

01.02.2023

Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Since connected Service Appeal No. 1554/2019 titled "Muhammad Zahid Vs. Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar and two others" has been adjourned to 20.03.2023, therefore, this appeal is also adjourned to the said date. To come up for arguments on 20.03.2023 before the D.B.

SCANNED  
Peshawar

  
(FAREEHA PAUL)  
Member(E)


  
(SALAH-UD-DIN)  
Member (J)


20.03.2023

Appellant present through counsel.

Fazal Shah Mohmand, learned Additional Advocate General for respondents present.

Former made a request for adjournment in order to prepare the brief. Adjourned. To come up for arguments on 25.05.2023 before D.B. Parcha Peshi given to the parties.

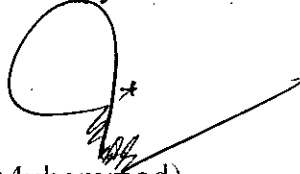
  
(Muhammad Akbar Khan)  
Member (E)

  
(Rozina Rehman)  
Member (J)

28.11.2022

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

Learned counsel for the appellant stated that as connected service appeals are fixed for arguments before D.B-I, therefore, the appeal in hand may also be sent to the said D.B for disposal. The appeal in hand is sent to worthy Chairman Service Tribunal for further appropriate order. Learned counsel for the parties shall appear before the worthy Chairman Service Tribunal today at 10:45 A.M.



(Mian Muhammad)  
Member (E)



(Salah-Ud-Din)  
Member (J)

28<sup>th</sup> Nov. 2022

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl. Advocate General for the respondents present.

This case be fixed before a bench of which one of us (learned Chairman) is not a member. To come up for arguments on 01.02.2023 before the D.B.



(Fareeha Paul)  
Member (E)


(Kalim Arshad Khan)  
Chairman

SCANNED  
KPST  
Peshawar

10.10.2022

Junior to counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Sulcman Law Officer for respondents present.

Junior to learned counsel for the appellant requests for adjournment due to engagement of learned senior counsel for the appellant in Hon'ble High Court today. To come up for arguments on 02.11.2022 before D.B.


  
(Fareeha Paul)  
Member (E)

  
(Kalim Arshad Khan)  
Chairman

2nd Nov., 2022

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl. Advocate General for the respondents present.

Learned counsel for the appellant seeks adjournment in order to further prepare the brief. Last opportunity is granted. To come up for arguments on 28.11.2022 before the D.B.

  
(Fareeha Paul)  
Member (E)


  
(Kalim Arshad Khan)  
Chairman


03.08.2021

Counsel for the appellant present.

Mr. Kabirullah Khattak, Additional Advocate General for respondents present.

Former made a request for adjournment as he has not prepare the brief. Adjourned. To come up for arguments on 01.10.2021 before D.B.

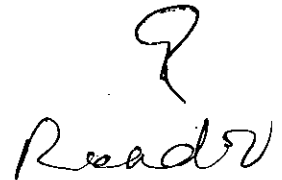
  
(Atiq-Ur-Rehman Wazir)  
Member (E)

  
(Rozina Rehman)  
Member (J)

1-10-2021

Due to non Availability of the concerned DB the case is adjourned to

8-2-2022

  
Reader


8-2-2022

Due to retirement of the hon'ble Chairman the case is adjourned to come up for the same as before on 1/6/2022

  
Reader

1-6-2022

Proper DB not available the case is adjourned to 10-10-2022

  
Reader

24.12.2020

Due to summer vacation, case is adjourned to 29.03.2021 for the same as before.

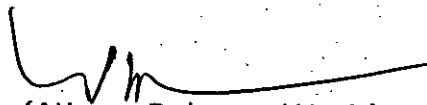
  
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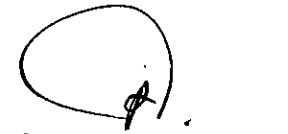
29.03.2021

Appellant present through counsel.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Former made a request for adjournment. Adjourned. To come up for arguments on 21/06/2021 before D.B.

  
(Atiq ur Rehman Wazir)  
Member (E)


  
(Rozina Rehman)  
Member (J)

21.06.2021

Counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

File to come up alongwith connected appeal No.1324/2019 titled Raqibaz Vs. Prisons Department, on 03.08.2021 before D.B

  
(Rozina Rehman)  
Member(J)

  
Chairman

23.06.2020

Junior to counsel for the appellant present.

Mr. Kabir Ullah Khattak learned Additional Advocate General for the respondents present.

Learned AAG requests for adjournment to submit written reply/comments. Last chance is given. To come up for written reply/comments on 06.08.2020 before S.B.

  
Member

06.08.2020

Junior counsel for the appellant is present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Suleman, Senior Law Instructor for the respondents are also present.


Representative of the department submitted para-wise reply on behalf of respondents No. 1 to 4 which is placed on file. To come up for arguments on 26.10.2020 before D.B. The appellant may submit rejoinder within a fortnight, if so advised.

  
(MUHAMMAD JAMAL KHAN)  
MEMBER

26.10.2020

Junior to counsel for the appellant and Addl. AG for the respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 24.12.2020 for hearing before the D.B.

  
(Atiq-ur-Rehman Wazir)  
Member

  
Chairman

20.01.2020

Junior to counsel for the appellant and Addl. AG for the respondents present.

Learned AAG requests for time to contact the respondents and furnish reply/comments on the next date of hearing. Adjourned to 25.02.2020 on which date the requisite reply/comments shall positively be furnished.

  
Chairman

25.02.2020

Learned counsel for the appellant present. Mr. Kabirullah Khattak learned Additional AG alongwith Mr. Suleman Law Officer for the respondents present.

Representative of the respondent department seeks time to furnish written reply/comments on the next date of hearing. Adjourned. To come up for written reply/comments on 31.03.2020 before S.B.

  
(Hussain Shah)  
Member

31.03.2020

Due to public holiday on account of COVID-19, the case is adjourned to 23.06.2020 for the same. To come up for the same as before S.B.



  
Reader

Form-A

FORM OF ORDERSHEET

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

Case No. 1368/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
<p>1</p> <p>05.12.2019</p> <p>Appellant Deposited Security &amp; Process Fee</p> <p>10/12/19</p>	<p>17/10/2019</p>	<p>As per direction of the Worthy Chairman this case is submitted to the S. Bench for preliminary hearing along with office objection. To be put up there on <u>05/12/19</u>.</p> <p style="text-align: right;">               REGISTRAR 17/10/19         </p> <p>Counsel for the appellant present.</p> <p>On the strength of admitting note in Appeal No. 1324/2019, instant appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 31.01.2020 before S.B.</p> <p style="text-align: right;">               Chairman         </p>

SCANNED  
KPS  
Peshawar



The appeal of Mr. Mir Liaq son of Baraz Khan, Warder attached to central Jail Bannu received today i.e. on 17.09.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Affidavit may be got attested by the Oath Commissioner.
- 3- Annexures of the appeal may be flagged.
- 4- Annexures of the appeal may be attested.
- 5- Copy of show cause notice, departmental appeal and postal receipt mentioned in the memo of appeal are not attached with the appeal which may be placed on it.
- 6- Annexures of the appeal may be annexed serial wise as mentioned in the memo of appeal.
- 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. 1595 /S.T,

Dt. 18-9- /2019.

REGISTRAR

SERVICE TRIBUNAL

KHYBER PAKHTUNKHWA

PESHAWAR.

Mr. Yasir Saleem Adv. Pesh.

Sir,

Resubmitted with clear objection

Objection No.5 is still stand.  
The present appeal is returned to the  
counsel for the appellant for completion  
and resubmission within 15 days.

No. 1719 /S.T.

Dt. 10-10- /2019.

Registrar

R) Sir,  
Copy of show cause,  
and appeal is not  
retained by the appellant  
14/9/19

Sir,

The objection of this office (C.O. 5)  
regarding departmental appeal and newly  
of counsel for the appellant is sub-judice  
any order please.

21/7/19

16/10/18

Humble  
Chauhan

Be fixed before SB for PH along with  
office objection.

17/10

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

Appeal No. 1368/2019

**Mir Liaq S/O Baraz Khan, Warder, Central Jail Bannu, R/O Degan Shadi Khan Soranai Post Office Fazal Haq Malwana Bannu.**

**(Appellant)**

**VERSUS**

Govt. of Khyber Pakhtunkhwa, through Secretary Home and Tribal Affairs Department Khyber Pakhtunkhwa, Peshawar and others.

