

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR CAMP COURT DIKHAN**

In the matter of

Service Appeal No. 946/2022

Hamza Ali Khan s/o Taj Ali Khan, Ex-Warder attached to Central Prison  
DIKhan. ....(Appellant)


**VERSUS**

1. The Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar.
2. The Superintendent, Circle Headquarter Prison D.I.Khan.
3. The Superintendent Central Prison DIKhan.

..... (Respondents)

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Depoent

7

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE  
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**VERSUS**

1. The Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar
2. The Superintendent, Circle Headquarter Prison D.I.Khan.
3. The Superintendent Central Prison DIKhan. .... (Respondents)

Case No. 7487  
Date: 13/09/23

**JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO 01 to 03**

Respectfully Sheweth;

**Preliminary objections**

- a. That the present service appeal is badly time barred.
- b. That the appellant has got no locus standi to file appeal against the Respondents before this Honb'le Tribunal.
- c. That the appellant is estopped by his own conduct to file the instant appeal.
- d. That the appellant has concealed material facts from this Honb'le Tribunal.
- e. That the appellant has no cause of action against the Respondents.
- f. That the present appeal is bad for mis joinder and non-joinder of necessary parties.

**OBJECTION ON FACTS**

1. Pertains to record needs no comments.
2. Pertains to record needs no comments.
3. Pertains to record needs no comments.
4. Pertains to record needs no comments.
5. Pertains to record needs no comments.
6. Incorrect. The appellant was not interested in his duties. It is not possible that a warder is refused by the authorities without any cogent reasons and if it was true the Superintendent Central Prison Bannu and District Jail Lakki Marwat must have submitted a report about appellant but no such report has been submitted to respondent No.02
7. Incorrect. That the appellant is malingering and no such record/application has been provided/shown before the competent authorities/respondents at that time. The appellant is hiding behind the death of his father and has a fabricated story but it is pertinent to mention here that he absented himself in 2014 while his father died in 2020.
8. Incorrect. Again the appellant is malingering facts, as no application was received in any office of the prison department. The appellant submitted application to Secretary Home & Tribal Affairs department Khyber Pakhtunkhwa Peshawar which was sent to Inspector General

Of Prisons Khyber Pakhtunkhwa Peshawar (Respondent No.01) vide No. SO (P&R) /HD/8-3/2020 dated 23.02.2021 (Annex A). The same was forwarded to Respondent No.02 by respondent No.01 for comments vide No. 6454-we dated 03.03.2021(Annex-B). The response of Respondent No. 02 vide No. 1400 dated 15.04.2021 is attached as Annex-C. The Respondent No. 01 directed Respondent No.02 for initiating disciplinary action against the appellant vide No.14175 dated 18.05.2021 (Annex-D).

9. Incorrect. That proper disciplinary action was initiated against the appellant vide No. 2081 dated 03.06.2021 (Annex-E) and inquiry officer was nominated. The inquiry officer conducted inquiry and submitted report to respondent No.02(copy attached as Annex-F). He was given opportunity of personal hearing by respondent No.02 on 29.06.2021 (copy of application of appellant attached as Annex-G).
10. Correct to the extent that the departmental appeal of the appellant was rejected by the Respondent No.01 vide No.38960 dated 01.12.2021 (annex-H) and the appellant was informed well in time and it is wrong that the appellant was communicated the orders on 16.05.2022. It is evident from the fact that the appellant knew about his rejection of departmental appeal as the appellant tried to file another appeal through Secretary to Home & Tribal Affairs Department Khyber Pakhtunkhwa Peshawar which was rejected by Respondent No.01 vide No.4968-69 dated 31.01.2022 (Annex-I).
11. No comments.

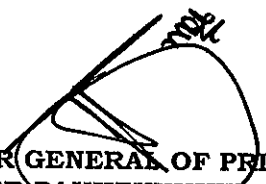
**OBJECTION ON GROUNDS.**

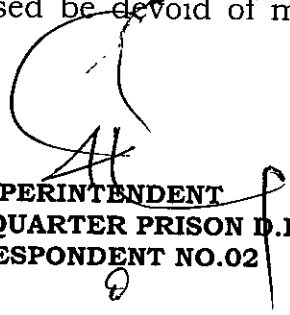
- A. That the orders of removal from service passed by the Superintendent Circle Head Quarter Prison Dikhan (respondent No.02) No.4590 dated 21.09.2021 and order of Inspector General of Prisons Khyber Pakhtunkhwa Peshawar (Respondent No.01) No. 38960 dated 01.12.2021 are lawful, legal and based on facts.
- B. That all legal proceeding has been carried out against the appellant. Ample opportunities was granted to the appellant to defend himself. Proper disciplinary proceedings were carried out vide No.2081 dated 03.06.2021. Proper inquiry was carried out through an Assistant Superintendent Jail.
- C. Incorrect. That the appellant was not interested in his duties and absented himself without any cogent reasons. The appellant had not submitted any application for leave or nor informed any forum regarding illness of his father.
- D. As elaborated in Para-8, 09 & 10 of objection on facts.
- E. As elaborated in Para-8, 09 & 10 of objection on facts.
- F. No comments.

