


FORM OF ORDER SHEET

Court of

Appeal No. 1553/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	27/07/2023	<p>The appeal of Mr. Muhammad Tahir presented today by Mr. Baseer Ahmad Shah Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <u>01-08-2023</u></p> <p>By the order of Chairman</p>  <p>REGISTRAR</p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Service Appeal No 1553/2023

Muhammad TahirAppellant

VERSUS

IG Prison & OthersRespondents

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Dated:-27-07-2023

M. Tahir
Appellant

Through

BASEER AHMAD SHAH

&

IBAD UR REHMAN

Advocates,

OFFICE:- Cantonment Plaza Flat 3/B Khyber Bazar Peshawar

Cell# 0315 0195187

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No 1553/2023

Muhammad Tahir Ex Warder S/O Gul Hameer R/O Sub Division Hassan
Khel Tehsil, District Peshawar.

.....Appellant

V E R S U S

1. Inspector General Of Prison, Khyber Pakhtunkhwa, Peshawar.
2. Superintendent Head Quarter Prison Khyber Pakhtunkhwa, Peshawar.

.....Respondents

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED
05-07-2023 PASSED BY RESPONDENT NO,1 WHEREBY
DEPARTMENTAL APPEAL OF THE APPELLANT FILED AGAINST
THE ORDER DATED 11-01-2023 HAS BEEN REJECTED.

PRAYER:-

*On acceptance of this appeal the impugned Order dated
05-07-2023 and order 11-01-2023 may kindly be set aside
and the appellant may kindly be ordered to be reinstated in
service with all back benefits.*

Respectfully Submitted:-

1. That the appellant was initially enlisted as Warder on 21-10-2019 and since appointment he performed his duties with honesty and full devotion and to entire satisfaction of the high ups.

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2. That on 05-11-2022 the appellant was falsely involved in a criminal case vide FIR NO 685 dated 05-11-2022 U/S 9-C/CNSA of police station East Cantt Peshawar and was placed under suspension on the same ground vide order dated 08-11-2022. **(Copy of Fir & Order is enclosed as annexure A & B).**
3. That Charge sheet with Statement of Allegations was issued to the appellant when the appellant was in custody which he replied in detail refuting the allegations. **(Copy of Charge Sheet & Reply is enclosed as Annexure C & D)**
4. That the appellant was released on bail by the court of competent jurisdiction on 22-11-2022.
5. That there after Final Show Cause notice was issued to the appellant which he also replied once again refuting the allegations. **(Copy of Final Show Cause Notice & Reply is enclosed as Annexure E & F).**
6. That the appellant duly performed his duties and thus was paid salaries till may 2023 and also time and again approached the department about the fate proceedings but nothing was communicated to him. **(Copies of Pay slips are enclosed as Annexure).**
7. That finally the appellant submitted application to the department on 22-06-2023 about the fate of proceedings and impugned order if any made against him, upon application the appellant was provided copy of impugned office order dated 11-01-2023 on the same day, whereby he was removed from service. **(Copy of Application & Office Order dated 11-01-2023 is enclosed as Annexure H & I).**
8. That hereafter the appellant moved departmental appeal which was rejected vide impugned office order No.24876-78 dated 05-07-2023 which is illegal and is liable to be set at naught. **(Copy of departmental appeal and impugned office order dated 05-07-2023 are annexed J & K).**
9. That now the appellant approaches this Hon'ble Tribunal for setting aside both the impugned orders upon the following grounds inter alia.

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GROUND:

- A.** That both the impugned Orders are illegal, unlawful, without lawful authority and void.
- B.** That the appellant is not treated in accordance with law and rules which being his fundamental right as per Article 4 & 25 of the constitution of Islamic Republic of Pakistan 1973 and law of the land.
- C.** That as the appellant was suspended on the charge of being involved in criminal case, so the department was required to have waited till the decision of criminal case.
- D.** That the appellant has falsely been implicated in criminal case and he has been removed from service before the conclusion of trial in violation of law on the subject.
- E.** That no inquiry is conducted in the matter to have found out the true facts and circumstances, as the appellant was never associated with any inquiry.
- F.** That the charge was never substantiated as no evidence of any sort was collected in its support, thus the impugned order is liable to be set at naught.
- G.** That the appellant was not provided opportunity of personal hearing .
- H.** That the appellant has been condemned unheard in violation of principles of natural justice.