**(Respondents)**

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2	Copy of the Dismissal Order dated 12.12.2012	A	5
3	Copy of the Order and Judgment dated 01.09.2015	B	6-10
4	Copies of the charge sheet & Reply	C	11-19
5	Copies of the statement of appellant and inquiry report	D & E	15-20
6.	Copy of show cause reply	F	21-22
7.	Copy of the Office Order dated 11.04.2019	G	23
8.	Copies of the departmental appeal along-with post receipt dated 15.05.2019	H	24
9.	Vakalatnama		25

صبر الی شاد  
Appellant

Through

**YASIR SALEEM**  
Advocate, High Court

**JAWAD &**  
**JAWAD UR REHMAN**  
Advocate Peshawar

1

**BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1267

Dated 17/9/2019

Appeal No. 1368/2019

**Mir Liaq S/O Baraz Khan, Warder, Central Jail Bannu, R/O Degan  
Shadi Khan Soranai Post Office Fazal Haq Malwana Bannu.**

(Appellant)

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary Home and Tribal Affairs Department Khyber Pakhtunkhwa, Peshawar.
2. The Inspector General of Prison, Khyber Pakhtunkhwa, Peshawar.
3. Superintendent Circle Headquarters, Prison Peshawar.
4. The Superintendent Central Prison, Bannu.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, read with Section 19 of the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011, against the Order dated 11.04.2019, communicated to the appellant on 13.05.2019 whereby the appellant has been awarded the major penalty of "reduction to a lower stage in a time scale for a maximum period of three years" against which his Departmental Appeal dated 15.05.2019 (through post) conveyed to the Respondent on 17.05.2019 has not been responded within the stipulated period of ninety days.

Filed to-day

Registrar

17/9/19

Prayer in Appeal: -

On acceptance of this appeal the impugned order dated 11.04.2019, may please be set-aside and the pay of the appellant may please be restored to his original position with all back benefits.

Respectfully Submitted:

1. That the appellant was appointed as Warder in the Prison Department and was posted at the relevant time in Bannu Prison. Ever since his appointment the appellant was performing his duties as assigned to him with full devotion and there was no complaint whatsoever regarding his performance.
2. That the appellant while performing his duties in Bannu Jail, in the mid night of 14/15 April, 2012, a good number of militants (more

then 300) attacked the Jail with heavy weapons, the appellant along with other jail officials started firing at them, however they out numbered the security staff of the jail and managed in helping the escape of certain condemned prisoners from the Jail. They also damaged part of the Jail premises with their heavy weaponry. The appellant also got wounded in cross firing.

3. That the Provincial Government conducted a fact finding inquiry, however its report was not made public.
4. That thereafter the appellant was served with Show Cause Notice containing the false and baseless allegations that during the attack on Bannu Jail, he failed to fire and confront militants effectively, the appellant duly replied the Show Cause Notice and refuted the allegations leveled against him.
5. That without conducting regular inquiry quite illegally the appellant was awarded the major penalty of **Dismissal from Service** vide general order dated 12.12.2012. *(Copy of the Dismissal Order dated 12.12.2012 is attached as Annexure A)*.
6. That against the order dated 12.12.2012, the appellant filed his departmental appeal, however it was also rejected.
7. That the appellant also filed Service Appeal No. 485/2013 before this Honorable Tribunal which was partially allowed and the case of the appellant along-with other connected cases were remanded back to the Respondent department vide consolidated order and judgment dated 01.09.2015 to conduct de-novo inquiry and the issue of back benefits were subjected to the outcome of the de-novo inquiry. *(Copy of the consolidated Order and Judgment dated 01.09.2015 is attached as Annexure B)*
8. That thereafter the appellant was served with charge sheet and statement of allegations which was duly replied by the appellant and refuted the allegations leveled against him, reply copy has not been retained by the appellant. *(Copy of the charge sheet and reply attached as Annexure C)*
9. That a partial inquiry was also conducted wherein statement of the appellant was also recorded and after de-novo inquiry, the inquiry officer recommended the appellant for major penalty. *(Copies of the statement of appellant and inquiry report are attached as Annexure D & E)*
10. That the appellant was also served with show cause notice dated 06.12.2017 containing the same allegations to which the appellant duly replied vide his reply and again refuted the allegations leveled against him. *(Copy of reply are attached as Annexure F)*

11. That without considering his reply, the appellant has been awarded the major penalty of reduction to a lower stage in a time scale for a maximum period of three years vide order dated 11.04.2019 communicated to the appellant on 13.05.2019. *(Copy of the Office Order dated 11.04.2019 is attached as Annexure G)*
12. That feeling aggrieved from the penalty order dated 11.04.2019, the appellant filled his departmental appeal dated 15.05.2019 conveyed to the respondent (through post) on 17.05.2019, however the same has not been responded within the statutory period of ninety days, however the copy of the departmental appeal has not been retained by the appellant. *(Copies of ~~the post receipt dated 15.05.2019~~ the post receipt dated 15.05.2019 is attached as Annexure H)*
13. That the impugned order is illegal unlawful against law and facts therefore, liable to be set aside inter alia on the following grounds:-

**GROUND OF APPEAL:**

- A. That the appellant has not been treated in accordance with law, hence his rights secured and guaranteed under the law are badly violated.
- B. That no proper procedure has been followed before awarding the major penalty to the appellant, neither the appellant has been associated with the inquiry proceedings nor any witness has been examined against him during the inquiry, thus the whole proceedings are nullity in the eye of law.
- C. That the appellant has not been given proper opportunity to defend himself nor he has been allowed opportunity of personal hearing, thus he has been condemned unheard.
- D. That during the inquiry proceedings no witness has been examined against the appellant. or if so examined their statements have not been taken in the presence of appellant nor was he allowed the opportunity to cross examine them.
- E. That the allegations that during the attack on Bannu Jail by the militants the appellant failed to fire and confront militants effectively is totally false and baseless, he duly fired at them and confronted as long as he could, however due to complete dark he could not fire at them pointedly, moreover, he was not provided with sufficient bullets, however whatever the quantity of bullets available that was utilized by him. Moreover the appellant also got wounded during cross firing.

- F. That the charges leveled against the appellant were never proved during the inquiry proceedings the inquiry officer gave his findings on surmises and conjunctures.
- G. That the appellant has never committed any act or omission which could be termed as misconduct albeit he has illegally been awarded the major penalty.
- H. That the appellant has a spotless service career, however, his unblemished service career has never been considered while awarding the penalty.

*It is, therefore, humbly prayed that On acceptance of this appeal the impugned order dated 11.04.2019, may please be set-aside and the pay of the appellant may please be restored to his original position with all back benefits*

*[Signature]*  
Appellant

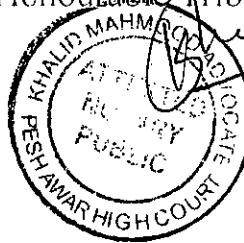
Through

*[Signature]*  
**YASIR SALEEM**  
Advocate, High Court

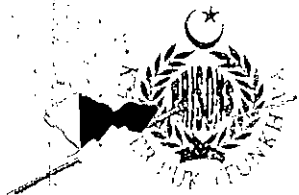
*[Signature]*  
**JAWAD UR REHMAN**  
Advocate Peshawar

#### AFFIDAVIT

It is solemnly affirm and declare on oath that the contents of the above appeal are true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honourable Tribunal.



Deponent



Registered

Annex 'A' 12/12/12 13:10

OFFICE OF THE  
**SUPERINTENDENT**  
CIRCLE HQS. PRISON PESHAWAR.  
No. 4120 P.B/D: 12/12/2012 ✓

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 penalties to the below noted officials as mentioned against their names on account of their involvement/ gross misconduct in Central Prison Bannu incident:

S#	NAME OF ACCUSED OFFICIAL	AWARDED PENALTY
1 ✓	Warder Mir Laiq Khan	Dismissed from Service
2 ✓	Warder Saved Khan	-do-
3	Warder Hafiz Mir Hassan Shah	-do-
4	Warder Abidullah	-do-
5	Warder Asif Ali Shah	-do-
6 ✓	Muhammad Ibrar No. 1	-do-
7	Warder Gul Mir Dali	-do-
8 ✓	Warder Ameenullah	-do-
9	Warder Saqib	-do-
10 ✓	Warder Naseeb Gul	Reduction to lowest stage in his present time pay scale
11	Warder Raqib Khan	-do-

SUPERINTENDENT  
CIRCLE HQS. PRISON PESHAWAR

No. 12/12/12

Copy of the above is forwarded to the  
Worthy Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar for  
information with reference to his letter No. 3-208-WF dated 12-12-2012, signed  
Superintendent, Central Prison Bannu

For information & further necessary action.

