Constitution of Islamic Republic of Pakistan 1973.
- C. That the Appellant has not been treated in accordance with law and rules by the Respondents Department on the subject noted above and as such the Respondents violated Article 4 & 25 of the Constitution of Islamic Republic of Pakistan 1973.
- D. That no time frame mentioned for stoppage of increment. Moreover time frame must be mentioned under the law for stoppage of increment which is mandatory under the rules before imposing major penalty.
- E. That no witness was examined in the presence of appellant and no opportunity was afforded to him to conduct cross-examination of the witnesses.
- F. That the whole proceedings took place on malafide, ill will intentions and just to harass the appellant, which is violation of fundamental rights guaranteed by Constitution of Islamic Republic of Pakistan 1973.
- G. That any other ground will be taken at the time of arguments with the kind permission of this Honorable Court.

In wake of above, stated facts circumstance and documented evidence, the impugned order dated 16/01/2023 and 20/10/2022, may kindly be set aside and Respondents may kindly be directed to restore increments of the Appellant and may kindly be exonerated from the charges levelled against the Appellant.

Appellant



Mujeeb Ullah
Advocate High Court,
Khalid & Law Associates
46 C, Cantonment Plaza
2nd Floor, Peshawar, Sadar.

Certificate:

As per instruction of my client no such like petition is filed before any court of law.

Through

Advocate

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR:**

Service Appeal No. _____/2023.

Muhammad Rasool

VERSUS

Govt of Kp & Others

AFFIDAVIT

I Muhammad Rasool Khan S/O Muhammad Ayub presently Serving as Sweeper BPS-3 District Jhail Timergara Lower Dir do, hereby solemnly affirm and declare that the contents of the instant appeal are true and correct to the best of my knowledge and belief, and nothing has been concealed from this Honorable Court.



DEPONENT

(5)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. _____/2023.

Muhammad Rasool

VERSUS

Govt of Kp & Others

Appellant:

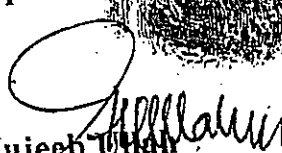
Muhammad Rasool Khan S/O Muhammad Ayub presently Serving as Sweeper BPS-3 District Jhail Timergara Lower Dir .

Respondents:

1. Govt; of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs Department, Secretariat Peshawar.
2. Inspector General of Prison Khyber Pakhtunkhwa, Peshawar
3. Deputy Director (E) Prison Khyber Pakhtunkhwa, Peshawar
4. Superintendent District Jhail, Timergara Lower Dir.

Appellant

Through


Mujeeb Ullah
Advocate High Court,

Khalid & Law Associates
46 C, Cantonment Plaza
2nd Floor, Peshawar,
Saadar.
Cell No. 03018521721


6

OFFICE OF THE SUPERINTENDENT DISTRICT JAIL TIMERGARA NO 714
DATED 5/6/2006.

OFFICE ORDER


Mr. Mohammad Rasool Khan S/o Mohammad Ayub P/o Khungi P/O Khungi Dala Tehsil Timergara Dir Lower is hereby appointed as a sweeper in D.S - 192150-65-1100 plus usual allowances as admissible under the role against the vacant post on the following terms and conditions with immediate effect

1. His appointment will be purely on temporary bases and can be terminated with out any notice
2. He will not be entitled for pension and gratuity benefits .
3. He will not contribute to G.P Fund
4. He will avail the benefit contributory provided fund (CPF) through 10 % contribution of minimum of his pay and 10 % contribution to made by the Government.
5. He will be on probation for two years.
6. He should provide health and age certificate from the Medical Superintendent D.H.Q Hospital Timergara.
7. His appointment Order will be considered effective after the issuance of NOC by the Provincial surplus pool and San relaxation by the competent authority


SUPERINTENDENT
DISTRICT JAIL TIMERGARA

NO

- Copy forwarded to the;
1. Inspector General of Prisons N.W.F.P, Peshawar ,
 2. District Account Officer Dir Lower At Timergara,
 3. Official concerned
- For information and necessary action please.


SUPERINTENDENT
DISTRICT JAIL TIMERGARA

Annex B

7

SHOW CAUSE NOTICE.

I, Sardar Hussain Mohmand, Superintendent District Jail Timergara is competent authority under the NWFP Removal from Service Ordinance 2000 do hereby serve you Sweeper Muhammad Rasool attached to District Jail Timergara as follows:-

STATEMENT OF ALLEGATION.

You have appointed as Mulsim Sweeper as such all sort of cleanliness and hygiene problem including cleaning of toilets, Commode, Wash Rooms etc are your first and pro-most responsibilities. But you, failed to conduct and carry out your responsibilities properly as on 27-7-2011, during surprise visit, the Honourable Chief Justice Peshawar High Court Peshawar showed great concern over hygiene problem.

As a result thereof I as competent authority have tentatively decided to impose upon you the penalty as defined under Section-3 of RSO 2000.

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

If no reply to this notice is received within 03 days of its delivery in the normal course of circumstances, it should be presumed that you have no defense to put in and in that case exparte action shall be taken against you.

SUPERINTENDENT
DISTRICT JAIL TIMERGARA

Sweeper Muhammad Rasool
Attached to District Jail Timergara

NOs 1436 - Dated: 29/7/2011

حکومت مہتاب سسٹمز ڈیولپمنٹ
8 Ammer B/1

عنوان: جواب شوکارا نوٹیشن نمبر 1436
حازرہ نمبرہ بحکم سسٹمز ڈیولپمنٹ
ایئر ٹیکر ٹوہ بکروڈ 29/07/2011

جواب عالی

سورڈ پرائزیشن کے آرٹیکل 54 دیکھنا سسٹمز ڈیولپمنٹ ڈائریکشن میں شوکارا نوٹیشن نمبر 1436
شوکارا نوٹیشن نمبر 1436 سائیل بکروڈ - شوکارا نوٹیشن نمبر 1436 سی نوٹو کا پی
جواب شوکارا نوٹیشن حوزا کے ساتھ لکھی ہے

1) جواب والا سائیل سسٹمز ڈیولپمنٹ سے حیل ڈیزائن کیسٹ
Sweeper ایسی خاکروب مینی ڈیولپمنٹ پرائزیشن ڈیولپمنٹ بجوی سہرا جام
دے رہا ہے اور حوزہ مالک کے پاس سے میں سائیل کے خلاف تاحال انتظار ہے
حیل کو ایسی ہی قسم کی شراکت جو سول میں پوری ہے

