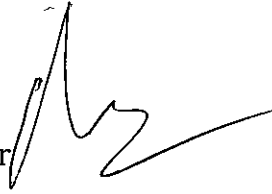


19.10.2017

Counsel for the appellant M/S Sheryar, ASJ and Abdul Hameed Abbasi Head Clerk for the respondents present. Counsel for the appellant seeks adjournment to submit rejoinder. Since the appeal pertains to territorial limits of Hazara Division, therefore, assigned to D.B for rejoinder and final hearing on 15.3.2015 at camp court, Abbottabad.

Member



Chairman
Camp Court, A/Abad

15.03.2017

Appellant in person, M/S Nasirud Din Bangash, B&AO and Sheryar, ASJ alongwith Mr. Muhammad Siddique Sr.GP for the respondents present. Rejoinder not submitted. Requested for adjournment. To come up for rejoinder and final hearing before the D.B on 18.09.2017 at camp court, Abbottabad.

Chairman
Camp Court, A/Abad

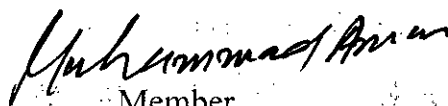
18.09.2017

None is present on behalf of the appellant. Mr. Muhammad Bilal, Deputy District Attorney alongwith Nasirud Din Bangash, B&A Officer for the respondents present. Called several times till last hours of the court, but none appeared on behalf of the appellant.

In view of the above, the appeal is dismissed for want of prosecution. File be consigned to the record room.

Chairman
Camp Court, A/Abad

Member



ANNOUNCED

18.09.2017

1220/15

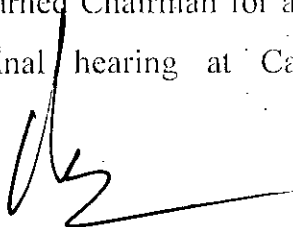
26.4.2016

Agent of counsel for the appellant and Mr. Sohrab Khan, Junior Clerk alongwith Addl. AG for the respondents present. Written reply not submitted despite last opportunity. Requested for further adjournment. Last opportunity extended subject to payment of cost of Rs. 1000/- which shall be borne by the respondents from their own pockets. To come up for written reply/comments and cost on 20.05.2016 before S.B.


Chairman

20.05.2016

Counsel for the appellant and Mr. Sheharyar Khan, ASJ alongwith Addl. AG for respondents present. Written reply on behalf of respondents submitted. Cost of Rs. 1000/- also paid and receipt thereof obtained from learned counsel for the appellant. Since the appeal pertains to the territorial limits of Hazara Division therefore, the same may be placed before the learned Chairman for assigning to D.B for rejoinder and final hearing at Camp Court Abbottabad on 19.10.2016.


Member

12.11.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Jail Warder when subjected to an inquiry and removed from service where-after he preferred service appeal No. 1242/2013 which was finally heard and disposed of with the direction to the respondents to conduct de-novo inquiry within a period of one month which was not conducted within the stipulated period. That during the de-novo inquiry appellant was again punished vide impugned order dated 2.7.2015 and three increments for three years were withheld where against he preferred departmental appeal on 10.7.2015 which was not responded and hence the instant service appeal on 2.11.2015.

Appellant Deposited
Security & Process Fee



71 - That neither allegations against the appellant were substantiated nor well founded and, moreover, the inquiry was conducted without affording an opportunity of hearing to the appellant and after stipulated period prescribed by the court.

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/comments for 10.2.2016 before S.B.


Chairman

10.02.2016



None present for appellant. Mr. Sheharyar Khan, ASJ alongwith Addl: A.G for respondents present. Written reply not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 26.4.2016 before S.B.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1220/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	02.11.2015	<p>The appeal of Mr. Sher Alam presented today by Mr. Muhammad Ilyas Orakzai 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		<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>12-11-15</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

Services Appeal No. 1220 /2015

Sher Alam

VERSUS

Government of Khyber Pakhtunkhwa etc

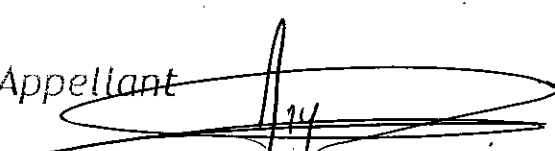
INDEX

S.No	Description	Annexure	Pages
1.	Grounds of Services appeal		1-6
2.	Affidavit & Addresses of Parties		7-8
3.	Copy of appointment letter	A	9
4.	Copy of show cause notice, reply and the then impugned order dated 24/06/2013	B, C, & D	10-13
5.	Copy of the departmental appeal, appellant impugned order, Services Appeal No. 1242/2013 and judgment dated 08/04/2015	E, F, G, & H	14-23
6.	Copy of execution petition	I	24-27
7.	Copy statement of allegations, charge sheet, final show cause notice and inquiry report and present impugned order 02/07/2015, Departmental Appeal.	J, K, L, M & N	28-36
8.	Wakalat Nama		37

Dated: 02/11/2015

Through

Appellant


MUHAMMAD ILYAS ORAKZAI

&

MUHAMMAD SHABIR KHALIL

&

JAWAD ALI

Advocate, High Court Peshawar

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,

PESHAWAR

Services Appeal No. 1220 /2015

K.W.F. Province
Service Tribunal
Diary No. 1314
Dated 02-11-2015

Sher Alam son of Sardar Alam Jail Warder resident of Kalabhat,
Town Ship No.1, Dagi Chowk, Tehsil & District Haripur.

... APPELLANT

VERSUS

1. Government of Khyber Pakhtunkhwa, through Secretary Home, Civil Secretariat, Khyber Pakhtunkhwa, Peshawar.
2. Inspector General Prisons, Khyber Pakhtunkhwa, Peshawar.
3. Superintendent Jail District Jail Haripur.
4. Superintendent Circle Headquarter Prison, Peshawar.

... RESPONDENTS

APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICES TRIBUNAL ACT 1974
R/W KHYBER PAKHTUNKHWA EFFICIENCY AND
DISCIPLINE RULES 2011 AGAINST IMPUGNED
ORDER NO. NIL, DATED 02/07/2015 PASSED BY
RESPONDENTS WHEREBY PENALTY WAS IMPOSED
FOR STOPPAGE OF ANNUAL INCRIMENTS FOR
THREE YEARS ALONG WITH WITHHOLDING OF
BACKBENEFITS FOR THE PERIOD OF 24/06/2013
TO 30/06/2015 WERE IMPOSED UPON THE
APPELLANT

Handwritten signature and date
2/11/15

PRAYER:

TO SET ASIDE THE IMPUGNED ORDER DATED
02/07/2015 PASSED BY THE RESPONDENTS TO
THE EXTENT OF STOPPAGE OF ANNUAL
INCRIMENTS FOR THREE YEARS CUM
WITHHOLDING OF BACK BENEFITS FOR THE
PERIOD OF 24/6/2013 TO 30/06/2015 AND TO
DIRECT THE RESPONDENTS TO RE-INSTATE
THE APPELLANT WITH ALL BACK BENEFITS IN
THE LIGHT OF THE JUDGMENT DATED
08/04/2015 PASSED BY THIS HONOURABLE
TRIBUNAL IN APPEAL NO. 1242/2013 TITLED
AS SHER ALAM VS GOVT OF KPK

RESPECTFULLY SHEWETH,

Short facts giving rise to present service appeal are as under: -

1. That the appellant was appointed on dated 09/05/2012 as jail warder in Prison department since than he was performing duties upto the entire satisfaction of high ups and no complaint of any nature whatsoever has been made against him. (Copy of appointment letter is attached as annexure A).
2. That the appellant was charge sheeted in show cause notice was issued which was replied by the appellant thereafter major penalty was imposed on him vide impugned order dated 24/06/2013. (Copy of show cause

notice, reply and impugned order dated 24/06/2013 are attached as annexure B, C, & D, respectively).

3. That the impugned order was departmentally challenged which was turned down by the respondents thereafter the said impugned order was assailed before the Services Tribunal Khyber Pakhtunkhwa, Peshawar in appeal no. 1242/2013, case Titled Sher Alam VS Govt of KPK which was disposed off by this Honourable Tribunal on dated 08/04/2015 with the directions to conduct denovo inquiry within stipulated period of 30 days failing which appellant will be deemed to be re-instated in service with all back benefits. The relevant para of the judgment is reproduced here below for ready reference.

“the impugned orders are set aside and the case is remitted to the competent authority for enquiry denovo strictly in accordance with law and rules the back benefits are subject to the conclusion of fresh enquiry. Denovo proceedings should be completed within thirty days after receipt of this judgment failing which the appellant shall be deemed to have been reinstated into services with all back benefits. The appeal is disposed off in the above terms”.

(Copy of the departmental appeal, appellant impugned order, Services Appeal No. 1242/2013 and judgment dated 08/04/2015 are attached as annexure E, F, G & H, respectively).