Lo/BAO/Hc

**Attested**

SUPERINTENDENT  
CIRCLE HQS. PRISON PESHAWAR

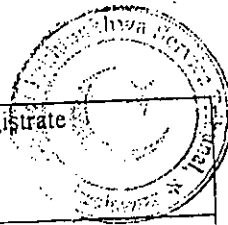
15/12/12

12/12/12



Annex="B"

6



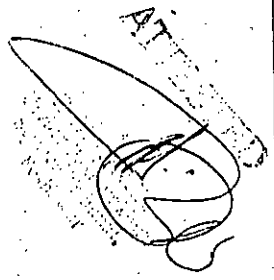
Sr. No.	Date of order/proceedings	Order or other proceedings with signature of Judge/Magistrate
1.	2	3
1.	01.09.2015	<p><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.</u></p> <p>Service Appeal No. 4842013</p> <p>Aminullah Versus Government of Khyber Pakhtunkhwa through Secretary Hom &amp; T.A Deptt. Peshawar etc.</p> <p><u>JUDGMENT</u></p> <p><u>PIR BAKHS SHAH, MEMBER.</u>- Counsel for the appellant (Mr. Ijaz Anwar, Advocate) and Government Pleader (Mr. Ziaullah) with Sheryar, ASJ for the respondents present.</p> <p>2. On the night between 14<sup>th</sup> and 15<sup>th</sup> April, 2012 at about 1.30 AM militants reached in about 25 vehicles of different types and attacked the Bannu Central Jail. The militants were armed with automatic weapons. They broke open the main outer and inner gates using RPG and fired at boundary wall watchtower. Having secured entrance, they attacked barracks, broke open locks by firing and asked 382 prisoners to flee and move towards the nearby ping hills in the Frontier Region area. In this incident, the Government of Khyber Pakhtunkhwa vide notification No.SO(Com/Eng)/HD/1-40/2012 dated 16.4.2012 constituted a five numbers enquiry committee headed by Dr. Ehsan-ul-Haq, then Director, Reform Management &amp; Monitoring Unit, Chief Secretary's Office, Khyber Pakhtunkhwa, The committee submitted its elaborate report comprising of about 19 pages. To make the findings of this enquiry report as basis for departmental proceedings</p>

ATTESTED  
Khyber Pakhtunkhwa Service Tribunal  
Peshawar

Attested

against the appellants, the step of regular enquiry was dispensed with and the respective competent authorities straight-away issued show cause notices to the appellants. The appellants belong to various departments of the province. At the end of the day, the appellants were awarded punishment as follows:-

<u>S.No.</u>	<u>Appeal No.</u>	<u>Name</u>	<u>Desig- nation</u>	<u>Department</u>	<u>Punish- ment</u>	<u>Date of Order</u>
1.	484/2013	Aminullah	Warder	Prisons	Dismissed	12.12.2012
2.	485/2013	Mir Liaq	Warder	"	"	"
3.	486/2013	M. Saqib	Warder	"	"	"
4.	487/2013	Raqibaz	Warder	"	Reduction	"
5.	488/2013	Saved Khan	Warder	"	Dismissed	"
6.	489/2013	M. Ibrar	Warder	"	"	"
7.	490/2013	Abid Ullah	Warder	"	"	"
8.	491/2013	Asif Ali Shah	Warder	"	"	"
9.	492/2013	Hafiz Mir Hussan Shah	Warder	"	"	"
10.	493/2013	Gul Mir Dali	Warder	"	"	"
11.	587/2013	M. Zahid	Dy.Suptd	"	"	10.12.2012
12.	1261/2012	M. Ghulam	Section Officer	Estab- lishment	"	5.11.2012
13.	1244/2012	Daftar Khan	A.P.A	"	Reduction	17.7.2012

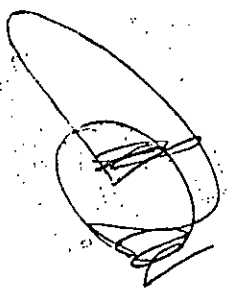
ATT  


3. The Departmental <sup>appeals</sup> also failed, hence these appeals. In view of common legal issues of these appeal, the Tribunal would like to decide all these appeals by way of this single judgment.

4. The learned counsel for the appellants contended that the appellants have been victimized, discriminated and made scape-goat for the reasons that the senior responsible officers like Commissioner etc. have been exonerated and the appellants at the lower rung of the ladder


  
**Attested**

were punished. It was further submitted that the fact finding enquiry was general in nature and not specific against the appellants to find their faults, which never fixed responsibility on the appellants. However, the high ups of the departments concerned in order to save their faces, by adopting method of pick & choose targeting the appellants which is against the norms of justice, fair-play, equal treatment and treatment in accordance with law and rules. The learned counsel for the appellants further maintained that no opportunity of personal hearing was provided to the appellants and while confronting them with imposition of major penalty without any regular enquiry the appellants have been denied opportunity of defence and proper presentation. Lastly it was submitted that all the appeals may be accepted in the interest of justice and the appellants may be reinstated in service to their original position with back benefits.

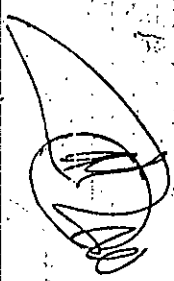


5. The learned Government Pleader resisted these appeals on the ground that the competent authority was legally empowered to have dispensed with regular enquiry under the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011. It was next submitted that in the light of the fact finding enquiry, the competent authority was having sufficient materials in its hands which led to the decision to do away with the regular enquiry. It was finally submitted that all the appeals, being without merits, may be dismissed.

6. We have heard learned counsel for the appellants and learned Government Pleader for the respondents at length and have perused the record with their assistance.

  
Attested

7. Copy of the report of the enquiry committee was found in appeal No. 587/2013, titled "Muhammad Zahid Versus Government of Khyber Pakhtunkhwa and others" annexed by the respondents with its written comments/reply. Admittedly a short cut procedure of issuing show cause notice has been adopted against the appellants. The basis of departmental action against the appellants is the fact finding enquiry. We have gone through this enquiry report and unable to find that the enquiry committee had specifically fixed responsibility on the appellants. The enquiry committee while highlighting lapses on the part of various departments like Tribal Area Administration/FR Bannu, Police Department, Frontier Constabulary, Local Army Command, Civil Administration, Jail Administration, Frontier Reserve Police, Home & T.As Department, Inspector General of Prisons and Intelligence Agencies had put forth a number of recommendations. It is hardly to say that names of the appellants were specified to be responsible for the lapses and thus recommended for departmental action in this enquiry report. After a thorough perusal of the record, a big question mark that comes before the Tribunal would be that in the absence of regular enquiry against the appellants and other specific materials against them, how the alleged misconduct and inefficiency etc. of a particular appellant can be assessed? This observation of the Tribunal is relevant when we see that high and responsible officials of the appellants' departments have been let off and exonerated. This policy seems to be in conflict with findings and requirements of the enquiry report. Moreover, this pick & choose and discrimination on its face is also



*[Handwritten signature]*  
 12/11/2013

against Article 25 of the Constitution of the country. To skip over the procedure of regular departmental enquiry, the Tribunal is also of the considered view that adequate and proper opportunity of defence and representation has not been provided to the appellants.

8. In the light of the foregoing discussion, the procedure adopted and the penalties imposed against cannot be appreciated for which reason, the Tribunal is constrained to interfere in the case. Consequently, the impugned orders are set aside, the case is remanded back to the respective respondent/department to initiate fresh departmental proceedings against the appellants strictly in accordance with the law and rules. Needless to mention that adequate and meaningful opportunity of defence and personal hearing be provided to the appellants. The concerned appellants are reinstated into service for the purpose of fresh departmental proceedings. Back benefits etc. will be subject to outcome of fresh proceedings. All the aforementioned appeals are disposed of accordingly. Parties are left to bear their own costs. File be consigned to the record room.

Certified to be a true and correct copy  
10/09/2015

ANNOUNCED  
01.09.2015

Edy Pir Bahadur Shah,  
Member  
Edy Abdul Latif,  
Member

2000 9.9.2015  
17  
2  
14

9-9-2015

Attested

**CHARGE SHEET**

I, Abid Saeed, Chief Secretary, Khyber Pakhtunkhwa, as competent authority, hereby charge you Mr. Mir Liaq, as follows:

That you, while posted as warden at Central Prison Bannu committed the following irregularities:

You were assigned the duties of Sentry at outer Phattak from 12.00 to 3.00 AM on the night between 14/15-4-2012 duly armed but you showed cowardice and failed to fire and confront militants effectively with the result that there was no enemy loss and the militants took full advantage and succeeded in Bannu Jail break on the above night. Resultantly, 381 prisoners including high profile prisoners were got released, beside other damages.

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

3. You are, therefore required to submit your written defence within seven days of the receipt of this Charge Sheet to the Inquiry Officer, as the case may be.

4. Your written defence, if any, should reach the Inquiry Officer 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. A statement of allegations is enclosed.

*Abid Saeed*  
12/1/2017

(CHIEF SECRETARY)  
KHYBER PAKHTUNKHWA

*[Signature]*  
**Attested**

DISCIPLINARY ACTION

I, Abid Saeed, Chief Secretary Khyber Pakhtunkhwa, as the competent authority, am of the opinion that Warder Mir Laiq presently attached to High Security Prison, Mardan 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

While attached to Central Prison Bannu, he was assigned the duties of Sentry at outer Phattak from 12.00 to 3.00 AM on the night between 14/15-4-2012 duly armed but he showed cowardice and failed to fire and confront militants effectively, with the result that there was no enemy loss and the militants took full advantage and succeeded in Bannu Jail break on the above night. Resultantly, 381 prisoners including high profile prisoners were got released, beside other damages.

2. For the purpose of inquiry against the said accused with reference to the above allegations, an Inquiry Officer/Inquiry Committee, consisting of the following is constituted under Rule-10(1)(a) of the ibid rules:-

i. Mr. Tasleem Khan

ii.

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

4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the Inquiry officer/Inquiry Committee.