16  
G. Any additional documents/points will be raised during the arguments with a prior permission of the Honourable Tribunal.

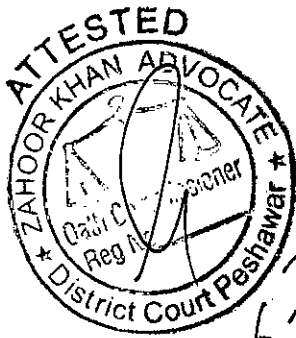
**PRAYER:**

It is therefore most humbly prayed that on acceptance of this instant reply/Para-wise comments on behalf of respondent No. 01, 02& 03 the appeal of the appellants may kindly be dismissed be devoid of merit & Law.

  
INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA  
PESHAWAR  
RESPONDENT NO.01

  
SUPERINTENDENT  
CIRCLE HEADQUARTER PRISON D.I.KHAN  
RESPONDENT NO.02

  
SUPERINTENDENT  
CENTRAL PRISON D.I.KHAN  
RESPONDENT NO.03



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**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR CAMP COURT DIKHAN**

In the matter of

Service Appeal No. 946/2022

Hamza Ali Khan s/o Taj Ali Khan, Ex-Warder attached to Central Prison DIKhan. ....(Appellant)

**VERSUS**


1. The Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar.
2. The Superintendent, Circle Headquarter Prison D.I.Khan.
3. The Superintendent Central Prison DIKhan.

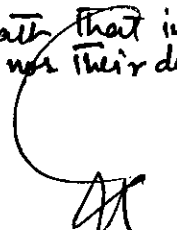
..... (Respondents)

**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 1 to 3**

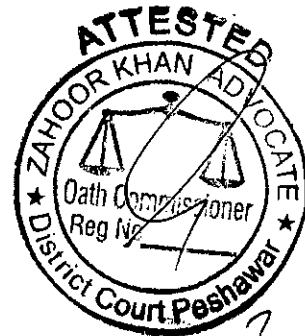
We the following respondents do hereby solemnly affirm and declare that the contents of Joint Para-wise Comments are true and correct to the best of our Knowledge and belief and nothing have been concealed from this Honorable Service Tribunal.

*It is further stated on oath that in this appeal, the answering respondents have neither been placed ex parte nor their defense have been struck-off.*

*msk*  
  
**INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA  
PESHAWAR  
RESPONDENT NO.01**

  
**SUPERINTENDENT  
CIRCLE HEADQUARTER PRISON D.I.KHAN  
RESPONDENT NO.02**

  
**SUPERINTENDENT  
CENTRAL PRISON D.I.KHAN  
RESPONDENT NO.03**



*7  
6/23*

**OFFICE OF THE  
SUPERINTENDENT  
DISTRICT JAIL LAKKI MARWAT  
NO.1527**

Dated: 30-09-2014

Phone & Fax No:0969-510547  
Districtjaillakkimarwat@gmail.com

**To,**

Warder Hamza Ali  
Attached to District Jail Lakki Marwat.

Subject:- **RELIEVING DOCKET**

Memo:

Under instructions contained in the Superintendent Headquarter Jail D.I Khan order No.10836-39 Dated 22.09.2014,you are hereby relieved of your duties at this jail today on 30-09-2014 AN/FN and directed to report to the Superintendent Central Jail Bannu for further duty there.

You are allowed Nil days joining time.

**SUPERINTENDENT  
DISTRICT JAIL LAKKI MARWAT**

Endst: No. \_\_\_\_\_ Dated: \_\_\_\_\_-09-2014

Copy of the above is forwarded to:-

1. The Superintendent Central Headquarter Prison, D.I.K for information please.
2. The Superintendent Central Jail Bannu for information please.
3. The District Account Officer Lakki Marwat for information please.

**SUPERINTENDENT  
DISTRICT JAIL LAKKI MARWAT**

Phone & Fax No: 0969-510547  
Districtjailakkimarwat@gmail.com

OFFICE OF THE  
SUPERINTENDENT  
DISTRICT JAIL LAKKI MARWAT

NO: 1527

Dated: 30-09-2014

To,

Warder *Hamza Ali*  
Attached to District Jail Lakki Marwat.


Subject:- **RELIEVING DOCKET.**

Memo:

Under instructions contained in the Superintendent Headquarter Jail D.I.Khan order No/083639 Dated 22-09-2014, you are hereby relieved of your duties at this jail today on 30-09-2014 AN/EN and directed to report <sup>to</sup> ~~at~~ <sup>the</sup> Superintendent *Central Jail Bannu* for further duty there.

You are allowed nil days joining time.

*Asses*

  
SUPERINTENDENT  
DISTRICT JAIL LAKKI MARWAT

Endst: No. \_\_\_\_\_ Dated: \_\_\_\_\_ - 09- 2014

Copy of the above is forwarded to:-

1. The Superintendent Central Headquarter Prison, D.I.K for information please.
2. The Superintendent *Central Jail Bannu* for information please.
3. The District Account Officer Lakki Marwat for information please.