4. That the appellant filed execution petition against the respondents for compliance of the order dated 08/04/2015 after failure of respondents to conduct denovo proceedings within 30 days. (Copy of execution petition is attached as annexure "I")

5. That the utter violation of the order passed by this Honourable Tribunal, order to conduct denovo proceedings after lapse of 30 days given by the Services Tribunal in appeal whereby minor penalty for stoppage of increment for three years and along with withholding of back benefit was imposed against which departmental appeal was preferred, which is un responded till date after lapse of statutory period the appellant assails the impugned order passed by respondent before this Honourable Court inter alia on the following grounds: -

(Copy statement of allegations, charge sheet, final show cause notice and inquiry report and present impugned order 02/07/2015^{Departmental Appeal} are attached as annexure J, K, L, M & N, O, respectively).

GROUND: -

A. That the impugned order dated 02/07/2015 passed by respondents to the extent of stoppage of increment along with withholding of back benefits is against the law, facts and record of the case, hence untenable.

B. That respondents being public functionaries are under obligation to give full effect to order passed by tribunal and implement the same under the spirit so conducting

⑤

of fresh enquiry after the 30 days as stated by services tribunal in its judgment is illegal, without jurisdiction and without lawful authority.

C. That to conduct fresh enquiry and thereafter impose punishment on appellant by respondents amounts to defeat of the lawful order passed by the services tribunal which is not been challenged by respondents which is still intact so action of respondents by imposing penalties and withholding of back benefits is illegal and not sustainable in the eyes of law.

D. That it was not mandate for the respondent to impose punishment on appellant beyond the mandate given by services tribunal to conduct denovo proceedings and that too at the back of appellant, the respondents not only violated the order of services tribunal which exposes them to contempt of court proceedings but also condemn the petitioner unheard such action of respondents is violation of golden principle that "no one should be condemned unheard".

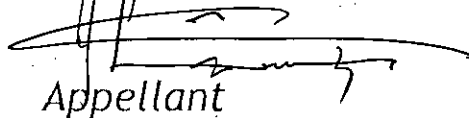
E. That alleged enquiry for the sake of arguments is deemed to be correct than the punishment recorded by the respondents is not consonance with findings of enquiry report so on this score alone impugned order is liable to be set aside.

(6)

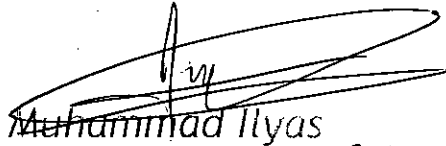
F. That other grounds not raised here would be raised at the time of arguments with the prior permission of this Honourable Court.

It is, therefore, requested to set aside the impugned order dated 02/07/2015 passed by the respondents to the extent of stoppage of annual increments for three years cum withholding of back benefits for the period of 24/6/2013 to 30/06/2015 and to direct the respondents to re-instate the appellant with all back benefits in the light of the judgment dated 08/04/2015 passed by this Honourable tribunal in appeal no. 1242/2013 titled as "SHER ALAM VS GOVT OF KPK". Any other relief deemed fit may kindly be granted.

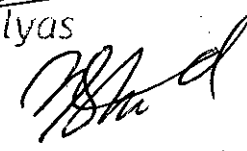
Dated: 02/11/2015


Appellant


Through


Muhammad Ilyas

&


Muhammad Shabir Khalil

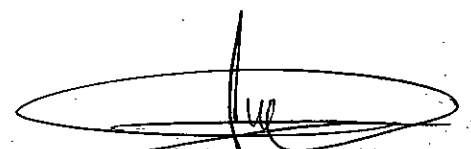
&


Jawad Ali

Advocates, High Court Peshawar

Certificate:

Certified that as per instructions of my client no such like services appeal has earlier been filed.


Advocate

⑦

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

Services Appeal No. _____/2015

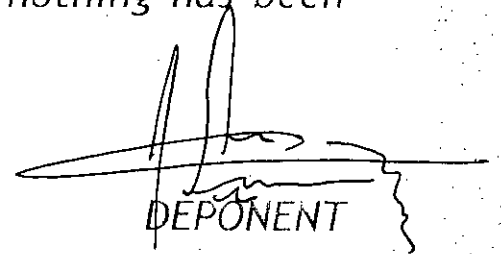
Sher Alam

VERSUS

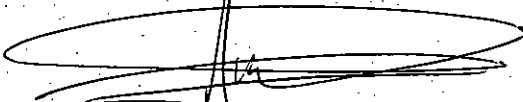
Government of Khyber Pakhtunkhwa etc

AFFIDAVIT

I, Sher Alam son of Sardar Alam Jail Warder resident of Kalabhat, Town Ship No.1, Dagi Chowk, Tehsil & District Haripur, do hereby solemnly affirm and declare on oath that the contents of the instant services appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Forum.


DEPONENT

Identified by:


MUHAMMAD ILYAS ORAKZAI

Advocate, High Court Peshawar

BEFORE KPK SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No: _____ / 2013

SHER ALAM *Versus* Government of KPK etc.

ADDRESSES OF PARTIES.

APPELLANT:

Sher Alam, S/o Sardar Alam, Jail Warder,
R/o Khlabhat Town Ship No. 1, Dagi Chowk, Tehsil & District, Haripur

RESPONDENTS

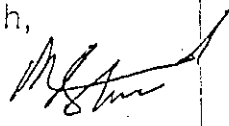
Appellant

Versus

- 1. Government of Kpk, Through Secretary Home, Civil Secretariat, KPK, Peshawar.
- 2. Inspector General (Prisons), KPK, Peshawar.
- 3. Superintendent, Central Jail Haripur.
- 4. Superintendent, Circle HQs. Prison, Peshawar

Appellant,

Through,



MUHAMMAD SHABBIR KHALIL

(Advocate, Peshawar)



DAK ANXA" (9)

OFFICE OF THE
SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR
No. 853 /P.B dt: 9/5/2012

Mr. Sher Alam s/o Sardar Alam

Khalabat Township, Sector No.1, Dagi Chowk, Tehsil & District Haripur.

Subject:

APPOINTMENT AS WARDER (BPS-05)

Memo:

Reference your test/ interview for the subject post.

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

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

HEADQUARTERS PRISON PESHAWAR

[Signature]

**SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR**

Endorsement No: /-

- 1- Copy of the above is forwarded to the:-
Superintendent Central Prison Peshawar. The above named newly appointed Warder is attached with his Jail for all purposes.
- 2- District Accounts Officer Peshawar.

[Signature]

[Signature]

**SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR**

[Signature]
9/5/12

Musawer/-

(10)

SHOW CAUSE NOTICE

Ann - "B"

I, Khalid Abbas, Superintendent Headquarters Prison Peshawar as Competent Authority, under the Khyber Pakhtunkhwa, government servants (Efficiency & Discipline) Rules 2011, do hereby serve you, Warder Sher Alam (Under suspension) attached to Central Prison Peshawar for the purpose of pay and to Central Prison Haripur with this Show Cause Notice, on the basis of material on record, I am satisfied that you have committed the following acts/ omission specified in Rule-5 (1) (a) read with rule-7 of the said rules: -

1- As per report of the Superintendent Central Prison Haripur vide his No. 2907 dated 26-04-2013, you were detailed for duty inside Haripur Jail from 09 PM to 12 AM midnight on 24-04-2013, while going for duty you were searched by Warder Tamraiz (Talashi Gate) in the main gate, a cell phone was recovered from your possession, which was hidden in underwear, which clearly indicates that you are disloyal to your job & duties and are not in favour of the state, have committed a blunder on your part.

2- As a result thereof, I, as competent authority, have tentatively decided to impose upon you the major penalty of "Removal from Service" under rule-4 of the EOD Rules 2011.

3- 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.

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

Sd -
SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR.

WARDER SHER ALAM
Attached to Central Prison Haripur
(Temporarily)

Attested

Attested
M. A. Khan

خدمت جناب سپرنٹنڈنٹ صاحب سسرل لیسٹاور سپر ڈیوٹی

عنوان:- تھوکار ڈوٹس

جناب عالی!