Accused

Abid Saeed  
12/1/2017

(CHIEF SECRETARY)  
KHYBER PAKHTUNKHWA

حکومت جناب چیف سیکرٹری ہونے پر تمہیں جملہ امور متعلقہ انکوائری آفیس میں

جناب

بھوالا چارج شیٹ

بوقت وقوع میں سیدان وارڈر سٹریٹ میں بیٹوں

رات 2/3 ڈیوٹی فوراً  $\frac{4}{12}$  تقریباً 30-1 بجے کا وقت تھا۔ میں بیرونی گیت پر

ڈیوٹی دے رہا تھا۔ دوران ڈیوٹی میں گیت کے باہر بہت زیادہ پتھر اور سینکڑوں پتھرے

تکبیری آوازوں کے ساتھ سینکڑوں مسلح افراد نے گیت پر فائرنگ شروع کی

میں دوران میں نے اپنے آپ کو کھتری پوش میں محفوظ کر کے جو اب فائرنگ شروع کی

اور گیت کے ساتھ ہی واقعہ بہرہ چونکہ جانی تھا۔ ان کو رائف ڈاؤن کر کے اور بھاگنے

کا اہتمام شروع کیا اور ساتھ ہی پھاڑ گیت کو بارودی مواد کو سے اڑا دیا۔ یہی رشتہ میں

بجلی نہ بلوانے کی وجہ سے سخت درد صیرا تھا۔ اور جہاں سے حج پر فائرنگ ہو رہی تھی

اسی جانب میں بھی فائرنگ کرتا رہا۔ دوران ڈیوٹی میرے پاس ایک عدد ویلنٹین جھین، 30 کارٹریج

بلوانے میں۔ چونکہ میں نے فلاح داروں کے ساتھ ساتھ ساتھ اور میرے پاس خالی لائف کے

غلطی سے بلوانے میں نہیں چکا۔ اسی دوران میں ایسوسی ایشن فاضل کرنے کے لئے کورٹ کی طرف

روانہ ہوا۔ تکلیف کورٹ بند ہو گیا اور کورٹ والوں نے فائرنگ اور دھاکوں کے باوجود کمیاؤڈ

نہیں نقل رہا تھا۔ میں اس چارج شیٹ میں اپنے انکوائری صاحبان کو یہ باور کرا

چاہتا ہوں کہ میں نے سیدان وارڈر میں فائرنگ کے ساتھ ساتھ ان کو نقصان پہنچانے کی

Attested

P.T-0



14

14

پندرہ روز کوشش کی ہے

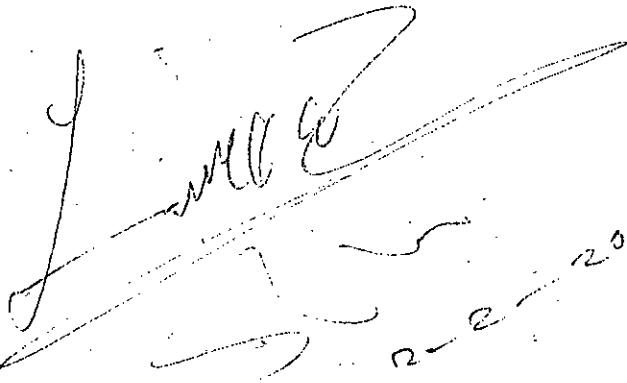
جناب والد عین اس جا رہے ہیں کہ جواب عین یہ مختلف بیان جمع قسم دیا ہے

عین نے فائرنگ کی ہے اور عین <sup>سے</sup> ہم مبنی بیان دیا ہوں۔ اگر اس بیان کے ساتھ

عبرتی نوٹسری کو کوئی فطرہ لائی ہو جائے تو میں اس بیان سے مستحرف نہیں ہوں گا۔

لہذا یہ میرا جواب ہے۔

ایک ایسا بھلا وارڈر میرا لائق خان سید صاحب جیل جیلوں  
خال بھائی سیدورٹی جیل مردان

  
2-2-2017

بیان عبید اللہی سالانہ وارڈر میں حال و حال

بہ حلف بیان کیا گیا۔

میں عرصہ 33 سال سے عہدہ میں خارجہ میں  
دکھوا وارڈر ملایم میں اور عہدہ عرصہ 8 سال یعنی 2004 سے شروع  
کے روز تک بنوں میں لے گیا رہا اور مختلف ڈیوٹیاں  
سرا انجام دیا رہا۔

سوال:- آپ کو مورخہ 14 اور 15 اپریل 2012 کی درمیانی  
شب رات 12 بجے سے 3 بجے تک آؤٹر پوسٹ پر لے گیا گیا  
اور آپ کے پاس اسٹیشننگ کے بعد کارڈوں میں موجود کمی لے لی  
نے بندوں کا مظاہرہ کرتے ہوئے کوئی ماسٹر نہیں لیا اور نہ ہی  
دہشت گردوں کو مارنے کی کوشش کی جس کے نتیجے میں  
انہوں نے 381 عبیدوں جن میں انہیں فخر ناک دہشت گرد  
تھے جن کو میں توڑ کر جیل سے فرار کرانے میں کامیاب  
ہوئے ہیں سے حکومت اور سرکاری قانون نافذ کرنے  
والے اداروں کی بدنامی کے ساتھ ساتھ جیل کو بھی نقصان  
کھینچا۔ اس بارے میں آپ کیا کہنا چاہتے ہیں؟

Attested

جواب:- یہ درست ہے کہ وہ عرصہ کی رات عبید ڈیوٹی 12 سے  
3 بجے تک آؤٹر پوسٹ پر تھے اور میرے پاس اسٹیشننگ

27/11

دفعہ بیان دہندہ پاک میں (جمعہ 30 مارچ) سے موجودگی میں  
 1.15 بجے کافی تعداد میں گامڑیاں گیس کے ساتھ آگس کافی تھیں  
 شہر اب اور اللہ اکبر کے لئے بلند ہو رہے تھے چونکہ دروازے  
 بند تھے اور مجھے لوگ زخمی نہیں آتے تھے۔ میں نے فوراً دیوار کی  
 طرف ٹائٹنگ شروع کی اور سی گولیاں ٹائٹنگ کیں۔ اس کے بعد  
 2/3 ٹائٹنگ میں نے اور کر دیے لیکن نظر کچھ نہیں آ رہا تھا۔ اس کے  
 بعد گیس کے ساتھ ایک خالی ٹاور جو کہ سپاہیوں کی رہائش کے  
 ساتھ بنا ہوا تھا اس کو T-RPG رائف ٹائٹنگ کے ساتھ کر دیا  
 گیا۔ یہ ٹاور 4/5 دن پہلے تک وارڈرز ڈیوٹی کے لئے استعمال  
 کرتے تھے جو اس دن نکلی تھا۔ اس کے بعد میں دیوار کے ساتھ  
 ساتھ ڈیوٹی میں ک طرف چلا گیا۔ اس دوران میں نے جو سوائی قائم  
 کیا وہ ہم اس وقت 2 آدمی ڈیوٹی میں تھے میرے ساتھ  
 سولید وارڈر بھی تھا جو کہ شدید ٹائٹنگ اور اندھیرا ہونے میں وجہ  
 سے مجھ سے اِدھر اُدھر ہو گیا۔ میں دیکھ رہا تھا کہ دشت گردوں  
 نے میں گیس بارود سے اڑا دیا اور دشت گرد مجھے زخمی کرنے  
 لگے۔ اس کے بعد میں نے پھر با ٹائٹنگ کی طرف دئے اور  
 میرے پاس گامڑوں سے ختم ہو گئے۔ اس کے ساتھ ہی میں  
 حوالداروں کے گروے میں جاؤں میرے حسین کے ساتھ  
 جمع کیا۔ البتہ دشت گرد اس گروے میں نہیں آئے

Handwritten signature or note on the right margin.

Attested

اس کے بعد کالمان نے ڈیوٹی میں آگیا جسے ارا  
 تہ مجھے یہ حکم نہیں تھا کہ یہ جیل کو نوٹ رہے ہیں اور اس کے  
 ساتھ ہی میرے ساتھ سوید نے پولیس لائن کو فون پر اظہارِ دعا  
 جواب میں بتایا گیا کہ ہم نے دھماکے سن لیے ہیں اور جیل کی طرف  
 آ رہے ہیں۔ میرے خیال میں سلوں کارروائی 1.15 سے 3 بجے تک  
 جاری رہی۔ اور جب دھشتہ زدوں کی کارروائی ختم ہوئی اور وہ قیدیوں کو لے کر  
 چلائے تو میں والاروں کے کمرے سے باہر آیا۔ اس دوران لہذا جیل سٹیشن  
 کو والار۔ اس کے ایلٹ فرس۔ پولیس اور آرمی کے جوان بھی آئے۔ اس کے بعد  
 مجھے کوئی پر آتھا کہ وہاں جہاں پر جمع ہونے تک میں موجود رہا۔

سوال :- Prisonale 1154 کے سب کلرز کے مطابق کوئی بھی وارڈر کسی بھی حالت میں اپنی جگہ  
 کو نہیں چھوڑ سکتا اور اسی طرح سب کلرز E کے مطابق رات کی تاریکی ہونے پر کسی بھی غیر ضروری  
 شخص کو اندر آنے کی اجازت نہیں دے سکتا اور نہ ہی اندر سے باہر جانے کی اجازت دے سکتا۔ اسی طرح  
 سب کلرز G کے مطابق اگر کوئی غیر ملکی طالب واقع ہوتے ہیں تو وارڈر بائند ہے  
 وہ کسی کے ذریعہ اپنے آئینہ کو اندر سے باہر لے کر آئے اور اسی طرح سب کلرز A کے مطابق  
 اپنے وارڈر جمع میں ہونے سے پہلے اور سب کلرز آ کے مطابق کھانے پینے کے  
 فارم سے پہلے سب کلرز K کے مطابق اگر وہل جوہر میں سے کوئی فارم نہ لے کر  
 کلرز L کے مطابق کسی بھی ایسی چیز جو قیدیوں کو ڈار کرنے میں معاون اور مددگار ثابت  
 ہو میں چھوڑ کر کلرز M کے مطابق کسی بھی غیر ملکی شخص کو کسی بھی حالت میں اندر آنے  
 اور باہر جانے کی اجازت نہیں دے سکتا۔ کیا آپ نے سرکاری اہلکار کی صحبت سے اپنی  
 یہی سرانجام دیا تھا؟

