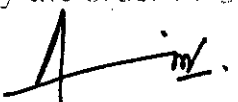


FORM OF ORDER SHEET

Court of _____

Appeal No. 1449/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/07/2023	<p>The appeal of Mr. Muhammad Rasool presented today by Mr. Mujeeb Ullah Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.

Service Appeal No. 11119 /2023.

Muhammad Rasool

VERSUS

Govt of Kp & Others

**APPLICATION FOR FIXATION OF THE INSTANT APPEAL FOR
PRELIMINARY HEARING AT PRINCIPAL SEAT.**

Respectfully Sheweth,

1. That the above titled appeal is filed before this Hon'ble Tribunal wherein no date of hearing is yet fixed.
2. That the Applicant/ counsel is requesting for fixation of the instant appeal before principal as no bench is currently available at camp court Swat due to summer holidays.
3. That most of the contesting Respondents also belong to peshawar.
4. That there is no legal impediment on acceptance of this application.

In wake of above submissions, the instant appeal may kindly be fixed before principal seat for ends of justice.

Dated: 10/7/2023

Mujeeb Ullah
Advocate
Counsel for Appellant

The appeal of Mr. Muhammad Rasool Khan son of Muhammad Ayub Swenper District Jail Lower Dir received today i.e on 26.06.2023 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

The paper used in printing of grounds of appeal is low standard which is not acceptable.

No. 1848 /S.T.

Dt. 04/07 /2023.



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Mujeeb Ullah Adv.
High Court Peshawar.

Dear Sir,
Re-Submitted
after compliance

Mujeeb Ullah
Adv Mujeeb
6/07/2023

Re-submitted
after compliance

Mujeeb Ullah
Adv Mujeeb
10/7/2023

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

Service Appeal No. 1449/2023.

Muhammad Rasool

VERSUS

Govt of Kp & Others

INDEX OF DOCUMENTS

S.No	Description of documents	Annexure	Pages
1	Memo of Appeal		1-3
2	Affidavit		4
3	Address of Parties		5
4	Copies of Explanation notices dated 04/10/2022 & 13/12/2022	A-A/1	6-7
5	Copies of order of Respondent No.4, reply & inquiry report	B-B/1 & C	8-18
6	Copy of show cause dated 22/02/2023 and reply	D & D/1	19-21
7	Copy of office order of Respondent No.4 dated 22/03/2023.	E	22
8	Copy of departmental Appellant and impugned order dated 29/05/2023	F & G	
9	Wakalatnama		

Appellant

Through

Mujeeb Ullah
Advocate High Court,

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

1

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

Service Appeal No. 1463 /2023.

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

APPELLANT

VERSUS

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

RESPONDENTS

**APPEAL UNDER SECTION-4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST
THE IMPUGNED ORDERS DATED 29/05/2023 & 22/03/2023
COMMUNICATED TO APPELLANT ON 15/06.2023 WHEREBY
MAJOR PENALTY OF COMPULSORY RETIRMENT WAS
IMPOSED ON THE APPELLANT WITH IMMEDIATE EFFECT.**

Prayer:

By accepting of this service appeal, the impugned orders dated
29/05/2023 & 22/03/2023 may kindly be set aside and the respondents
may kindly be directed to re instate the services of the appellant. Any
other relief, which this honorable court deems fit and appropriate,
may also be granted in favor of appellant for the ends of justice.

Respectfully Sheweth:

Brief facts leading to the instant appeal are;

- 1- That the appellant was an employee of the Respondents department and
was performing his duties as Sweeper since 2006 at District Jail
Timergara Lower Dir quite efficiently and whole heartedly and up to the
entire satisfaction of his superiors

2

- 2- That Respondent No. 4 were given explanation notices to Appellant and two other sweepers on 04/10/2022 & 13.12.2022 regarding not cleaning of flush system inside the jhail.
{Copies of Explanation notices dated 04/10/2022&13.12.2022 are annexed as A & A/1}
- 3- That on 26/12/2022 disciplinary action was taken against the Appellant & two others, wherein statement of allegation was made, and even Appellant & two others was charge sheeted. Furthermore inquiry was proceedings were initiated against the Appellant on 16/01/2023 and was completed on 16/02/2023. It is worth to note that the inquiry committee recommended stoppage of three annual increments without future effect for all three accused under trail. Which was duly replied by the Appellant as well ass other accused under trial
{Copies of order of Respondent No.4, reply & inquiry report are annexed as B, B/1 & C}
- 4- That on the basis of inquiry report appellant was show caused for imposition of major penalty as removal from service vides dated 22/02/2023. Appellant submitted his written reply to the said show cause on 02/03/2023
{Copy of show cause dated 22/02/2023 and reply are annexed as D-D/1}
- 5- Worth to note that after receiving reply to show cause Respondent No.4 vide its officer order dated 22/03/2023 without applying judicial mind imposed major penalty of compulsory retirement with immediate effect.
{Copy of office order of Respondent No.4 dated 22/03/2023 is annexed as E}
- 6- That Appellant being aggrieved from the order dated 22/03/2023 of Respondent No.4 preferred Departmental appeal before Respondent No. 2, which was dismissed vide order date 29/05/2023 and communicated to Appellant on 15/06/2023.
{Copy of departmental Appellant and impugned order dated 29/05/2023 are annexed as F & G}
10. That Appellant being aggrieved from the order dated 29/05/2023 whereby departmental appeal of the Appellant was not considered, having no other effacious remedy available except to approach this Hon'ble Tribunal inter alia on the following grounds.

G R O U N D S

3

- A. That the impugned office order dated 29/05/2023 & 22/03/2023 of Respondents are wrong, illegal, unfounded, unconstitutional, based on colorable exercise of power, hence, is liable to be set aside.
- B. That the very inquiry has been conducted in cursory/ slipshod manner and no opportunity of cross examination has been provided to the appellant which resulted into miscarriage of justice causing prejudice to the appellant. Worth to note that same is violation of principle of natural justice, therefore, the impugned order dated 29/05/2023 & 22/03/2023 is not tenable in the eye of law and liable to be set aside.
- C. That the impugned office orders issued by Respondents are in sheer violation of the Fundamental Rights guaranteed to the Appellant as envisaged under article 10-A of the Constitution of Islamic Republic of Pakistan 1973.
- D. That the Appellant has not been treated in accordance with law and rules by the Respondents Department on the subject noted above and as such the Respondents violated Article 4 & 25 of the Constitution of Islamic Republic of Pakistan 1973.
- E. That the whole proceedings took place on malafide, ill will intentions and just to harass the appellant, which is violation of fundamental rights guaranteed by Constitution of Islamic Republic of Pakistan 1973.
- F. That any other ground will be taken at the time of arguments with the kind permission of this Honorable Court.