نہایت ہی ادب سے گزارش خدمت ہے کہ آپ کی جانب سے تھوکار ڈوٹس نمبر 2907 مورخہ 05-05-2013 کو نو ہول کے ٹیوا کے سلسلہ میں سائل کے چند گزار شاعت آپ کے دفتر لانا چاہتا ہے امید ہے کہ آپ کے جنابے میسر دانہ غور فرمائیں گے۔

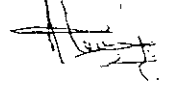
حضور! بروز بدو مورخہ 24-04-2013 میری ڈیوٹی سے 09 سے 12 تھی معمول کے مطابق میری ڈیوٹی باہر چلے گئے نیکلے کوآئر بیزنل پر ہی ہوتے ہے جو کہ پریچر ڈیوٹی میں بھی میری روزانہ کے ڈیوٹی نیکلے کوآئر بیزنل پر درج ہے۔ وارڈران کے سہی سے محرم کبھی تیار ہمارا ڈیوٹی کے ایک جگہ سے دوسرے جگہ گما دیتے ہیں اسے اس دن میری ڈیوٹی کے صاحب نے ہنگلے پر تھی مگر جب میں 9 سے 12 ڈیوٹی کے لیے آیا تو آہڑے دار نے بتایا کہ تم اندر ڈیوٹی پر چلے جاؤ معمول کے مطابق جب ہماری ڈیوٹی چیلے سے باہر سی پوائنٹ پر ہوتی ہے تو موبائل فون ہمارے پاس ہی ہوتا ہے۔ میں ڈیوٹی باہر ہونے کے غرض سے موبائل اپنے ساتھ ہی لایا تھا، جب میں اندر ڈیوٹی پر جا رہا تھا تو میں نے وارڈر ٹیمریز تلاش کیٹے کو بتایا کہ میری ڈیوٹی باہر سے اندر نکالنے ہے مگر میں موبائل اپنے ساتھ لے آیا، اسے یہاں دیکھیں والی پر میں لے لوگا۔ اس نے ٹائٹ افسر کو کہا کہ یہ اپنے ساتھ موبائل لایا ہے مگر میرے بتانے پر کہ میری ڈیوٹی باہر سے اندر گائی تھی تو انہوں نے میرا موبائل

Attested
[Signature]

چیلے لیا اور مجھے واپس کر دیا، یہ کہ اس ٹائم میں واپس پیرے نہیں جاسکتا تھا کیوں کہ ڈیوٹی کا ٹائم تھا یہاں میں نے اپنا موبائل ڈیوٹی میں جمع کروادیا اور ڈیوٹی پر چلا لیا جب ڈیوٹی سے واپس آیا تو میرا موبائل مائل پر ستری نے بنا یا کہ مجس معلوم نہیں

صبح 6:00 میں نائٹ انسپور اور البدر صاحب کے پاس گیا کہ سر میں نے
 فون پر جوڈیوڈی میں جمع کروایا وہاں نہیں ہے جناب کے بتانے
 سے کہ تمہارا فون ہاٹل سے میرے پاس ہے اور تیرا فون ہاٹل سے نہیں
 ہٹا کر لیا ہے شکر کرو کہ تمہیں سسپینڈ (Suspend) نہیں کیا
 جاؤ دفعہ یو جاؤ شکر کرو تم پر رپورٹ نہیں لکھی تیرا فون ہاٹل
 سے ملے گا جاؤ۔

میں نے ان سے منت سماجت کی کہ سر رپورٹ کی کیا بات ہے
 ہے میں نے اپنا فون ہاٹل سے فون ڈیوڈی میں جمع کروایا تھا ہر آٹے میرے پاس
 میں میری بسیم ہے اس میں میرے نمبرز، فون نمبرز، فون نمبرز، فون نمبرز
 اور میرے گھر کے فون نمبرز بھی موجود ہیں میرا اپنا فون ہاٹل سے
 اٹھوں نے میری ایک نہ ہستی اور میرے فون ہاٹل سے مانگنے پر جناب نے
 آفیس دار وارڈ عالم ذبیحے کو فون کر کے کتاب طلب کی اور
 صبح 6:00 بجے آئے ٹائم میری رپورٹ لکھ دی گئی۔

Attested


آپ صاحب عزت سے گزارش ہے کہ اگر میں قہور وار ہوں تو میری
 رپورٹ کے ڈیوڈی کتاب پر چیلے کے جائے اور میرا فون ہاٹل
 سے بھی چیلے لیا جائے،

جناب عالی!

مذکورہ واقعہ کے راجہ سے مجھے (Suspend) لیا گیا تھا اور
 سوکاز بھی دیا گیا میں اس سلسلے میں بالکل بے گناہ ہوں
 اور میرا فون ہاٹل سے چیلے لیا جاوے تو ہاٹل سے میری فون نمبرز
 میرے کنٹیکٹ نمبرز، میری بسیم اور میرے گھر کی فون نمبرز اور ایک
 سال کے پیرانے میسج تک بھی موجود ہیں

لہذا آپ جناب سے گزارش ہے کہ مجھے فون ہاٹل سے واپسی کی جاوے اور
 مجھے نوکری پر بحال فرمائیں اور سوکاز داخل دفتر فرمائے جنابیت فرمائیں
 بدہ جتنو کی عمر رازی لیسے ہیمینڈ دیا گودہ بیگا
 الحارص
 آج کا نا بعد ار وارڈ شیندر عالم

سندھ جیل پشاور



13

Ann-D

P.13

D C

OFFICE OF THE
SUPERINTENDENT
CIRCLE HQs. PRISON PESHAWAR

No. 1833 /P.B/DC: 24/6/2013

OFFICE ORDER

In exercise of powers conferred under rule-14 of the E&D (Efficiency & Discipline Rule) 2011, after reply to show-cause notice and affording the opportunity of personal hearing, the undersigned is pleased to award the major penalty of "Removal from Service" to Warder Sher Alam attached to Central Prison Peshawar for pay and to Central Prison Haripur for duties on account of smuggling of mobile phone inside the jail.

[Signature]

SUPERINTENDENT
CIRCLE HQs. PRISON PESHAWAR

Endorsement No: 1833-641

Copy of the above is forwarded to the: -

- 1- Inspector General of Prisons Khyber Pakhtunkhwa, Peshawar for information please.
 - 2- Superintendent Central Prison Peshawar.
 - 3- Superintendent Central Prison Haripur for information with reference to his report No. 2907 dated 26-04-2013 and comments vide No. 4470 dated 20-06-2013.
 - 4- Accountant General, Khyber Pakhtunkhwa Peshawar.
 - 5- All the Superintendent of Jails, Lockups/ interment Centers of Khyber Pakhtunkhwa for notation.
- For information & further necessary action.

Attested

[Signature]

[Signature]
SUPERINTENDENT
CIRCLE HQs. PRISON PESHAWAR

[Signature]

محضور جناب اسپیکر جنرل صاحب جیل خانہ جات KPK پشاور

D

عنوان۔ اپیل ہمارا سنگی فیما۔ جناب پرنسڈنٹ صاحب

ہید کوٹری جیل پشاور نمبری PB/1833 مورخہ 26.6.2013 بابت برخواستگی ملازمت اپیلانٹ

جناب عالی!

اپیلانٹ بطور واڈر دو سال قبل بھرتی ہوا اور ہری پور جیل میں ٹرینگ کے بعد عارضی ڈیوٹی پر تعینات کیا گیا اور تنخواہ پشاور جیل سے ملتی رہی جب کے ڈیوٹی ہری پور جیل میں ہی کرنا رہا

1۔ سائل اپیلانٹ کی ڈیوٹی معمول کے مطابق باہر بیرل پر ہوتی ہے۔ اور رات کے وقت سائل کی ڈیوٹی صاحب کے بنگلے پر ہوتی ہے۔ مورخہ 24.4.2013 کو سائل معمول کے مطابق رات کو ڈیوٹی کیلئے صاحب کے بنگلے پر جا رہا تھا۔ اسی دوران عالمزید عہدے دار نے بتایا کہ تم جیل کے اندر ڈیوٹی کیلئے جاؤ۔ چونکہ ڈیوٹی باہر تھی اس لئے سائل موبائل فون ساتھ لے گیا تھا۔ جس طرح روٹین کے مطابق سب کرتے ہیں۔ جناب والا موبائل میرا ذاتی تھا اور جیب میں تھا۔ اگر میں موبائل کو اڑا لیتا تو اس میں 20 منٹ اور لگتے اس لئے میں موبائل ڈیوٹی میں جمع کرانے کیلئے داخل ہوا تو اپنا ذاتی موبائل فون تلاش کی گئی ترمیز کے پاس جمع کیا دارڈ ترمیز نے موبائل فون ٹائٹ آفسر اسٹنٹ پرنسڈنٹ صاحب جو کہ اس وقت ڈیوٹی میں موجود تھے کو پیش کیا جناب کے چیک کرنے بعد موبائل فون واپس اپیلانٹ کو دیا۔

اپیلانٹ نے اپنا موبائل فون لے کر ڈیوٹی میں ہی جمع کروا دیا اور 9 سے 12 بجے اپنی ڈیوٹی پر چلا گیا۔

2۔ اپیلانٹ جب 12 بجے ڈیوٹی سے واپس آیا تو تلاش کی گئی سے موبائل طلب کیا لیکن اس نے کہا کہ میں نے داراز میں رکھا تھا لیکن نورالہصر صاحب AIS ساتھ لے کر چلے گئے صبح ڈیوٹی اپیلانٹ نورالہصر صاحب کے پاس گیا اور ان سے اپنا موبائل فون طلب کیا تو اس نے ناگواری کے ساتھ جواب دیا کہ جاؤ موبائل تمہیں نہیں مل سکتا میں تم پر رپورٹ کھوں گا۔ اور موبائل ضبط کیا جائے گا۔ اپیلانٹ نے ان کو بتایا کہ وہ اپنا موبائل خود جمع کرا کر ڈیوٹی پر چلا گیا ہے۔ پھر رپورٹ کی کوئی بات ہیں اور ضبط کیسے کیا جا سکتا ہے۔ مگر اس نے اپیلانٹ کو ڈرانہ دیکھا اور چلا گیا۔