Attested

جواب۔ چونکہ طالبان نے پاپی RP4 والڈ بھاری اسکیم اور بارود تھا اور ہم اس پوزیشن میں ہیں کہ  
کے ہم ان کا تعاقب کر سکتے ہیں اس لیے سرکاری اسکیم اور جان بچانے کیلئے اقدامات کیے۔

سوال: کیا آپ بتا سکتے ہیں کہ اس پورے آپریشن میں جو کچھ توڑنا ہوا تین گھنٹے جاری رہا۔ سرکاری  
ایمپلائوں سے کوئی زخمی ہوئے تو اسے علاج طالبان یا دیگروں سے ملے گا یا بندہ زخمی ہوا؟

جواب: ہماری دو سپاہی دوستوں کی بھی ڈیڑی چکر رہ گئی ہیں۔ انڈر گولی گنی سے زخمی ہوا۔ ایک خانگی  
پوسٹ ایمپلائر بھی زخمی ہوا۔ جیسا نام مجھ یاد نہیں۔ یہ درست ہے کہ ہماری ساتھ FRP کے 40  
ایمپلائر باصطلاح موجود ہیں۔ کچھ اور مجموعی راج FRF کے ایمپلائرز کو بھی موجود ہیں۔

سنیڈر دستخط

مہر لائن وارڈ  
حال دوران سالیقہ بنوں جیل

DEPUTY COMMISSIONER  
HARIPUR 25/2/17

Attested

Annex="E"

19

DEPARTMENTAL / INQUIRY PROCEEDINGS AGAINST MR. MIR LIAQ, THE THEN WARDER, CENTRAL PRISON, BANNU PRESENTLY POSTED AT HIGH SECURITY PRISON, MARDAN.

Background:

The Competent Authority i.e. Hon'able Chief Secretary, Khyber Pakhtunkhwa was pleased to appoint the undersigned as Inquiry Officer under Rule-10 (1) (a) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules-2011, which was conveyed vide Government of Khyber Pakhtunkhwa, Home & Tribal Affairs Department, Peshawar order No. SO (Com/Enq)/HD/1-40/2012 dated 23.01.2017 with the mandate to inquire into the following allegations levelled against Mr. Mir Liaq, the then Warder, Central Prison, Bannu presently posted at High Security Prison, Mardan as reflected in Charge Sheet / Statement of Allegations:-

*While attached to Central Prison, Bannu, he was assigned the duties of Sentry at Outer Phattak from 12:00 to 03:00 AM on the night between 14/15-4-2012 duly armed but he showed cowardice and failed to fire and confront militants effectively, with the result that there was no enemy loss and the militants took full advantage and succeeded in Bannu Jail break on the above night. Resultantly, 381 prisoners including high profile prisoners were got released beside other damages.*

Proceedings:

In pursuance of the direction contained in Para-4 of the Charge Sheet, the accused Official Mr. Mir Liaq submitted his written defense 02.02.2017 (copy attached as Annexure-A). The accused Officer was also summoned to appear before the undersigned on 25.02.2017 at 09:30 AM for inquiry proceedings. Mr. Abdul Raziq, Assistant Superintendent, Central Prison Bannu also attended the proceedings as departmental representative as authorized by Superintendent, Central Prison Bannu vide letter No. 996 dated 24.02.2017 under the directive of the Inspector General of Prisons, Khyber Pakhtunkhwa. The accused Officer attended the office of the undersigned on 25.02.2017.

Statement of the accused Official recorded who stated on oath that he was serving as Warder in Prisons Department for the last 13 years, was posted at Bannu Jail since 2004 to the day of occurrence and performed different duties while responding the questions asked as under (Original questions and answers are attached as Annexure-B): -

Q.1: During the attack on 14/15 midnight April, 2012 he was deployed on Outer Phattak from 12:00 AM to 03:00 AM for duty with AK-47 and cartridges but he showed cowardness as he did not fire on terrorists and even not tried to prevent them outside the Jail as a result the attackers took away 381 high profile convicted Prisoners from the Jail. Due to his cowardness, the State writ could not be established? What is your stance about it?

Ans: It is correct that he was on duty from 12:00 to 03:00 AM on Outer Phattak with AK-47 (Pak Made) and 30 cartridges. At 01:15 AM a large number of vehicles parked in front of Jail gate and there was loud and voicing the slogan Allah-o-Akbar. Since the gates were shut and therefore, he was unable to see the attackers. He immediately started firing and fired 05 cartridge. After that he made 02.03 more fire but could not see. Later on in front of gate a hollow tower which was made for the residence of Sentries was destroyed with the sort of RPG-7 Rocket. This tower remained under the use of Warders 4/5 days ago but at the day of occurrence, it was vacant. After this he proceeded towards the Dehri. He again started ariel firing. At that time he was on duty alongwith Mr. Saved, Warder who was scattered during the time of unprovoked firing in dark. The attackers succeeded in destroying the Main Gate and thereafter he saw attackers. He again opened 04 fires towards gate and ultimately available cartridges finished. After this he hid himself in the room of Head Constable, Hafiz Mir Hussain. The attacker did not come to this room. Thereafter, the attackers also distorted the Dehri gate, he was not knowing they are breaking the Jail. His other companion Mr. Saved Khan informed the Police line when the terrorists finished their nefarious exercise, he met Muhammad Zahid, Superintendent Jail and Koath Hawaldar. In the meantime Elite Force, Police and Army reached the site. Later on he was deployed at Koath where he remained till dawn.

*Arrested*

(20)

(2)

Q.2: Did he perform his duty according to provisions contained in sub clauses (d) not to leave his post without regular relief upon any pretext whatsoever, (e) not to allow any person to approach his post after dark, without challenging, (g) challenging on a dark night on hearing voices or the approach of footsteps, if he receives no answer, or an unsatisfactory answer, to call the officer incharge of the picket, or, if necessary, give the alarm, (i) not to allow any person to crowd around him, (j) if he sees a person attempting to escape, to call on him to stand, and if he refuses to do so and there is no superior officer present, to fire on the prisoner, provided, he cannot otherwise prevent the escape, (k) if he is beyond call and has to raise the alarm, to fire a shot in the air as the signal for alarm and (l) if he sees any article in or near the jail likely to facilitate, escape, or if any unusual incident comes under his observation, at once report the matter to the officer incharge of the picket of Rule 1154 of Pakistan Prison Rules?

Ans: He tried his level best according to his limit but could not confront with enemies as they were having heavy arms and explosive. Ultimately he tried to escape himself and his weapon.

Q.3: Can he tell that during the operation of about 03 hours any Government Official or Taliban or convicted Prisoners got injury?


Ans: Two Sepoys who were on duty sustained injuries. One Police Official also suffered injury whose name is not known to him. It is correct that there were 40 FRP officials duly armed performed duties in Jail but they were not present at the occurrence day?

Heard and accepted.

**Findings / Recommendations:**

1. Under the Pakistan Prison Rules, he was responsible to run the security affairs of the Central Prison, Bannu strictly in accordance with the laid down provisions but due to his cowardice approach, he failed to confront the militants.
2. His duty was to remain alert and to confront the attackers, he did not do so and saved his life by hiding himself in the room of Head Constable, Hafiz Mir Hussain.
3. He could not defend his charge levelled against him as he was having no concrete evidence in support of his contention.
4. He was not having the required skill / expertise to perform this responsible duty.
5. He failed even to arrange a penny cost whistle / torch to handle the untoward situation in dark.
6. No record of medical treatment at Hospital whatsoever was produced of alleged injured officials by the accused official or Rep. of the Department. So the version is totally concocted. It is quite strange that every official / warder allegedly fires shots in the crowd of 150 miscreants, no one hurts. He admitted that no FRP Officials were present on duty on fateful night. He could not perform his duty as envisaged in Rule-1154 and 1147 (a) render all assistance in his power in the management of the prison, the maintenance of order and discipline amongst warders and prisoners, the guarding and defending of the prison and all persons and property kept therein or belonging thereto against the use of criminal force by any person, (b) obey the orders of all officers superior to him in rank, (c) comply with all rules, regulations and orders regulating the duties which he is to perform and the manner in which he is to perform them.
7. The charges levelled against the accused official Mr. Mir Liaq the then Warder, Central Prison, Bannu presently posted at High Security Prison, Mardan have been proved beyond any shadow of a doubt. He therefore, deserves imposition of major penalty under Government of Khyber Pakhtunkhwa (Efficiency & Discipline) Rules-2011.