2) جواب والا - حیل کے اشتقاقی سٹاپ میں چھار Sweeper
ایسی خاکروب سٹاپس پورے ہیں - جو مزید زائل ہیں
I - حالہ خاکروب - حیل ڈیزائن خاکروب کے اور حکام حیل کے
حالہ کو حیل کے بجلی حوت کرنے کے کام لیتے تھکن لیا ہے - چھری
رج سے حیل حوزا میں مزید خاکروب sweeping میں کرتا
II - یوسف خاکروب - حیل حوزا کا دوسرا خاکروب ہے جو اب حیل
نے خاکروبی ڈیولپمنٹ سے خستہ کر کے ایسے ساتھ نقل میں کیسٹ
سٹ میں ایسی خراٹھن سہرا جام دے رہا ہے جس میں تباہ کردہ حیل حوزا
میں Sweeping میں کرتا ہے

III. محمد زین خاں اور سید جیل جڈا گاہیک اور خاں اور سید جیل سے جس کی وجہ سے
آپ سید ایمان نے جیل دوزا کے ڈیوٹی کے باہر لڑائی ہے جس کی وجہ سے
زیادہ تر عہدوں اور خاں اور سید جیل سے باہر لڑائی ہے

IV. سائیل جیل دوزا کا جو لڑائی خاں اور سید جیل سے جو جیل دوزا میں بحیثیت Sweeper
متعین ہوا ہے اور یہ تمام حال پورے جیل کے اندر صفائی خاں اور سید جیل کے ذریعہ
آدلا سہرا انجام دے رہا ہے

3. یہاں دوزا سائیل جیل دوزا میں سہرا (جو لڑائی مارنا، جھانڈو چلانا) کی ڈیوٹی
سے Sweeper یعنی خاں اور سید جیل کے مطابق دوزا سے بہرہ نیک بند الفاط ہے

4. جہاں والا سائیل جیل دوزا میں امرتی ہونے سے وقت سائیل کے ساتھ
بہرہ نیک بند الفاط نہیں لکھے گئے ہیں (کہ سائیل جیل دوزا کے تمام
مکوڑے (فلٹرز) کو صفائی کر کے گا)

5. اگر انٹرفیو جیل دوزا کے سائیل جیل کا کوئی ایئر کنڈیشن یا فوکل بددہارا

صفائی (فلٹرز) موجود ہیں تو انٹرفیو جیل دوزا سائیل کو دوزا کو
یا دوزا ایئر کنڈیشن (سہرا) بنا پور سائیل شہوکار نوٹس نمبر 1436 کا حقدار
ڈوزا کو انیس 3 U S آف 2000 RS کے مطابق سڈا کا حقدار ہے

لیکن سائیل ایک مسلمان عوام ہے اور جیل دوزا میں سائیل کی آفینائی
Sweeper یعنی خاں اور سید جیل کے لیے نہ کہ (فلٹرز) مکوڑے صفائی کرنے والے گا

سائیل کی آفینائی جو لڑائی ایئر کنڈیشن ایئر کنڈیشن ہے۔ سائیل Sweeper
یعنی خاں اور سید جیل اور خاں اور سید جیل کا۔ آپ سید ایمان کا جاری کردہ
شہوکار نوٹس نمبر 1436 بحق سائیل جاری کرنا ہے بنیاد ہے۔ سائیل شہوکار نوٹس
نمبر 1436 کا جواب نواز شنات بالا معروض ہوا۔

2011-08-02

داری

حواصی کفنده ششوی کا زونوشن مطبر 1436

سویلیر محمد رسول خان ڈیوڑھی جیل ہلال دہلی کوٹرا ایسٹ ٹکڑا

کاپی نو انڈیلٹرز جنرل جیل خانہ جات بیویہ حیدر دکن نوٹوا ایسٹ

د نقل ششوی کا زونوشن مطبر 1436

Annex B

(7)

SHOW CAUSE NOTICE.

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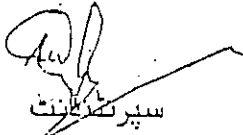
SUPERINTENDENT
DISTRICT JAIL TIMERGARA

Sweeper Muhammad Rasool
Attached to District Jail Timergara

No, 1436 Dated: 29/7/2011

نوٹس بنام محمد رسول سوئیپر۔

بمطابق رپورٹ چیف وارڈر محمد نواز تم کو بذریعہ نوٹس خبردار کیا جاتا ہے۔
 کہ تم اپنا ڈیوٹی بہ طریقہ احسن نہیں نبھاتے۔ اور جگہ جگہ گندگی کے ڈھیر چھوڑ کر ڈیوٹی
 ٹائم سے پہلے پہلے بغیر اجازت گھر جاتے ہو۔ جو ڈیوٹی میں سخت غفلت اور کوتاہی ہے۔
 تم کو بار بار زبانی بابت ڈیوٹی سمجھایا گیا لیکن تم مسلسل نال متول اور سست روی
 سے کام لے رہے ہو۔ آج مورخہ 17-08-2019 تم نے صبح 10.00 تک ڈیوٹی نبھایا لیکن
 تم نے مزید ڈیوٹی سرانجام دینے سے مکمل انکار کیا۔
 لہذا تم کو آخری بار بذریعہ نوٹس اطلاع دی جاتی ہے۔ کہ اس نوٹس کے ملنے
 پر تین دن کے اندر اپنا جواب زیر دستخطی کو پیش کرو۔ بصورت دیگر تمہارے خلاف
 قانونی کارروائی عمل میں لائی جائیگی۔


 سپرنٹنڈنٹ

ڈسٹرکٹ جیل ٹیمر ٹرہ دیر

17/8/019

جس کے لیے سہولتوں کا دستاویز جیل سیکرٹری دیر ہو کر

جنا عالی!