In wake of above submissions, it is therefore, most humbly prayed that the appeal of the appellant may kindly be accepted as prayed for. Or

Any other relief this Hon'ble Court deems appropriate which has not been specifically prayed for may kindly be awarded to appellant.

Appellant

Through

Mujeeb Ullah
Advocate High Court,

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

4

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

Service Appeal No. _____/2023.

Muhammad Rasool

VERSUS

Govt of Kp & Others

AFFIDAVIT

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



DEPONENT

5

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.

Service Appeal No. _____/2023.

Muhammad Rasool

VERSUS

Govt of Kp & Others

Appellant:

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

Respondents:

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

Appellant

Through

Mujeeb Ullah
Advocate High Court,

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

Annex A (6)

از دفتر سپرنٹنڈنٹ ڈسٹرکٹ جیل تیرگرہ

نمبر 859 تاریخ 22-10-04

نوٹس بنام: 1- محمد رسول خان خاکروب ڈسٹرکٹ جیل تیرگرہ

2- احسان اللہ خاکروب ڈسٹرکٹ جیل تیرگرہ

3- سلیمان خاکروب ڈسٹرکٹ جیل تیرگرہ

عنوان: طلب وضاحت / نوٹس

حسب الحکم وزارت انسانی حقوق حکومت پاکستان اور انسپکٹر جنرل جیل خانہ جات خیبر پختونخوا پشاور چھٹی نمبر KC-31358-409/WE مورخہ 16-09-2022 تمہیں بمورخہ 03.10.2022 کو لائنز آفسر محمد اسماعیل، حضرت محمد اسٹنٹ سپرنٹنڈنٹ، اور لعل رحمان ہیڈ وارڈرنے ہدایت کی کہ جیل کے اندر قیدیوں / حوالاتیوں کے بارکوں کے غسل خانوں اور بیت الخلاء کے صفائی کرو لیکن تم نے غسل خانوں اور بیت الخلاء کے صفائی کرنے سے انکار کر دیا اور موقف اختیار کیا کہ یہ عسائیوں کا کام ہے۔ اپنے فرائض منصبی آدا کرنے سے انکار سنگین بدکرداری کے زمرے میں آتا ہے۔

لہذا تمہیں ہدایت کی جاتی ہے کہ تین دن کے اندر اپنی پوزیشن کی وضاحت کریں کہ کیوں نہ تمہارے خلاف خیبر پختونخوا حکومت کے تادیبی قوانین / قواعد مجریہ 2011 کے تحت کارروائی کی جاتی۔ جس میں تمہیں نوکری سے برخواست کیا جاسکتا ہے۔ بصورت دیگر تمہارے خلاف یکطرفہ کارروائی عمل میں لائی جاسکتی ہے۔


سپرنٹنڈنٹ

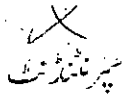
ڈسٹرکٹ جیل تیرگرہ

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تاریخ

کافی برائے اطلاع یابی:

جناب انسپکٹر جنرل آف جیل خانہ جات خیبر پختونخوا پشاور


سپرنٹنڈنٹ

ڈسٹرکٹ جیل تیرگرہ



Amer 1

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

No. 1039 / Dated: 13 / 12 / 2022

To


- ✓ 1. Muhammad Rasool Sweeper
2. Ihsanullah Sweeper
3. Habib Khan Sweeper,
Attached to District Jail Timergara.

Subject: EXPLANATION NOTICE.

Memo:

As per report of the Chief Chakkar and sector Incharge, pipelines of flush system of few cells of high Security zone were blocked and you were directed by the chief chakkar, Ilyas Khan, Chief warden on 13-12-2022 to remove the blockage but you refused to obey the lawful orders and perform your duties. This act on your part is gross misconduct.

You are therefore, directed to explain your position within 03 days of receipt of this notice why you should not be proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011.


SUPERINTENDENT
DISTRICT JAIL TIMERGARA



Annex B (8)

No. 1088 / dated: 26/12/2022.

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

DISCIPLINARY ACTION

I, Amin Shuaib, Superintendent District Jail Timergara, as competent authority, am of the opinion that (1). **Habib Khan Sweeper (BPS-3)** (2). **Muhammad Rasool Khan Sweeper (BPS-3)** and (3) **Ihsanullah Sweeper (BPS-3)** attached to District Jail Timergara has rendered themselves liable to be proceeded against, as they committed the following acts/commission, within the meaning of rule 3 of the Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS


ٹیکر چیف محمد الیاس چیف وارڈ اور سٹیٹس انچارج تاج محمد ہیڈ وارڈ کے رپورٹ کے مطابق ہائی سیکورٹی زون کے جکیوں کا فلش سسٹم بند تھا 13-12-2022 پر دوران ڈیوٹی تم کو چکر چیف محمد الیاس چیف وارڈ اور سٹیٹس انچارج تاج محمد ہیڈ وارڈ کے رپورٹ کے بند فلش سسٹم کی صاف اور ٹھیک کرنے کو کہا تو تم نے حکم ماننے سے انکار کیا۔ اس اقدام کے بنا پر تم نے حکومت خیر بختون خواہ کے سول سیرمنٹ رول 2011 اور خیر بختون خواہ قواعد جیل خانہ جات 2018 خلاف ورزی کی ہے اور یہ کہ تم نے فرائض منصبی آدا کرنے سے انکار کر دیا۔

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

1. Mr. Naveed Iqbal Assistant Superintendent/ Incharge Sub Jail Dir Upper.

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 Sixty days of the receipt of this order recommendation as to punishment or other appropriate action against the accused.

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


SUPERINTENDENT
DISTRICT JAIL TIMERGARA

Endst. No. 1089-93

Copy of the above is forwarded to:-

1. The Worthy Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information, please.
2. Mr. Naveed Iqbal Assistant Superintendent Incharge Sub Jail Dir Upper for initiating proceedings against the above named accused Sweepers under Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules 2011.
3. Habib Khan Sweeper (accused)
4. Muhammad Rasool Khan Sweeper (accused)
5. Ihsanullah Sweeper (accused)

Attached to District Jail Timergara with the direction to appear before the Inquiry Officer for the purpose of inquiry proceedings.