SUPERINTENDENT  
DISTRICT JAIL LAKKI MARWAT

بخدمت جناب ہوم سیکرٹری (جیل خانہ جات) خیبر پختونخوا، پشاور

عنوان: درخواست جبراد بحالی ملازمت

جناب عالی!

گزارش بحضور انور ہے کہ سائل جیل خانہ جات میں بحیثیت وارڈر بھرتی ہوا تھا۔ مورخہ 20-09-2014 کو سائل کا تبادلہ ڈسٹرکٹ جیل کی صورت سے سنٹرل جیل بنوں کو ہو گیا تھا۔ اس وقت سائل کے والد محترم شہید علی اللہ خان نے سائل کی دیکھ بھال کی وجہ سے سنٹرل جیل بنوں میں حاضر نہ ہو سکا۔ اب چونکہ سائل کے والد کا انتقال ہو چکا ہے۔ اور سائل دوبارہ اپنی ڈیوٹی پر حاضر ہو کر اپنی ملازمت کا سلسلہ جاری رکھنا چاہتا ہے۔ لہذا جناب کی خدمت میں عرض ہے کہ سائل کو اپنی پوسٹ پر بحال کرنے کے احکامات صادر فرمائیں۔ سائل پوری ایمانداری سے اپنے فرائض انجام دے گا اور تاحیات آپ کے لیے دعا گو رہے گا۔

گزارش ہوئی

مورخہ:

القاری

حزہ علی خان (وارڈر)

50 (P&R)

for ma

17/2/21

22/2/21

ASST



**IMMEDIATE/FAX**

Government of Khyber Pakhtunkhwa,  
Home & Tribal Affairs Department.

No. SO(P&R)/HD/8.3/2020

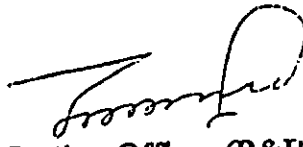
Dated Peshawar the 23<sup>rd</sup> February, 2021

To

✓  
The Inspector General of Prisons,  
Khyber Pakhtunkhwa,  
Peshawar.

Subject: - APPLICATION FOR REINSTATEMENT INTO SERVICE.

I am directed to refer to the subject noted above and to enclose herewith a copy of an application along-with its enclosures (self-explanatory) for your views/comments, please.

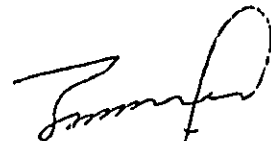
  
Section Officer (P&R)

Encl: As Above:

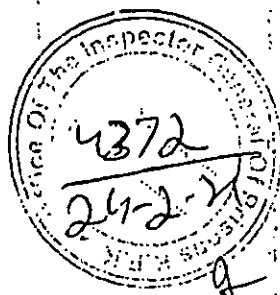
Endst: of even No & date:-

Copy forwarded for information to:

1. PS to Secretary Home, Khyber Pakhtunkhwa.
3. Master file.

  
Section Officer (P&R)

*Attended*  
*[Signature]*



*9*  
*55-2-21*

INSPECTORATE GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR

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091-9210334, 9210406

091-9213445

<https://www.facebook.com/kpkprisons>  
prisonsig@gmail.com

No. KE 6454 1-WE

Dated. 03-02-2021 1-

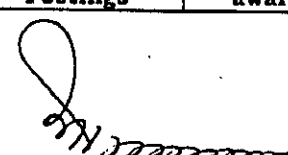
The Superintendent,  
Headquarters Prison D.I Khan.

Subject:-  
Memo:

**APPLICATION FOR REINSTATEMENT INTO SERVICE.**

I am directed to refer to the subject and to forward herewith a copy of Home Department letter No. SO(P&R)/HD/8-3/2020 dated 23-02-2021 alongwith its enclosure (self-explanatory) for information, and submission of your views/comments as desired therein. Moreover, history of service of the applicant Ex-Warder may also be furnished on the below noted format please:-

S.No.	Name & Parentage	Rank	Date of Birth	Date of appointment.	Detail Of Postings	Penalty if any awarded
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ASSISTANT DIRECTOR  
INSPECTORATE GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR

Endst: No. \_\_\_\_\_/-

Copy of the above is forwarded to Secretary to Government of Khyber Pakhtunkhwa Home Department Peshawar for information with reference to above please.

ASSISTANT DIRECTOR  
INSPECTORATE GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR



OFFICE OF THE SUPERINENDENT  
PRISONS CIRCLE HEAD QUARTER D.I.KHAN  
No. 1400 / HQ Date 15/04/2021  
PH&FAX \No. 0966-9280299  
cpdikhan1@gmail.com

The Inspector General Of Prisons,  
Khyber Pakhtunkhwa Peshawar.

Subject: DEPARTMENTAL APPEAL.

Respected Sir,

Kindly refer to your No. 6454/we dated 03.03.2021

It is submitted that no record has been found against the absence of Mr. Hamza ali s/o Noor Taj Ali as no jail have reported against his absence, therefore, this headquarter was not able to take any action against the said warder.

Report submitted please.