(4)

- I. That any other ground not raised specifically here may kindly be allowed to be raised at the time of arguments.

It is therefore prayed that appeal of the appellant may kindly be accepted as prayed for in the heading of the appeal.

Any other relief deemed appropriate in the circumstances of the case and not specifically asked for may also be granted in favor of the appellant.

Dated:-27-07-2023


Appellant

Through


Baseer Ahmad Shah

&
Ibad Ur Rehman
Advocates

LIST OF BOOKS

1. Constitution 1973.
2. other books as per need

CERTIFICATE:

Certified that as per instructions of my client, no other Service Appeal on the same subject and between the same parties has been filed previously or concurrently before this honorable Tribunal.


ADVOCATE

5

AFFIDAVIT

I, Muhammad Tahir Ex Warder S/O Gul Hameer R/O Sub Division Hassan Khel Tehsil, District Peshawar, do hereby solemnly affirm and declare on oath that the contents of this **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

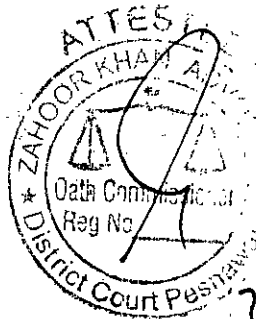
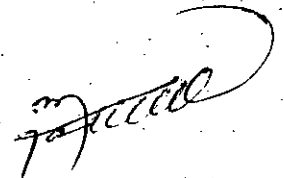
Identified by

Baseer Ahmad Shah

Advocate Peshawar



DEPONENT



27/14

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Service Appeal No _____/2023

Muhammad Tahir.....Appellant

V E R S U S

IG PRISONS & others.....Respondents

APPLICATION FOR CONDONATION OF DELAY IF ANY

Respectfully Submitted:-

1. That the accompanying appeal is being filed today in which no date of hearing has been fixed so far.
2. That the grounds of appeal may be considered as integral Part of this application.
3. That the applicant was provided copy of order dated 11-01-2023 upon application on 22-06-2023, thus departmental appeal of the applicant as well with in time..
4. That the law as well as the dictums of the superior Courts also favors decisions of cases on merits instead of technicalities.

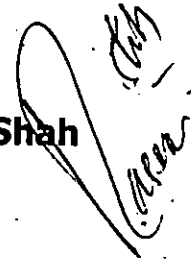
It is therefore prayed that on acceptance of this application, the delay if any in filing of appeal may kindly be condoned.

Dated:-27-07-2023


Appellant

Through

**Baseer Ahmad Shah
Advocate,**



7

AFFIDAVIT

I, Muhammad Tahir Ex Warder S/O Gul Hameer R/O Sub Division Hassan Khel Tehsil, District Peshawar, do hereby solemnly affirm and declare on oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

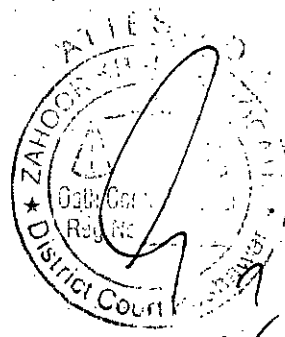
Muhammad Tahir

Identified by

DEPONENT

Baseer Ahmad Shah
Advocate Peshawar

Baseer Ahmad Shah



27/11

کاؤنٹر فائل

ابتدائی اطلاعی رپورٹ

فارم نمبر ۲۳-۵

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زبردفعہ 154 مجموعہ ضابطہ فوجداری