3۔ جناب عالی، اپیلانٹ حلفاً بیانی ہے کہ اپیلانٹ کا موبائل تھیں تھا۔ جسے ہڑپ کرنے کی آڑ میں من گھڑت کہانی بنائی گئی اور تا کر وہ کیس بنایا گیا جب کے اپیلانٹ نے کوئی خلاف قانون کام نہ کیا ہے۔

4۔ اپیلانٹ سے کوئی شہادت یا گواہ طلب نہیں کیا گیا جو اس کا قانونی حق تھا۔ اور نہ میں کوئی دیکھو نمبری آفیسر متعلقہ ہو گیا۔

5۔ اپیلانٹ کو بغیر سنے اور بغیر انکو آگواہی ملازمت سے برخاست کیا گیا ہے جو کہ اس کا قانونی حق تھا۔

6۔ اپیلانٹ سے اگر جرم سرزد ہوا تھا تو 9 سے 12 اور صبح 6 سے 9 بجے ڈیوٹی کیلئے کسے چھوڑا گیا،

Arrested



7- ایپلائٹ سے اگر جرم سرزد ہوا تھا تو اسی وقت ڈیوٹی سے معطل کیوں نہیں کیا گیا اور ڈیوٹی کیلئے انڈر جیل کے کیوں جانے دیا گیا۔

8- ایپلائٹ کو کوئی چارج شیٹ نہیں دیا گیا اور نہ ہی statt of allegation دیا گیا اور نہ ہی سائل کو اپنی غنائی کا موقع دیا گیا جو ایپلائٹ کا قانونی حق تھا۔

9- سائل ایپلائٹ کے موبائل کو اگر ایمان داری کے ساتھ چیک کیا جائے تو اس میں سم ایپلائٹ ہی کے نام ہے۔ اپنی اور اپنے گھر کی تصویریں ایپلائٹ کی ہے اور اس میں میسج اور contact نمبرز اور ویڈیوز بھی ایپلائٹ ہی کے ہے۔ موبائل تو ایپلائٹ نے رضا کارانہ طور پر خود ہی ڈیوٹی میں موجود سٹاف درجہ بالا کے پاس جمع کیا تھا

10- سائل ایپلائٹ کو جس دن سے گھرائی کیا گیا اب تک کوئی غیر قانونی کام نہ کیا گیا اور نہ ہی بھی سوچا گیا کیونکہ سائل ایپلائٹ ایک

شریف

خاندان سے تعلق رکھتا ہے۔ مزید یہ کہ B.A تک تعلیم حاصل کر چکا ہے اگر سائل کو بحال نہ کیا گیا تو سائل اپنے خاندان کا واحد خود کفیل ہے اور مزید سائل کو پریشانیوں کا سامنا کرنا پڑے گا لہذا استدعا ہے کہ بھنوری اپیل سائل پر رحم فرما کر اپیل منظور کی جائے اور سائل کے خلاف جو حکم صادر فرمایا گیا اس کو ختم کر دیا کر سائل کو ڈیوٹی پر بحال کیا جائے سائل اور سائل کہ اہل خاندان دعا گو ہیں کے

ایپلائٹ
شیر عالم

08-07-2013ء

Amx - "A" P. (15)



OFFICE OF THE
SUPERINTENDENT
CIRCLE HQs. PRISON PESHAWAR
No. _____ /P.B/ Dt: 29/07/2013

To

E

The Superintendent
Central Prison, Haripur.

Subject: DEPARTMENTAL APPEAL

Memo:


Kindly inform Ex-Warder Sher Alam attached to your jail for duty and to Central Prison Peshawar for pay, that his appeal regarding set aside the penalty of Removal from Service has been considered and rejected by the Appellant Authority i.e. Worthy I.G Prisons Khyber Pakhtunkhwa Peshawar as contained in his office letter No. 20360 dated 24-07-2013.

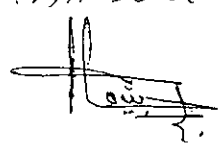
SUPERINTENDENT
CIRCLE HQs. PRISON PESHAWAR

Endorsement No: 2038-39

Copy of the above is forwarded to the:-

- 1- Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information with reference to above please.
- 2- Ex-Warder concerned, C/o Superintendent Central Prison Haripur.


29/7/13
SUPERINTENDENT
CIRCLE HQs. PRISON PESHAWAR

Attested


violation of Civil servant
Appeal Rules 1986, Rule 5
violation of 24 A General clause Act

16 Annex - "G"

BEFORE KPK SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No: / 2013

SHER ALAM

Versus

Government of KPK etc.

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Appellant,

Through:

Attested
[Signature]

[Signature]

MUHAMMAD SHABBIR KHALIL

(Advocate, Peshawar)

21.08.2013

BEFORE KPK SERVICE TRIBUNAL, PESHAWAR.

SHER ALAM,
S/o Sardar Alam,
Ex-Jail Warder,
R/o Khabhat Town Ship No. 1,
Dagi Chowk, Tehsil & District, Haripur

Appellant

Versus

1. GOVERNMENT OF KPK,
Through Secretary Home,
Civil Secretariat, KPK, Peshawar.
2. INSPECTOR GENERAL (PRISONS),
KPK, Peshawar.
3. SUPERINTENDENT,
Central Jail Haripur.
4. SUPERINTENDENT,
Circle HQs. Prison, Peshawar

Respondents

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNAL ACT, 1974
READ WITH KHYBER PAKHTUNKHWA EFFICIENCY & DISCIPLINE RULES,
2011 AGAINST IMPUGNED ORDER NO. 1833/P.B DATED 24.06.2013 AND
IMPUGNED APPELLATE ORDER NO. NIL DATED 29.07.2013 WHEREBY
APPELLANT HAS BEEN REMOVED FROM THE SERVICES.

Prayer: That on acceptance of this Service Appeal, the Impugned
Order as well as Impugned Appellate Order may please be set
aside and Appellant be reinstated in service with all back
wages and benefits with such other relief as may deem fit in
the circumstances of the case may also be granted.

Respectfully Sheweth,

Short facts, giving rise to present Service Appeal, are as under:

- 1) That, Appellant, during the course of employment received a Show Cause Notice No. 2907 dated 08.05.2013 wherein certain allegations were leveled, copy of the Show Cause Notice is attached as Annexure A.
- 2) That, as the allegations leveled in the Show Cause Notice was not true and correct; therefore, Appellant submitted his detailed reply wherein Appellant denied the charges and clarified his position, copy of the Reply is attached as Annexure B. The said reply may please be treated as integral part of my Appeal as well.
- 3) That, on 24.06.2013, without conducting any inquiry, Impugned Order was passed whereby Appellant was removed from the services, copy of the Order dated 24.06.2013 is attached as Annexure C.
- 4) That, against the Impugned Order, Appellant submitted his Departmental Appeal / Representation to the Respondent No. 2; copy of the Departmental Appeal is attached as Annexure D. The said Appeal may please be treated as integral part of my Appeal as well.
- 5) That, on 29.07.2013, the Competent Authority i.e. Respondent No. 2 rejected the Appeal of the Appellant hence this Service Appeal on the following amongst other grounds, copy of the Impugned Rejection Order is attached as Annexure E.

GROUNDS:

- A. That, the Impugned Removal from Service as well as Impugned Appellate Orders are illegal, unlawful, void and ineffective.
- B. That, same are against the principals of natural justice, also.
- C. That, as per Duty Register, the Appellant was posted at barrier i.e. outside the security zone of Central Jail Haripur while he performed night duties at the banglow of Superintendent Jail. It is important to mention here that in the normal course of business, Appellant was not assigned the duties inside the jail.

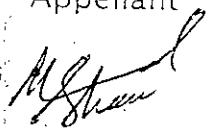
- D. That, no Charge Sheet or Statement of Allegations was served upon the Appellant nor any inquiry (Formal or Regular) has been conducted by the Respondents in order to separate chefs from the grain.
- E. That, prior to issuance of Impugned Order or Impugned Appellate Order no meaningful / purposeful chance of personal hearing was granted to the Appellant.
- F. That, Impugned Appellate Order is violative of section 24-A of General Clauses Act as the Competent Authority has failed to cite any reasons or justifications in the said Order.
- G. That, it is well established principle of Natural Justice, enshrined in the Precedents of Superior Courts as well, that where the Competent Authority is going to impose the penalty of removal / termination etc, the regular enquiry to that effect is necessary / must.
- H. That, all the proceedings initiated against the Appellant were melafide and malicious and purportedly were initiated in order to displace the Appellant from his post and appoint any other blue eyed.
- I. That, the punishment as imposed is too harsh.
- J. That, no one should be condemned unheard.

It is, therefore, requested that subject Appeal be accepted as prayed for.

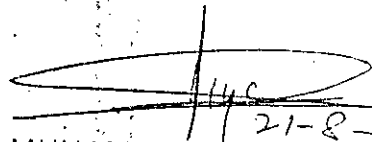
Dated: 21.8.2013

Appellant

Through:



MUHAMMAD SHABBIR KHALIL
(Advocate, Peshawar)



21-8-13
MUHAMMAD ILYAS ORAKZAI
(Advocate, Peshawar)

BEFORE KPK SERVICE TRIBUNAL, PESHAWAR

Service Appeal No: / 2013

SHER ALAM

Versus

Government of KPK etc.