SUPERINTENDENT  
CIRCLE H/QS PRISON DIKHAN

Ahmed  
Smt

INSPECTORATE GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR

091-9210334, 9210406 091-9213445

<https://www.facebook.com/kpkprisons>  
prisonsig@gmail.com

No. 100-14175 1-~~100~~  
Dated. 18-05-2021 1-

To,

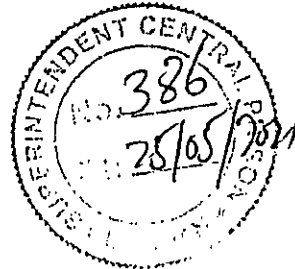
The Superintendent,  
Headquarter Prison D.I Khan.

Subject: **DEPARTMENTAL APPEAL.**  
Memo;

I am directed to refer to your letter No. 1401 dated 15-04-2021 on the subject and to convey to proceed against **Warder Hamza Ali S/O Noor Taj Ali** by initiating inquiry against him into his absence period to find out the factual position of the case strictly in accordance with the relevant rules/law and report be submitted to this office at the earliest.

*[Signature]*  
ASSISTANT DIRECTOR  
INSPECTORATE GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR

*Al* 18/5/2021



*Asst. Dir.*  
*[Signature]*

*[Handwritten signature]*



OFFICE OF THE SUPERINTENDENT  
PRISONS CIRCLE HEAD QUARTER D.I.KHAN  
No. 2081 / PB Date 03-06-2021  
PH&FAX \No. 0966-9280299  
cpdikhan1@gmail.com

### DISCIPLINARY ACTION

I, Muhammad Binyamin Khan Superintendent Headquarter Prison DIKhan as competent authority, am of the opinion that **Warder Hamza Ali s/o Noor Taj Ali** attached to District Jail Lakki Marwat under transfer to Central Prison Bannu has rendered him liable to be proceeded against him committed the following acts of misconduct within the meaning of Section 3 of the Khyber Pakhtunkhwa (Efficiency & Discipline ) Rule 2011.

### STATEMENT OF ALLEGATIONS.

1. **Warder Hamza Ali s/o Noor Taj Ali** was relieved by the superintendent District Jail Lakki Marwat for further duty at Central Prison Bannu on 30.09.2014 with nil days joining time and he was due to resume duty at Central Prison Bannu on 01.10.2014 but he absented himself and did not join duties at Central Prison Bannu.
2. Mr. Ijaz Ahmed Assistant Superintendent Jail attached to Central Prison D.I.Khan is hereby appointed as Inquiry Officer.
3. The Inquiry Officer shall in accordance with the provisions of the Ordinance provide a reasonable opportunity of hearing to the accused, record his findings and make within fifteen days of receipt of this order, recommendation as to punishment or other appropriate action against the accused official.
4. The accused official and a well conversant representative of the department shall join the proceedings at the date, time place fixed by the Inquiry Officer.

*ams*  
SUPERINTENDENT  
CIRCLE HQS PRISON DIKHAN

Endorsement No. 2082-84 /2021

Copy of the above is forwarded to the:-

1. Inspector General Of Prisons Khyber Pakhtunkhwa Peshawar for information w/r to No. 14175 dated 18.05.2021.
2. Mr. Ijaz Ahmed Assistant Superintendent Jail attached to Central Prison D.I.Khan, Inquiry Officer for initiating proceedings against the above named warder under the meaning of Section 3 of the Khyber Pakhtunkhwa (Efficiency & Discipline) Rule 2011.
3. **Warder Hamza Ali s/o Noor Taj Ali** attached to District Jail Lakki Marwat under transfer to Central Prison Bannu for pay purpose and for duty purpose attached to Central Prison Peshawar with the directions to appear before the Inquiry Officer for the purpose of inquiry proceedings.
3. Superintendent Central Prison Bannu and District Jail Lakki Marwat for information and with the request to produce the relevant record before the Inquiry Officer and assist him during the inquiry proceedings. One copy of the same duly signed and dated by above named official may be returned to this office as a token of receipt.

*ams*  
SUPERINTENDENT  
CIRCLE HQS PRISON DIKHAN

*Asst. Insp.*  
*[Signature]*

To,

The superintendent,  
Circle Headquarter Prison, D.I.Khan.

Subject:- INQUIRY REPORT.

R/Sir,

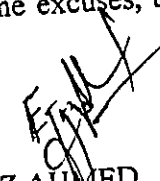
It is submitted that I have been appointed as inquiry officer against Warder Hamza Ali s/o Noor Taj Ali vide your goodself office No. 2082-84 dated 03.06.2021 to conduct inquiry for the allegations leveled against him. The aforesaid official was directed to appear before the undersigned on 29.06.2021.

STATEMENT OF THE WARDER HAMZA ALI S/O NOOR TAJ ALI

The above named warder appeared before the undersigned on 29.06.2021 for personal hearing. He was asked about his long absence from service. He submitted his written statement wherein he stated that his father became seriously ill and he had to take care of his father due to which he could not join duties at Central Prison Bannu when he was relieved by the superintendent District Jail Lakki Marwat on 30.09.2014. Moreover, he verbally narrated that he had enmity in his area due to which his movement was very much restricted. Now his father has died and he has settled his enmity, therefore, he requested that he may please be reinstated into service owing to his genuine reasons.