تھانہ:- شرقی

ضلع:- پشاور

علت نمبر:- 685

تاریخ وقت وقوعہ 22-11-5 وقت 12:20 بجے

1	تاریخ وقت رپورٹ:-	22-11-5 وقت رپورٹ 19:20 بجے
2	نام و سکونت اطلاع دہندہ مستغیث	محی الدین سپرنٹنڈنٹ سنٹرل جیل
3	مختصر کیفیت جرم (معد دفعہ) حال اگر کچھ لیا گیا ہو۔	9C CNSA
4	جائے وقوعہ فاصلہ تھانہ سے اور سمت:-	Dewart سنٹرل جیل مین گیٹ
5	نام و سکونت ملزم	محمد طاہر ولد گل محمد سکند کوئی حسن خیل پشاور
6	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو	موصولہ چٹھی انگریزی پر مقدمہ درج رجسٹر کیا گیا
7	تھانہ سے روانگی کی تاریخ وقت	بہ سبیل عام

ابتدائی اطلاع نیچے درج کرو۔

بوقت صدر بجے ایک انگریزی چٹھی نمبری 15802 بشکل مراسلہ و فرد متبوعگی و کارڈ گرفتاری و پیش کردہ 204 گرام چرس جس میں سے 05 گرام چرس بغرض FSL پارسل نمبر 1 بتایا 199 گرام چرس پارسل نمبر 2 میں بند کر کے جس پر 3/3 عدد مواہیر اکی EC ثبت کر کے جبکہ 1/1 عدد مہر نمونہ پارسل ہائے کے اندر رکھ کر جملہ پارسل ہائے برائے فرد قبضہ پولیس میں کر کے پیش کردہ ملزم بالا کو مجرم بالا حسب ضابطہ گرفتار کر کے چٹھی انگریزی ذیل ہے۔

To the station house officer Est cantt subject requisition of case memo today on 05.11.2022 at 12:20 pm at the time of guard change during routine search in main gate Dewari 204 gram chars was recovered from the possession of Wardan Muhammad Tahir S/o Gul hameed R/o Kohi Hassan Khel FR Peshawar which was concealed in shoes by Mr. Inamullah superintendent Jail in presence of Warden Zeeshan Khan Wadan Sharafat Khan and Wardan Muhammad Raziq it is registered a case under the relevant section of law may please be registered against Wardan Muhammad Tahir

سپرنٹنڈنٹ سنٹرل جیل کارروائی تھانہ موصولہ چٹھی انگریزی نمبری 15802 صرف بحرف درج بالا ہو کر مضمون رپورٹ سے صورت جرم بالا کا پائی جا کر پرچہ مجرم بالا چاک کیا جا کر نقول پرچہ جات بغرض تفتیش خورد شید خان INVISI انوشی کمیشن کئے جاتے ہیں پرچہ گزارش

دستخط انگریزی 5-11-2022.....

[Handwritten Signature]



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Annex B
B

OFFICE OF THE
SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR
No: _____ P/B Dt: 08/11/2022

OFFICE ORDER

As requested by Superintendent Central Prison Peshawar vide his letter No. 15804 dated 05-11-2022, Warder (BPS-07) Muhammad Tahir s/o Gul Hameer attached to Central Prison Peshawar is hereby placed under suspension with immediate effect, till further orders in a disciplinary case.

SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR
E-mail: hqprisonpeshawar@gmail.com

Endorsement No: 7453-971

Copy of the above is forwarded to the: -

- 1- Inspector General of Prisons Khyber Pakhtunkhwa Peshawar.
- 2- Accountant General Khyber Pakhtunkhwa Peshawar.
- 3- Superintendent Central Prison Peshawar with reference to above.
- 4- Head Clerk (Pay Branch) Central Prison Peshawar.
- 5- Official concerned.

SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR
E-mail: hqprisonpeshawar@gmail.com

A

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CHARGE SHEET

Annex C

I, **Maqsood ur Rahman**, Superintendent Headquarters Prison Peshawar as Competent Authority, hereby charge Warder (BPS-07), Muhammad Tahir s/o Gul Hameer (**suspended**), attached to Central Prison Peshawar as follows:-

"During search at Main Gate (Dewry) at 12:00 PM 204 gm Chars and a mobile phone were recovered from your possession which constituted gross misconduct and rendered yourself liable to be proceeded against under E&D rules."