AFFIDAVIT

I, Sher Alam, S/o Sardar Alam, Ex-Jail Warder, R/o Khlabhat Town Ship No. 1, Dagi Chowk, Tehsil & District, Haripur, Appellant, do hereby on oath affirm and declare that the contents of the Service Appeal are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Honourable Tribunal.

Deponent

CNIC # 13302-1214895-5

Identified by:

MUHAMMAD SHABBIR KHALIL

(Advocate, Peshawar)

ATTEST

BEFORE KPK SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No: _____ / 2013

SHER ALAM Versus Government of KPK etc.

ADDRESSES OF PARTIES.

APPELLANT:

Sher Alam, S/o Sardar Alam, Ex-Jail Warder,
R/o Khabhat Town Ship No. 1, Dagi Chowk, Tehsil & District, Haripur

RESPONDENTS

..... Appellant

Versus

1. Government of Kpk, Through Secretary Home, Civil Secretariat, KPK, Peshawar.
2. Inspector General (Prisons), KPK, Peshawar.
3. Superintendent, Central Jail Haripur.
4. Superintendent, Circle HQs. Prison, Peshawar

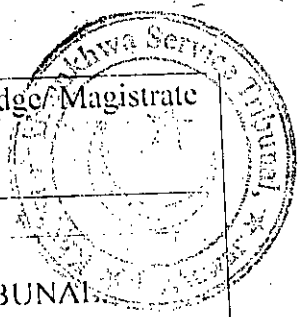
Appellant,
Through,



MUHAMMAD SHABBIR KHALIL

(Advocate, Peshawar)

Sr. No.	Date of order/proceedings	Order or other proceedings with signature of Judge/Magistrate
1.	08.04.2015	<p style="text-align: center;">3</p> <p style="text-align: center;">KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.</p> <p style="text-align: center;">Service Appeal No. 1242/2013. Sher Alam Versus Government of KPK through Secretary Home Department, Civil Sectt. Peshawar etc.</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>PIR BAKHISH SHAIH, MEMBER.-</u> Counsel for the appellant (Mr. Muhammad Shabir Khalil, Advocate) and Mr. Muhammad Adeel Butt, Addl. AG with Sheryar, ASJ for the respondents present.</p> <p>2. Appellant Sher Alam Ex-Jail Warder was removed from service vide impugned order dated 24.6.2013 and his departmental appeal was also rejected on 29.07.2013. hence this appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974.</p> <p>3. Arguments heard and record perused.</p> <p>4. The learned counsel for the appellant submitted that major penalty of removal from service was imposed upon the appellant without giving him opportunity of personal hearing and without conducting of enquiry. He further submitted that in fact the mobile cell was not recovered from the appellant inside the jail but the same was deposited by the appellant with Sentry at the main gate. The respondents were held ^{held} upon penalized the appellant in a false case. He requested that the impugned order is not sustainable in the eyes of law which may</p>



ATTESTED
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

Attested
[Signature]

be set aside. Reliance was placed on 2008-SCMR 1369 and 2009-SCMR 339.

5. The allegation against the appellant is that a Phone Cell was recovered from him on the main entrance gate (Talashi Gate) of Central Prison Haripur. During the course of arguments, the learned counsel for the appellant and learned Addl. Advocate General for the respondents-department resolved that in the interest of justice, the impugned order may be set aside and the case may be remitted to the respondents-department for denovo departmental enquiry.

6. Since the learned counsel for the appellant and learned Addl. AG resolved the issue to remit the case, therefore, the impugned orders are set aside, and the case is remitted to the competent authority for enquiry denovo strictly in accordance with law and rules. The back benefits are subject to the conclusion of fresh enquiry. Denovo proceedings should be completed within thirty days after receipt of this judgment failing which the appellant shall be deemed to have been reinstated into service with all back benefits. The appeal is disposed of in the above terms. Parties are left to bear their own costs. File be consigned to the record.

ANNOUNCED
08.4.2015

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Sd/- Mr. Bahkhal Shady Member
Sd/- Ardul Latif Member

Date of

22-4-2015

22-4-2015

22-4-2015
22-4-2015

Amx-I (24)

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

CM No:- _____/2015

In

Service Appeal No:- 1242/2013

Sher Alam

Versus

Govt. of K.P.K & others

..... Petitioner

..... Respondents



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2.	<i>Affidavit</i>	*	3
3.	<i>Copy of judgment/order of this Honourable Tribunal dated 08/04/2015</i>	"A"	4-5
4.	<i>Wakalat Nama</i>		6

Dated:- 15/06/2015

Petitioner/Appellant

Through:-

Muhammad Shabir Khalil
&

Muhammad Ilyas Orakzai
Advocates, Peshawar.

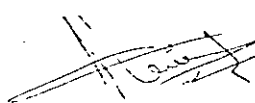
Attested

2. *That in the said judgment this Honourable Tribunal held that petitioner/appellant be re-instated and de novo inquiry be conducted within 30 days of receiving the copy of judgment of this Honourable Tribunal.*
3. *That this Honourable Tribunal issued copies of the said judgment to the respondents as well the petitioner/appellant submitted the same to the respondents within time, but the respondents did not comply with the directions of this Honourable Tribunal and no inquiry is conducted within the said period.*
4. *That 30 days span has now been lapsed and this Honourable Tribunal held in its judgment if the inquiry not conducted within 30 days time, the appeal shall be accepted with all back benefits as prayed for and the petitioner/appellant is now legally entitled for the same.*


It is, therefore, most humbly prayed that on acceptance of this Execution Petition, the order/judgment dated 08/04/2015 may kindly be implemented and the appeal be accepted as prayed for.

Dated:- 15/06/2015

Through:-


Petitioner/Appellant

Muhammad Shabir Khalil
&


Muhammad Ilyas Orakzai
Advocates, Peshawar.



Amx-"J"

28

OFFICE OF THE
SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR

No. _____ /P.B/ Dt: 2/06/2015

DISCIPLINARY ACTION

1. Masud-ur-Rahman, Superintendent Headquarters Prison Peshawar, as Competent Authority am of the opinion that Ex-Warder Sher Alam remained attached to Central Prison Peshawar for the purpose of pay and to Central Prison Haripur for the purpose of duty has rendered himself liable to be proceeded against as he committed the following acts/ omissions, within the meaning of rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011.

STATEMENT OF ALLEGATIONS

As per report of the Superintendent Central Prison Haripur that, "On 24-04-2013, he was allotted duties inside the jail from 09 PM to 12 AM midnight, when he was entering for duty inside the jail was searched by Warder Tamraiz (Talashi Gate) in the main gate, a cell phone was recovered from his possession, which was hidden in his underwear and was trying to pass the same to inside the jail, which constitutes gross misconduct on his part."

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

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

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

SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR

Endorsement No: 977-801-

Copy of the above is forwarded to the:

- 1- Inspector General of Prisons Khyber Pakhtunkhwa Peshawar with reference to his memo No. 11041/WE dated 30-04-2015.
- 2- Mr. Zahir Shah, Assistant Superintendent Central Prison Peshawar (Inquiry Officer) for initiating proceedings against the above named accused Ex-Warder under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011.
- 3- Above named Ex-Warder C/o Superintendent Central Prison Peshawar with the directions to appear before the Inquiry Officer for the purpose of inquiry proceedings.
- 4- Superintendent Central Prison Peshawar.

*Assesed
MSH*

SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR

20/4

CHARGE SHEET

I, Masud-ur-Rahman, Superintendent Headquarters Prison Peshawar as Competent Authority, hereby charge you Ex-Warder (BPS-05) Sher Alam remained attached to Central Prison Haripur for the purpose of duty and to Central Prison Peshawar for the purpose of pay: -

"As per report of the Superintendent Central Prison Haripur that, "On 24-04-2013, you were allotted duties inside the jail from 09 PM to 12 AM midnight, when you were entering for duty inside the jail were searched by Warder Tamraiz (Talashi Gate) in the main gate, a cell phone was recovered from your possession, which was hidden in your underwear and were trying to pass the same to inside the jail, which constitutes gross misconduct on your part."

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

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

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

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

6- Statement of allegations is enclosed.


SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR

Addressed


FINAL SHOW-CAUSE NOTICE

I, Masud-ur-Rahman, Superintendent Headquarters Prison Peshawar as Competent Authority under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, do hereby serve you, Ex-Warder Sher Alam attached to Central Prison Peshawar for pay and to Central Prison Haripur for duty as follows: -

1- (i) That consequent upon the completion of inquiry conducted against you by the Inquiry Officer for which you were given opportunity of hearing vide this office communication No. 977-80/WE dated 12-06-2015.

(ii) On going through the findings and recommendations and other connected papers including your defense before the said Inquiry Officer, I am satisfied that you have committed the following acts/ omissions specified in section 3 of the said ordinance: -

"As per report of the Superintendent Central Prison Haripur that, "On 24-04-2013, you were allotted duties inside the jail from 09 PM to 12 AM midnight, when you were entering for duty inside the jail were searched by Warder Tamraiz (Talashi Gate) in the main gate, a cell phone was recovered from your possession, which was hidden in your underwear and were trying to pass the same to inside the jail, which constitutes gross misconduct on your part."

2- As a result thereof, I, as Competent Authority have tentatively decided to impose upon you the minor penalty of "Stoppage of annual for 03 years without future effect" under section 3 of the said ordinance.

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

4- If no reply to this Notice is received within seven (07) days of its delivery in the normal course of circumstances, it shall be presumed that you have no defense to put in and that case Ex-parte action shall be initiated against you.


SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR

Ex-Warder Sher Alam
Attached to Central Prison Peshawar for pay and to Central Prison Haripur for duty

Assist
AS

INQUIRY REGARDING EX-WARDER SHER ALAM ATTACHED TO CENTRAL PRISON PESHAWAR FOR THE PURPOSE OF PAY WHILE FOR THE PURPOSE OF TRAINING TO CENTRAL PRISON HARIPUR.

Respected Sir,

It is submitted that the Ex-Warder was detailed for training to the Training Institute Haripur not to Central Prison Haripur for performing the duties of their Warders attached to that jail.

To know the factual position and the record of the case, the following data was collected based on facts: -

- 1- It is true that the Ex-Warder in question was detailed for training to Training Institute Haripur not to Central Prison Haripur for duty.
- 2- It is true that the Ex-Warder had performed 6 PM to 9 PM on the barrier point outside the jail and the Ohda Dar detailed him for further 03 more hours duties inside the jail i.e. 9 PM to 12 AM on 24-04-2013.
- 3- It is true that Warder Tamrez was performing the duties of Talashi Gate in the main gate i.e. Dewri of the jail.
- 4- It is true that Wader Mumtaz Shah was performing the duties of Gate keeper in the main gate i.e. Dewri of the jail.
- 5- It is true that Warder Zahidullah (Ohda Dar) sent him twice i.e. 6 PM to 9 PM and 9 PM to 12 PM without giving him rest even for a single moment.
- 6- It is true that no one stopped him outside the jail for not using the mobile phone during duties at outside point which ought to be but invain.
- 7- It is true that an inducement was given to the Ex-Warder for performing the double duties and his next day will be off due to the non-availability of the permanent Warder.
- 8- It is true that the mobile was in the hand of the Ex-Warder with 02 Sims i.e. A Telenor & a Zong Sim in which his family pictures and training videos are also available and at that time was not checked properly.
- 9- It is true that the N.D.O Mr. Noorul Basar, SAS Jail was also present at the moment in the Dewri.
- 10- It is true that the Ex-Warder asked Warder Tamrez that the mobile may be kept in the Dewri and he will collect that from him after his performance of duties inside the jail and he was referred to the N.D.O for that purpose, but the

*Asst. Dir. Prisons
Peshawar*

mobile phone was snatched from him and he was allowed by the duty personnel alongwith N.D.O for performing 9 PM to 12 AM duties. When the Ex-Warder came out and asked for him mobile, he was told that the mobile was handed over to the Competent Authority. If a mobile was recovered from possession during search: then why he was sent for duty inside the jail?

11- It is true that the attitude of the under training Ex-Warder must have been imbued about not bringing the prohibited articles to the main gate nor this spirit was imbued into him that the Prison Force must keep remain abstain from the prisoners according to the prescribed rules.

12- It is true that the issue was only related to the Dewri and was not allowed inside the jail.

13- The Ex-Warder was also crossed examined and oath was taken from him on the Holy Qur'an in which he re-iterated that being a Muslim I wouldn't utter ever a word which is not based on truth/ rights that he is innocent in this case.

FINDINGS

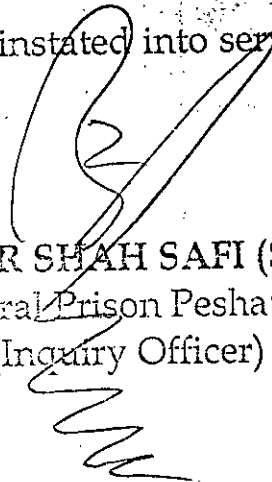
Copy of the report of the N.D.O Mr. Noorul Basar (SAS) for performing the night duty stated that the mobile phone was hidden in a secret place of his body but no proper place was shown in the report. (Annex-A). Furthermore the statements of the Ex-Warder Mr. Sher Alam was also recorded in which he stated that he is innocent in this case and being a government servant and a stranger of the jail, under training and well aware of the situation, he could not and would not commits such sort of blunders (Annex-B).

The statement of Warder Tamrez (Talashi Gate) was also thoroughly checked and he stated that the mobile was recovered from his underwear in the presence of N.D.O, Warder Mumtaz Shah & Warder Zaheerullah (Annex-C). The statement of Warder Mumtaz Hussain Shah also thoroughly checked and he stated that while writing the names of the Warder in Register No. 16, he was too much bush and is not aware of the fact that the mobile was recovered from which one place of the Warder, so his statements is ambiguous and is not inconsonance with clarity and the real truth. The statement of Warder Zaheerullah (Ohda Dar) was also checked thoroughly stating therein that his duty was started at that time Mr. Sher Alam Ex-Warder himself deposited mobile to the N.D.O.

CONCLUSION

Keeping in view the above mentioned data, the undersigned reached to the conclusion that no doubt the mobile phone was recovered or handed over to the N.D.O and the Ex-Warder was under training in the Training Institute Haripur. He should not have been sent for performing duty being under training Ex-Warder.

It is therefore recommended that a penalty of stoppage of annual increment for 03 *months* *Future* *period* may be awarded to him and he may be re-instated into service or as deemed appropriate please.


ZAHIR SHAH SAFI (SAS)
Central Prison Peshawar
(Inquiry Officer)

Ann-N

(34)

PHONE : CENTRAL PRISON PESHAWAR

FAX NO. : 0919210544

JUL 03 2015 10:23AM P1



OFFICE OF THE
SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR
No. _____ /P.B/ Dt: 2 / 7 / 2015

OFFICE ORDER

Upon completion of proceedings under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, initiated vide this Headquarters Endorsement No: 977-80 dated 12-06-2015, Ex-Warder Sher Alam attached to Central Prison Peshawar is hereby re-instated into service with immediate effect with further orders as under: -

- 1- Major penalty of "Removal from Service" awarded vide this Headquarters P.B Order No. 1833 dated 24-06-2013 is hereby converted into minor penalty of stoppage of annual increments for 03 years without future effects.
- 2- The intervening period w.e.f 24-06-2013 to 30-06-2015 (AN) shall be treated as extra ordinary leave without pay.
- 3- On re-instatement into service, he is hereby posted to District Jail Abbottabad against the vacant post for all purposes.

SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR

Endorsement No: 1105-10 /

Copy of the above is forwarded to the: -

- 1- Inspector General of Prisons Khyber Pakhtunkhwa Peshawar with reference to his memo No. 11041/WE dated 30-04-2015.
- 2- Superintendent Central Prison Peshawar.
- 3- Superintendent District Jail Abbottabad.
- 4- Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 5- District Accounts Officer, Abbottabad.
- 6- Mr. Zahir Shah Safi, SAS, (Inquiry Officer) Central Prison Peshawar with reference to his Inquiry Report dated 16-06-2015.

SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR

*Attested
M. Safi*

be kept in the Dewani and he will collect that from him after his performance of duties inside the jail and he was referred to the N.D.O for that purpose, but the

بھخور جناب انسپکٹر جنرل جیل خانہ جات خیبر پختونخواہ پشاور

عنوان: ڈیپارٹمنٹ ایپل برخلاف حکم 2015-6-30 از سپرینٹنڈنٹ ہیڈ کوارٹر جیل پشاور

جناب سائل حسب ذیل عرض رساں ہے۔

۱۔ یہ کہ سائل بطور Warden جیل میں تعینات تھا سائل کو بوجہ موبائل فون اندر جیل لے جانے برطرف کیا تھا جس کے برخلاف سائل نے ڈیپارٹمنٹل ایپل اور بعد ازاں سروس ٹریبونل میں ایپل دائر کیا جو کہ سائل کے حق میں فیصلہ ہوا اور 30 دن کے اندر اندر Denver انکوری کا حکم صادر کیا۔

۲۔ یہ کہ اب سائل کی دوبارہ انکوری ہوئی ہے اور بروئے انکوری رپورٹ سائل کو شوکانہ نوٹس برائے Minor Penalty جاری کیا جس کا سائل نے مفصل جواب جمع کیا۔

۳۔ یہ کہ اب 2015-6-30 کو سپرینٹنڈنٹ ہیڈ کوارٹر جیل پشاور مجاز اتھارٹی نے حکم صادر کرتے ہوئے درج ذیل فیصلہ صادر کیا ہے۔

1. Major penalty of "Removal from Service" awarded vide this Headquarters P.B Order No. 1833 dated 24-06-2013 is hereby converted into minor penalty of stoppage of annual increments for 03 years without future effects.

2. The intervening period w.e.f 24-06-2013 to 30-06-2015 (AN) shall be treated as extra ordinary leave without pay.

3. On re-instatement into service, he is hereby posted to District Jail Abbottabad against the vacant post for all purposes.

جناب عالی! فیصلہ و حکم مقدمہ بمورنہ 2015-06-30 برخلاف سائل غیر قانونی، غیر اخلاقی و مبنی بر نا انصافی ہے۔ سائل نے کوئی جرم نہیں کیا۔ سائل کی ڈیوٹی وقوعہ کے دن جیل سے باہر تھی اور اس دوران سائل Training Institute ہری پور میں Under Training تھا اور قانون کی رو سے Un-Train کو جیل کے اندر ڈیوٹی پر بھیجا نہیں جاسکتا جس کی تائید انکوری آفیسر نے بھی اپنی رپورٹ میں کی ہے۔ دوسری بات یہ ہے جناب عالی! سائل کو بغیر کسی آرام کیے دوسری ڈیوٹی پر بھیجا گیا جبکہ سائل اپنی ذاتی ڈیوٹی 6 سے 9 بجے سرانجام دے چکا تھا اور بغیر آرام کیے دوسری ڈیوٹی دینے کے لیے عہد بیدار نے 9 سے 12 بجے جیل کے اندر بھیجا جبکہ قانون بھی اس کی اجازت نہیں دیتا کہ وارڈر بغیر آرام کیے ڈبل ڈیوٹی سرانجام دے۔ مگر سائل آرڈر کے پابند ہونے کی وجہ سے دوسری ڈیوٹی پر چلا گیا۔

۴۔ یہ کہ سائل جب دوسری ڈیوٹی دینے جیل کے اندر جا رہا تھا تو اپنا ذاتی اور قیمتی موبائل فون جس میں سائل کے فیملی تصاویر اور

be kept in the prison and he will collect that from him after his performance of duties inside the jail and he was referred to the N.D.O for that purpose, but the

AN

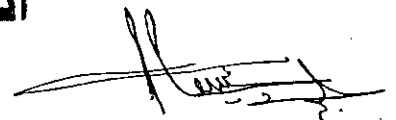
اپنے نام کی سمیں بھی موجود ہیں سائل نے ڈیوڈی (صدر دروازہ) میں جمع کروایا اور ڈیوٹی کے لیے جیل کے اندر چلا گیا۔
 ۵۔ یہ کہ سائل جب ڈیوٹی ختم کر کے رات 12 بجے واپس آیا اور اپنا جمع شدہ فون مانگا تو پتہ چلا کہ N.D.O صاحب کے پاس تھا۔ وہ موبائل فون اپنے ساتھ کواٹر لے گئے ہیں۔ رات 12 بج رہے تھے تو میں نے مناسب نہ سمجھا کہ موبائل طلب کروں اس لیے اگلی صبح میں N.D.O صاحب کے پاس گیا اور اپنا موبائل فون مانگا انھوں نے بدینتی انداز میں کہا کہ رات کو آتے تو تمہارا موبائل فون واپس کر دیتا اب جاؤ دفعہ ہو جاؤ تمہارا موبائل فون میں نے ضبط کر لیا ہے۔ شکر کرو تم پر رپورٹ نہیں لکھی۔ اسی دوران سائل اور N.D.O نور البصر صاحب کے درمیان بحث اور تکرار ہوا اور غصے میں آ کر N.D.O صاحب نے سائل پر اگلے دن مورخہ 25-04-2013 کو رپورٹ لکھی۔ جو کہ سراسر جھوٹ اور بدینتی پر مبنی تھی۔

☆ جناب عالی! اگر من سائل واقعی قصور وار تھا تو اسی مذکورہ واقعہ کے وقت میرے خلاف رپورٹ کیوں نہیں لکھی گئی۔
 ☆ اگر میں قصور وار تھا تو مجھے اسی دن ملازمت سے برطرف کیوں نہیں کیا گیا تھا جبکہ میں نے اگلے روز بھی ڈیوٹی سرانجام دی۔
 ☆ اگر میں قصور وار تھا تو مجھے 9 سے 12 بجے جیل کے اندر کیوں ڈیوٹی پر چھوڑا گیا۔
 جناب عالی! میں اس واقعہ میں بالکل بے قصور اور بے گناہ ہوں میں نے کوئی جرم نہیں کیا۔ مجھ پر بے بنیاد اور جھوٹی رپورٹ لکھی گئی جو کہ بے بنیاد اور بدینتی پر مبنی تھی۔

میرے خلاف حکم و فیصلہ مورخہ 30-06-2015 جی برنا انصافی ہے جس کی رو سے میرے تین سال کے Increments کاٹ دیئے گئے ہیں جبکہ من سائل بے گناہ اور بے قصور ہے۔ اور ساتھ میں میرے ^{Benefits} All back ضمنی کم ہیں

لہذا آپ جناب سے استدعا ہے کہ میرے تین سال کے انکریمنٹ بحال کیے جائیں اور مجھے All Back Benifit بحال کیے جائیں اور امید ہے کہ آپ جناب ایمانداری سے جائز فیصلہ صادر فرمائیں گے۔ سائل اور سائل کے اہل خانہ آپ کے لیے ہمیشہ دعا گو رہیں گے۔

الارض



سائل: وارڈر شیر عالم ولد سردار عالم

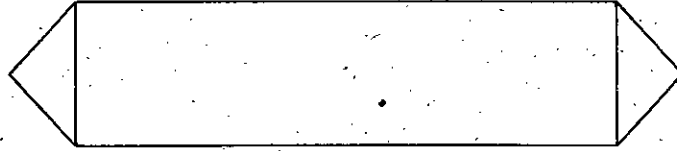
پتہ: ڈسٹرکٹ جیل ایبٹ آباد

رابطہ نمبر: 0314-4639969

گورنمنٹ: 10.7.2015

D.D-No. 12982

... Rept in the Dewari and he will collect that from him after his performance of duties inside the jail and he was referred to the N.D.O for that purpose, but the



مورخہ

مقدمہ

دعویٰ سروسز ایپیل

جرم

2015ء پنجاب

بنام گورنمنٹ آف KPR

شید عالم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کارروائی متعلقہ آن مقام سٹیٹ اور کیلئے محمد شہیر خلیل محمد اسلم اور کرنی جواد علی امیر دسین مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل 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 و روپیہ ارغرضی 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 با اختیارات 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 ہوگا۔ کوئی تاریخ پیشی مقام ذورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پر بند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

Handwritten notes and signatures on the left side of the page, including a signature that appears to be 'Shahid' and other illegible text.


2015


المرقوم لستام ماہ

العبد گواہ العبد
مقام لستام کے لئے منظور ہے۔

Sher Alam vs Govt of KPK
Service App No 1220/2015

I received cost money of Rs 1000
from the representative of
I. G Prison as ordered by
this Honorable Tribunal on
Previous date.


Muhammad Shafiq Khalil
Advocate
Counsel for the Appellant


20.05.16

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

In the matter of

Appeal No. 1220/ 2015

Warder Sher Alam

R/o Kalabat Township No. 1

Daggi Chowk, Tehsil & District Haripur ----- Appellant

---VERSUS---

- 1- Government of Khyber Pakhtunkhwa
Through Secretary Home, Civil Secretariat
Khyber Pakhtunkhwa Peshawar.
- 2- Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar.
- 3- Superintendent Central Prison Haripur.
- 4- Superintendent Circle Headquarters Prison Peshawar ----- Respondents

WRITTEN STATEMENT ON BEHALF OF THE RESPONDENTS

PRELIMINARY OBJECTIONS

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

PARA-WISE COMMENTS ON BEHALF OF THE RESPONDENT FROM 1 TO 4.

RESPECTFULLY SHEWITH.

- 1- Incorrect, misleading, the appellant failed to comply the lawful orders of his high-ups revised during each roll call not to use mobile during duty hours, and his present act of entering high value prohibited article/ personal mobile phone inside the jail (Central Prison Haripur) during duty hours is the sheer violation of Prison Rules and huge misconduct on the part of the appellant.

- 2- Admitted.
- 3- As per order of the Honourable Service Tribunal Khyber Pakhtunkhwa Peshawar, a fresh inquiry was conducted into the case, and after examining the case from each angle, the Inquiry Officer reached to the conclusion that the appellant has violated the rules by using mobile during the duty hours, therefore his major penalty of "Removal from Service" awarded vide Superintendent Circle HQs. Peshawar PB Order No. 1833 dated 24-06-2013 was converted into the minor penalty of "stoppage of annual increment for 03 years without future effect" which is duly covered under the relevant law/ rules, and the appellant does not deserve for all back benefits.
- 4- Incorrect, misleading, the impugned order passed by the Honourable Service Tribunal on 08-04-2015 and issued on 22-04-2015 regarding disposal within 30 days is concern, the said orders was issued from Respondent No. 2 vide his No. 11041-WE dated 30-04-2015 and was received in this Headquarters on 04-05-2016 (**Annex-A**). After collection the record from Central Prison Haripur and fulfilling other codal formalities, a fresh inquiry was conducted on 12-06-2015, wherein the appellant was directed to produce his defense before the Inquiry Office within 15 days. In response, he submitted his written defense on 15-06-2015. The Inquiry Officer after considering his reply, recorded his conclusion and in view of statement of other witnesses, concluded that he may be awarded the minor penalty of "Stoppage of annual increment for 03 years without future effect." In pursuance to the said inquiry, his reply and other witnesses, the appellant was issued FINAL SHOW CAUSE NOTICE 22-06-2015 which was received by the Appellant on 23-06-2015, and submitted his reply to the said Show-cause notice on 24-06-2015, and on the very next day i.e. 25-06-2015 he was afforded the opportunity of personal hearing on 30-06-2015, after fulfilling all the codal formalities, considering his reply and statement of the witnesses, the aforesaid minor penalty was awarded to him on account of his gross misconduct by keeping mobile during duty hours.
- 5- As elaborated in para 4 above.