**Attested**

  
(Tasleem Khan)  
Deputy Commissioner,  
Haripur/Inquiry Officer

صوبہ خیبر پختونخوا  
Annex="E"  
"F"

21

CHIEF SECRETARY,

Khyber Pakhtunkhwa

**Subject:** Reply to Show Cause Notice.

Respected sir,

With due respect, it is submitted that I have received a show cause notice; dated 03.12.2017 accusing the undersigned of the following charges:

- I. That consequent upon the completion of inquiry conducted against you by the inquiry officer for which you were given opportunity of hearing by the inquiry officer on 25.02.2017; and.
- 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;-

Sir, I humbly want to bring the facts about the incident of Bannu Jail into your kind notice and would try to defend myself from the above -quoted charges, level against me, on the following grounds;

1. That the inquiry conducted was totally partial as the undersigned was associated neither in the proceedings nor given the opportunity of cross examining any witness if produced against the undersigned. Moreover the issuance of the show cause notice on the basis of preliminary inquiry and in form questioner and not holding proper inquiry is against the law and rules.
2. That the inquiry is not competent in the present form under the Khyber Pakhtunkhwa government servant (Efficiency and discipline) rules 2011, where under section 11 procedure was lay down as to record the statements of the witnesses and departmental representative in the presence of accused and vice versa, the so called inquiry conducted is defective in nature.
3. That the show cause notice issued by incompetent authority as the undersigned Warder (BS-05).
4. That on 15.04.2012 being warder (outer phattac Gate sentry), I was present on my duties and continuously keeping strike watch on the four watch tower of the Bannu Jail to ensure the presence and alertness of the security personnel Suddenly, at about 1:30 AM, I heard the sound of heavy firing. The security personal deployed in the other three towers were also firing on the attackers: I also got position and started firing on the attackers.

Attested



That despite of the fact, the attackers were in large numbers and equipped with heavy arms and ammunition, i.e mortars, hand grenades and LMG etc. we showed every possible resistance to the attackers and engaged them in cross-firing with our light weapons and tried our best to create a real deterrence for the attackers, in order to retreat them. Meanwhile, the jail administration, immediately, informed the local police and army about the incident and requested them for immediate help, but unfortunately, they reached the spot too late i.e after passing of 1 1/2 hours, at about 3:00 AM. Till that time we have fired all the ammunitions available with us and were remained empty handed. Although we tried our best to confront the militants effectively according to our capabilities and we never turned our backs to the attackers till the end.

- 6. Sir at the time of attack and firing, the electricity supply of the central prison Bannu was completely off and no one can say that the attackers didn't get any injuries or loss, but I can confidently say that they must have suffered loss. Although, the attackers have got the benefit of darkness, so they succeeded to take their wounded companions with themselves.
- 7. That, the statement of prisoners that we didn't show any resistance is totally false, frivolous, baseless and not true. No prisoner of any jail would ever talk about anything good of security personnel of jail nor were such statements cross examined.

Sir, they are criminals and are showing their criminal intimidation against the jail security staff.

Furthermore, I am ready to affirm on oath that we are patriot Pakistanis, and after getting the additional responsibilities of the Govt servants, we also became the defenders of the interests of Pakistan, so we would never turned our backs to the enemies of Pakistan. We have totally submitted our lives for the protection, benefit and services of Pakistan.

In the light of the all above, it is once again requested to kindly exonerate the undersigned from the above-quoted charges by filing the same and oblige, please.

Thinking for anticipation!

You're obediently,

**Attested**

MIRCAIQ  
Warder, Central Prison, Bannu.



Government of Khyber Pakhtunkhwa,  
Home & Tribal Affairs Department.

**ORDER**

No. SO(P&R)/HD/8-4/Bannu Jail Break/2018/Vol-I WHEREAS, Mr. Mir Laiq Warden (BPS-05) of the Prisons Department, Khyber Pakhtunkhwa, was proceeded against under Rule-3 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the charge sheet served upon him.

AND WHEREAS, the competent authority i.e the Chief Secretary, Khyber Pakhtunkhwa appointed Mr. Tasleem Khan (PMS-BS18) Deputy Commissioner Haripur vide order No.SO (Com/Inq)/HD/1-40/2012 dated 23.01.2017 for conducting denovo formal proceedings against the above named accused.

AND WHEREAS, the inquiry officer furnished his findings according to which the charges leveled against the above named accused official stand proved.

AND WHEREAS, the competent authority granted opportunity of personal hearing to the accused under the rules.

NOW THEREFORE, the competent authority (the Chief Secretary, Khyber Pakhtunkhwa) after having considered the charges, evidence on record, the explanation of the accused official, findings of the inquiry officer exercising his powers under rule-3 read with Rule-14 (5) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 has been pleased to award major penalty of "Reduction to a lower stage in a time scale for a maximum period of three (03) years" to the above named accused official.

The Competent Authority has further been pleased to order that the intervening period i.e from the date of dismissal from service on the basis of an earlier enquiry to the date of reinstatement in service (from 12-12-2012 to 20-01-2016) in respect of the official is hereby treated as extra ordinary leave (leave without pay).

Secretary to Government of Khyber Pakhtunkhwa  
Home & Tribal affairs Department

Endst No. SO(P&R)/HD/8-4/Bannu Jail Break/2018/Vol-I

Dated 11.04.2019

C.c: -

1. The Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar
3. PSO to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
4. PS to Secretary Establishment, Khyber Pakhtunkhwa Peshawar.
5. PS to Secretary, Home and Tribal Affairs Department, Khyber Pakhtunkhwa.
6. District Account Officers concerned.
7. Official concerned.

Attested

(Maqsood Hassain)  
Section Officer (P&R)

0.829

Annex H

RGL21351198

24

For him... see reverse.  
Stamp affixed except in case of  
uninsured letters of not higher than  
the amount specified in the  
Post Office Guide, on which no  
knowledge is due

Red

RPR

Insured for Rs. (in figures)

3000  
Name and  
address  
of sender

Postage

15/05

ATTENDED

POWER OF ATTORNEY

25

In the Court of Service Tribunal Peshawar

Mir Liaq

For  
Plaintiff  
Appellant  
Petitioner

VERSUS

Govt of KPK

Defendant  
Respondent  
Accused

Appeal/Revision/Suit/Application/Petition/Case No. \_\_\_\_\_ of \_\_\_\_\_  
Fixed for \_\_\_\_\_

I/We, the undersigned, do hereby nominate and appoint

**YASIR SALEEM,**

Jawad Ur Rahman & Pirzada Muhammad Tayab Amin Advocates

AS my true and lawful attorney, for me in my name and on my behalf to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions, An appeal, statements, accounts, exhibits, Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc; and to apply for and issue summons and other writs or subpoena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/We hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/We undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/We have hereto signed at \_\_\_\_\_ the \_\_\_\_\_ day to \_\_\_\_\_ the year \_\_\_\_\_  
I, Executant/Executants \_\_\_\_\_  
Accepted subject to the terms regarding fee \_\_\_\_\_

*[Handwritten signature]*

*JAWAD UR Rehman*  
Jawad Ur Rehman

*YASIR SALEEM*  
Advocate, High Court, Peshawar

*M. Tayab*  
Pirzada Muhammad Tayab Amin

**BEFORE THE LEARNED SERVICE TRIBUNAL**  
**PESHAWAR.**

In the matter of

Service Appeal No. 1368 of 2019

Mir Laiq S/O Baraz Khan Central Prison Bannu r/o Degan shadi khan soranai post office

Fazal

Haq

Malwana

District

Bannu.....Appellant

**VERSUS**

1. Secretary to Government of Khyber Pakhtunkhwa, Home & T.As Department Peshawar
2. Inspector General of Prison Khyber Pakhtunkhwa Peshawar.
3. Superintendent Circle Headquarters Prison Peshawar.
4. Superintendent, Central Prison Bannu.....Respondent

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S.NO.	DESCRIPTION OF DOCUMENTS	Annex	Page No.
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4-	Show Cause Notice	B	6
5-	Charge Sheet	C	7
6-	Inquiry Report / <i>Disciplinary Action + Statement of Allegations</i>	D	8-9
7-	Statement of allegation	E	10
8-	Punishment order dated 11-04-2019	F	11

  
DEPONENT

*08/02/2020*

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**In the matter of**

**Service Appeal No. 1368 of 2019**

**Mir Laiq S/O Baraz Khan Central Prison Bannu r/o Degan shadi khan soranai post office Fazal Haq Malwana District Bannu.....Appellant**

**VERSUS**

1. Secretary to Government of Khyber Pakhtunkhwa, Home & T.As Department Peshawar
2. Inspector General of Prison Khyber Pakhtunkhwa Peshawar.
3. Superintendent Circle Headquarters Prison Peshawar.
4. Superintendent, Central Prison Bannu.....Respondent