SUPERINTENDENT
DISTRICT JAIL TIMERGARA

CHARGE SHEET

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1. Muhammad Shuaib, Superintendent District Jail Timergara, as competent authority, hereby charge your **Muhammad Rasool Khan** Sweeper (BPS-03) as follows:

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

چیکر چیف محمد الیاس چیف وارڈ اور سیکرٹری ایچ آر تاج محمد بیڑ وارڈر کے رپورٹ کے مطابق ہائی سیورٹی زون کے چکیوں کا فلش سسٹم بند تھا 13-12-2022 پر دوران ڈیوٹی تم کو چیکر چیف محمد الیاس چیف وارڈر نے چکیوں کے بند فلش سسٹم کی صاف اور ٹھیک کرنے کو کہا تم نے حکم ماننے سے انکار کیا۔ اس اقدام کے بنا پر تم نے حکومت خیر پختونخوا کے سول سروس رول 2011 اور خیر پختونخوا قواعد ٹیل منانہ جات 2018 خلاف ورزی کی ہے اور یہ کہ تم نے فرائض منصبی آدا کرنے سے انکار کر دیا۔

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

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

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

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

6. Statement of allegation is enclosed.

SUPERINTENDENT
DISTRICT JAIL TIMERGARA

کو مت دنا۔ سپرنٹنڈنٹ برآمدات ڈسٹریکٹ میں ترمیم فرمیں دہرائیں۔

ذیل مندرجہ ملزمان / Sweepers

ضابطہ "بیان التماسات" Statement of allegations

انڈسٹریل خاں (77) حبیب خاں (111) افسانہ

ضابطہ عالی (ب) کے احکامات کے مطابق جواب ذیل ہے۔

1)۔ یہ کہ ہم مذکورہ بالا ملزمان ڈسٹریکٹ میں ترمیم فرمیں بطور Sweepers (BPs-3) فرمائے سرکاری دیے ہوئے ہیں۔ اور اپنی ڈیوٹی انکشاف نہایت خوش آسانی سے انجام دیتے ہیں۔

2)۔ ہم سرور و موسم دورے 12-13۔ جب ڈرائنگ ملز میں مہااب نے پانی سپیکوریڈوں کے پمپوں کو چھانٹ کر پائپس سسٹم پر جو حکم ملتا ہے اس پر عمل کرتے ہیں۔ اور یہ سسٹم چھانٹ کر پمپوں کی ترمیم کی اور باقاعدہ مہااب کے پاس نامی بندش کو پیش کرنا ہوتا ہے جس کے بعد ہم نے مہااب اور تاج کو مہااب سے ہماری ملک کے ٹیکس کارڈوں کو سنبھال لیا ہے۔ اور ان کے لئے روٹ اور ہم Sweepers کیساتھ ایک تہہ پر لائے گا کو ڈیپنڈنس میں ہے۔ اس کے ساتھ ہمیں مہااب سے درخواست اور پتار سے خلاف مذکورہ بالا Disciplinary Action کیا گیا۔ ہم نے ایک نیا پتہ فراہم کرنا کی انجام دی ہیں اور ہمیں یہ پتہ فراہم کرنے میں مہااب اور پتہ کے خلاف اور ان کے Hygienic معائنات کرنے کو ضرورت تھی۔ لیکن یہ پتہ جانے وغیرہ کی بندش کو ہم نے بھی منسوخ کیا۔ اور Sanitation کا نام دیا جوں جوں ہوتے ہیں سے ماہانہ معائنات ہوتے ہیں۔ ہم ملزمان کے پاس سے اس پتے کو منسوخ کرنا کہنے کے بعد پتہ کے نام کو ہم نے منسوخ کیا۔ اور ہم نے اس پتے کو ان کے پاس سے منسوخ کرنا سے بھی مخالفت نہیں کرتے ہیں۔ آپ مہااب سے التماس ہے کہ ہم اسے خلاف دیا گیا ہے بلکہ اور ہم نے مہااب سے التماس ہے وہ اس پتے کو منسوخ کرنا سے بالکل مستعد ہیں اور ان کے لئے پتہ فراہم کرنا ہے۔

انڈسٹریل خاں حبیب خاں افسانہ



Amlex

11

OFFICE OF THE SUPERINTENDENT
SUB JAIL DIR UPPER
Email: subjaildir@gmail.com
0944-881062

No. _____ Dated 09/01/2023

To,

The Superintendent,
District Jail Timergara.

Subject: DISCIPLINARY ACTION.

Dear Sir,

Reference your good-self office letter No.1088 dated 26-12-2022 on the subject noted above.

It is to invite your attention that the undersigned will visit District Jail Timergara to inquire into the matter on 16-01-2023 at 11:00 AM.

It is, therefore, requested to direct/informed the following accused sweepers and related staff members along with record to be present on the date and time fixed for Inquiry proceedings, please.

1. Habib Khan Sweeper (BPS-03).
2. Muhammad Rasool Sweeper(BPS-03).
3. Ihsanullah Swceper(BPS-03).

Naveed Iqbal (Inquiry Officer)
Incharge Sub Jail Dir Upper

Endst No: 48-51/

Copy of the above is forwarded to:

1. The Worthy Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information please.
2. Habib Khan Sweeper.
- ✓ 3. Muhammad Rasool Sweeper.
4. Ihsanullah Sweeper.

For information and with the direction that to be present on the date and time fixed for Inquiry proceedings.

Naveed Iqbal (Inquiry Officer)
Incharge Sub Jail Dir Upper



12

OFFICE OF THE SUPERINTENDENT
SUB JAIL DIR UPPER
District Jail Timergara
No 24 WF Dated 04.02.2023

To,

The Superintendent,
District Jail Timergara

Subject: INQUIRY REPORT AGAINST SWEEPER 1.HABIB KHAN 2.MUHAMMAD RASOOL KHAN 3.IHSAN ULLAH ATTACHED TO DISTRICT JAIL TIMERGARA.

R/ Sir,

Reference to your good self office lndst. No.1089-93 dated 26.12.2022 on the subject noted above

I enclosed herewith my inquiry report consisting of 26 pages along with relevant annex A to I for favour of further disposal please.

(Signature)
Naveed Iqbal (Inquiry Officer)
Assistant Superintendent
Sub Jail Dir Upper.

OFFICE OF THE SUPERINTENDENT
SUB JAIL DIR UPPER
District Jail Timergara
No 133
16-02-2023

The Superintendent,
District Jail Timergara.

(13)

Subject: **DISCIPLINARY ACTION AGAINST ACCUSED SWEEPER
L.HABIB KHAN 2.MUHAMMAD RASOOL 3.IHSAN ULLAH
ATTACHED TO DISTRICT JAIL TIMERGARA.**

R/Sir,

Reference to your good-self office Endst: No.1089-93 dated 26-12-2022 on the subject noted above.