2- By reasons of the above, you appear to be guilty of misconduct under rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & 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 defense within 07 days of the receipt of this Charge Sheet to the Inquiry Officer.

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

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

6- Statement of Allegations is enclosed.

**SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR**

Maqsood ur Rahman

To

Mr. Maqsood Ur Rehman,
Inquiry Officer
Superintendent Headquarter Prison,
Peshawar

11

Anex D

5732

23-11-2022

Subject:

REPLY TO CHARGE SHEET DATED 15.11.2022 EXTENSION
OF TIME PERIOD FOR SUBMISSION OF WRITTEN RELY
TO CHARGE SHEET DATED 15.11.2022.

Respected Sir,

It is submitted that the undersigned has been illegally, with malicious and malafide intention, enrobed in case FIR No. 685 dated 05.11.2022 U/s 9C CNSA, lodged at Police Station East Cantt, Peshawar.

Since 05.11.2022 the undersigned is behind the bars and is imprisoned at Central Jail, Peshawar.

The undersigned has applied for his Post Arrest Bail and his bail petition is pending before the Peshawar High Court, Peshawar and fixed for hearing on 22.11.2022. The undersigned is sanguine of his release on bail.

Due to the fact that the undersigned is imprisoned behind the bars, he is unable to consult his lawyer and submit his rely to the show cause notice served upon him.

As per law and the constitution of Islamic Republic of Pakistan, right to Fair Trial is the basic right of every citizen.

Hence, in the interest of Equity, Justice and Fair Play, time to submit reply / defense to the show cause notice dated 15.11.2022 be extended to 01 (one) month, so that the undersigned can consult his lawyer.

Yours Sincerely,

ATTESTED
TO BE TRUE
[Signature]

Muhammad Tahir
S/o Gul Hameer
Warder (BPS-07)

Dated: 21.11.2022

FINAL SHOW-CAUSE NOTICE (12)

Dated: 29-12-2022

I, Maqsood Ur Rehman, Superintendent Headquarters Prison Peshawar as Competent Authority under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, do hereby serve you, Warden (BPS-07) Muhammad Tahir s/o Gul Hameed, attached to Central Prison Peshawar as follows:-

(i) That consequent upon the completion of inquiry conducted against you by Mr. Abdul Haseeb, Assistant Superintendent-cum-Superintendent Sub Jail Jamrud (Inquiry Officer).

(ii) On going through the findings and recommendations and other connected papers including your defense, after detailed inquiry conducted by the Inquiry Officer vide above cited communication, it was concluded that "the accused warden was taking Norco's and Cell phone inside Jail during duty at 12:00 PM on 25-11-2022."

2- As a result thereof, I, as Competent Authority have tentatively decided to impose upon the major penalty of "Dismissal from service" under Rule-4 of the said rules.

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

4- If no reply to this notice is received within 07 days of its delivery in the normal course of circumstances, it shall be presumed that you have no defense to put it and in that case ex-parte action will be taken against you.


5- An extract of the inquiry report is attached.


SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR

Endst: No. 8556-58

Copy of the above is forwarded to the:-

1. Superintendent Central Prison Peshawar for information with reference to above.
2. Mr. Abdul Haseeb, Assistant Superintendent-cum-Superintendent Sub Jail Jamrud, for information with reference to his inquiry report dated 16-12-2022.
3. Officials concerned, C/O Superintendent Central Prison Peshawar.

ATTESTED
FOR THE



SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR

31
03-01-2023

(13)

Annex F

REPLY TO FINAL SHOW CAUSE NOTICE DATED 29-12-2022
ENDORSEMENT NO 8556-58

Respected Sir,

With your kind Permission the Undersigned Submits the following
reply to your final show cause notice;

That the undersigned is facing trail in the Session Court Peshawar in a false
and fabricated charges levelled against him by some persons for ulterior motives
and in order to settle the sources with the undersigned.

And the inquiry is conducted in a haphazard manner which is against the natural
Justice, even opportunity was not given to engage counsel or properly placed his
to case, the undersigned has served for a long time and was neither taking narcotics
or cell phone inside the Jail, If any adverse action is taken against the undersigned,
It will amount to per-empty the court proceeding and will amount to double
Jeopardy, as strongly conducted by the Constitution, hence requests for pending
the inquiry proceeding till innocence of the undersigned is declared from the Court.
Also seeks to be heard in person.

Undersigned

Muhammad Tahir S/o Gul Hameer, Warder

Peshawar Prison.

CELL NO. 0344-8633823

ATTESTED
TO BE TRUE COPY
[Signature]

14

Ana G

Government of Khyber Pakhtunkhwa
Accountant General Khyber Pakhtunkhwa, Peshawar
Monthly Salary Statement (April-2023)



Personal Information of Mr MUHAMMAD TAHIR d/w/s of GUL HAMEER

Personnel Number: 00927535 CNIC: 2250126458795 NTN:
Date of Birth: 22.05.1988 Entry into Govt. Service: 21.10.2019 Length of Service: 03 Years 06 Months 011 Days

Employment Category: Active Temporary

Designation: WARDER 80003860-GOVERNMENT OF KHYBER PAKH

DDO Code: PR4104-SUPERINTENDENT CENTRAL PRISON PESHA-WAR.

Payroll Section: 006 GPF Section: 003 Cash Center:

GPF A/C No: GPF Interest applied GPF Balance: 47,778.00 (provisional)

Vendor Number: -

Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 07 Pay Stage: 3

Wage type	Amount	Wage type	Amount
0003 Subsistence pay	18,130.00	1004 House Rent Allow 45% KP21	4,968.00
1300 Medical Allowance	1,500.00	1547 Ration Allowance	1,000.00
1567 Washing Allowance	150.00	1646 Constabulary R Allowance	300.00
1931 Prison Allowance(2009)	9,220.00	2315 Special Allowance 2021	3,500.00
2347 Adhoc Rel Al 15% 22(PS17)	1,831.00		0.00

Deductions - General

Wage type	Amount	Wage type	Amount
3007 GPF Subscription	-1,010.00	3501 Benevolent Fund	-1,200.00
4004 R. Benefits & Death Comp:	-450.00		0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 0.00 Recovered till APR-2023: 0.00 Exempted: 0.00 Recoverable: 0.00

Gross Pay (Rs.): 40,599.00 Deductions: (Rs.): -2,660.00 Net Pay: (Rs.): 37,939.00

Payee Name: MUHAMMAD TAHIR

Account Number: 263434169

Bank Details: UNITED BANK LIMITED, 210929 G. T. ROAD G. T. ROAD,

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: PESHAWAR

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: tahirafriidi2244@gmail.com

[Handwritten signature]

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Government of Khyber Pakhtunkhwa
Accountant General Khyber Pakhtunkhwa, Peshawar
Monthly Salary Statement (May-2023)



Personal Information of Mr MUHAMMAD TAHIR d/w/s of GUL HAMEER

Personnel Number: 00927535 CNIC: 2250126458795 NTN:
Date of Birth: 22.05.1988 Entry into Govt. Service: 21.10.2019 Length of Service: 03 Years 07 Months 012 Days

Employment Category: Active Temporary

Designation: WARDER 80003860-GOVERNMENT OF KHYBER PAKH
DDO Code: PR4104-SUPERINTENDENT CENTRAL PRISON PESHA WAR.
Payroll Section: 006 GPF Section: 003 Cash Center:
GPF A/C No: GPF Interest applied GPF Balance: 49,278.00 (provisional)
Vendor Number: -

Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 07 Pay Stage: 3

Wage type		Amount	Wage type		Amount
0003	Subsistence pay	18,130.00	1004	House Rent Allow 45% KP21	4,968.00
1300	Medical Allowance	1,500.00	1547	Ration Allowance	1,000.00
1567	Washing Allowance	150.00	1646	Constabulary R Allowance	300.00
1931	Prison Allowance(2009)	9,220.00	2315	Special Allowance 2021	3,500.00
2347	Adhoc Rel AI 15% 22(PS17)	1,831.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3007	GPF Subscription	-1,500.00	3501	Benevolent Fund	-1,200.00
4004	R. Benefits & Death Comp:	-450.00	4200	Professional Tax	-1,000.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
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Deductions - Income Tax

Payable: 0.00 Recovered till MAY-2023: 0.00 Exempted: 0.00 Recoverable: 0.00

Gross Pay (Rs.): 40,599.00 Deductions: (Rs.): -4,150.00 Net Pay: (Rs.): 36,449.00

Payee Name: MUHAMMAD TAHIR
Account Number: 263434169
Bank Details: UNITED BANK LIMITED, 210929 G. T. ROAD G. T. ROAD,

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: PESHAWAR Domicile: NW - Khyber Pakhtunkhwa Housing Status: No Official

Temp. Address:

City: Email: tahirafridi2244@gmail.com

[Handwritten signature]

(16)

Ann H

بعضو جناب سپرنٹنڈنٹ صاحب جیل بساؤر

درخواست بھرا د پوری کرنے انکوائری

جناب عالی:

گزارش کی جاتی ہے کہ میں اپنے محکمہ میں بطور وارڈن BPS-7 تعینات ہوں میرے خلاف شک کی بنیاد پر الزام لگا کر مجھے Suspend کیا گیا جو کہ بعد ازاں میرے خلاف انکوائری شروع ہوئی دوران انکوائری میں نے باقاعدگی سے اپنا موقف ظاہر کرنے کے لیے باقاعدہ طور پر جواب دیا جس کے بعد سے تاحال یہ انکوائری مکمل ہوئی ہے اور نہ ہی انکوائری کے بنیاد پر کوئی Final آرڈر پاس ہوا میں ایک غریب شخص ہوں اور تاحال Suspend ہوں میں نے آپ صاحبان سے پہلے بھی کئی دفعہ گزارش کی مگر میرے خلاف انکوائری کو مکمل کر کے میرے Suspension آرڈر کو ختم کر کے مجھے بحال کریں تاکہ میں اپنی ذمہ داری سر انجام دے سکوں لیکن میری کوئی شنوائی نہ ہوئی۔

لہذا آپ صاحبان سے گزارش ہے کہ سائل کے خلاف محکمہ کارروائی کے متعلق اگر کوئی حکم نامہ جاری ہوا ہو سائل کو عطا کی جائے سائل مشکور رہے گا۔

المترجم: 22-06-2023

العبد:

محمد طاہر ولد گل حیدر

شناختی کارڈ: 5-2645879-22501

موبائل: 0344-8633823

ATTESTED
TO BE TRUE COPY
Kashmir



(17)

Amr I

OFFICE OF THE
SUPERINTENDENT
HEADQUARTER PRISON PESHAWAR
No: _____ P/B Dt: 4/10/2023

OFFICE ORDER


WHEREAS, the accused **Warder (BPS-07) Muhammad Tahir s/o Gul Hameer (suspended)** while attached to Central Prison Peshawar was charge-sheeted within the meaning of Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2021 for the charges of his misconduct contained in Statement of Allegations/ Disciplinary Action served upon him vide this Headquarters endorsement No. dated 7653-55 dated 16-11-2022 upon report received through Superintendent Central Prison Peshawar vide letter No. 16337/WE dated 15-11-2022.

AND WHEREAS, **Mr. Abdul Haseeb Khan**, Assistant Superintendent-cum-Superintendent Sub Jail Jamrud was appointed as Inquiry officer to conducted inquiry into the case.

AND WHEREAS, the Inquiry officer, conducted inquiry into the case and recorded the statement of the accused official and submitted his report to this Headquarters Prison vide Superintendent Sub Jail Jamrud letter No. 2053 dated 16-12-2022

AND WHEREAS, in light of Rule-15 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rule, 2021, the accused official was afforded ample opportunity of personal hearing on 10-01-2023

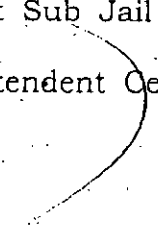
NOW THEREFORE, in exercise of powers conferred under Rule-14(5) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2021 in light of the available record and recommendations of the Inquiry Officer having considered the charges leveled against him and the undersigned being Competent Authority is pleased to impose upon him major penalty of "**Removal from service**" with immediate effect.


SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR
E-mail: hqprisonpeshawar@gmail.com

Endorsement No: 136-39/1

Copy of the above is forwarded to the: -

1. Inspector General of Prisons Khyber Pakhtunkhwa Peshawar.
2. Superintendent Central Prison Peshawar for information with reference to above. Entry to this effect may be made in his service book under proper attestation.
3. Mr. Abdul Haseeb Khan, (Inquiry Officer), Superintendent Sub Jail Jamrud for information with reference to above.
4. Warder Muhammad Tahir s/o Gul Hameer, C/o Superintendent Central Prison Peshawar.


SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR
E-mail: hqprisonpeshawar@gmail.com

(18)

Anex ce J 33

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

Diary NO:

Subject:- Appeal for reinstatement in service.

33029

Respectfully Submitted:-

26/6/2023

1. That the appellant was initially appointed as Warder on 21-10-2019 and since appointment he performed his duties with honesty ad full devotion and to the entire satisfaction of his high ups.
2. That on 05-11-2022 the appellant was falsely involved in criminal case vide FIR No 685 dated 5-11-2022 U/S 9-C/CNSA of Police Station East Cantt Peshawar and was placed under suspension on the same ground vide Order dated 08-11-2022. **(Copy of FIR & Order is enclosed as Annexure A & B).**
3. That Charge Sheet with Statement of Allegations was issued to the appellant when the appellant was in custody which he replied in detail refuting the allegations. **(Copy of Charge Sheet & Reply is enclosed as Annexure C & D).**
4. That the appellant was released on Bail by the Court of competent jurisdiction on 22-11-2022.
5. That there after Final Show Cause Notice was issued to the appellant which he also replied once again refuting the allegations. **(Copy of Final Show Cause Notice & reply is enclosed as Annexure E & F).**
6. That the appellant duly performed his duties and thus was paid salaries till May 2023 and also time and again approached the department about the fate of proceedings but nothing was communicated to him. **(Copies of pay slips are enclosed as Annexure G).**
7. That finally the appellant submitted application to the department on 22-06-2023 about the fate of proceedings and order if any made against him, upon application the appellant was provided copy of Office Order dated 11-01-2023 on the same day, whereby was removed from service. **(Copy of Application & Office Order dated 11-01-2023 is enclosed as Annexure H & I).**

APPEAL
26/6/2023

19

8. That the impugned Order dated 11-01-2023, is against the law, facts and principles of justice on grounds inter-alia as follows:

GRUNDS:-

- A. That the impugned order dated 11-01-2023 is illegal, unlawful, without lawful authority and void.
- B. That the appellant is not treated in accordance with law and rules which being his fundamental right as per Article 4 and 25 of the Constitution and law of the land.
- C. That as the appellant was suspended on the charge of being involved in criminal case, so the departmental was required to have waited the decision of criminal case.
- D. That the appellant has falsely been implicated in the criminal case and he has been removed from service before the conclusion of trial in violation of law on the subject.
- E. That no inquiry was conducted in the matter to have found out the true facts and circumstances, as the appellant was never associated with any inquiry.
- F. That the charge was never substantiated as no evidence of any sort was collected in its support, thus the impugned order is liable to be set at naught.
- G. That the appellant was not provided opportunity of personal hearing.
- H. That the appellant has been condemned unheard in violation of principles of natural justice.

It is therefore prayed that on acceptance of this appeal, the impugned order dated 11-01-2023 may kindly be set aside and the appellant may kindly be ordered to be reinstated in service with all back benefits.

Dated:-26-06-2023

ATTEST
TO


Muhammad Tahir, Ex Warder,
S/O Gul Hameer R/O Sub Division
Hassan Khel Tehsil & District,
Peshawar.
Cell # 03448633823



ORDER:

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OFFICE OF THE **Ann K**
INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR
☎ 091-9210334, 9210406 📠 091-9213445
No. Estb/Ward/Orders/ 24875
Dated 05-07-2023

5299
7-7-23

WHEREAS, Ex-Warder Muhammad Tahir S/o Gul Hamcer, attached to Central Prison Peshawar was awarded the major penalty of "Removal from Service" by Superintendent HQs Prison Peshawar vide order No. 135-39 dated 11-01-2023 due to his misconduct/ recovery of 204 gm narcotics and mobile phone.

AND WHEREAS, the said Ex-Warder preferred his departmental appeal for setting aside the penalty awarded to him and also requested for reinstatement in service.

AND WHEREAS, his appeal was examined in light of the available record of the case and it was observed that the penalty was awarded to him by the competent authority due to his misconduct after observing all legal and codal formalities as required under Government Servants (Efficiency & Discipline) Rules, 2011. Moreover, the appeal was filed on 26-06-2023 and is time barred by 04 months 15 days.

NOW THEREFORE, having considered the charges, evidences/facts on record, explanation of the accused official, 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 competent authority is upheld and appeal of the appellant is hereby rejected being without any substance and badly time-barred.

— sd —

ADDL: INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA, PESHAWAR

ENDST. NO. 24876-78

Copy of the above is forwarded to the:

1. Superintendent, Headquarters Prison Peshawar for information and necessary action w/r to above.
2. Superintendent Central Prison Peshawar for information and necessary action. He is directed to inform the appellant accordingly and to make necessary entry in his Service Book with proper attestation. He is further directed to recover salary for the period i.e. 11-01-2023 to 31-05-2023 for which the appellant was not entitled. Moreover, disciplinary proceedings against subordinate staff being responsible for payment of salary to the appellant after his removal from service may also be initiated and progress be intimated to this office.
3. Muhammad Tahir S/o Gul Hamcer (Ex-Warder) R/o Hassan Khel Tehsil and District Peshawar (Cell No. 0344-8633823) for information.

LO
D. H. C.
G. H. A.
D

Supd.
7-7-23

ATTES
TO BE
K. H. A.

DEPUTY DIRECTOR
INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

VAKALATNAMA

IN THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Muhammad TahivPetitioner/Appellant.

VERSUS

IG Prison & others Respondents/Defendants.

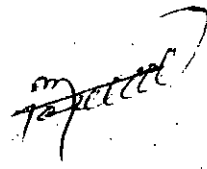
We the undersigned, do hereby appoint and constitute,

BASEER AHMED SHAH Advocate To act, appear and plead in the above-mentioned matter and to withdraw or compromise the said matter or submit to arbitration any differences or dispute that shall arise touching or in any manner relating to the said matter and to receive money and grant receipts therefore and to do all other acts and things which may be necessary to be done for the progress and the course of the prosecution of the said matter.

1. To draft and sign files at necessary pleadings, applications, objections, affidavits or other documents as shall be deemed necessary and advisable for the prosecution of the said matter at all its stages.
2. To employ any other Legal Practitioner, authorizing him to exercise the power as conferred on the undersigned Advocate, wherever he may think fit to do so.

AND we hereby agree to ratify whatever the Advocate or his substitute shall do in the above matter. I/We also hereby agree not to hold the Advocate or his substitute responsible for the result of the said matter in consequence of his absence from the Court when the said matter is called up for hearing. I/We further hereby agree that in the event for the whole or any part of the fee to be paid to the Advocate remaining unpaid, he shall be entitled to withdraw from the above matter. Received


by me on 27/7/2023



Client (s)


BASEER AHMED SHAH

&


IBAD UR REHMAN KHALI
Advocates
Peshawar