RECOMMENDATIONS

After conducting inquiry from different sources and going through the statement of the above named warder I reached to the conclusion that the reply submitted by the warder is bogus / fabricated and is based on lame excuses, therefore, his service may be terminated w.e.f his date of absentee.

  
MR. IJAZ AHMED  
(INQUIRY OFFICER)  
CENTRAL PRISON DIKHAN





INSPECTORATE GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR

091- 9210334, 9210406 091- 9213445

<https://www.facebook.com/kpkprisons>  
prisonsig@gmail.com

No. 33308 1-WL

Dated. 12-10-2021

✓ The Superintendent,  
Circle Headquarters Prison D.I Khan.

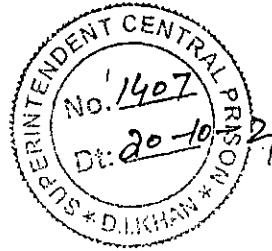
Subject:- **DEPARTMENTAL APPEAL**  
Memo:

I am directed to refer to the subject and to forward herewith a copy of departmental appeal/application alongwith its enclosure (self-explanatory) submitted by Warder **Hamza Ali Khan S/O Noor Taj** on the captioned subject.

Please look into the matter and furnish your necessary views/comments alongwith history of his service on the below noted format for further necessary action by this office:-

S.No.	Name & Parentage	Rank	Date of Birth	Date of appointment.	Detail Of Postings	Penalty if any awarded
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*S. Malik*  
ASSISTANT DIRECTOR  
INSPECTORATE GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR





OFFICE ORDER

OFFICE OF THE SUPERINTENDENT  
PRISONS CIRCLE HEAD QUARTER D.I. KHAN  
No. 4591/PB Date 21-07-2021  
PH&FAX No. 0966-9780299  
cpdikhan1@gmail.com

WHEREAS, the accused official Mr. Hamza Ali s/o Noor Taj Ali was proceeded against under Rule-3 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges of his misconduct that he was relieved by the Superintendent District Jail Lakki Marwat on 30.09.2014 with nil days joining for further duty at Central Prison Bannu. He was due to resume duty at Central Prison Bannu on 01.10.2014 but he absented himself and did not join duties at Central Prison Bannu.

AND WHEREAS, he furnished reply but the same was found unsatisfactory.

AND WHEREAS, the undersigned being competent authority granted him the opportunity of personal hearing on 29.06.2021 as provided for under rules ibid. The accused official failed to defend his case with documentary proof/evidence.

NOW therefore, in exercise of powers conferred under Rule-14(5) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, having considered the charges, evidence on record, the explanation of the accused official and after affording the opportunity of personal hearing, the undersigned being competent authority, hereby award Major Penalty of "Removal From Service" to Mr. Hamza Ali s/o Noor Taj Ali for his longwilled absence. The period of his absence w.e.f 01.10.2014 to 29.06.2021 is hereby treated as extra ordinary Leave without Pay.

SUPERINTENDENT  
CIRCLE HQS PRISON DIKHAN

Endorsement No. 4591-76  
Copy of the above is forwarded to:-

1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information.
2. The Superintendent Central Prison Bannu. Necessary entry may please be made in the Service Book of official concerned under proper attestation.
3. The Superintendent District Jail Lakki Marwat for information and necessary action.
4. DAO Lakki Marwat & Bannu.
5. Mr. Hamza Ali s/o Noor Taj Ali r/o of Kubir Kalay Mohallah Danish Abad p.o Sahib abad Tehsil and District Karak.

SUPERINTENDENT  
CIRCLE HQS PRISON DIKHAN



**OFFICE OF THE SUPERINTENDENT  
PRISONS CIRCLE HEDQUARTER DI KHAN**  
No.4590 /PB Date 21-09-2021  
PH&FAX/No:9866-9280299  
cpdikhan1@gmail.com

**OFFICE ORDER**

**WHEREAS**, the accused official Mr.Hamza Ali s/o Noor Taj Ali was proceeded against under Rules-3 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules,2011 for the charges of his misconduct that he was relieved by the Superintendent District Jail Lakki Marwat on 30.09.2014 with nil days joining for further duty at Central Prison Bannu. He was due to resume duty at Central Prison Bannu on 01.10.2014 but he absented himself and did not join duties at Central Prison Bannu.

**AND WHEREAS**, he furnished reply but the same was found unsatisfactory.

**AND WHEREAS**, the undersigned being competent authority granted him the opportunity of personal hearing on 29.06.2021 as provided for under rules ibid. The accused official failed to defend his case with documentary proof/evidence.

**NOW** therefore, in exercise of powers conferred under Rule-14(5) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, having considered the charges, evidence on record, the explanation of the accused official and after affording the opportunity of personal hearing, the undersigned being competent authority, hereby award Major Penalty of **"Removal from Service"** to **Mr. Hamza Ali S/O Noor Taj Ali** for his wilful absence. The period of his absence w.e.f 01.10.2014 to 29.06.2021 is hereby **treated** as extra ordinary **Leave without Pay**.