As per Charge sheet, Sweeper Habib Khan, Muhammad Rasool and Ihsan Ullah attached to District Jail Timergara have committed an act of misconduct while performing their duties inside the jail on 13-12-2022. They refused to clean the toilets of high security zone. The accused sweepers were further directed to furnish their written reply in defence within the stipulated period to the Inquiry officer.

The Superintendent District Jail Timergara, being competent authority, is pleased to appoint the undersigned as Inquiry officer in this case under rule No-03 of the KPK Government Servant E&D Rules. In the light of above-mentioned order, the undersigned proceeded to District Jail Timergara on 16-01-2023, being an Inquiry officer, to conduct proper inquiry. Inquiry of the said accused sweepers was conducted in District Jail Timergara on 16-01-2023. Findings and recommendations are as under.

Written Reply of Accused Habib Khan Sweeper (BPS-03)

As per his reply (Annex-A) accused sweeper stated, that on 13-12-2022, he was performing his duty inside the jail. The Chakkar Chief, Ilyas Khan, asked him to clean the blocked toilet of four cells of high security zone. And that he obeyed the order and started cleaning them, but he failed to open blocked toilets. He asked the Chakkar Chief, Ilyas Khan, and Sector Incharge, Taj Muhammad, to arrange a plumber for it because these toilets/bathrooms are very old and they have no arrangements to repair it. Due to which a disciplinary proceeding was started against them. According to him he was ready to clean bathroom. But cleanliness of block pipes was not possible without plumber. And that he never neglected his duties. He apologised and requested for removal of all these allegations.

Cross Examination.

(14)

The questionnaire duly answered by the accused sweeper as (Annex-B). While responding to question No.1, He was appointed as sweeper on dated 25-01-2021 in District Jail Timergara. Responding to question No.02, Yes, He knows that the duties of a sweeper is cleanliness. Responding to question No.03 Cleanliness of toilets/bathroom is the responsibility of Christian. Responding to Question No.04, He never refused to clean toilets, He tried his best to clean the toilet but he failed to clear block flush system. When Chakkar Chief, Ilyas Khan, and sector Incharge, Taj Muhammad, reported him to the Superintendent Jail, he appeared and told him that these flush are totally out of order and they required reconstruction. Responding to question No.05, No on the incident day. He had not cleaned the toilet/bathroom.

Written Reply of Accused Muhammad Rasool Sweeper (BPS-03)

As per his reply (Annex-C) accused sweeper stated, that on 13-12-2022, he was performing his duty inside the jail. The Chakkar Chief, Ilyas Khan, asked him to clean the blocked toilets of four cells of high security zone. He obeyed the order and started cleaning of blocked toilets but he failed to clear the blocked toilets. He asked the Chakkar Chief, Ilyas Khan, and Sector Incharge, Taj Muahmmad, to arrange a plumber for it. Because these toilets/bathrooms are very old and that they had no arrangements to repair them. Due to which a disciplinary proceeding was started against them. And that he was ready to clean bathroom. But cleanliness of blocked-pipes was not possible without plumber. That he never neglected his duties. He apologised and requested for removal of all these allegations.

Cross Examination.

The questionnaire duly answered by the accused sweeper as (Annex-D). While responding to question No.1, He was appointed as sweeper on dated 06-06-2006 in District-Jail Timergara. Responding to question No.02, Yes, He knows that the duties of a sweeper is cleanliness. Responding to question No.03 Cleanliness of toilets/bathrooms is the responsibility of Christian. Responding to Question No.04, He never refused to clean toilets, He tried his best to clean the toilets but he was failed to clear blocked toilets. Responding to question No.05, yes it is.

Written Reply of Accused Ihsan Ullah Sweeper (BPS-03)

As per his reply (Annex-E) accused sweeper stated, that on 13-12-2022, he was performing his duty inside the jail. That the Chakkar Chief, Ilyas Khan, asked

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(15)

him to clean the blocked toilets of four cells of high security zone. He obeyed the order and started opening the blocked toilets but in vain. He, then, asked the Chakkar Chief, Ilyas Khan, and Sector Incharge, Taj Muahmmad, to arrange a plumber for it. Because these toilets/bathrooms are very old and that they have no arrangements to repair them. Due to which a disciplinary proceeding was started against them. He was ready to clean the bathrooms. But cleanliness of block pipes is not possible without plumber. That he never neglected his duties. He apologised and requested for removal of all these allegations.

Cross Examination.

The questionnaire duly answered by the accused sweeper as (Annex-F). While responding to question No.1, He was appointed as sweeper on dated 25-01-2021 in District Jail Timergara. Responding to question No.02, Yes, He knows that the duties of a sweeper are cleanliness. Responding to question No.03 Cleanliness of toilets/bathrooms is the responsibility of Christian. Responding to Question No.04, He never refused to clean toilet, that he tried his best to clean the toilet but all in vain. Then he told Chakkar Chief, Ilyas Khan, and sector Incharge, Taj Muahmmad, that assistance of plumber is needed for it. Responding to question.No.05. No, on the incident day, I have not cleaned the toilet/bathroom because it's the responsibility of Christian.

Statement of Ilyas Khan Chakkar Chief

On 13-12-2022 washrooms of four cells of high security zone were completely out of order. The dirt and wastages were flowing on floor, due to which odour was spread in high security zone cells. At that time the total population of high security zone was 66 prisoners. We, on duty staff, asked sweepers, Habib Khan and Ihsan Ullah, to clean the dirty materials/wastages and clean the toilets. But they refused and told that this is not their responsibility, then we asked sweeper, Muhammad Rasool, to clean these dirty materials/wastages and clean washrooms, but he also refused and stated that if sweeper Habib Khan and sweeper Ihsan Ullah are not ready to clean these wastages then why he should do it.

Cross Examination.

The questionnaire duly answered by the Chakkar Chief as (Annex-G). Responding to question No.1, he was appointed on 04-11-1992. Responding to question No.02, he performed his duties at Central Prison D.I Khan, District Jail Timergara, Sub Jail Dir Upper, District Jail Swat and Intermment Center Paitham. Responding to

(16) 3

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question No.03, Sector Incharge, Taj Muhammad, reported that toilets of four cells of high security zone were completely out of order. Responding to question No.04, he called sweepers Habib Khan, Muhammad Rasool, Ihsan Ullah and Suliman and asked them to clean the dirty materials/wastages and toilets. Sweeper Habib Khan replied that it is not our responsibility, it is the responsibility of Christian. Sweeper Ihsan Ullah also replied the same. Sweeper Muhammad Rasool also refused and stated that if the other sweepers are not ready to clean these wastages then why I should do it. Sweeper Suliman Khan said that he is a servant and poor and that he is ready to clean these wastages and started cleaning them. Responding to question No.05, sweeper Habib Khan and Ihsan Ullah refused to clean the wastages and toilets while sweeper Muhammad Rasool stated, that if these two sweepers are not ready to clean these wastages then I, too, am not ready.