خودمانہ عرض یہ ہے کہ میری ڈیوٹی بہ طریقہ احسن نبایا ہوں اور اس میں کسی قسم کا محفلت نہیں کرتا۔ وقت در ڈیوٹی پر حاضر ہوتا ہوں اور چھٹی سے پہلے کبھی جیل نہیں چھوڑتا۔ نوٹس میں معروضہ ۱۶-۵۵-۱۷ کا ذکر کیا گیا ہے کہ میں نے جمع دس کے ڈیوٹی چھوڑ کر سہولتوں کو سہولت چھوڑ کر میں نے اس روز میں نے نہ منتر ہو کر ڈیوٹی کرنے سے انکار کیا ہے اور نہ میں ۱۵ کے جلائیوں میں بلکہ دوسرے دو کے تک اپنی ڈیوٹی سرانجام دی ہے۔

معلومہ ازین عرض گزار ہوں کہ چونکہ جیل بڑا بے عمل ہے اور سہولتوں میں ہمیں دو عیسائی اور تین مسلمان ہے۔ جیل بڑا میں غفلت و غیور کی صفائی کا کام عیسائیوں سے لیا جاتا ہے لیکن ہر قسم سے ان دونوں کو سہولتوں اور ڈیوٹی سہولتوں کے سرکاری بینکوں میں جمع کیا گیا ہے۔ اس کے علاوہ ایک سہولت سے بازار سے سودا وغیرہ لانے کا کام لیا گیا ہے اور چھوٹے سہولتوں کو ہر ایک نام ایکسٹینشن مقرر کیا گیا ہے۔

مندرجہ بالا صفائی کی روشنی میں عرض گزار ہوں کہ مجھے ایک خاص ڈیوٹی پر مقرر کیا جائے کیونکہ تمام جیل کے صفائی کا کام میرے بس میں نہیں۔ آئندہ کیلئے میں اس سے بھی زیادہ کام کرنے کی کوشش کروں گا۔

اسلئے آج صبح کی خدمت میں حضور میں بیٹھ کر عرض کیا کہ میں
 ڈرامے فرما کر بے جا تنگ نہ کیا جاؤں گا۔ کیونکہ جو میرے پاس ہیں
 ہوتا ہے اس سے زیادہ کرنے کی کوشش کرتا ہوں۔ لہذا
 اگر کچھ کی زیادتی کی وجہ سے کوئی بات منہ سے زیادہ نکلی
 ہو تو معافی چاہتا ہوں اور آج سے معافی کا امید رکھتا ہوں

الفارحی - 19-03-2019

ایڈیٹر اخبار محمد رسول خاں سوہرہ ہل ہند

Please see the enclosed
 19/3/19

از دفتر سپرنٹنڈنٹ ڈسٹرکٹ جیل تیرگرہ

No. 561 dated 25/07/22.

نوٹس بنام: محمد رسول خان خاکروب ڈسٹرکٹ جیل تیرگرہ

عنوان: طلب وضاحت / نوٹس

تم خاکروب محمد رسول خان کو جیل کے اندر صفائی کے کام پر معمور کیا گیا تھا۔ دوران ڈیوٹی تم کو چکر چیف نے نال کی صفائی کرنے کو کہا تو تم نے کام کرنے سے انکار کیا۔ اس دوران تم نے چکر چیف سے بدکلامی کی اور بات ہاتھ پائی تک پہنچی۔ اس کے علاوہ آج تم بغیر اجازت کے ڈیوٹی سے غیر حاضر ہوئے۔

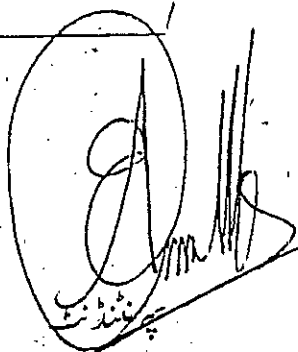
اس اقدام کے بنا پر تم نے حکومت خیبر پختون خواہ کے سول سروس رول 2011 کے خلاف ورزی کی ہے۔ کیوں نہ تمہارے خلاف قانونی کارروائی کی جائے۔ جس میں تمہیں نوکری سے برخاست کیا جاسکتا ہے۔

لہذا اس نوٹس کے ملنے پر تین دن کے اندر دفتر مجاز کو اپنی وضاحت پیش کریں۔ بصورت دیگر تمہارے خلاف یک طرفہ کارروائی عمل میں لائی جائیگی۔

سپرنٹنڈنٹ

ڈسٹرکٹ جیل تیرگرہ

Endst; No.



ڈسٹرکٹ جیل تیرگرہ

کافی برائے اطلاع یابی:

جناب انسپکٹر جنرل آف جیل خانہ جات خیبر پختون خواہ پشاور

خدمت چاہیں۔ یہ سبھی چیزیں اور اس کے ساتھ ساتھ دیگر چیزیں بھی لے کر آئے ہیں۔

عنوان :- طلب و ضابطہ انوشن جو الہ چھٹی سیر 56 کا نوٹ نمبر 2022ء 07ء 05ء
چاہا عالی!

خودمانہ عرض ہے کہ مذکورہ دن میں جنیل کے اندر ضحائی
میں صرف تھا اور ٹرائی کو کمرے سے بھرا باہر کی طرف لے جا رہا تھا
کہ اس دوران حکمران چیف نعل لٹھن جانے لگے تھا جاؤ تمام ٹائٹلس کے
کوڈ گڈا ہے اسے صاف کرو۔ میں نے جواب میں کہا کہ کوڈ صاف کرنا
میرا کام نہیں اس کے لیے میں عیسائی کو بلواتا ہوں۔ لیکن حکمران چیف نے
مجھ سے بدگلائی شروع کی کہ یہ تمہارا کام ہے۔ میں نے اس سے کہا کہ اس کے لیے
عیسائی بھرتی کیے گئے ہیں۔ اس کے ساتھ تاج خدر والار بھی تھا جس نے مجھ
چھڑھا مارے۔ پھر حکمران چیف نے بلا اس کے ساتھ لایا اور اسے دین سے
خوب ملتا جس کے لیے میرے ساتھ گواہ بھی موجود ہے اور ساتھ ہی
ٹی وی کمرے میں بھی ریکارڈ موجود ہے جو تم آپ خود بھی اس کو دیکھ
سکتے ہیں۔ اس دوران میں آپ سے شکایت کرنے کیلئے ارادہ کیا تو
انہوں نے مجھے تقریباً تین گھنٹے انزبند کیا۔ میں قسم کھا کر کہتا ہوں کہ
میں نے اس کے ساتھ بدگلائی کی ہے اور نہ باٹھا یا جی۔ لیکن میں یہ واقعہ کرایا
دہانتا ہوں کہ کسے ماؤن کے تحت حکمران چیف اور والار نے میرے عزیز کی
اور مجھ کو مارا۔ ورنہ میں یہ سب حکام بالا کے نوٹس میں لاؤنگا۔

تقریباً 22 جولائی 10:05 بجے

خبر نمبر 2022ء 07ء 05ء کو میری طبیعت بہت خراب تھی اس لیے
مشکلی الطراح دے بغیر ڈیوٹی سے غیر حاضر رہا جس کے لیے معذرت
خواہ ہوں۔

Peared
28-07-2022

علاوہ ازیں جیل خدایہ اور بیٹے سے خاکروب شہول عیسائی گھری
 ہے اور سرکاری خزانہ سے تنخواہ لیتے ہیں لیکن معلوم نہیں ان سے کہاں
 در ڈیوٹی لی جاتی ہے۔ جبکہ سارے جیل کی ڈیوٹی ہمیں ایک دو
 بندوں پر چھوڑی گئی ہے جو کہ سائیل کے ساتھ سر اسر نا ارضی ہے۔

الغرض

آئیے آج تاجدار محمد رسول خان خاکروب

کا گزرتے احوال :-

یہاں انسپکٹر جنرل آف جیل خانہ جت حیدر کتو کو 06 مارچ اور



Annex E (16)

OFFICE OF THE
SUPERINTENDENT
DISTRICT JAIL TIMERGARA
Phone/Fax: 0945-9250095
Email: districtjailtimergara@gmail.com

No. _____ / dated: 3/8/2022.

DISTRICT JAIL TIMERGARA DIR LOWER, DISTRICT JAIL TIMERGARA DIR LOWER, DISTRICT JAIL TIMERGARA DIR LOWER, DISTRICT JAIL TIMERGARA DIR LOWER, DISTRICT JAIL TIME

DISCIPLINARY ACTION

I, Amin Shuaib, Superintendent District Jail Timergara, as competent authority, am of the opinion that **Muhammad Rasool Khan** Sweeper (BPS-3) attached to district jail Timergara has rendered himself liable to be proceeded against, as he committed the following acts/commission, within the meaning of rule 3 of the Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline Rules, 2011.

STATEMENT OF ALLEGATIONS

م کو تھیل کے اندر صفائی کے کام پر مسموم کیا گیا تھا۔ دوران ڈیوٹی تم کو چکر چیف لعل رحمان بیڑ وارڈ نے نالے کی صفائی کرنے کو کہا تو تم نے کام کرنے سے انکار کیا۔ اس دوران تم نے چکر چیف سے بدگمانی کی اور بات مانقا کی تک پہنچی۔ اس کے علاوہ 25.07.2022 کو تم بغیر اجازت کے ڈیوٹی سے غیر حاضر ہوئے۔ اس اقدام کے بنا پر تم نے حکومت خیر پختون خواہ کے سول سروسٹ رول 2011 کی خلاف ورزی کی ہے۔

2. For the purpose of inquiry proceeding against the above named accused with reference to the above allegation, an inquiry Officer/inquiry committee consisting of the following is constituted under rule 10(1)(a) if said ibid rules.

1. Mr. Bakht Rawan Deputy Superintendent (Convener) District Jail Timergara.

2. Mr. Muhammad Ilyas Computer Operator (Member) District Jail Timergara.

3. The inquiry officer/inquiry committee shall, in accordance with the provisions of the ibi rules, provide reasonable opportunity of hearing to the accused, record its findings and make within Sixty days of the receipt of this order recommendation as to punishment or other appropriate action against the accused.

4. The accused and a well conversant representative of the department shall join proceeding on the date, time and place fixed by the inquiry officer/inquiry committee.

SUPERINTENDENT
DISTRICT JAIL TIMERGARA

Endst. No. 599-601

Copy of the above is forwarded to:-

1. The Worthy Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information please.
2. Mr. Bakht Rawan Deputy Superintendent (Convener Officer) and Mr. Muhammad Ilyas Computer Operator (Member) District Jail Timergara for initiating proceedings against the above named accused Sweeper under Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules 2011.
3. Muhammad Rasool Khan Sweeper (accused) District Jail Timergara with the direction appear before the Inquiry Officer for the purpose of inquiry proceedings.

SUPERINTENDENT
DISTRICT JAIL TIMERGARA

CHARGE SHEET

17

I, Muhammad Shuaib, Superintendent District Jail Timergara, as competent authority, hereby charge your Muhammad Rasool Khan Sweeper (BPS-30 as follows:

That you, while posted at District Jail Timergara as Sweeper committed the following irregularities:

تم کو جیل کے اندر صفائی کے کام پر مسموم کیا گیا تھا۔ دوران ڈیوٹی تم کو چکر چیف لعل رحمان ہیڈ وارڈ نے نالے کی صفائی کرنے کو کہا تو تم نے کام کرنے سے انکار کیا۔ اس دوران تم نے چکر چیف سے بدکلامی کی اور بات ہاتھ پائی تک پہنچی۔ اس کے علاوہ 25.07.2022 کو تم بغیر اجازت کے ڈیوٹی سے غیر حاضر ہوئے۔ اس اقدام کے بنا پر تم نے حکومت خیبر پختون خواہ کے سول سرونٹ رول 2011 کی خلاف ورزی کی ہے۔

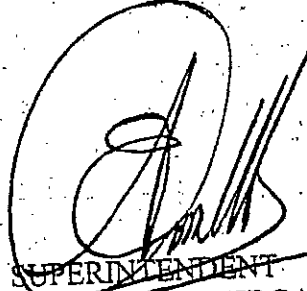
2. By reason of the above, you appear to be guilty of Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to any of the penalties specified in rule 4 of the rule ibid.

3. You are, therefore, required to submit your written defence within ten days of the receipt of this Charge Sheet to the inquiry officer/inquiry committee, as the case may be.

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

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

6. Statement of allegation is enclosed.


SUPERINTENDENT
DISTRICT JAIL TIMERGARA

INQUIRY REPORT

The instant inquiry was ordered by the Superintendent District Jail Timergara Dir(Lower), the Competent authority, against Muhammad Rasool, Sweeper (BPS-03) vide order No. 598/ dated 3-8-2022 under rule 3 of the Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules 2011. A committee under the same order was constituted to inquire into the allegations leveled against the accused official, consisting of Bakht Rawan, Deputy Superintendent Jail (Convener) and Muhammad Ilyas, Computer Operator(Member).

It had been alleged that the accused official, namely Muhammad Rasool, Sweeper (BPS-03);

"While performing his duties inside the Jail on 24.07.2022, he refused to clean the drains when he was directed by the Lal Rahman, Head Warder/Chief Chakkar and that he also abused Chief Chakkar and even quarreled with him and that he remained absent from duties on 25.07.2022 without permission and sanction of leave from the Competent authority" (Annexure-A)

To provide a reasonable opportunity of hearing and defense, the accused official was directed on 19.08.2022, to appear before the Inquiry Committee on 23.08.2022 at 11:00am along with evidences, if any. The Lines Muharror was also directed to ensure presence of all staff members on date and time fixed for inquiry proceeding (Annexure-B).

As per schedule, the accused official appeared before the Inquiry Committee on 23.08.2022. Other staff members and prisoners also appeared before the Committee. Statement of the accused official and other staff members and prisoners were recorded, gist of which is reproduced in the following lines.

The accused official *Muhammad Rasool, Sweeper (BPS-03)* stated on oath that he was busy in loading hand cart from garbage dump-inside the Jail that in the mean time he was called in by Lal Rehman, Chief Chakkar for cleaning the flush system to which he replied that cleanliness of commodes and flush system is not his responsibility and that it is the work to be carried out by the Christian Sweeper which resulted into exchange of abusive words and that he was beaten by Taj Muhammad and Lal Rahman, Chief Chakkar with a stick of plastic pipe and that he neither used abusive language nor indulge in quarreling and that due to illness he could not attend his duties on 25.07.2022.

Replying to a number of question the accused official replied that he has been appointed as Sweeper and that cleanliness of commodes and flush system is not fall

under his duties and responsibilities and that it is the work to be carried out by the Christian Sweeper and that he was beaten by Lal Rahman and that he will perform the duties of cleaning of flush system if it will be performed by all the sweepers. *(Annexure-C).*

Habib, Sweeper (BPS-03) stated on oath that he performing his duties inside the Jail and that he was assigned the duties by Lal Rahman, Chief to monitor the cleanliness of flush system and that in the meantime Sweeper Muhammad Rasool came who was ordered by Lal Rahman to monitor cleanliness of the drain of flush system but reused to stay and said that he will shift the garbage dump first and that both of them quarreled and Muhammad Rasool was beaten with a stick of plastic pipe *(Annexure-D).*

Muhammad Naeem, under trial prisoner, produced by Muhammad Rasool as a witness, stated on oath that he was waiting outside the PCO for a call that in the meantime of pipe of flush system blocked and that Lal Rahman, HW and Taj Muhammad, HW quarreled with Muhammad Rasool and that Muhammad Rasool was beaten with a plastic pipe. Replying to a number of questions he stated that Muhammad Rasool refused to clean the drainage of flush system and said that cleanliness of flush system is the work to be carried out by the Christians *(Annexure-E).*

Lal Rahman, Chief Chakkar/Head warder stated on oath that on 21.07.2002 at about 10:00am he was present outside the barrack No. 08, along with Taj Muhammad HW and under trial prisoners of the barrack rectifying drainage pipe of flush system and that in the meantime Sweeper Muhammad Rasool came and that he inquired him about the cleanliness of the drains of the Jail to which he became furious and said that he is not Christian to clean the drains and at once pulled out his shoulder badges and that the Sweeper was taken away by Taj Muhammad HW toward Dewry of the Jail.

(Annexure-F).

Replying to a number of questions, Lal Rahman stated that he has not beaten the accused official and that he had directed the accused official to monitor the work of cleanliness of the blocked pipe of flush system.

Taj Muhammad, Sector Incharge /Head warder stated on oath that on 21.07.2002 at about 10:00am he was present outside the barrack No. 08, along with Lal Rahman, Chief Chakkar/HW and under trial prisoners of the barrack rectifying drainage pipe of flush system and that in the meantime Sweeper Muhammad Rasool came and that he inquired him about the cleanliness of the drains of the Jail to which he became furious and said that he is not Christian to clean the drains and at once pulled out his

shoulder badges and that the Sweeper was taken away by him towards Dewry of the Jail (Annexure-G).

Ghulam s/o Ghulam Muhammad, under trial prisoner stated on oath that on 21.07.2002 at about 10:00am he was present outside the barrack No. 08, along with Lal Rahman, Chief Chakkar/HW and under trial prisoners of the barrack rectifying drainage pipe of flush system and that in the meantime Sweeper Muhammad Rasool came and that Lal Rahman Chief Chakkar inquired him about the cleanliness of the drains of the Jail to which he became furious and said that he is not Christian to clean the drains and at once pulled out shoulder badges of Lal Rahman and used abusive language and Sector Incharge Taj Muhammad said that it is your duty to clean the drains for which are being paid salary and that the Sweeper was taken away towards Dewry of the Jail by Taj Muhammad, HW/Sector Incharge (Annexure-H).

Nowsherawan s/o Malizay, under trial prisoner stated on oath that on 21.07.2002 at about 10:00am he was present outside the barrack No. 08, along with Lal Rahman, Chief Chakkar/HW and under trial prisoners of the barrack rectifying drainage pipe of flush system and that in the meantime Sweeper Muhammad Rasool came and that Lal Rahman Chief Chakkar inquired him about the cleanliness of the drains of the Jail to which he became furious and said that he is not Christian to clean the drains and at once pulled out shoulder badges of Lal Rahman and used abusive language and Sector Incharge Taj Muhammad said that it is your duty to clean the drains for which are being paid salary and that the Sweeper was taken away towards Dewry of the Jail by Taj Muhammad, HW/Sector Incharge (Annexure-I).

Haya Khan S/O Haya Morid Under Trial Prisoner stated on oath that on 21.07.2022 at about 10:00AM the outside sewerage/drainage pipe of our bath room barrack No.8 was damage/blocked for which all prisoners of our barrack along with Chakkar Chief Lal Rahman, Sector Incharge Taj Muhammad were present on spot to fix it. Meanwhile, Muhammad Rasool Khan Sweeper came and the Chief Chakkar Lal Rahman asked about cleaning of the drains, upon which Muhammad Rasool Khan Sweeper got angry and said that I am not Christian. That this is not my job and starts fighting and at once pulled out shoulder badges of Lal Rahman Chief also used abuse words/language. On the spot Incharge Sector Taj Muhammad said to the Sweeper Muhammad Rasool Khan that he is the Chief of the Jail and how you insulted/disrespect him and took him to the main gate of Dewry (Annexure-J).

(21)

Ziaullah S/O Bakht Shah Zeb Under Trial Prisoner stated on oath that on 21.07.2022 at about 10:00AM that the outside sewerage/drainage pipe of our bath room barrack No.8 was damage/blocked for which all prisoners of our barrack along with Chakkar Chief Lal Rahman, Sector Incharge Taj Muhammad were present on spot to fix it. Meanwhile, Muhammad Rasool Khan Sweeper came and the Chief Chakkar Lal Rahman asked about cleaning of the drains, upon which Muhammad Rasool Khan Sweeper got angry and said that I am not Christian and this is not my job. On the spot Incharge Sector Taj Muhammad said to the Sweeper Muhammad Rasool Khan that he is Chief of the Jail and this yours duty to clean the drains and explained them well after that took him to the main gate of the Dewry (*Annexure-K*).

Fayaz S/O Abdul Karim Under Trial Prisoner stated on oath that on 21.07.2022 at about 10:00AM that the outside sewerage/drainage pipe of our bath room barrack No.8 was damage/blocked for which all prisoners of our barrack along with Chakkar Chief Lal Rahman, Sector Incharge Taj Muhammad were present on spot to fix it. Meanwhile, Muhammad Rasool Khan Sweeper came and the Chief Chakkar Lal Rahman asked about cleaning of the drains, upon which Muhammad Rasool Khan Sweeper got angry and also used abuse language. On the spot Incharge Sector Taj Muhammad said to the Sweeper Muhammad Rasool Khan that he is Chief of the Jail and this is yours duty to clean the drains and explained them well after that took him to the main gate of the Dewry (*Annexure-L*).

Maaz Khan S/O Mula Gul Under Trial Prisoner stated on oath that on 21.07.2022 at about 10:00 AM that the outside sewerage/drainage pipe of our bath room barrack No.8 was damage/blocked for which all prisoners of our barrack along with Chakkar Chief Lal Rahman, Sector Incharge Taj Muhammad were present on spot to fix it. During this time, Chief Lal Rahman asked Muhammad Rasool Khan Sweeper about cleaning of the drains, upon which Muhammad Rasool Khan Sweeper got angry and also used abuse language. On the spot Incharge Sector Taj Muhammad hold the Sweeper Muhammad Rasool Khan that he is Chief of the Jail and this is yours duty to clean the drains and explained them well after that took away to the main gate of the Dewry (*Annexure-M*).

FINDINGS/ANALYSIS OF THE EVIDENCES.

After conducting a thorough inquiry into the allegations leveled against the accused official namely Muhammad Rasool Sweeper (BPS-03), it was found that;

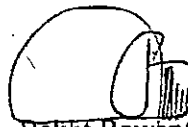
1. A PVC Pipe/ drainage pipe of the toilet in the Northern side of Condemned Prisoners Barrack just in left side of the Chakkar office was blocked, blanketed the nearby atmosphere with an unpleasant smell.
2. The Chakkar Chief noticed the issue and called some prisoners from the barrack to rectify the blocked drainage pipe. In this connection Sweeper Habib and Muhammad Rasool, responsible for cleanliness were also called to be present for assistance and look-after of the prisoners.
3. Sweeper Muhammad Rasool annoyed and refused to comply the lawful orders, pretending that he is carrying the waste outside jail, further saying that this is the work of Christens and that he is a Muslim.
4. He further stated that being a Muslim it is a humiliation and degradation for him; hence he is not ready for the cleanliness of toilets and drains.
5. However, in response to another question he placed the condition that if other sweepers agreed for the same work then he will also ready.
6. The accused official alleged that he was beaten by the Chief Chakkar with a green plastic pipe, while he has also presented two witnesses in his defense, however, there was no medical record to prove the allegation.
7. Chakkar Chief, Lal Rahman, Head warder has also leveled allegations about his pulling out shoulders of the uniform which has also supported by a number of Jail inmates in their statements.
8. The accused official alleged that he was beaten by Lal Rahman, HW/Chief Chakkar and Taj Muhammad HW/Sector Incharge and produced witnesses in support of his allegation. However, could not produced any medical report. However, both the Head warders may be warned to be careful in future in dealing with the employees of the Jail.
9. The accused official pleaded guilty during the inquiry proceeding by saying that it is not his responsibility and duty to clean and rectify the flush system and its drains. Rather he said that he will never clean the flush system.
10. The accused official is of the opinion that cleaning of flush system, commodes and its drains is the work of Christian Sweeper which is a mistaken/misguided/incorrect opinion as cleanliness of wash rooms and its drainage system in the integral/essential/important part of the duties and responsibilities of a Sweeper whether he is Muslim OR Christian.

CONCLUSION AND RECOMMENDATION.

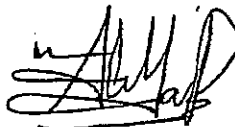
23

After conducting a thorough inquiry into the allegations leveled against the accused official namely *Muhammad Rasool Sweeper* (BPS-03), it was concluded that the allegations leveled against the accused official are FULLY PROVED for which he is liable to be proceeded against under the Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules 2011.

It is, therefore, recommended that the accused official may be awarded the major penalty of, "COMPULSORY RETIREMENT FROM SERVICE".


 15/9/22
Bakht Rawan (Convener)
DEPUTY SUPERINTENDENT
DISTRICT JAIL TIMERGARA.

Fully agreed with the findings, conclusion and recommendations of the Convener of the Inquiry Committee.


Muhammad Ilyas (Member)
COMPUTER OPERATOR
DISTRICT JAIL TIMERGARA

CERTIFICATE

Certified that the Inquiry Report regarding the accused Sweeper (BPS-03) Muhammad Rasool Khan attached to District Jail Timergara is consisting of six (06) pages, duly numbered, Corrected and signed by me.

 15/9/22
Bakht Rawan (Convener)
DEPUTY SUPERINTENDENT
DISTRICT JAIL TIMERGARA.

SHOW CAUSE NOTICE

Annex G (24)

I, Amin Shuaib, Superintendent District Jail Timergara, as competent authority, under the Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline Rules, 2011, do hereby serve you, Mr. **Muhammad Rasool Khan Sweeper** (BPS-3) attached to District Jail Timergara as follows:

- (i) that consequent upon the completion of inquiry conducted against you by the inquiry officer/inquiry committee for which you were given opportunity of hearing vide communication No.781 dated 15.09.2022.
- (ii) On going through the findings and recommendations of the inquiry officer/inquiry committee, the material on record and other connected papers including your defence before the inquiry officer/inquiry committee,-

I, am satisfied that you have committed the following acts/omissions specified in rule 3 of said rules:

تم کو جیل کے اندر صفائی کے کام پر مسموم کیا گیا تھا۔ دوران ڈیوٹی تم کو چکر چیف لعل رحمان ہیڈ وارڈرنے نالے کی صفائی کرنے کو کہا تو تم نے کام کرنے سے انکار کیا۔ اس دوران تم نے چکر چیف سے بدکلامی کی اور بات ہاتھ پائی تک پہنچی۔ اس کے علاوہ 25.07.2022 کو تم بغیر اجازت کے ڈیوٹی سے غیر حاضر ہوئے۔ اس اقدام کے بنا پر تم نے حکومت خیر بختون خواہ کے سول سروسٹ رول 2011 کی خلاف ورزی کی ہے۔

- As a result thereof, I, as competent authority, have tentatively decided to impose upon you the Major penalty of "**Compulsory Retirement from Service**" under rule 4 of the said rules.
- You are, thereof, required to show cause as to why the aforesaid penalty should be imposed upon you and also intimate whether you desire to be heard in person.
- If no reply to this notice is received within seven/days or not more than fifteen days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.
- A copy of the findings of the inquiry officer/inquiry committee is enclosed.

α α α
SUPERINTENDENT
DISTRICT JAIL TIMERGARA

Endst. No. 849-50 / dated 28/09/2022.

Copy of the above is forwarded to:-

- The Worthy Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information, please.
- Muhammad Rasool Khan Sweeper (BPS-3) District Jail Timergara.

SUPERINTENDENT
DISTRICT JAIL TIMERGARA

بخدمت جناب سپرنٹنڈنٹ ماڈرن سٹریٹس ڈسٹرکٹ ایل کے تقریر کوٹریڈر

عنوان :- شوکارو ٹیس

جناب عالی

بجرا لہ آپ کی چھٹی نمبر 55-849 مورخہ 28.09.2022

خود بخود گذارش ہے کہ آپ نے ٹیو سے بجرا لہ چھی نمبر 561 مورخہ 25.07.2022 جواب طلبی کی تھی۔ جسے جواب میں، میں نے مورخہ 28.07.2022 کو اپنا وجہاتی بیان دیا تھا (کافی لف ہے) لیکن آپ نے اسے بالکل نظر انداز کرتے ہوئے میرے خلاف انکوائری بنائی۔ جس میں آپ نے جناب جتے روال اور محمد الیاس صاحب انکوائری آفیسر مقرر کر کے۔ جسے سائے میں اور میرے گواہ دو پروسیس ہوئے اور اپنے بیانات قلمبند کرائے۔ لیکن جسٹس ایچ گواہ یعنی جسٹس ڈکری میں نے مورخہ 25.07.2022 کو جواب طلبی میرے کیا تھا یعنی CCTV کیہ ریکارڈنگ۔ اسلوب بالکل نظر انداز کیا گیا۔ دوسری طرف میرے خلاف جو بندے گواہ کے طور پر پیش ظاہر کیے گئے ہیں وہ جیل پڈا میں قیدی ہیں۔ ان تمام کے تمام سے انکوائری آفیسرز ہمارے خود ہیں پوچھا اور خود انکوائری میں کی بلکہ ان سے یہاں خان نامی ریٹائرڈ پولیس آفیسر جو کہ جیل حجاز میں قحرام کی مہنت سے قیدی ہے سفید کاغذ پر انکوئے دستخط کروائے اور بعد میں اپنی ترفی سے آئیں جسے بیان لکھے۔

جواب نمبر 55-849 مورخہ 28/09/22

چونکہ انکوائری کیس نے اپنے فرانسس الحام دینے میں غفلت اور کوتاہی کی ہے اور اپنے قلم کا غلط استعمال کر کے جانبداری سے کام لیا ہے۔ لہذا یہ انکوائری کیس پس منظر میں رہے۔

اس لیے آپ سے عاجزانہ استدعا ہے کہ ایک غیر جانبدار کیس مقرر کر کے دوبارہ انکوائری کی جائے تاکہ انصاف کے تقاضوں کو پوری ایمانداری سے ادا کرے تاکہ مجھے انصاف ملے۔

خروج
12.10.2022

ایک ایماندار

محمد رسول خدا صلی اللہ علیہ وسلم

27

BETTER COPY

OFFICE OF THE
SUPREINTENDANT
DISTRICT JHAIL, TIMERGARA
Phone/Fax: 0945-9250093

NO.-----/ dated 20/10/2022

OFFICE ORDER

Whereas, accused official/ Sweeper (BPS-03) Muhammad Rasool Khan S/O Muhammad Ayub attached to District Jhail Timergara was charged within the meaning of Rule-3 of Khyber Pakhtunkhwa Government Servant (Efficiency and Disciplinary Rules, 2011 for the misconduct contained in statement of allegation/charge sheet served upon him vide this office Endorsement No. vide No. 781 dated 15.09.2022 wherein Bakht Rawan Deputy Superintendent Jhail Timergara was appointed as inquiry officer.

And whereas, he appeared before the inquiry committee, who inquire his case, went through the available record and provide him reasonable opportunity of hearing to defend his case.

And Whereas, the accused official was proceeded against under Rule 14 (4) for the charge of misconduct as mentioned in the show cause Notice No. 39-50 dated 28-09-2022.

And Whereas, he furnished his written reply/defense to the show cause Notice which was found unsatisfactory.

And Whereas, the under sign being competent authority granted him the opportunity of personal hearing on 18-10-2022 as provided for under the rules ibid, the accused official was unable to defend his case with documentary proof/evidence.

NOW THEREFORE in exercise of power conferred under Rule 14(5) of Khyber Pakhtunkhwa, Government Servant Efficiency and Disciplinary Rules 2011, having considered the inquiry report, charge leveled against him and evidence on record, the under sign being competent authority, orders that he is hereby awarded minor penalty of stoppage of two annual increment with immediate effect.

SUPERINTENDANT
DISTRICT JAIL TIMERGARA

Endost No. 892-95

Copy of the above is forwarded to:

1. The Worthy Inspector General of Prison Khyber Pakhtunkhwa Peshawar for information
2. Mr. Bakht Rawan Deputy Superintendent District Jhail Timergara and Muhammad Ilyas Computer Operator (member District Jail for information
3. The District Accounts Concerned at Timergara for information and necessary action please
4. Muhammad Rasool Khan Sweeper (BPS-03) (accused) District Jhail, Timergara

SUPERINTENDANT
DISTRICT JAIL TIMERGARA

Annex

محکمہ خدمات انسٹیٹیوٹ ہسپتال اور کونسل ہسپتال ڈیپارٹمنٹ

ذاتی کتب خانہ اور لائبریری کے بارے میں درخواست

ذاتی کتب خانہ

محکمہ خدمات انسٹیٹیوٹ ہسپتال اور کونسل ہسپتال ڈیپارٹمنٹ

ذاتی کتب خانہ اور لائبریری کے بارے میں درخواست

20/10/2022

ذاتی کتب خانہ اور لائبریری کے بارے میں درخواست

ذاتی کتب خانہ اور لائبریری کے بارے میں درخواست

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ذاتی کتب خانہ اور لائبریری کے بارے میں درخواست

محضور حساب اینکٹر جنرل صاحب جبل خانہ طاعت خیر مستخواہ

در فہرست واسطے جاری کرنے دو عدد اینکریمنٹ سٹاپ شدہ

حساب عالی

خود بانہ گذارش ہے کہ سائیل تختہ کلاس فور جبل پورہ خلد پور بائیں

تینتہا ہے اور ایما و الفض نیابت ایمانداری سے احکام درام ہیوں۔

بحوالہ چھٹی فرم 95-212 مورخہ 10/2022 20 حمایت حساب سپر شہادتہ حساب جبل پورہ

نے بطور سزا امر دو عدد ایسا لائے اینکریمنٹ سٹاپ کر چکے۔

حساب والا! سائیل کا بال بچ کافی مقدار میں ہے اور تنخواہ کم ہے

دوسری طرف ہنگامی کا طوفان ہے اور ایسی کم تنخواہ دار گزار ہے۔

متذکرہ دو عدد اینکریمنٹ سٹاپ سے بچ کر تنخواہ دار گھر اور ہر حساب۔

تنخواہ کے علاوہ پیش در بھی اور در حساب۔

استدعا ہے کہ چھ پر رقم کھار کے دو عدد اینکریمنٹ سٹاپ شدہ

بحال و خاگر تنخواہ میں جاری کر کے حکم صادر فرمائیں

نوازش بہگی

المرفوع 31/12/2022

العارض

ایکتابت ایدار محمد رسول فاروق کلاس فور جبل پورہ خلد پور

15302-1119769-1

03446276895



Attachment
29

OFFICE OF THE
INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR
Tel: 091-911234, 911240, 911241, 911242

Date: 26 - 10/2023

ORDER:

WHEREAS, Muhammad Rasool s/o Muneer and Anil Saeed are
inmates of District Jail Tirmah, Peshawar, Khyber Pakhtunkhwa, and
were found guilty of the offence of theft and sentenced to
imprisonment for a period of 12 months with hard labour on 25
th day 20-10-2022 due to his misconduct

AND WHEREAS, the said official preferred departmental appeal for setting
aside the penalty awarded to

AND WHEREAS, he was granted an appeal on 25-10-2023. The appeal was examined by the
Inspector General of Prisons, Peshawar, and it was observed that the charges levelled against the
appellant were fulfilled in the company of the District Jail Tirmah, Peshawar, and
he explained his position in regard to the same.

NOW THEREFORE, Keeping in view the facts and circumstance, the provision
of section 10 of the Prisons Act, 1972, in exercise of powers conferred on the
Inspector General of Prisons, Peshawar, Khyber Pakhtunkhwa, Government of Punjab, by
section 10 of the Prisons Act, 1972, the appeal of the appellant is hereby
dismissed being

INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA, PESHAWAR

3292
Copy of the above is forwarded to
Superintendent District Jail Tirmah, Peshawar, for information and
reference to his letter No. 1042 dated 12-12-2022. It is requested to inform
appellant accordingly and make necessary entries in the records.
Attestation:
District Accounts Officer concerned for information and
concerned C/O Superintendent District Jail Tirmah, Peshawar.

DEPUTY INSPECTOR
INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA, PESHAWAR

74
10/21-2023

BETTER COPY

OFFICE OF THE
INSPECTOR GENERAL OF PRISON
KHYBER PAKHTUNKWA, PESHAWAR
No. 3897
Dated :26/01/2023

ORDER:

Whereas, Muhammad Rasool Khan S/O Muhammad Ayub Sweeper (BPS-03) attached to District Jhail Timergara awarded the minor penalty "withholding of two annual increments" by Superintendent Jhail Timergara vide his office order No _____ dated 20/10/2022 due to his misconduct.

And whereas, the said official preferred his departmental appeal for setting aside the penalty awarded to him

And whereas, he was awarded an opportunity of personal hearing on 24.01.2023. The appeal was examined in light of the available record on the case file and it was observed that the charge leveled against the appellant was proved and all legal and codal formalities were fulfilled by the competent authority. During the course of hearing he explained his position but fail to prove and justify his innocence.

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 Servant {Efficiency & Discipline} Rules 2011 read with Rule 03 of Khyber Pakhtunkhwa Service Appeal Rules 1986, the decision of the Superintendent jail Timergara, the competent authority is upheld and appeal of the appellant is hereby dismissed being without any substance/facts

INSPECTOR GENERAL OF PRISON
KHYBER PAKHTUNKHWA

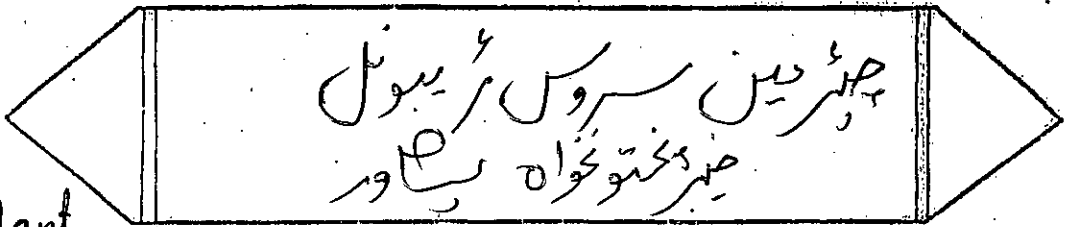
Endost No. 3898-900/-

Copy of the above is forwarded to:

1. The Superintendent District Jhail Timergara for information and necessary action with reference to his letter No.1042 dated 13/12/2022. He is requested to inform the Appellant accordingly and make necessary entry in his service book under proper attestation.
2. The District Accounts Concerned for information and necessary action..
3. Appellant concerned C/O Superintendent District Jhail, Timergara for information

DEPUTY DIRECTOR
INSPECTOR GENERAL OF PRISON
KHYBER PAKHTUNKHWA

بعدالت



Appellant 2 جناب

محمد رسول خان بنام گورنمنٹ آف رپورٹنگ

موزخہ
مقدمہ
دعویٰ
پر

باعث تحریر آئیکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی اور جواب دہی اور کارروائی متعلقہ آئین مقام Peshawar کیلئے محمد رسول خان کے خلاف دائر کی گئی ہے۔

مقررہ کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو رضی نامہ کر۔ لے و تقرر ثالثیت فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور باہر ورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یا کیٹرفر یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل گمرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لے جانے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا سہکتہ و اخذہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائز التوائے مقدمہ کے سبب سے دہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

المترجم _____ ماہ _____ 20

Attested & Accepted by Mujeeb Ullah
be No 17-7302
mujeebdin@ gmail.com
0301 85210721
Danyal
Masrum