**PARAWISE REPLY ON BEHALF OF RESPONDENTS No. 1 to 5.**

**Preliminary Objections**

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

**ON FACTS**

- 1- No Comments.
- 2- In response to para No. 2 of the appeal, the appellant at that unfortunate night showed cowardice and lethargic with regards to his duties, due to his lethargic conduct, a number of militants attacked on Jail who were equipped with heavy weapons and the result of such attack's a number of condemned / convicted prisoners were escaped from Jail. He was duty bound to show resistance and to fire confront to the militants attacker's but the same was not done which is a serious misconduct on the part of his duties. During such attacks a numbers of watch and ward staff were sustained serious injuries and his name was not included therein inspite of the fact that he was on duty in that night **(list of watch & ward staff who were on duty at that night are Annexed As-"A")**.
- 3- Pertains to record, hence needs no comments.
- 4- Incorrect and not admitted, the allegations which is levelled against the appellant was fully proved against him. He failed to perform his duties efficiently and showed cowardice and negligence to fire confrontly to the militants. He has been also served with proper show cause notice and charge sheet and he could not defend the allegations which is levelled against him. **(Show cause notice and charge sheet are Annexed "B")**

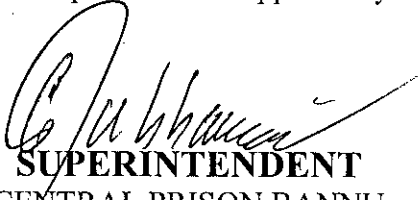
- 5- In response to para No. 5 of the appeal it is correct that he has been awarded major penalty of dismissal from service after thoroughly probe of the incident and proper inquiry.  
( Inquiry Report is Annexed "C" )
- 6- Admitted & correct.
- 7- Admitted & correct.
- 8- Detail answer is given in para No. 4 of the factual objection.
- 9- In the light of de-novo inquiry by the order of honorable Tribunal proper opportunity of personal hearing was given to appellant. He failed to defend his own stance and awarded the major penalty as he was involved in such like heinous act of offence.
- 10- Detail answer is given in para No. 4 of the factual objection.
- 11- In response to para No. 11 full opportunity of defense was given to him and all proceedings which was initiated against him was according to law.
- 12- Pertains to record, hence needs no comments.
- 13- The punishment awarded to appellant is legal an was based o facts and circumstances of the case.

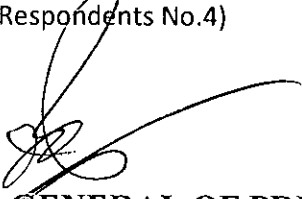
**GROUND:** -


- a. That the appellant fully treated according to Law and no discrimination was committed by the respondents.
- b. incorrect and not admitted all codal formalities are completely followed during the whole proceedings.
- c. Incorrect and not admitted detail answer is given in para No.9 of the factual objections..
- d. incorrect and not admitted. Answer of this para is given in para "B" of the objections on grounds.
- e. incorrect and not admitted. The assertions levelled by the appellant is totally baseless. He was duty bound to be vigilant while performing duties in such like high security prisons, but he was found indolent and negligent towards his duties and showed cowardice to fire actively and confrontly to the militants being equipped with heavy weapons. Due to his lethargic conduct the escape of numbers of Prisoners were possible so why could not he can be held responsible for the incident occurred at that night.
- f. incorrect and not admitted. Detail answer is given para No. 9 of the factual objections.
- G. incorrect and not admitted. Answer of this para is given in para No. "E" of objection on grounds.
- H. No Comments.

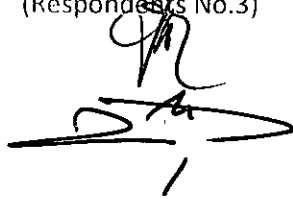
**PRAYER**

It is most humbly prayed that on the acceptance of this instant reply in the above service appeal on behalf of respondents the appeal may kindly be dismissed being devoid of law and merit.

  
**SUPERINTENDENT**  
CENTRAL PRISON BANNU  
(Respondents No.4)

  
**INSPECTOR GENERAL OF PRISONS**  
KHYBER PAKHTUNKHWA PESHAWAR  
(Respondent No.2)

  
**SUPERINTENDENT**  
HEADQUARTER PRISONS PESHAWAR  
(Respondents No.3)

  
**SECRETARY TO GOVERNMENT**  
KHYBER PAKHTUNKHWA  
HOME & T.A.S DEPARTMENT  
PESHAWAR.  
(Respondents No.1)  
**Home Secretary**  
**Khyber Pakhtunkhwa**



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**In the matter of**

**Service Appeal No. 1368 of 2019**

**Mir laiq S/O Baraz Khan Central Prison Bannu r/o Degan shadi khan soranai post office  
Fazal Haq Malwana District Bannu.....Appellant**

**VERSUS**

1. Secretary to Government of Khyber Pakhtunkhwa, Home & T.As Department Peshawar
2. Inspector General of Prison Khyber Pakhtunkhwa Peshawar.
3. Superintendent Circle Headquarters Prison Peshawar.
4. Superintendent, Central Prison Bannu.....**Respondent**

**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENTS  
NO. 1 TO 4.**

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

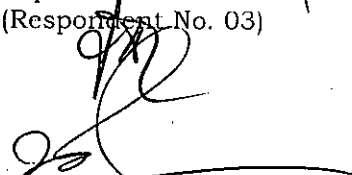
  
**Superintendent**

Central Prison Peshawar  
(Respondent No. 04)

**SECRETARY TO GOVT  
OF KHYBER PAKHTUNKHWA**  
Home & T.As Department Peshawar.  
(Respondent No. 01)

  
**Superintendent**

Circle Headquarters Prison Peshawar  
(Respondent No. 03)

  
**Inspector General of Prisons**  
Khyber Pakhtunkhwa Peshawar  
(Respondent No. 02)



Registered

Annex-A<sup>12/2012</sup> 13/12/2012  
OFFICE OF THE  
**SUPERINTENDENT**  
CIRCLE HQS. PRISON PESHAWAR.  
No. 4120 P.B/D: 12/12/2012 ✓

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 penalties to the below noted officials as mentioned against their names on account of their involvement/ gross misconduct in Central Prison Bannu incident:

S.#	NAME OF ACCUSED OFFICIAL	AWARDED PENALTY
1 ✓	Warder Mir Laiq Khan	Dismissed from Service
2 ✓	Warder Saved Khan	-do-
3	Warder Hafiz Mir Hassan Shab	-do-
4	Warder Abidullah	-do-
5	Warder Asif Ali Shah	-do-
6 ✓	Muhammad Ibrar No. 1	-do-
7	Warder Gul Mir Dali	-do-
8 ✓	Warder Ameenullah	-do-
9	Warder Saqib	-do-
10	Warder Naseeb Gul	Reduction to lowest stage in his present time pay scale
11	Warder Paqba Khan	-do-

SUPERINTENDENT  
CIRCLE HQS. PRISON PESHAWAR

Copy of the above is forwarded to the  
Worthy Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar for  
information with reference to his letter No. 3208-WE dated 12-12-2012  
in respect of Central Prison Bannu  
District Accounts Officer, Bannu  
For information & further necessary action.

Lo/B/O/Hc

**Attested**

*Handwritten Signature*  
SUPERINTENDENT  
CIRCLE HQS. PRISON PESHAWAR  
12/12/12

15/12/12

Annex "C"

(11)

23

## CHARGE SHEET

1. Abid Saeed, Chief Secretary Khyber Pakhtunkhwa, as competent authority, hereby charge you Mr. Mir Liaq, as follows:

That you, while posted as warden at Central Prison Bannu committed the following irregularities:

You were assigned the duties of Sentry at outer Phaltak from 12:00 to 3:00 AM on the night between 14/15-4-2012 duly armed but you showed cowardice and failed to fire and confront militants effectively with the result that there was no enemy loss and the militants took full advantage and succeeded in Bannu Jail break on the above night. Resultantly, 381 prisoners including high profile prisoners were got released, beside other damages.

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

3. You are, therefore required to submit your written defence within seven days of the receipt of this Charge Sheet to the Inquiry Officer, as the case may be.

4. Your written defence, if any, should reach the Inquiry Officer 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. A statement of allegations is enclosed.

*Abid Saeed*  
12/4/2017

(CHIEF SECRETARY)  
KHYBER PAKHTUNKHWA

*Abid Saeed*  
Attested

DISCIPLINARY ACTION

I, Abid Saeed, Chief Secretary Khyber Pakhtunkhwa, as the competent authority, am of the opinion that Warder Mir Laiq presently attached to High Security Prison, Mardan 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

While attached to Central Prison Bannu, he was assigned the duties of Sentry at our Phattak from 12.00 to 3.00 AM on the night between 14/15-4-2012 duty armed but he showed cowardice and failed to fire and confront militants effectively, with the result that there was no enemy loss and the militants took full advantage and succeeded in Bannu Jail break on the above night. Resultantly, 381 prisoners including high profile prisoners were got released, beside other damages.

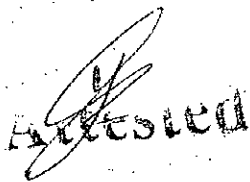
2. For the purpose of inquiry against the said accused with reference to the above allegations, an Inquiry Officer/Inquiry Committee, consisting of the following is constituted under Rule-10(3)(a) of the ibid rules:-

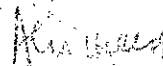
i. Mr. Tasleem Khan

ii.

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

4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the Inquiry officer/Inquiry Committee.

  
Accepted

  
15/4/2017  
(CHIEF SECRETARY)  
KHYBER PAKHTUNKHWA

Annex="E"

19

DEPARTMENTAL / INQUIRY PROCEEDINGS AGAINST MR. MIR LIAQ, THE THEN  
WARDER, CENTRAL PRISON, BANNU PRESENTLY POSTED AT HIGH SECURITY  
PRISON, MARDAN.

Background:

The Competent Authority i.e. Hon'able Chief Secretary, Khyber Pakhtunkhwa was pleased to appoint the undersigned as Inquiry Officer under Rule-10 (1) (a) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules-2011, which was conveyed vide Government of Khyber Pakhtunkhwa, Home & Tribal Affairs Department, Peshawar order No. SO (Com/Enq)/HD/1-40/2012 dated 23.01.2017 with the mandate to inquire into the following allegations levelled against Mr. Mir Liaq, the then Warder, Central Prison, Bannu presently posted at High Security Prison, Mardan as reflected in Charge Sheet / Statement of Allegations:-

*While attached to Central Prison, Bannu, he was assigned the duties of Sentry at Outer Phattak from 12:00 to 03:00 AM on the night between 14/15-4-2012 duly armed but he showed cowardice and failed to fire and confront militants effectively; with the result that there was no enemy loss and the militants took full advantage and succeeded in Bannu Jail break on the above night. Resultantly, 381 prisoners including high profile prisoners were got released beside other damages.*

Proceedings:

In pursuance of the direction contained in Para-4 of the Charge Sheet, the accused Official Mr. Mir Liaq submitted his written defense 02.02.2017 (copy attached as Annexure-A). The accused Officer was also summoned to appear before the undersigned on 25.02.2017 at 09:30 AM for inquiry proceedings. Mr. Abdul Raziq, Assistant Superintendent, Central Prison Bannu also attended the proceedings as departmental representative as authorized by Superintendent, Central Prison Bannu vide letter No. 996 dated 24.02.2017 under the directive of the Inspector General of Prisons, Khyber Pakhtunkhwa. The accused Officer attended the office of the undersigned on 25.02.2017.

Statement of the accused Official recorded who stated on oath that he was serving as Warder in Prisons Department for the last 13 years, was posted at Bannu Jail since 2004 to the day of occurrence and performed different duties while responding the questions asked as under (Original questions and answers are attached as Annexure-B): -

Q.1: During the attack on 14/15 midnight April, 2012 he was deployed on Outer Phattak from 12:00 AM to 03:00 AM for duty with AK-47 and cartridges but he showed cowardness as he did not fire on terrorists and even not tried to prevent them outside the Jail as a result the attackers took away 381 high profile convicted Prisoners from the Jail. Due to his cowardness, the State writ could not be established? What is your stance about it?

Ans: It is correct that he was on duty from 12:00 to 03:00 AM on Outer Phattak with AK-47 (Pak Madé) and 30 cartridges. At 01:15 AM a large number of vehicles parked in front of Jail gate and there was loud and voicing the slogan Allah-o-Akbar. Since the gates were shut and therefore, he was unable to see the attackers. He immediately started firing and fired 05 cartridge. After that he made 02 03 more fire but could not see. Later on in front of gate a hollow tower which was made for the residence of Sentries was destroyed with the sort of RPG-7 Rocket. This tower remained under the use of Warders 4/5 days ago but at the day of occurrence, it was vacant. After this he proceeded towards the Dehri. He again started ariel firing. At that time he was on duty alongwith Mr. Saved, Warder who was scattered during the time of unprovoked firing in dark. The attackers succeeded in destroying the Main Gate and thereafter he saw attackers. He again opened 04 fires towards gate and ultimately available cartridges finished. After this he hid himself in the room of Head Constable, Hafiz Mir Hussain. The attacker did not come to this room. Thereafter, the attackers also distorted the Dehri gate, he was not knowing they are breaking the Jail. His other companion Mr. Saved Khan informed the Police line when the terrorists finished their nefarious exercise, he met Muhammad Zahid, Superintendent Jail and Koath Hawaldar. In the meantime Elite Force, Police and Army reached the site. Later on he was deployed at Koath where he remained till dawn.

*Handwritten signature*  
sted

(20)

Q.2: Did he perform his duty according to provisions contained in sub clauses (d) not to leave his post without regular relief upon any pretext whatsoever, (e) not to allow any person to approach his post after dark, without challenging, (g) challenging on a dark night, on hearing voices or the approach of footsteps, if he receives no answer, or an unsatisfactory answer, to call the officer incharge of the picket, or, if necessary, give the alarm, (i) not to allow any person to crowd around him, (j) if he sees a person attempting to escape, to call on him to stand, and if he refuses to do so and there is no superior officer present, to fire on the prisoner, provided, he cannot otherwise prevent the escape, (k) if he is beyond call and has to raise the alarm, to fire a shot in the air as the signal for alarm and (l) if he sees any article in or near the jail likely to facilitate, escape, or if any unusual incident comes under his observation, at once report the matter to the officer incharge of the picket of Rule 1154 of Pakistan Prison Rules?

Ans: He tried his level best according to his limit but could not confront with enemies as they were having heavy arms and explosive. Ultimately he tried to escape himself and his weapon.

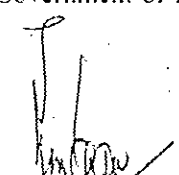
Q.3: Can he tell that during the operation of about 03 hours any Government Official or Taliban or convicted Prisoners got injury?

Ans: Two Sepoys who were on duty sustained injuries. One Police Official also suffered injury whose name is not known to him. It is correct that there were 40 FRP officials duly armed performed duties in Jail but they were not present at the occurrence day?

Heard and accepted.

#### Findings / Recommendations:

1. Under the Pakistan Prison Rules, he was responsible to run the security affairs of the Central Prison, Bannu strictly in accordance with the laid down provisions but due to his cowardice approach, he failed to confront the militants.
2. His duty was to remain alert and to confront the attackers, he did not do so and saved his life by hiding himself in the room of Head Constable, Hafiz Mir Hussain.
3. He could not defend his charge levelled against him as he was having no concrete evidence in support of his contention.
4. He was not having the required skill / expertise to perform this responsible duty.
5. He failed even to arrange a penny cost whistle / torch to handle the untoward situation in dark.
6. No record of medical treatment at Hospital whatsoever was produced of alleged injured officials by the accused official or Rep. of the Department. So the version is totally concocted. It is quite strange that every official / warder allegedly fires shots in the crowd of 150 miscreants, no one hurts. He admitted that no FRP Officials were present on duty on fateful night. He could not perform his duty as envisaged in Rule-1154 and 1147 (a) render all assistance in his power in the management of the prison, the maintenance of order and discipline amongst warders and prisoners, the guarding and defending of the prison and all persons and property kept therein or belonging thereto against the use of criminal force by any person, (b) obey the orders of all officers superior to him in rank, (c) comply with all rules, regulations and orders regulating the duties which he is to perform and the manner in which he is to perform them.
7. The charges levelled against the accused official Mr. Mir Liaq the then Warder, Central Prison, Bannu presently posted at High Security Prison, Mardan have been proved beyond any shadow of a doubt. He therefore, deserves imposition of major penalty under Government of Khyber Pakhtunkhwa (Efficiency & Discipline) Rules-2011.

  
(Tasleem Khan)  
Deputy Commissioner,  
Haripur/Inquiry Officer



Government of Khyber Pakhtunkhwa,  
Home & Tribal Affairs Department.

**ORDER**

No. SO(P&R)/HD/8-4/Bannu Jail Break/2018/Vol-I: WHEREAS, Mr. Mir Laiq Waqar (BPS-05) of the Prisons Department, Khyber Pakhtunkhwa, was proceeded against under Rule-3 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the charge sheet served upon him.

AND WHEREAS, the competent authority i.e the Chief Secretary, Khyber Pakhtunkhwa appointed Mr. Tasleem Khan (PMS-BS18) Deputy Commissioner Haripur vide order No.SO (Com/Inq)/HD/1-40/2012 dated: 23.01.2017 for conducting de novo formal proceedings against the above named accused.

AND WHEREAS, the inquiry officer furnished his findings according to which the charges leveled against the above named accused official stand proved.

AND WHEREAS, the competent authority granted opportunity of personal hearing to the accused under the rules.

NOW THEREFORE, the competent authority (the Chief Secretary, Khyber Pakhtunkhwa) after having considered the charges, evidence on record, the explanation of the accused official, findings of the inquiry officer exercising his powers under rule-3 read with Rule-14 (5) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 has been pleased to award major penalty of "Reduction to a lower stage in a time scale for a maximum period of three (03) years" to the above named accused official.

The Competent Authority has further been pleased to order that the intervening period i.e from the date of dismissal from service on the basis of an earlier enquiry to the date of reinstatement in service (from 12-12-2012 to 20-01-2016) in respect of the official is hereby treated as extra ordinary leave (leave without pay).

Secretary to Government of Khyber Pakhtunkhwa  
Home & Tribal Affairs Department

Endst No. SO(P&R)/HD/8-4/Bannu Jail Break/2018/Vol-I: Dated 11.04.2019

C.c:-

1. The Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar
3. PSO to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
4. PS to Secretary Establishment, Khyber Pakhtunkhwa Peshawar.
5. PS to Secretary, Home and Tribal Affairs Department, Khyber Pakhtunkhwa.
6. District Account Officers concerned.
7. Official concerned.

(Majsood Hussain)  
Section Officer (P&R)