Statement of Mr. Taj Muhammad (Sector Incharge)

On 13-12-2022 washrooms of four cells of high security zone were completely out of order. The dirt and wastages were flowing on floor, due to which odour was spread in high security zone cells. At that time the total population of high security zone was 66 prisoners. We, on-duty staff, asked sweeper Habib Khan and Ihsan Ullah to clean the dirty materials/wastages and clean the toilets. But they refused and told that this is not their responsibility, then we asked sweeper Muhammad Rasool to clean these dirty materials/wastages and clean washroom, but he also refused and stated that if sweeper Habib Khan and sweeper Ihsan Ullah are not ready to clean these wastages then why I should do it.

Cross Examination.

The questionnaire duly answered by the sector Incharge as (Annex-H). Responding to question No.1, he was appointed on 08-03-2006. Responding to question No.02, he performed his duties at Central Prison Mardan, District Jail Timergara and Sub Jail Dir Upper. Responding to question No.03, Sector Incharge, Taj Muhammad, reported that four cells of high security zone were completely out of order. Responding to question No.04, he called sweepers Habib Khan, Muhammad Rasool, Ihsan Ullah and Suliman and asked them to clean the dirty materials/wastages and toilets. Sweeper Habib Khan replied that it is not their responsibility, it is the responsibility of Christian. Sweeper Ihsan Ullah also replied the same. Sweeper Muhammad Rasool also refused

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F/A: 17

and stated that if sweeper Habib Khan and sweeper Ihsan Ullah are not ready to clean these wastages then he, too, is not ready. Sweeper Suliman Khan said that he is a servant and poor, and that he is ready to clean these wastages and he started cleanliness. Responding to question No.05, sweeper Habib Khan and Ihsan Ullah refused to clean the wastages and toilets while sweeper Muhammad Rasool stated that if these two sweepers are not ready to clean these wastages he too denied the same.

Statement of Mr. Asghar Ali (Warder)

On 13-12-2022 washrooms of four cells of high security zone were completely out of order. The dirt and wastages were flowing on floor, due to which odour was spread in high security zone cells. At that time the total population of high security zone was 66 prisoners. His duty was on high security zone from 08:00 AM to 12:00 PM. From last one week he continuously brought in the notice of sector Incharge but no action was taken on it.

Cross Examination

The questionnaire duly answered by the on duty Warder, Asghar Ali, is attached as (Annex-I). Responding to question No.1, he was appointed on 18-10-2021. Responding to question No.02, he performed his duties at Central Prison Mardan and District Jail Timergara. Responding to question No.03, he himself checked and saw that the toilets/Bathrooms were disordered then he immediately reported to Sector Incharge, Taj Muhammad, and Chakkar Chief, Ilyas Khan. Responding to question No.04, No, sweeper Habib Khan, Muhammad Rasool and Ihsan Ullah were not ready to clean the toilets/Bathrooms.

Statement of Mr. Muhammad Ismail (Line Officer)

The Chakkar Chief sent report that washrooms of four cells of high security zone were completely out of order. The dirt and wastages were flowing on floor, due to which odour was spread in high security zone cells. On duty staff asked sweepers Habib Khan, Muhammad Rasool and Ihsan Ullah to clean the dirt and wastages but they denied to clean the toilets, due to which the Chakkar Chief sent report to the Deputy Superintendent against these sweepers.

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Record.

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Relevant record produced before me which was physically examined.

Findings.

After going through the relevant record and statements of all concerned, it has been observed and found that:-

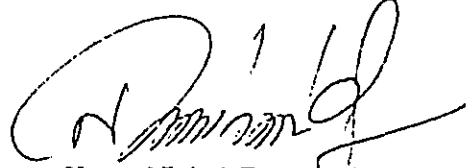
- I. The accused Sweepers Habib Khan, Muhammad Rasool and Ihsan Ullah were found guilty.
- II. Allegation levelled against them is correct and genuine/authentic.

The charge levelled against them, thus, stands proved.

Recommendations.

The allegation levelled against the accused officials is **PROVED** for which they are liable to be proceeded under the Khyber Pakhtunkhwa Government Servant (Efficiency & Disciplinary) Rules 2011.

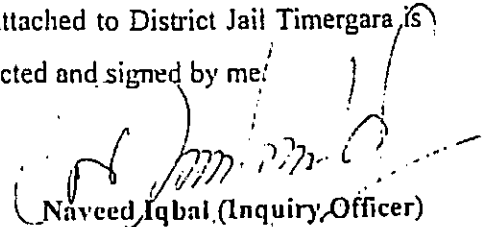
It is, therefore, recommended that the accused officials may be awarded the penalty of, "Stoppage of 03 Annual increments without future effect".



Naveed Iqbal (Inquiry Officer)
Assistant Superintendent
Sub Jail Dir Upper

CERTIFICATE

It is Certified that the report regarding the accused sweepers Habib Khan, Muhammad Rasool and Ihsan Ullah (BPS-03), attached to District Jail Timergara is consisting on six (06) number of pages duly corrected and signed by me.



Naveed Iqbal (Inquiry Officer)
Assistant Superintendent
Sub Jail Dir Upper.

SHOW CAUSE NOTICE

Annex D

19

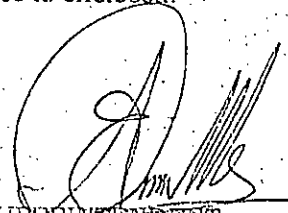
I, Amin Shuaib, Superintendent District Jail Timergara, as competent authority, under the Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline Rules, 2011, do hereby serve you, **Muhammad Rasool Khan** Sweeper (BPS-3) attached to District Jail Timergara as follows:

- (i) That consequent upon the completion of inquiry conducted against you by the inquiry officer/inquiry committee for which you were given opportunity of hearing vide communication No.1088 dated 26.12.2022.
- (ii) On going through the findings and recommendations of the inquiry officer/inquiry committee, the material on record and other connected papers including your defence before the inquiry officer/inquiry committee.

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

چکر چیف محمد الیاس چیف اور ڈار اور سیکرٹری انچارج تاج محمد بیٹا داردار کے رپورٹ کے مطابق ال ایسیکوریٹو ڈون کے ٹیکوں کا فلش سسٹم، 12-13-2022ء دوران ڈیوٹی تم کو چکر چیف محمد الیاس چیف داردار نے ٹیکوں کے بند فلش سسٹم کی صاف اور خشک کرنے کو کہا تو تم نے حکم ماننے سے انکار کیا۔ اس اقدام کے بنا پر تم نے کارمٹ ٹیمیر پختون خواہ کے سول سروسٹ رول 2011 اور ٹیمیر پختون خواہ قواعد عمل خانہ جات 2018 خلاف ورزی کی ہے اور یہ کہ تم نے فرمائش بھی آدا کرنے سے انکار کر دیا۔

- 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 said rules.
- You are, thereof, required to show cause as to why the aforesaid penalty should be imposed upon you and also intimate whether you desire to be heard in person.
- If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.
- A copy of the findings of the inquiry officer/inquiry committee is enclosed.

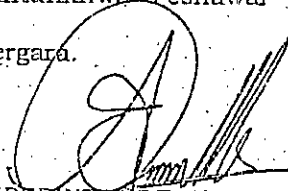


SUPERINTENDENT
DISTRICT JAIL TIMERGARA

Endst. No. 238 / dated 22.02.2023

Copy of the above is forwarded to:-

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



SUPERINTENDENT
DISTRICT JAIL TIMERGARA

24/02/23

عنوان :- جہاں شوکار ٹرینسپورٹ 238 مورخہ 02.07.2023

جہاں عالی! بعد از فراغِ جوہر خیل ہے۔ جو کہ ہم بار بار دے چکے ہیں۔
اس کی کمزوری ڈسٹرکٹ میں تعمیر کردہ خیموں کے طور پر کاروبار کرنے والی کمزوریوں اور اپنی ڈیوٹی نہایت خوش اسلوبی سے انجام دے رہا ہوں۔

23: یہ کہ بروز 13-12-2023 چیف مارشنگ جہاں عالی صاحبہ سے
میں پائی سیکورٹی زون کے حکمتوں کو حراف کرنے اور فلتس سسٹم کو بند کرنا
کھینک کرنا لگا گیا۔ میں نے سرخون کا حکم کی تعمیل کی اور باقاعدہ حراف کے
لیکن فلتس سسٹم کی بندش کو ٹھیکہ کر دیا۔ یہ ناکام رہا۔ جس کی نسبت ہم
نے الیاس صاحب اور تاج محمد صاحب سے کہا کہ اس کے لیے فلپس کا بندوبست
کیا جائے کیونکہ مذکورہ دائرہ میں حراف بہت زیادہ ہو چکا ہے اور ہم قادیان
کے ساتھ انٹو گھب کرانے کا کوئی بندوبست نہیں ہے۔ اس کے ساتھ ہی موصوف
خاورت ہو گئے اور ہمارے حراف مذکورہ بالا *Disciplinary Action* بنا گیا۔
ہم نے ابھی تک اپنے فرائض منصبی کی انجام دہی میں کوئی کوتاہی نہیں کی ہے۔

فلٹس روم سے جھانڈو لے کر لے کر ہی حراف اور آئی *Hygienic* چھاتی
کرنے کو بروقت تیار ہیں۔ لیکن ڈائٹب حراف و دیگرہ کی بندش کو فلپس
کی سرخون بنت ہے اور *Sanitation* کا کام بھی کوئی جانتے ہیں۔ میں
مالاں ہوں۔ ہم نے فلپس کو سسٹم کی لیکن فلپس کے بنا کر حراف نہ ہوا۔
یہ ہے قصور ہوں۔ میں نے اپنے فرائض کی ادائیگی سے کبھی غفلت
نہیں کی۔ آج جہاں سے اٹھتا ہوں ہے ہم ہمارے حراف لگاتے
توڑنے سلسلہ اور حراف حرافی الزامات دور کرنے ہم کو اپنی ڈیوٹی
کرنے سے یا کوئی دیگر سزا دینے سے سزا لگائی ہے۔

علاوہ ازیں خالد بھی جیل ہذا کا ایک فائر ورک ہے لیکن
تاریخ پھرتی یعنی 2007 سے اپنی ڈیوٹی انجام دیتے ہیں۔ ہم اپنے
روز بلوور ایسٹریٹس کا انجام دیتا ہے۔ جو کہ دوسرے *Scavengers*

کے ساتھ مالکفانی ہے۔ اس کے علاوہ جیل پرائیوٹ عیسائی بھی لکھنے کے لئے
 قے لیکن ان کو بھی بے حاشیہ کرتے تو کڑی ڈھونڈنے پر مجبور کیا گیا اور
 ان کی جگہ دوسرے بندے لکھنے لگے تو عیسائیوں کی جگہ لکھنے لگے
 بندوں سے ان کا کام لیا جاتا ہے۔ چونکہ میں نے از خود لکھنے کے وقت
 کچھتے دوران ڈیڑھ سیر سپردت صابن سے لیا تھا کہ کم از کم اس عیسائی
 کو لکھنے کیا جاتا ہے۔ جس پر کچھتے دوران صابن سے لیا کہ یہ ضرور ہے لیکن
 کہ خواہ تو وہ عیسائی لکھنے کیا جاتا ہے۔

جنا عیالی! یہ بھی تدارک ہے کہ سائیل کے خلاف 26/01/2023
 کو کئی انسپکٹر جنرل صاحب کا ایک فیصلہ ہو چکا ہے جس میں سائیل
 کو سزا کے طور پر دو انٹریٹ کاٹے جائیں گے۔ جو کہ اس سروس
 کے سببوں میں سائیل نے اپیل دائر کی ہے۔ سائیل ایک بار سزا
 ہو چکی ہے اور ابھی بارے دوبارہ سائیل کے خلاف کارروائی کرنا
 سائیل کے ساتھ مالکفانی ہے۔

02-03-2023 سرفہ الکماری

اب کا تاجدار خورشید علی خان

AD
 04/03/2023



E Annex

3691 dated 27/2/2023

OFFICE ORDER

WHEREAS, accused official Sweeper (B) Muhammad Rasool Khan S/O Muhammad Ayub attached to District Jail Turbat, was charged with the offence in Rules of Punjab Panchayat Government Servants (Efficiency and Discipline) Rules, 2011 for the charges of the misconduct contained in statement of Allegation/Charge Sheet served upon him vide office endorsement No. 1988 dated 26.12.2022 wherein Mr. Naveed Iqbal, Assistant Superintendent, District Jail Turbat was appointed as Inquiry Officer.

AND WHEREAS, he appeared before the Inquiry Officer, who inquired into his case, went through the available record and provided him reasonable opportunity of hearing to defend his case. Charges/allegations were proved and the Inquiry Officer recommended that he is liable to be proceeded against under the Rules ibid.

AND WHEREAS, the accused official was proceeded against under Rule 14(1) for the Charge of misconduct (as mentioned in the Show Cause Notice No. 256/20 dated 22.02.2023).

AND WHEREAS, he furnished his written reply/defence to the Show Cause Notice which was found unsatisfactory.

AND WHEREAS, the undersigned being competent authority granted him the opportunity of personal hearing on 09.03.2023 as provided for under the rules ibid. The accused official failed to defend his case with documentary proof/evidences rather indulged himself in irrelevant and malicious arguments showing his intention that he will continue in his habit of refusing to perform his duties honestly and with devotion.

NOW, THEREFORE, in exercise of powers conferred under Rule 14(5) of Punjab Panchayat Government Servants (Efficiency and Discipline) Rules, 2011, having considered the charge levelled against him, evidence on record, inquiry report, findings/recommendations of the Inquiry Officer, his malicious arguments during personal hearing and the previous record of punishments, the undersigned being competent Authority, is hereby awarding the major penalty of "Compulsory Retirement" from service with immediate effect.

SUB-DIVISIONAL OFFICER
DISTRICT JAIL TURBAT

Order No. _____

Copy of the above is forwarded to:-

- The District Jail Officer, Turbat, Balochistan for information.
- The District Jail Officer, District Jail Turbat for information.
- The District Jail Officer, District Jail Turbat for information and necessary action please.
- The District Jail Officer, District Jail Turbat for information.

SUB-DIVISIONAL OFFICER
DISTRICT JAIL TURBAT

22
/a
BETTER COPY

OFFICE OF THE
SUPERINTENDANT
DISTRICT JHAIL, TIMERGARA
Phone/Fax: 0945-9250093
NO: 369/ dated 22/03/2023

OFFICE ORDER

Whereas, accused official/ Sweeper (BPS-03) Muhammad Rasool Khan S/O Muhammad Ayub attached to District Jhail Timergara was charged within the meaning of Rule-3 of Khyber Pakhtunkhwa Government Servant (Efficiency and Disciplinary Rules, 2011) for the charges of the misconduct contained in statement of allegations/charge sheet served upon him vide this office Endorsement No. vide No. 1088 dated 26.12.2023 wherein Naveed Iqbal Assistant Superintendent Sub-Jhail Dir Upper was appointed as inquiry officer.

And whereas, he appeared before the inquiry officer, who inquired into his case, went through the available record and provided him reasonable opportunity of hearing to defend his case/charges/allegations were proved and the inquiry officer recommended that he is liable to be proceeded against under the rules ibid.

And Whereas, the accused official was proceeded against under Rule 14 (4) for the charge of misconduct as mentioned in the show cause Notice No.238 dated 22-02-2023.

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

And Whereas, the under sign being competent authority granted him the opportunity of personal hearing on 09-03-2023 as provided for under the rules ibid, the accused official failed to defend his case with documentary proof/evidence rather indulged himself in irrelevant and malicious arguments, showing his intentions that he will continue in his habit of refusing to perform his duties honestly and with devotions.

NOW THEREFORE in exercise of power conferred under Rule 14(5) of Khyber Pakhtunkhwa Government Servant Efficiency and Disciplinary Rules 2011, having considered the charge leveled against him, evidence on record, Inquiry reports findings/ recommendations of the inquiry officer, the malicious arguments during personal hearing and the previous record of punishment the under signed being competent authority, is hereby award him the major penalty of compulsory retirement from service with immediate effect.

SUPERINTENDANT
DISTRICT JAIL TIMERGARA

Endost No.

Copy of the above is forwarded to:

1. The Worthy Inspector General of Prison Khyber Pakhtunkhwa Peshawar for information
2. Mr. Naveed Iqbal Assistant Superintendent Sub-Jail Upper Dir.
3. The District Accounts Concerned at Timergara for information and necessary action please
4. Muhammad Rasool Khan Sweeper (BPS-03) (accused) District Jail, Timergara

SUPERINTENDANT
DISTRICT JAIL TIMERGARA

مجموعہ ضابطہ انسٹیٹیوٹ جنرل سہا جیل خانہ جات، لاہور، فیبروری 2006ء کو ان کے پاس اور

حقیقت

عنوان :- ایس ایچ ڈی اے، لاہور، فیبروری 2006ء
تاریخ نمبر 369 حوضہ 2003-03-03

جہاں علی

گزارش حسب ذیل :-

- 1- یہ کہ میں تاریخ تقریباً یعنی 2006-06-05 سے تا حال ڈسٹرکٹ جیل تیرگڑ میں اپنے فرائض نبھاتے رہا ہوں اور فوٹو اسلوب سے انجام دے رہا ہوں اور کسی کو کسی قسم کی شکایت کا موقع نہیں دیا۔
- 2- یہ کہ بروز 22.12.2002 کو دوران ڈرائنگ کلر چیف نے مجھے بلایا اور سیکرٹری ایچ ایچ تاج محمد صاحب نے بنا مجلس سسٹم کو لے گا کہا۔ جس میں جواب میں کہا کہ چونکہ ڈائری سسٹم کو سیدھے چھو جائیگا اور یہ سسٹم ریفریجری کا کام ہے۔ جس پر مجھے نکالیا گیا اور کمرے کے اندر لے گیا اور پھر اسٹاک ڈائری سے جی ڈی مارا۔ اس کے بعد مجھے پیار جی سسٹم لیا گیا اور انعام لکھا گیا کہ تم نے محمد الیاس اور تاج محمد سے بدکلامی اور ہاتھ پائی کی ہے۔ میں نے جواب دیا کہ اگر میں نے واقعی ایسی حرکت کی ہے تو ہر طرف CCTV کمرے لگے ہوئے ہیں اس میں دیکھا جائے گا کہ وہ کونسی ہے اس کو جیل میں رکھا جائے گا لیکن ایسا نہیں کیا گیا۔
- 3- یہ کہ ایس ایچ ڈی اے خلاف انکوائری سسر کی کمی جو کہ خود انکوائری آفیسر سہا سے نہیں بلکہ جیل میں رہنے والے جج کے پاس آفیسر سہا سے آفیسر سہا سے کی گئی۔ جس نے جیل میں منسٹر افسر سے انہی طرف سے لی گئی بیانات پر دستخط کیے اور جی تصویر دو ٹیپز اور انکوائری رپورٹ میں کی گئی۔ جس پر جیل سسر نے جواب دیا ہے کہ مجھے دو سال تک انکوائری سے قروم کورٹ کا آرڈر جاری کیا۔ جس پر میں نے ایس ایچ ڈی اے کے دفتر میں ایس ایچ ڈی اے -

حریف

4۔ یہ کہ عرصہ 29-01-2023 کو جبری پیشی ہوئی جہاں ڈسٹریکٹ
 جیل میجرز کا نمائندہ بھی حوڑا تھا۔ یہاں آئی بار پھر مجھے بولنے
 کا موقع نہ ملا کیونکہ جس افسر صاحب کے ساتھ میری پیشی تھی وہ
 لیسٹو ہیں جسے سیکرٹنگ کیا اور میں آردو بولنے سے قاصر تھا۔ اس لیے
 مجھے اپنی جگہ کا موقع نہ ملا۔

5۔ یہ کہ اسکے بعد مجھے ایک دو اور شو گزار نوٹس دے گئے اور عرصہ 03/09/2023
 کو جیل سپرنٹنڈنٹ صاحب نے اپنی دفتر میں پیش ہونے کا حکم دیا۔ حسب حکم
 میں وہاں پیش ہوا لیکن وہاں بھی سپرنٹنڈنٹ صاحب نے مجھے خود نہیں سنا
 بلکہ ڈپٹی سپرنٹنڈنٹ صاحب سے کہا کہ میں سے ملنے۔

6۔ یہ کہ اسکے بعد مجھے نمبر 369 عرصہ 22-03-2023 مجھے جبری ریٹائرمنٹ
 کا آرڈر دیا گیا۔ چونکہ مجھے اسے کس میں اس سے پہلے 01/05/2023
 کے تحت Minor Penalty کے ذریعے دو سالانہ انڈیسیسٹ کاسٹنگ کی
 سزا دی گئی تھی اور مجھے اسے کس میں اور ریٹائرمنٹ سے پہلے جبری سزا Major
 Penalty جبری ریٹائرمنٹ کے طور پر دی گئی جو کہ غیر صحیح تھا۔ اس لیے ریٹائرمنٹ
 اور ریٹائرمنٹ کے خلاف حوڑا ہے۔

جہاں والا

جس پر میں خاطر ہے کہ بہت سے اہلکار ہیں جن کو دو تین
 بندوں سے سزا دی گئی ہے جن کی جگہ کرنا قرین العاف نہیں ہے جو کہ باقی
 کو اپنی من و منہ ڈالنے پر غور کیا گیا ہے یا میرے ساتھ جو جہاں میں کر
 اس سے پہلے جیل پر میں دو عیسائی ہیں کہ جی کہ کہیں ان کو اتنا تنگ کیا
 گیا تھا کہ وہ فوری طور پر حوڑا کر چھوڑ پورے۔ ایک ضالہ نامی اہلکار کو
 کو ایک تین سزا یا گیا ہے۔

اسی طرح تمام کی خدمت میں عاجزانہ اپیل ہے کہ آج اور
بڑھی ہوئی مینگی اور دوسری طرف بے روزگاری میرے بچوں
کو ناقص کر چھوڑ کر ہے۔ لہذا میرے بچوں کو ذرا حق فرمائیں
میرے بچوں کی ریشٹریٹ کا فیصلہ داس میں لیا جائے۔ میں اور
میرے بچے آپ کا سپاگوار ہیں۔

العارضی -

صوبہ
27.03.2013

آپ کا تابعدار محمد رسول خان خاں درویش صاحب پورہ -

دہلیس - 9390731-0342
6276895-0344



ORDER:

Amal

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

☎ 091-9210334, 9210406 📠 091-9213445

No.Estb/Ward-/Orders/ 20/05 /-

Dated. 29 - 05 - 2023 /-

WHEREAS, Muhammad Rasool S/O Muhammad Ayub, Sweeper (BPS-03) posted at District Jail Timergara was awarded the major penalty of "**Compulsory Retirement**" by the Superintendent District Jail Timergara vide his office order No. 369 dated 22-03-2023 due to his misconduct.

AND WHEREAS, the said official preferred his departmental appeal for setting-aside the penalty awarded to him.

AND WHEREAS, he was afforded an opportunity of personal hearing on 23-05-2023. The appeal was examined in light of the available record of the case and it was observed that the charges leveled against the appellant were proved and all legal and codal formalities were fulfilled by the competent authority. During the course of hearing, he explained his position but failed to prove and justify his innocence.

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

**INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR**

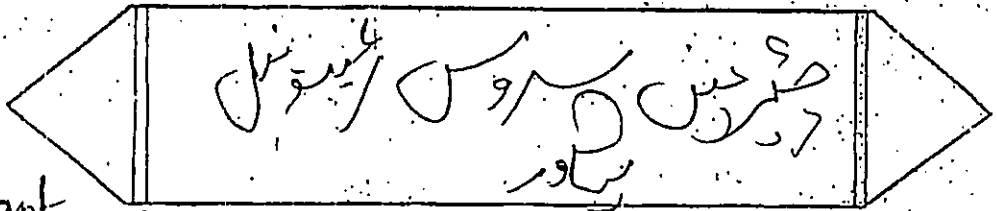
Endst; No. 70106 - 03 /-

Copy of the above is forwarded to:

1. The Superintendent District Jail Timergara for information and necessary action with reference to his letter No. 502/WE dated 17-04-2023. He is requested to inform the appellant accordingly and make necessary entry in his Service Book under proper attestation.
2. The District Accounts officer concerned for information and necessary action.
3. Appellant concerned C/O Superintendent District Jail Timergara for information.

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

بجالت خات



Appellant 2 پنجاب

محمد کرسول بنام حکومت گلشن

موزخہ
مقدمہ
دعویٰ
بیم

باعث تحریر آنگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیردی اور جواب دہی دیکھ کر کاروائی متعلقہ

آئی ایم پی ایم کے لئے Peshawar محمد حسین کرسول

مقررہ کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
 وکیل صاحب کو رضی نامہ کرنے والے وقت رٹالت و فیصلہ بر حلف دینے جواب دہی اور اقبال دعویٰ اور
 بنا ورت ڈگری کرنے اور اجراء اور وصولی چیک و روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زرا میں بردست کرانے کا اختیار ہوگا۔ نیز صورت عدم پیردی یا ڈگری یا سیکرٹریہ یا اپیل کی برآمدگی اور منسوخی
 نیز دائر کرنے اور اپیل ٹرانزیشن اور نظر ثانی و پیردی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
 کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقرر کا اختیار
 ہوگا۔ اور ملحق مقرر شدہ کو کسی دہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا سہارا
 و اجتناب منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے ہوگا۔
 کوئی تاریخ پیشی مقام دورہ پر ہونا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیردی
 مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

محمد حسین کرسول صاحب

26 جون 2023

Accepted
 17-7302
 Cell No 03018521721