**SUPERINTENDENT  
CIRCLE HQS PRISON DI KHAN**

Endorsement No. 4591-96/

Copy of the above is forwarded to:-

1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information.
2. The Superintendent Central Prison Bannu. Necessary entry may please be made in the Service Book of official concerned under proper attestation.
3. The Superintendent District Jail Lakki Marwat for information and necessary action.
4. DAO Lakki Marwat & Bannu.
5. Mr.Hamza Ali s/o Noor TajAli r/o of Kabir Kalay Mohallah Danish Abad p.o Sabir abad Tehsil and Dsitric Karak.

**SUPERINTENDENT  
CIRCLE HQS PRISON DI KHAN**

بخدمت جناب اسپتال جات، خیبر پختونخوا۔

اپیل برخلاف آفس آرڈر نمبر مورخہ 21-9-2021، بجانب سپرنٹنڈنٹ، جیل خانہ جات D.I.Khan

عنوان:-

جناب عالی:-

گزارش ہے سائل محکمہ جیل میں بطور Warder بھرتی ہوا تھا۔ سائل اپنی ملازمت احسن طریقے سے انجام دے رہا تھا۔ مورخہ 30-9-2014 کو بحوالہ آفس آرڈر نمبر 1527 کو لگی مروت جیل سے بنوں جیل ڈیوٹی کے لئے حکم دیا گیا (منسلک ہے)۔ سائل وہاں پر حاضری کے لئے جاتا رہا لیکن سائل کو کہا جاتا کہ آپ کا کیس چل رہا ہے، D.I.Khan جیل سے فیصلہ آنے تک آپ انتظار کریں۔ چار مہینے بعد مورخہ 06.2.2015 کو بحوالہ آفس آرڈر نمبر 853 بجانب سپرنٹنڈنٹ ہیڈ کوارٹر D.I.Khan نے مورخہ 30-9-2014 والا آرڈر، جس میں بنوں جیل جانا کا حکم نامہ تھا، کینسل کر دیا (منسلک ہے)۔ سائل کو ان چار مہینوں کی تنخواہ بھی نہیں دی گئی، اور جیل انتظامیہ ضلع لکی مروت نے اس آرڈر کی روشنی میں Joining بھی واپس نہیں دی۔ سائل کے والدین بہت ضعیف اور کمزور ہیں، اور والد صاحب بہت زیادہ علیل بھی رہتے تھے۔ متعدد بار زبانی کہتا رہا کہ سائل لکی مروت اور ڈی آئی خان جیل دونوں کو التجا کرتا رہا کہ سائل کو چھٹی دی جائے تاکہ والدین کی علالت میں ان کے ساتھ دادرسی اور اپنے بیٹے ہونے کا حق ادا کرے لیکن چونکہ ضلع لکی مروت سے بحوالہ آرڈر مورخہ 30-9-2014 کو Relive ہوا اور مورخہ 06.2.2015 کو وہی آرڈر کینسل ہوا، اب درمیان میں دونوں جیل (ضلع لکی مروت اور ڈی آئی خان) سائل کی درخواست بھی نہیں لے رہے تھے، اور سائل والدین کی علالت کو دیکھ کر بہت زیادہ ذہنی و جسمانی درد میں مبتلا تھا۔

چونکہ کوئی بھی درخواست تک وصول نہیں کر رہا تھا، لہذا سائل مجبوری میں Extra Ordinary Leave کی اطلاع دے کر اپنے والدین کے ساتھ فرائض منصبی کے لئے کراچی چلا گیا۔ سائل سرکاری فون پر مسلسل رابطے میں تھا اور فون پر یہی اطلاع دی جاتی رہی کہ آپ کی تنخواہ بند کی جا چکی ہے اور مزید کوئی بھی کارروائی نہیں ہوئی ہے۔ مجبوری میں کوئی بھی دوسرا ذریعہ نہ ہونے پر اپنی تنخواہ بند ہونے پر سائل کو کوئی بھی اعتراض نہیں تھا کیونکہ دوسری جانب بیمار اور ضعیف والدین تھے، اسی لئے سائل خاموش رہا، لیکن یہ بھی سخت نا انصافی تھی۔

اسی اثناء میں والد صاحب اپنی طویل علالت کے دوران سال 07-July-2020 میں وفات بھی پا چکے ہیں، جس میں واضح طور پر سائل کے والد کی کم از کم علالت بھی 02 سال۔ 05 مہینے۔ 10 دن درج ہے (سرٹیفیکیٹ لف ہے)۔ واپس ڈیوٹی پر حاضر ہونے پر سائل کو کوئی بھی Joining تک نہیں دے رہا تھا اور ہر بار دروازے سے ہی ایک مہینے بعد اور دو مہینے بعد آنے کا کہا جاتا رہا۔ دسمبر 2019 کے بعد سائل جب بھی دوبارہ آفس جاتا تو سائل کو یہی کہا جاتا رہا کہ Corona ہے اور آپ اس وبا کے نلنے کے بعد آ