GROUND.


- A- Incorrect, misleading, the impugned order passed by the Superintendent Circle HQs. Prison Peshawar to the extent of stoppage of increment of increment is totally covered with relevant law/ rules as the appellant abolished rules by

keeping mobile phone during duty hours. Since he has not performed any duty during the period, hence not entitled for the benefits.

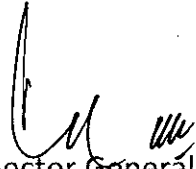
- B- As already elaborated in Para 4 above.
- C- As elaborated in Para 3 above.
- D- Incorrect, misleading, the appellant was given full opportunity of hearing on 30-06-2015, but he failed to satisfy the Competent Authority and found guilty of keeping prohibited article/ Mobile during duty, therefore his intervening period was treated as extra ordinary leave without pay.
- E- Incorrect, the orders passed on 02-07-2015 is totally covered with relevant law/ rules.
- F- As elaborated in Para 4 above.

It is therefore requested that the appeal filed by the appellant for setting aside the penalty of "Stoppage of annual increment for 03 years without future effect" may kindly be dismissed in the best interest of discipline/ jail administration with cost please.

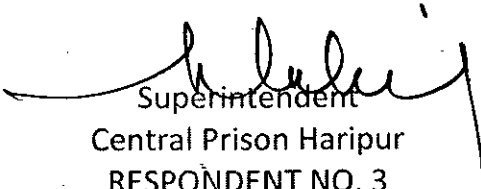
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Secretary to the
Government of Khyber Pakhtunkhwa
Home & T.As Department, Peshawar
RESPONDENT NO. 1

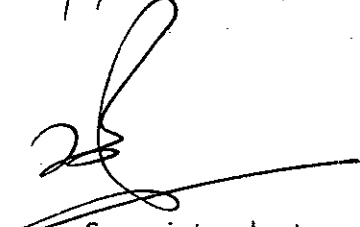
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Inspector General of Prisons
Khyber Pakhtunkhwa, Peshawar
RESPONDENT NO. 2.

3-


Superintendent
Central Prison Haripur
RESPONDENT NO. 3

4-


Superintendent
Circle HQs. Prison Peshawar
RESPONDENT NO. 4

BEFORE THE HONOURABLE SERVICE TRIBUNAL
KHYBER PAKHTUKHWA PESHAWAR

In the matter of
Appeal No. of 1220/2015
Sher Alam Warder

R/o Kalabat Township No.1 Dagi Chowk


Tehsil & District Haripur ----- Appellant

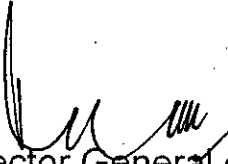
----VERSUS----

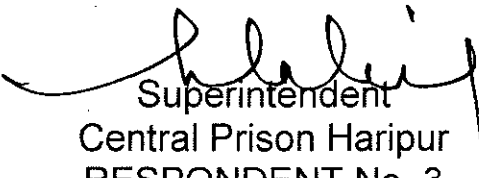
- 1- Govt. of Khyber Pakhtunkhwa
Through Secretary Home
Civil Secretariat, Khyber Pakhtunkhwa Peshawar.
- 2- Inspector General of Prisons
Khyber Pakhtunkhwa Peshawar.
- 3- Superintendent
Central Prison Haripur.
- 4- Superintendent
Headquarters Prison Peshawar ----- Respondents

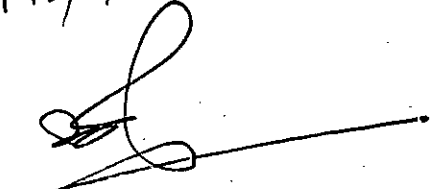
AFFIDAVIT

We, the respondents, do hereby solemnly affirm and declare that the contents of the comments on behalf of the respondents are true and correct to the best of our knowledge and belief and nothing has been concealed from Honourable Tribunal.


Secretary to the
Govt. of Khyber Pakhtunkhwa
Home & T.As Department, Peshawar
RESPONDENT No. 1

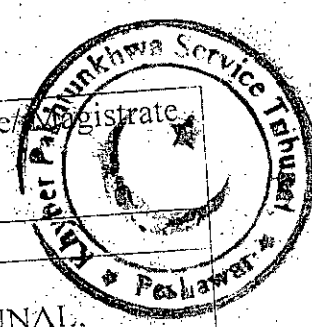

Inspector General of Prisons
Khyber Pakhtunkhwa Peshawar.
RESPONDENT No. 2
15/3/16


Superintendent
Central Prison Haripur
RESPONDENT No. 3


Superintendent
Headquarters Prison Peshawar
RESPONDENT No. 4

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To add that as per...



Order or other proceedings with signature of Judge/Magistrate.

Sr. No. Date of order/proceedings

1 1

08.04.2015

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 1242/2013,
Sher Alam Versus Government of KPK through Secretary
Home Department, Civil Sectt. Peshawar etc.

JUDGMENT

PIR BAKHSH SHAH, MEMBER.- Counsel for the

appellant (Mr. Muhammad Shabir Khalil, Advocate) and Mr.
Muhammad Adeel Butt, Addl. AG with Sheryar, ASJ for the
respondents present.

2. Appellant Sher Alam Ex-Jail Warder was removed
from service vide impugned order dated 24.6.2013 and his
departmental appeal was also rejected on 29.07.2013, hence
this appeal under Section 4 of the Khyber Pakhtunkhwa
Service Tribunal Act, 1974.

3. Arguments heard and record perused.

4. The learned counsel for the appellant submitted that
major penalty of removal from service was imposed upon the
appellant without giving him opportunity of personal hearing
and without conducting of enquiry. He further submitted that
in fact the mobile cell was not recovered from the appellant
inside the jail but the same was deposited by the appellant with
Sentry at the main gate. The respondents were ^{reluctant} to
penalized the appellant in a false case. He requested that the
impugned order is not sustainable in the eyes of law which may

ATTESTED
Khyber Pakhtunkhwa Service Tribunal
Peshawar

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be set aside. Reliance was placed on 2008-SCMR 1369 and 2009-SCMR 339.

5. The allegation against the appellant is that a Phone Cell was recovered from him on the main entrance gate (Talashi Gate) of Central Prison Haripur. During the course of arguments, the learned counsel for the appellant and learned Addl. Advocate General for the respondents-department resolved that in the interest of justice, the impugned order may be set aside and the case may be remitted to the respondents-department for denovo departmental enquiry.

6. Since the learned counsel for the appellant and learned Addl. AG resolved the issue to remit the case, therefore, the impugned orders are set aside, and the case is remitted to the competent authority for enquiry denovo strictly in accordance with law and rules. The back benefits are subject to the conclusion of fresh enquiry. Denovo proceedings should be completed within thirty days after receipt of this judgment failing which the appellant shall be deemed to have been reinstated into service with all back benefits. The appeal is disposed of in the above terms. Parties are left to bear their own costs. File be consigned to the record.

ANNOUNCED
08.4.2015

Sd/- Mr. Bahadur Ghah, Member
Sd/- Mr. Abdul Latif, Member

Certified to be true copy

Seal of the Court with signature and date

Date: 4-4-2015
No: 800
6
6
28-4-2015

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SUPREME COURT



MOST IMMEDIATE
COURT MATTER
TIME LIMIT CASE
OUT JUST NOW

OFFICE OF THE
INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

091-9210334, 9210406 091-9213445

No. 11041-41E 1-

Dated 30-04-2015 1-

To,

The Superintendent
Headquarters Prison Peshawar.

Subject: **SERVICE APPEAL NO.1242/2013 SHER ALAM EX-WARDER**

Memo;

I am directed to refer to this office endorsement No.406-09/WE dated, 03-01-2014 on the subject and to forward herewith a copy of Judgment 08-04-2015 Passed by the Honourable Khyber Pakhtunkhwa Service Tribunal Peshawar (self-explanatory) for information and immediate necessary action/ compliance , as directed therein.

I am further directed to convey that the proceedings may please be finalized against the accused official within stipulated period of time under intimation to all concerned.

Being Court Matter and time limit case, the case may be processed / treated as most urgent.

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

Endst: No. 11042-43

Copy of the above is forwarded to the:

- 1) Secretary to Government of Khyber Pakhtunkhwa Home and T.As Department Peshawar for information. Copy of the Judgment dated 08/04/2015 is enclosed herewith for kind perusal please.
- 2) Registrar, Khyber Pakhtunkhwa Service Tribunal Peshawar for information please.

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