جائیں۔ بہت زیادہ اصرار پر سال 2020 میں ادارے کے بہت چکر لگانے کے بعد ادارے نے 6 سال 9 مہینے بعد Personal Hearing کے لئے مورخہ 29-6-2021 کو طلب کیا گیا، جس کے بعد مورخہ 21-9-2021 بحوالہ آفس آرڈر نمبر 4590/PB سائل کو ایک ہی آرڈر میں یکطرفہ فیصلہ کرتے ہوئے Removal From Service اور مورخہ 01-10-2014 سے مورخہ 26-9-2021 تک Extra Ordinary Leave Without Pay کی اکٹھی سزا ایک ہی آرڈر میں دے کر سائل کے ساتھ سخت ترین نا انصافی کی ہے۔

یہ بات بھی قابل ذکر ہے کہ ادارے نے اس 6 سال 9 مہینے کے دوران ایک بار بھی نہ حاضری کے لئے کوئی لیٹر جاری کیا، نہ ہی کوئی انکوائری کی گئی، نہ ہی میرے خلاف وہ سارے Rules لاگو کئے گئے جو کہ ان سخت ترین سزاؤں کی جانب براہمان ہو رہے ہیں اور نہ ہی ان 6 سال 9 مہینے کے دوران میری سرورس بک میں کوئی Entry کی گئی۔ نہ کوئی اخبار اشتہار یا کوئی بھی رجسٹری میرے گھر پر جاری کی گئی اور نہ ہی مجھے یہ صورت حال سے آگاہ کیا کہ کس جانب حاضری کی جائے۔

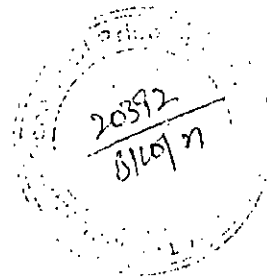
سائل ایک غریب خاندان سے تعلق رکھتا ہے اور زیادہ پڑھا لکھا نہیں ہے۔ اس لئے سائل ہمدردانہ اپیل کرتا ہے مذکورہ بالا نا انصافی اور قانون کے خلاف کی گئی تمام کارروائی کو منسوخ کر کے سائل کو اپنی ملازمت پر بحال کر کے ڈیوٹی پر حاضری کے لئے Order جاری کیا جائے اور جو عرصہ میری تنخواہ کی کوٹی ہوئی ہے، اسے میرے جانب سے ساری غلطی نہ ہونے پر واپس مجھے ادا کی جائے۔ سائل ہمدردانہ اور انسانی حقوق کی بنیاد پر اپیل آج مورخہ 08-10-2021 بروز جمعہ المبارک کو جمع کرتا ہے۔

آپکا تعبدار:  
حمزہ علی ولد نور تاج (مرحوم)

سابقہ وارڈ رکنی مردوت

موبائل نمبر: 0333-8321057

پوسٹل ایڈریس: حمزہ علی ولد نور تاج (مرحوم)، سکنہ کبیر کلمے، محلہ دانش آباد، پوسٹ آفس، صابر آباد، تحصیل ضلع کرک۔



12/10/21

Adles



OFFICE OF THE  
SUPERINTENDENT

CIRCLE H/Qs PRISON D.I.KHAN

No. 6454/WE/HQ Dt: 01/11/2021

PH&FAX NO.0966-9280299

Cpdikhan1@gmail.com

To

The Inspector General of Prisons;  
Khyber Pakhtunkhwa, Peshawar.

Subject:- **DEPARTMENTAL APPEAL**

R/Sir;

Reference your memo No.33308/WE dated 12.10.2021.

It is submitted that an application was received in respect Mr. Hamza Ali Khan s/o Noor Taj Ali Khan vide your good office No. 6454/we dated 03.03.2021. When the record was checked it was found that no action has been taken against him as no jail have reported against absence of the said warder (letter No. 1400 dated 15.04.2021 attached).

As per guidance of your good office vide No. 14175 dated 18.05.2021 disciplinary action was initiated against Ex-warder Hamza Ali Khan vide this office No. 2081 dated 03.06.2021 (copy attached) and Mr. Ijaz Ahmed Assistant Superintendent Jail was nominated as Inquiry officer. The Inquiry officer submitted a detailed report stating therein that the said ex-warder has submitted a fabricated story regarding his long willful absence therefore, his services may be terminated.

Therefore, he was awarded major penalty of removal from service and his absence period w.e.f 01.10.2014 to 29.06.2021 was treated as leave without pay vide this office No. 4590 dated 21.09.2021.

S#	Name & Parentage	Rank	Date of Birth	Date of Appointment	Punishment awarded during his entire service with date and nature of offence.
1.	Hamza Ali Khan s/o Noor Taj Ali Khan	Warder	27.10.1989	11.05.2012	Major Penalty of removal from service for willful long absence w.e.f 01.10.2014 to 29.06.2021

SUPERINTENDENT  
CIRCLE H/Qs PRISON DIKHAN

AKS  
[Signature]

OFFICE OF THE  
INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR

91-9210334, 9210406 091-9213445

No. Estb/Ward-/Orders/ 38960 /-

Dated 01-12-2021 /-

**ORDER:**

**WHEREAS**, Warder Hamza Ali Khan S/O Noor Taj Ali Khan while attached to Central Prison D.I.Khan was awarded the major penalty of "Removal from Service" by the Superintendent Headquarters Prison D.I Khan vide his office order No. 4590 dated 21-09-2021 due to his long willful absence from 01-10-2014 to 29-06-2021 (06 years, 08 months & 28 days).

**AND WHEREAS**, the said Warder preferred his departmental appeal for setting-aside the penalty awarded to him, which 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 WHEREAS**, he was afforded an opportunity of personal hearing on 29-11-2021. During the course of hearing, he explained his position but failed to justify his long willful absence for the above period mentioned.

**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 competent authority is upheld and appeal of the appellant is hereby rejected being without any substance.

**INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA, PESHAWAR.**

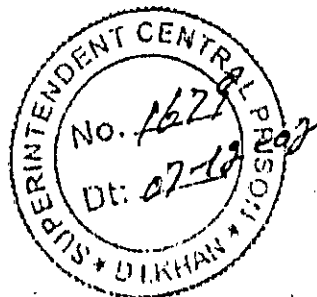
Endst; No. 38961-64 /-

Copy of the above is forwarded to: -

1. The Superintendent Headquarters Prison D.I Khan for information and necessary action with reference to his letter No. 8484/WE dated 01-11-2021.
2. Superintendent Central Prison D.I Khan for information and necessary action. He is directed to inform the appellant accordingly and also make necessary entry in his Service Book under proper attestation.
3. The District Accounts officer concerned for information and necessary action.
4. Appellant concerned C/O Superintendent Central Prison D.I.Khan for information.

*[Signature]*  
ASSISTANT DIRECTOR  
INSPECTORATE GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR

*[Signature]* 01/12/2021





*Wajo, penalty.  
Hamza  
Ali file*

**INSPECTORATE GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR**

☎ 091-9210334, 9210406 📠 091-9213445  
<https://www.facebook.com/kpkprisons>  
✉ [prisonsig@gmail.com](mailto:prisonsig@gmail.com)

No. \_\_\_\_\_/

Dated. 31 — 01 — 2022

To,

The Secretary to Government of Khyber Pakhtunkhwa,  
Home and Tribal Affairs Department,  
Peshawar

**Attention  
S.O (P&R)**

Subject: **APPEAL**

Dear Sir,

I am directed to refer to Home Department letter No. SO(P&R)/HD/8-3/2018/Vol-II dated 26-01-2022 on the subject and to state that Ex- Warder Hamza Ali S/o Noor Taj Ali Khan while attached to Central Prison D.I Khan was awarded the major penalty of "Removal from Service" by the Superintendent Headquarter Prison D.I Khan vide his order No. 4590 dated 21-09-2021 (Copy enclosed) due to his prolonged willful absence from duty w.e.f 01-10-2014 to 29-06-2021 (**06 years 08 months and 28 days**). He preferred his departmental appeal to appellant authority for setting aside the penalty awarded to him by the competent authority. His appeal was examined in the light of available record of the case and it was observed that his appeal is baseless and without any substance. Therefore, keeping in view the facts on record, the provision of rules in vogue, the appellant authority upheld the decision of competent authority (Superintendent HQ Prison D.I Khan) and his appeal was rejected vide this office order No. 38960 dated 01-12-2021 (Copy enclosed).

There is no provision in rules for filing of second appeal or representation. The remedy in such cases can be sought in the service Tribunal please.

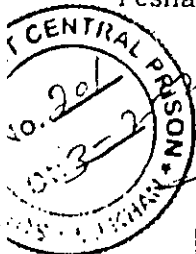
Your's Faithfully

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

Endst: No. 4968-691

Copy of the above is forwarded to the:-

- ✓ 1. Superintendent Headquarter Prison D.I.Khan for information with reference to above.
2. PS to Special Assistant to Chief Minister for Prisons Khyber Pakhtunkhwa Peshawar for information.



*PB  
23/07/21*

*[Signature]*  
**DEPUTY DIRECTOR  
INSPECTORATE GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR**



OFFICE OF THE  
INSPECTORATE GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR  
☎ 091-9210334, 9210406 ☎ 091-9213445

No. \_\_\_\_\_

Dated \_\_\_\_\_

## **AUTHORITY LETTER**

Mr. Ata Muhammad Law Officer (BPS-17) attached to the office of Inspector General of Prisons Khyber Pakhtunkhwa Peshawar is hereby authorized to make affidavit, to file comments/reply/report and to attend the Lower Courts, Ombudsperson, Khyber Pakhtunkhwa Service Tribunal, Peshawar High Court Peshawar, Supreme Court of Pakistan Islamabad, Federal Shariat Court, meeting of scrutiny committee at Law Department and also to attend the office of Advocate General Khyber Pakhtunkhwa at Peshawar on each and every date of hearing, on behalf of the Inspector General of Prisons Khyber Pakhtunkhwa.

  
**INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR**