

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 1398/2017

Date of Institution ... 23.11.2017

Date of Decision ... 03.03.2021

Muhammad Abdullah Ali Tasnim, Ex-Warder Prison Central Jail, Bannu.
... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Home and Tribal Affairs
Civil Secretariat Peshawar and one other. ... (Respondents)

Present.

Mr. Mubarak Zeb,
Advocate.

... For appellant

Mr. Kabirullah Khattak,
Addl. Advocate General

... For respondents.

MR. HAMID FAROOQ DURRANI,
MR. ATIQR REHMAN WAZIR,

... CHAIRMAN
... MEMBER(E)

JUDGMENTHAMID FAROOQ DURRANI, CHAIRMAN:-


1. Some of the facts and hypothesis involved in the instant appeal are based on novel propositions. Before proceeding further, it is necessary to mention that the appellant has not questioned any decision/order pertaining to his terms or conditions of service. A letter dated 31.08.2015 has been impugned with prayer for setting aside the same in addition to order regarding removal of appellant from service. It is, also noted that, as per claim of appellant, a departmental appeal was preferred against the order on 20.08.2017, which was not responded to. Pertinently, the purported order has not seen light of the day so far while even its contents and date of issue have not been provided throughout.

2. It is the case of appellant that he was appointed as Jail Warder in the Prison Department on 18.12.2004. When posted in Central Jail Bannu, the appellant was charged in a criminal case through FIR No. 234 dated 10.05.2006 u/s 302/324/34 PPC. After having been put to trial, he was acquitted by a court of competent jurisdiction on 15.12.2014. Upon acquittal, the appellant approached the respondents for joining of his duty but was verbally informed that he had been removed from service. He came to know through letter dated 31.08.2015 issued by one of the respondents that the entire record of Central Jail D.I.Khan was destroyed due to the militant's attack on the jail.

3. We have heard learned counsel for the appellant as well as learned Addl. AG for the respondents and have also gone through the available record.

4. Learned counsel for the appellant attempted to argue that no enquiry was held against the appellant before passing of impugned order. The appellant was never associated with the departmental proceedings, if any. Similarly, he was not afforded the opportunity of personal hearing and setting forth his defence. The impugned order was therefore, untenable and liable to be struck down.

As against that, learned Addl. AG contended that the appeal was not maintainable being barred by time. He referred to the prayer in the appeal and stated that the appellant had prayed for setting aside of impugned letter dated 31.08.2015 by the respondents, which was, in his view, beyond the jurisdiction of the Tribunal on the touchstone of provisions contained in Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974. In support of his arguments learned AAG relied on 2006-SCMR-1630, 1990-SCMR-1106




and a judgment of this Tribunal handed down in Service Appeal No. 19/2011 decided on 15.12.2017.

5. We have considered the arguments of learned counsel for the appellant as well as the documents brought on record by him. Similarly, the arguments from other side have also been kept in consideration.

6. In our view, the grievance of appellant, though not fully supported by the record, may take the matter beyond the jurisdiction of this Tribunal. The limited scope of jurisdiction of Tribunal, as provided by the law, would not include the setting aside of letters departmentally communicated. Alongside, it is held that setting aside of any order, content whereof are not known to any of the parties or the Tribunal, as the case may be, shall be hypothetical only. In that backdrop, the appeal in hand is not entertainable at all.

7. We are in agreement with the argument of learned AAG regarding the delay in submission of departmental appeal by the appellant. As per available record, a departmental appeal/application for reinstatement of appellant was submitted to the Inspector General of Prisons Department/ respondent No. 2 on 20.08.2017, after the acquittal of appellant. The appellant, for the sake of submitting appeal before this Tribunal, waited and preferred the same on 23.11.2017. He chose to wait for the outcome of correspondence between different offices of the respondents. Needless to note that it was not obligatory upon the appellant to wait for the outcome of correspondence and in the meanwhile lose time for submission of appeal. On this score alone, the appeal in hand is incompetent. Guidance is sought from judgments reported as 2006 SCMR 453 and 2012 SCMR 195.




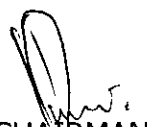
8. For what has been discussed above, the appeal in hand is dismissed, leaving the parties to bear their respective costs. Needless to note that the decision of this appeal shall not mar the rights of appellant in preferring the matter to some other forum for adjudication.

File be consigned to the record room.


(ATIQUUR REHMAN WAZIR)
MEMBER(E)


(HAMID FAROOQ DURRANI)
CHAIRMAN

ANNOUNCED
03.03.2021

S.No.	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	03.03.2021	<p><u>Present.</u></p> <p>Mr. Taimur Ali Khan, ... For appellant Advocate</p> <p>Mr. Kabirullah Khattak, ... For respondents. Addl. Advocate General,</p> <p>We have heard learned counsel for the appellant as well as learned Addl. AG for the respondents and have also gone through the available record.</p> <p>Vide our detailed judgment, the appeal in hand is dismissed, leaving the parties to bear their respective costs. Needless to note that the decision of this appeal shall not mar the rights of appellant in preferring the matter to some other forum for adjudication.</p> <p>File be consigned to the record room.</p> <p style="text-align: center;">  (Atiq-ur-Rehman Wazir) Member </p> <p style="text-align: right;">  CHAIRMAN </p> <p><u>ANNOUNCED</u> 03.03.2021</p>

11.08.2020

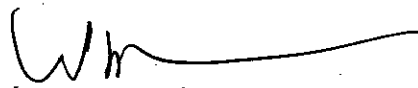
Due to summer vacations case to come up for the same on
14.10.2020 before D.B.


Reader

14.10.2020

~~Counsel for Appellant~~ present. Mr. Kabirullah Khattak
learned Additional Advocate General for respondents
present.

Learned counsel for appellant requested for
adjournment to further prepare the brief. Adjourned. To
come up for arguments on 09.12.2020 before D.B.


(Atiq-Ur-Rehman Wazir)
Member


(Muhammad Jamal Khan)
Member

09.12.2020

Counsel for the appellant and Addl. AG for the
respondents present.

Learned AAG informed that the brief of instant
appeal was handed over to Mr. Muhammad Riaz Khan
Paindakhel, Asstt. AG who is engaged before the
Larger Bench today. Due to huge number of cases
before the Bench, a request for adjournment is made.

Adjourned to 03.03.2021 for hearing before the
D.B.


(Rozina Rehman)
Member(J)


Chairman

15.01.2020

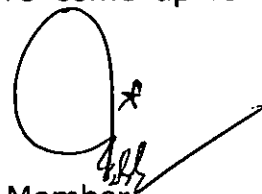
Due to general strike on the call of Khyber Pakhtunkhwa Bar Council, instant appeal is adjourned to 04.03.2020 for further proceedings/arguments before D.B.


Member


Member

04.03.2020

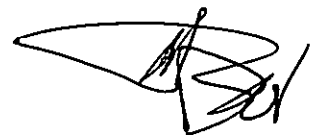
Counsel for the appellant present. Mr. Muhammad Jan, DDA for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 02.04.2020 before D.B.


Member


Member

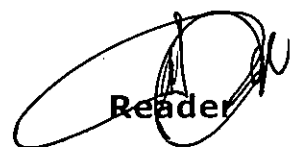
2.4.2020

Due to public holiday on account of (COVID-19) the case is adjourned for same on 29.6.2020.



29.06.2020

Due to COVID-19, the case is adjourned to 11.08.2020 for the same.


Reader

11.10.2019

Appellant in person present. Mr. Kabir Ullah Khattak learned Additional Advocate General present. Appellant seeks adjournment as his counsel is not in attendance. Adjourn. To come up for arguments on 27.11.2019 before D.B.


Member


Member


27.11.2019


Counsel for the appellant present. Asst: AG alongwith Mr. Suleman, Law Officer for respondents present. Representative of the respondents submitted copy of record which is placed on file. A copy of the same was also handed over to the learned counsel for the appellant. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 15.01.2020 before D.B.


Member


Member

16.07.2019 Learned counsel for the appellant and Mr. Usman Ghani learned District Attorney for the respondents present. Representative of the respondents are directed to attend the court and also furnish all the inquiry record on the next date of hearing. Adjourned. To come up record and arguments on 06.09.2019 before D.B


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member


06.09.2019 Appellant in person present. Mr. Zia Ullah learned Deputy District Attorney for the respondents present. Representative of the respondent department absent. He be summoned with the direction to furnish record mentioned in the previous order sheet.

Appellant stated that it was the year 2006 that he received his last salary and due to his involvement in the murder case he went in to the abscondence, surrendered before the law in the year 2014 and acquitted on 15.12.2014.

Appellant filed departmental appeal on 20.08.2017.

Appellant seeks adjournment as his counsel is busy before the Hon'ble Peshawar High Court. Adjourn. To come up for arguments on 11.10.2019 before D.B.


(Ahmed Hassan)
Member


(M Hamid Mughal)
Member

Noted
S.H.
11/10/2019

07.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 21.12.2018. Written reply not received.


READER

18.12.2018

Learned counsel for the appellant present. Mr. Junaid Assistant representative of the respondent department present and seeks time to furnish written reply. Granted. To come up for written reply/comments on 29.01.2019 before S.B


Member

29.01.2019

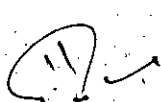
Appellant alongwith his counsel present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Sheharyar Khan, Assistant Superintendent Jail for the respondents present and submitted written reply. The appeal is assigned to D.B-I for rejoinder and arguments for 30.04.2019.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

30.04.2019

Clerk to counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney present. Clerk to counsel for the appellant submitted rejoinder which is placed on file and seeks adjournment on the ground that learned counsel for the appellant is not available. Adjourn. To come up for arguments on 16.07.2019 before D.B.


Member


Member

03.07.2018

Appellant in person and Addl: AG present. None present on behalf of official respondents. Therefore, fresh notices be issued to the respondent department to attend the court positively. Written reply not submitted despite last opportunities. Requested for further adjournment. Last opportunity is further extended subject to payment of cost of Rs. 1000/- which shall be borne by respondents from their own pockets. To come up for written reply/comments on 30.07.2018 before S.B.


Member

30.07.2018

Appellant Mr. Abdullah Ali Tasnim in person along with his counsel Mr. Mubarak Zeb, Advocate present. Mr. Shehryar Khan, ASJ along with Mr. Kabirullah Khattak, Addl: AG for respondents present. Written reply not submitted. The above named representative requested for adjournment. Granted. Case to come up for written reply/comments on 11.09.2018 before S.B.


Chairman


11.09.2018

Appellant Abdullah Ali Tasnim in person present. Mr: Sheheryar Khan, ASJ along with Mr. Kabirullah Khattak, Addl: AG for respondents present. Written reply not submitted. The latter made a request for adjournment. Granted. Case to come up for written reply/comments on 07.11.2018 before S.B.


Chairman

20.03.2018

Appellant alongwith counsel present. Mr. Kabir Ullah Khattak, Addl: AG present. Sohrab Khan, Assistant (Representative) of the respondent department is absent. Notice be issued to the respondent department for attendance. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply and comments on 19.04.2018 before S.B.


Member

19.04.2018

Appellant in person and Addl: AG alongwith Mr. Sohrab Khan, Assistant for the respondents present. Written reply not submitted. Requested for further adjournment. Adjourned. Last opportunity is granted. To come up for written reply/comments on 09.05.2018 before S.B.


Member

09.05.2018

The Tribunal is non functional due to retirement of the Honorable Chairman. Therefore, the case is adjourned. To come up for the same on 02.07.2018 before S.B.


Reader

06.03.2018

Clerk of the court for the petitioner argued that Mr. Kiaz

Panda Kinc, Assistant AG along with Mr. Sonrab Khan,

Assistant for the respondent present. Written reply not submitted.

Learned Assistant AG requested for further time adjournment.

Request accepted for time up for written reply/comments on

20.03.2018 before S.13.

de novo the case and may

prescribed by law.

months from the date of receipt of this judgment. (Gul Zeb Khan)

In case the *de novo* hearing is conducted the

case of Gul Zeb Khan for the period of

months subject to the outcome of the

hearing.

Further argued that as against the appeal of the appellant

judgment the respondents have issued a defective office order dated

21.02.18 wherein the word "conditionally" has been added. That this

conditional statement is in violation of the provisions of law.

Case file is sealed and had not been opened from the date of

de novo hearing. That this act on the part of the respondents

against the appellant is not sustainable in the eyes of law.

That the impugned order being incorrect and in violation of the

provisions of law, the same, being a null and void order, should

be set aside. That the matter, being a null and void order, should

be stayed till the date of implementation of the judgment dated 16.12.2017.

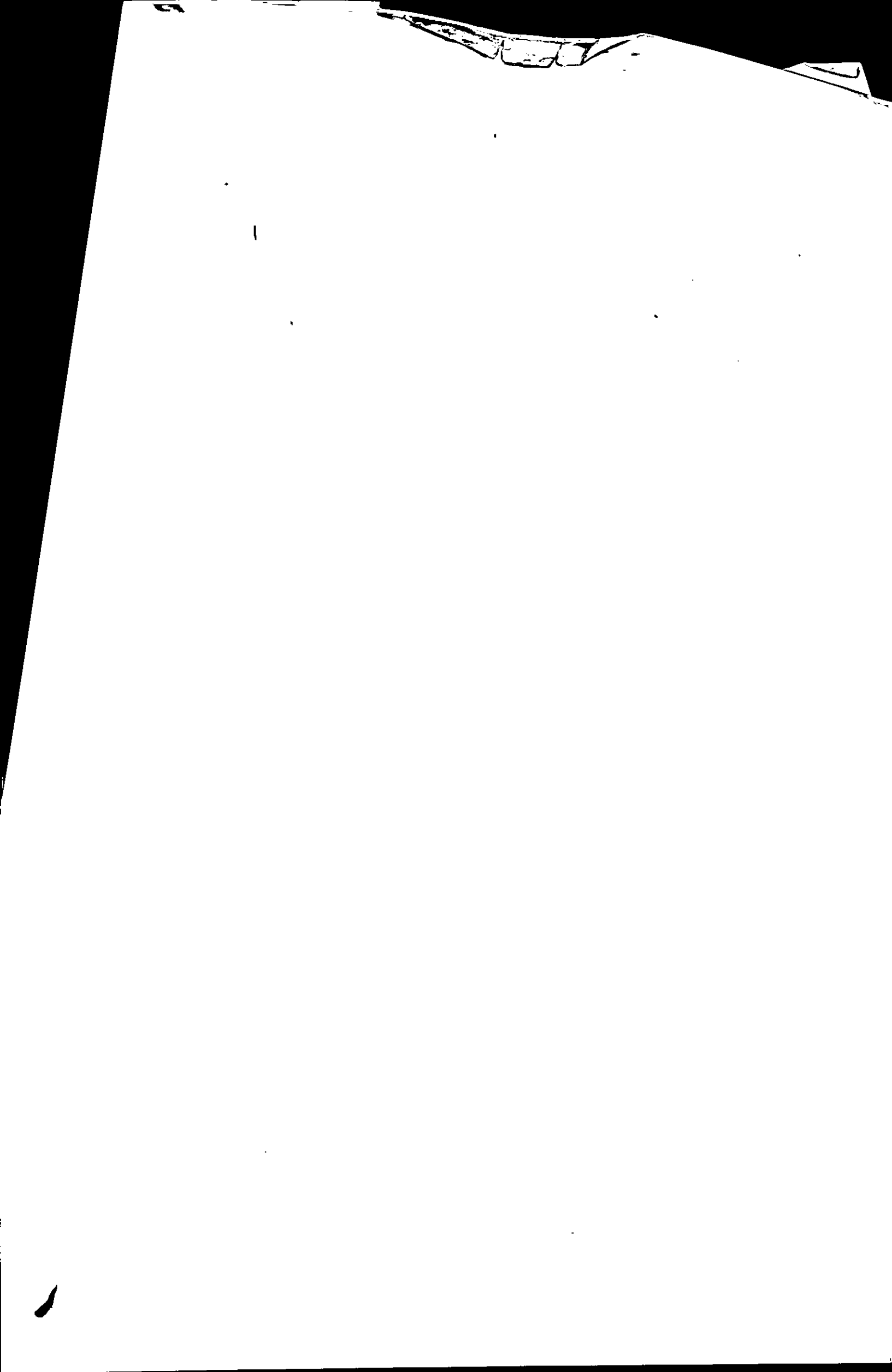
Notice by issued to the Additional Advocate General

for the purpose of the proceedings on 06.03.2018. In the

absence of the respondent's appearance, the court has

decided the matter in favour of the appellant.

(Gul Zeb Khan)



03.01.2018

Learned counsel for the appellant present. Preliminary arguments heard and case file perused.

Learned counsel for the appellant argued that the appellant was initially appointed as Jail Warder in Prison Department vide order dated 18.12.2004. That while performing duties at Central Jail Bannu, the appellant was falsely implicated/charged in criminal case vide FIR No. 234 dated 10.05.2006 under Section 302/324/34 PPC Police Station Saddar District Bannu. That the appellant was acquitted from the charge by the Court of ASJ vide judgment dated 15.12.2014. That the appellant approached the respondents for joining of duties ^{but} appellant was verbally informed that he has been removed from service. That the appellant preferred departmental appeal on 30.3.2015. That on 3.8.2015 Superintendent Headquarter Prison Peshawar informed IGP Prison that the said record has been destroyed during the militants attack on the Jail. That the appellant filed another appeal 20.08.2017 before the respondents which was not responded within statutory period of 90 days. That the appellant ^{was} removed from service without showing/providing any document or order of removal from service. That without following the codal formalities, major penalty was imposed upon the appellant, which is illegal as neither any enquiry has even been conducted, nor he has been provided any opportunity of cross defense.

Points raised need consideration. Admitted for regular hearing subject to all legal objections including limitation. The appellant is also directed to deposit security and process fee within (10) days, whereafter notice be issued to the respondents department for written reply/comments on 19.02.2018 before S.B.

Appellant Deposited
Security & Process Fee

19.02.2018

Clerk of the counsel for appellant and Assistant
Member (Executive)

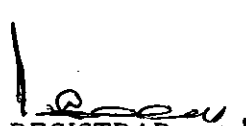

AG for the respondents present. Written reply not submitted. Learned Assistant AG requested for further time adjournment. Request accepted. To come up for written reply/comments on 06.03.2018 before S.B.

(Gul Zeb Khan)
Member

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 1398/2017

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	19/12/2017	<p style="text-align: center;">The appeal of Mr. Muhammad Abdullah Ali Tasnim resubmitted today by Mr. Zartaj Anwar Advocate may be entered in the Institution Register and put up to Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 19/12/17</p>
2-	22/12/17.	<p style="text-align: center;">This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>03/01/18</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Muhammad Abdullah Ali Tasnim Ex- Warder Prison Central Jail Bannu received today i.e. on 23.11.2017 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexure-B of the appeal is incomplete which may be completed.
- 2- Copy of application mentioned in para-6 of the memo of appeal is not attached with the appeal which may be placed on it.
- 3- Copy of impugned termination order dated 31.8.2015 mentioned in the memo of appeal are not attached with the appeal which may be placed on it.

No. 2534 /S.T,

Dt. 24/11 /2017

[Signature]
REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Zartaj Anwar Adv. Pesh.

Sir, Application mentioned in para 6 is attached as annexure "C" Page 17, while order dated 31-8-2015 is also annexure "D" Page 13.

[Signature]
Advocate

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BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Appeal No. 1348/2017

*Muhammad Abdullah Ali Tasnim Ex Warder Prison Central Jail
Bannu.*

(Appellant)

VERSUS

Govt; of Khyber Pakhtunkhwa Secretary Home and Tribal
Affairs Civil Secretariat Peshawar and others.


(Respondents)

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6	Copy of the letter dated 31.08.2015	D	13
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9	Vakalatnama.		27


Appellant

Through


Zartaj Anwar
Advocate High Court
Office FR , 3-4 Forth Floor
Bilour Plaza Peshawar Cantt.
Cell: 0331-9399185
Email: Zartaj9@yahoo.com

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Appeal No. 1348/2017

Diary No. 1343

Dated 23-11-2017

*Muhammad Abdullah Ali Tasnim Ex Warder Prison Central Jail
Bannu.*

(Appellant)

VERSUS

1. Govt; of Khyber Pakhtunkhwa Secretary Home and Tribal Affairs Civil Secretariat Peshawar.
2. Inspector General of ~~Police~~, Prison Department Khyber Pakhtunkhwa Peshawar.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, , whereby according to the letter dated 31.08.2015 all the service record of the appellant has been lost and the appellant has been removed from service without providing any document/ order of Removal from Service, against which the Departmental Appeal dated 20.08.2017, was filed and not replied despite the lapse of statutory period of 90 days.

Filed to-day

Registrar

23/11/17

Prayer in Appeal: -

Re-submitted to -day
and filed.

Registrar

19/12/17

On acceptance of this appeal the impugned letter dated 31.08.2015 may kindly be set aside and the appellant may please be reinstated in service with all back wages & benefits of service.

Respectfully Submitted:

1. That the appellant was initially appointed as Jail Warder in the Prison department vide appointment order dated 18.12.2004. (Copy of appointment order is attached as annexure A)
2. That ever since his appointment the appellant had performed his duties as assigned with zeal and devotion and there was no complaint whatsoever regarding his performance.
3. That while performing the duties *Central Jail Bannu* the applicant was charged in criminal case vide FIR no 234 dated 10.05.2006 Under Section 302.324/34 ppc Police station Sadder District Bannu.
4. That the appellant was tried and acquitted from the charges by the competent court of law vide its judgment and order dated 15.12.2014.(Copy of Judgment and Order dated 15.12.2014 is attached annexure B)
5. That the appellant approached the respondents for joining of duties but the appellant was verbally informed that he has been removed from service, without showing/providing any document or order of removal from service.
6. That the appellant submitted his application for re instatement on 30.03.2015, before the respondents, however the application was forwarded to superintendent Headquarters Prison Peshawar vide letter dated 03.04.2015. (Copy of the letter dated 03.04.2015 is attached as annexure C)
7. That the respondent department vide letter dated 31.08.2015 clearly stated that the whole record of the Central Jail D.I Khan is destroyed due to the Militant's attack on the jail. (Copy of the letter dated 31.08.2015 is attached as annexure D)
8. That without following the codal formalities, neither notice show cause notice was issued which was nor communicated to the appellant and after partial proceedings, major penalty was imposed upon the appellant, removal from service.
9. That the appellant filed Departmental appeal on 20.08.2017 before the respondents which was not responded and was not

replied despite the lapse of statutory period of 90 days. (Copy of Departmental appeal is attached as annexure E)

10. That the impugned orders are illegal unlawful against law and fact, hence liable to be set aside inter alia on the following grounds:-

GROUND OF APPEAL:

- A. That the appellant has not been treated in accordance with law, hence his rights secured and guaranteed under the law are badly violated.
- B. That no proper procedure has been followed before awarding penalty of Removal from Service to the appellant. The appellant has not been associated with the inquiry, the enquiry officer never waited for the defense reply of the appellant, thus he has been denied the opportunity to defend himself. The whole proceedings are thus defective in the eye of law.
- C. That the appellant has not been allowed opportunity of personal hearing before his Removal from service, thus he has been condemned unheard.
- D. That the case of the appellant is covered under FR-54 which provides that:

“F.R.54----Where a Government Servant has been dismissed or removed is reinstated, the revising or appellate authority may grant to him for the period of his absence from duty—

a) If he is honorably acquitted, the full pay to which he would have been entitled if he had not been dismissed or removed, and, by an order to be separately recorded, any allowance of which he was in receipt prior to his dismissal removal; or

b) If otherwise, such portion of such pay and allowances as the revising or appellate authority may prescribed.

In a case falling under clause (a), the period of absence from duty will be treated as a period spent on duty unless the revising appellate authority so directs.

- E. That it has also been held by the Superior courts in a number of reported cases that all acquittals are honorable and there can be no acquittal that can be termed as dis-honourable, reliance is places on 1998 SCMR 1993 and 2001 SCMR 269.
- F. That since the absence of the appellant was not willful but was due to his false implication in criminal case, moreover the respondents were fully aware of the registration of criminal case against the appellant, and therefore under the law/rules when the appellant is honorably acquitted therefore the appellant is liable to be reinstated with all back benefits.
- G. That the appellant was falsely implicated in FIR, and due to threats to his life and blood feud enmity, he had to go underground and therefore he remained out of service during that period. The absence period of the Appellant was thus beyond his control and he cannot be made suffered for the events which were beyond his control.
- H. That the appellant has been Honourable acquitted in criminal case, therefore on his reinstatement he cannot be denied the back benefits of service to which he would have been entitled had he been in service
- I. That the appellant has never committed any act or omission which could be termed as misconduct, his absence from duty was not willful but it was due to his false implication in criminal case. Since the appellant have honorably acquitted in the criminal case, and his removal from service order is liable to be set aside.
- J. That during the intervening period the appellant never remained in **Gainful Employment**, therefore on his reinstatement he is entitled for the grant of all benefits also.
- K. That the appellant has not been provided copy of enquiry report which is mandatory in case of awarding major penalty so as to enable him to know on what grounds/evidence the inquiry officer held him guilty of the charges.
- L. That the appellant has an unblemished and spotless service career, the penalty imposed upon him is harsh and liable to be set aside.

- M. That the appellant has a large family dependant upon him, due to his illegal removal from service his whole family is suffering.
- N. That the appellant seeks permission of this Honourable Tribunal to rely on additional grounds at the hearing of the appeal.

On acceptance of this appeal the impugned letter dated 31.08.2015 may kindly be set aside and the appellant may please be reinstated in service with all back wages & benefits of service.


Appellant

Through


ZARTAJ ANWAR
Advocate Peshawar

**BEFORE THE KHYBER PAKHTUNKWA
SERVICE TRIBUNAL PESHAWAR**

Appeal No. _____/2017

*Muhammad Abdullah Ali Tasneem Ex- Warder Prison Central
Jail Bannu.*

(Appellant)

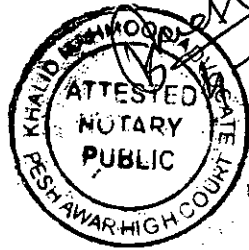
VERSUS

Govt of Khyber Pakhtunkhwa through Secretary Home and Tribal
affairs Civil secretariat, Peshawar and others.

(Respondents)

AFFIDAVIT

I, *Muhammad Abdullah Ali Tasneem Ex- Warder Prison
Central Jail Bannu*, do hereby solemnly affirm and declare
on oath that the contents of the above Appeal as well as
accompanied application are true and correct to best of my
knowledge and believe and that nothing has been kept back or
concealed from this Honourable Tribunal.



محمد عبد اللہ علی تانیم
Deponent

11101-1512828-9.

OFFICE OF THE
SUPERINTENDENT
HEADQUARTER PRISON PESHAWAR
NO. 3025 /- Dt: 13/12/2004

7

AMMISER A

To: Mr. Muhammad Abdullah Ali s/o Muhammad Sultan.
Address: Vill: Lechi Khel Chowk Fatisa Khel. Tehsil and
District Dera Ismail Khan.

Subject: APPOINTMENT AS WARDER
MEMO

Reference your interview-dated ___/___/2004.

I am pleased to offer you a post of temporary Warder in the BPS-5 (2100-100-5000) plus RSA of Rs. 190 and other usual allowances as admissible under rules subject to the following conditions:

- 1- You are liable to serve anywhere in the Jails of NWFP.
- 2- Your appointment is purely temporary and your services can be terminated at any time without assigning any reasons.
- 3- For all other purposes such as pay, TA and Medical attendance etc he will be governed by rule applicable to the Government Servant of his category.
- 4- The term and conditions of his appointment as warder will be those as laid down in the warders service rules 1960 NWFP, Prisons Department (Recruitment and Transfer) Rules 1980 and all other rules and regulations prescribed in this respect in the Prison Act of Pakistan, Prison Rules and any other rules which may be promulgated by / applicable to Government servants or the rules which may be promulgated by the Government from time to time in this behalf.
- 5- His service will be subject to his medical fitness.
- 6- No TADA will be admissible to you or joining your first appointment.
- 7- You cannot resign the service immediately but you have put in writing at least one-month prior and in lieu thereof, one-month pay shall be forfeited from him.
- 8- If you accept the appointment on the above terms and condition then you may please report to the Superintendent Headquarter Jail Peshawar for duty within 15 days of the receipt of these orders.
- 9- On your assuming duties it will be taken for that you have accepted all the above terms and conditions.
- 10- Your appointment is subject to fulfillment of all the conditions laid down in the service rules.

(KHALID ABBAS)
SUPERINTENDENT 18/12/04
HEADQUARTER PRISON PESHAWAR

ENDS: NO. 3026-28 /-

- Copy of the above is forwarded to :-
- 1- The Inspector General of Prisons NWFP Peshawar for information please.
 - 2- All Superintendent of Jails in NWFP for information and necessary action please.
 - 3- All District Account Officer in NWFP for information and necessary action.

(KHALID ABBAS)
SUPERINTENDENT 18/12/04
HEADQUARTER PRISON PESHAWAR

AYAZ

ATTESTED

8

OFFICE OF THE
SUPERINTENDENT
HEADQUARTER PRISON PESHAWAR
NO. 3314 /- Dt: 29/12/2004

To: The Superintendent,
Central Jail / District Jail / Sub Jail / Judicial Lockup,
Bannu

Subject: MEMO APPOINTMENT / POSTING.

On his arrival in response of his appointment order issued vide Superintendent
Headquarter Jail Peshawar No. 3025 dated 18/12/2004, warder Muhammad Abdulla Khan Ali
S/O Muhammad Sultan is hereby posted to Central Jail / District Jail / Sub Jail
Judicial Lockup Bannu against the existing vacancy. His Medical examination has
already been carried out in Police and Services Hospital Peshawar. His original Medical
fitness Certificate is enclosed herewith.

Encls. No. 3315-16

SUPERINTENDENT
HEADQUARTER PRISON PESHAWAR
29/12/04

Copy of the above is forwarded to:-

- 1- The Superintendent Central Jail Bannu for information and further necessary action.
- 2- The Accountant General / District Accounts Officer Bannu for information please.

sel
SUPERINTENDENT
HEADQUARTER PRISON PESHAWAR

AYAZ

AYAZ
ARRESTED

9

N.W.F.P. Med. No. 4

GS&PD-NWFP-596 F.S. 2,000 Ps of 100-19,291(19)

MEDICAL CERTIFICATE.

Name of Official Mahmood Abdullah Ali Tassim
 Caste or race Muslim (Pakistani)
 Father's Name Mahmood Sultan
 Residence Village Lechi Kheri Chak Fatma Kheri
Peshawar Dist. Bannu
 Date of birth 25-11-1983 (NIC No. 11101-1512828-9)
 Exact height by measurement 5-3
 Personal mark of identification Black Mole on the Cheek
 Signature of the Official [Signature]
 Signature of head of office [Signature]

Seal of Office **Superintendent**
Headquarter Prison, Peshawar
29/11/01

I do hereby certify that I have examined Mr Mahd Abdullah Ali Tassim a candidate for employment in the office of the Dist. Jail Bannu and can not discover that he had any disease communicable or other constitutional affection or bodily infirmity except N.I.
 I do not consider this as disqualification for employment in the office of the Jail Bannu. His age according to his own statement (21) years, and by appearance about Twenty one years.

LEFT HAND THUMB AND FINGER IMPRESSIONS

Medical Superintendent, Civil Hospital

12
28/01/01

ATTESTED

10
 (B) ANNEX "B"

FORM "A"
FORM OF ORDER SHEET
IN THE COURT OF MR. AMIAD MAKHDOOM, ASJ-IL, BANNU

Sessions Case No 95 of 2014

The State ...vs...Muhammad Abdullah

Serial No. of Order or Proceeding	Date of Order or Proceeding	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
ORDER-14	15.12.2014	<p>Accused Muhammad Abdullah produced in custody. Learned Special Public Prosecutor for the state present.</p> <p>The accused facing trial has already moved application for seeking acquittal under section 265-K of the Cr.PC. Notice of such application was given to the state.</p> <p>The accused are facing trial in case FIR No.234 dated 10.05.2006 under section 302/324/34 of the Pakistan Penal Code, 1860 of Police Station Saddar, District Bannu. The allegations as contents of the FIR, are that on 10.05.2006 at 1835 hours, the complainant Muhammad Ayaz Khan brought the deadbodies of his son namely, Jalil Khan and his son-in-law namely Umer Khan to the Emergency Room of DHQ Hospital, Bannu with the help of his grandson namely Inamullah and made a report. He alleged that on the day of occurrence at Aser vela he alongwith his son Jalil Khan, his son-in-law Umer Khan and grandson Inamullah started to Kotka Zabita Khan for threshing the crop and when at 1800 hours they reached Lochi Chowk of his village, saw that accused Abdur Rehman alias Numan (acquitted), accused facing trial Abdullah armed with Kalashnikovs and acquitted co-accused Iqbal Khan armed with pistol .30 bore, were present in veranda of Chowk. As soon they reached near them all the three accused started firing at them with their respective weapons with the intent to commit their Qatl-e-Amd as a result of firing his son Jalil Khan and his son-in-law Umer Khan were hit and fell down. They being empty handed, could do nothing. After decamping the accused from the spot when they attended Jalil Khan and Umer Khan, they both were by then expired. Motive for the occurrence, as stated by the complainant in his report,</p>

Page-1/3

Attested
 Copyist
 District & Session Judge
 Bannu
 23-12-14

ATTESTED

265-K of
ned in

Trial No. (Order or Proceeding)	Date of Order or Proceeding	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
Contd. OS- 14	15.12.2014	<p>was beating between accused Abdur Rahman and his son Saweed Rahman. The complainant charged all the three accused for commission of the offence.</p> <p>On receipt of challan, accused facing trial was formally charged to which he pleaded not guilty. Trial was commenced and some of the PWs were examined when the accused submitted an application under section 265-K of the Cr.P.C. Notice of the application was given to the prosecution. Arguments heard and record perused.</p> <p>Perusal of record in light of the contentions though reveals long abscondence of the present accused/petitioner. However, conviction cannot be recorded on mere ground of abscondence. The record transpires that ocular evidence in miserably suffering from infirmities and therefore pregnant with malign, generating doubts in the prosecution story. Five injured witnesses, (Barkatullah, Ismail, Qazi Nazifullah, Riffat Bibi and Kifayatullah), reveled later in the previous trial of (acquitted) co-accused, were suppressed by the complainant in his FIR. The rider of the FIR, Inamullah has also concealed the aforesaid facts of five injured witnesses not only in his 161 Cr.P.C.'s statement but also in his evidence as Pw-9. He has not even disclosed anything about any recovery. Contrary to the FIR Pw-9 rather discloses that both the dead bodies were taken to the PS. Moreover, one of the injured witnesses (Barkatullah) has been abandoned in the instant trial, while the complainant being dead has also been abandoned. The apex court vide its judgment order dated 14.04.2014 has already discarded the ocular evidence, acquitting both the co-accused (Abdur Rehman and Iqbal), charged with a similar role in the same case.</p> <p>In light of the above, there does no longer remain any probability of conviction even if the entire remaining evidence is recorded. Accordingly this application is accepted. Consequently, the accused facing trial, Muhammad Abdullah is acquitted from the charges</p>

ATTESTED

Attested
Copyist
District & Seseion Judge
Banna
2-17

11A

Serial No. of Order or Proceeding

Date of Order or Proceeding

Serial No. of Order or Proceeding

Date of Order or Proceeding

Order or other Proceedings with Signature of Judge or Magistrate and that of parties or couns where necessary

Page-2/3

levelled against him in this case within the meaning of section 265-K of the Cr.PC. He is in custody. He be set free forthwith if not required in any other case.

Case property, if any, be disposed of in accordance with law after expiry of period of appeal/revision. File be consigned to record room after completion and compilation.

Announced
15.12.2014

(AMJAD MAKHDOOM)
ASJ-II, BANNU

Page-3/3

Attended
Copyist
District & Session Judge
Bannu

- 1- Registration No. 3425
- 2- Date of Presentation of Application 18-12-14
- 3- Date of Receipt of the file 23-12-14
- 4- Date of Preparation of copy 23-12-14
- 5- Date of Delivery of copy 23-12-14
- 6- No. of copies / words 3/ -
- 7- Ordinary Fee 3/ -
- 8- Urgent Fee -
- 9- Total Fee 3/ -
- 10- Signature of copyist

AMJAD MAKHDOOM

PK

DN No 1480
7/4/15

atta 324

1944 150

⑥ ANNEX C

12

OFFICE OF THE
INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA PESHAWAR.

NO. 8049 - 176

DATED 03-04-2015

To

The Superintendent,
Headquarters Prison *Soohrawar*

Subject:- DEPARTMENTAL APPEAL
Memo:

I am directed to refer to the subject and to forward herewith a copy of appeal alongwith its enclosures submitted by Mr. Muhammad Abdullah Ali Tasnim Ex-warder, on the captioned subject (self explanatory) for information: *As the matter related to the year 2016.*

Please look into the matter and furnish your necessary comments on annotated form alongwith inquiry report, charge sheet, Show Cause Notice and history of his service on the below noted format within two days positively for further necessary action by this office:-

S.No.	Name & Parentage	Rank	Date of Birth	Date of appointment.	Punishment awarded during his entire service with date and nature of offence
-------	------------------	------	---------------	----------------------	--

[Signature]
ASSISTANT DIRECTOR (ADMN)
FOR INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA PESHAWAR.

DS/PB

9 SUPD 6/4/15

~~ATTESTED~~

~~ATTESTED~~

HEADQUARTERS PRISON PESHAWAR
SUPERINTENDENT

Copy of the above is forwarded to the:-
1- Superintendent Headquarters Prison D.I.Khan.
2- Superintendent Central Prison Bannu.

Endorsement No: _____

HEADQUARTERS PRISON PESHAWAR
SUPERINTENDENT

Submitted for further orders as desired please.

destroyed including the record in question.

regretted stating that during the militant's attacks, their administrative record was also

dated 07-08-2015 for provision of record in respect of subject Ex-Warder. The same has been

office & to the Superintendent Circle HQs. Prison D.I.Khan vide endorsement No: 1443-41

addressed to the Superintendent Central Prison Bannu with a copy thereof endorsed to your

Please refer to this Headquarters memo No. 1442/WE dated 07-08-2015

Reference your memo No. 18066 dated 29-06-2015.

Memo:

ABDULLAH ALI TASNIM

Subject:

DEPARTMENTAL APPEAL IN RESPECT OF EX-WARDER MUHAMMAD

The Inspector General of Prisons
Khyber Pakhtunkhwa, Peshawar.

To



OFFICE OF THE
SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR
No. 4656 / P.P.W. Dt. 27/10/2015

Handwritten signature

13



خدمت جناب انسپکٹر جنرل پولیس (محکمہ جیل خانہ جات) ستارہ



14

ANNEX "E"

محکمہ جیل خانہ جات کے لئے Reinstatement

جناب عالی!

موربانہ گزارش پندرہ سال سے سال 2004 میں محکمہ جیل -

خانہ جات میں بطور جیل وارڈر برقی سٹاف مگر اس

دوران سال ایک فوجی عدالت مقدمہ FIR NO 234

موربانہ 2006-5-10 بحرم 34/3022324 میں عدالت کیا گیا

سال فوجی عدالت مقدمہ میں عدالت سٹاف سے ملے

اصول طریق سے ڈیوٹی سرانجام دینا تھا

سائل کو عدالت حضور نے موربانہ 15/12/2014

جب سائل ڈیوٹی پر حاضر ہوا تو سائل کو

زبانی بتا دیا گیا کہ آج کو سٹاف سے نکال دیا گیا

سائل نے محکمہ میں ہی درخواستیں دیں مگر تمام درخواستیں

بوجہ علم دشمنی رد کر دیں۔ ڈی ایف جیل خانہ جات میں چکا ہے

unreplied

21/8/2015

ATTESTED

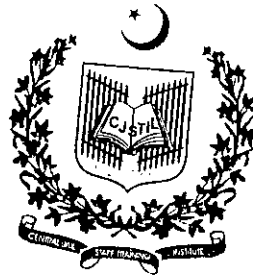
لکھا اسٹیٹ ہے کہ سٹاف کے لئے محکمہ جیل خانہ جات کے لئے
نوٹس دیے گئے ہیں کہ Reinstatement کے لئے
مقرر کیا گیا ہے

21/8/17

سائل محمد عبد اللہ علی حسن محمد عبد اللہ علی حسن
سابقہ جیل وارڈر سٹاف

15

others



GOVERNMENT OF PAKISTAN
MINISTRY OF INTERIOR
(INTERIOR DIVISION)
CENTRAL JAIL STAFF TRAINING INSTITUTE LAHORE.

Serial No. BWC-1921

Dated 29-07-2005

This is to Certify that Mr. Abdullah WJI
Designation Warder
Central/District Jail/Office Central Jail, East
Attended the 5th Wardens Basic Training
Course held from 25-04-2005 to 01-08-2005
and Qualified.

The main subjects included:

Pakistan Prison Rules

Law

Psychology

Sociology/Criminology

Service Rules & Regulations

General Paper

Islamiat/Pakistaniat

Drill/Parade/Musketry

[Signature]
Vice Principal

[Signature]
Principal

~~ATTESTED~~

SERVICE BOOK

سروس بک

کتاب ملازمت



Name	محمد عبداللہ علی شمیم
Father's Name	محمد سلطان
Qualification	الف اے اے
Designation	
Department	سٹرول ڈیولپمنٹ ڈیپارٹمنٹ
Permanent Address	لوہی پورں نواح ضلع کلان سون
	مستقل پتہ

ATTESTED

ATTESTED

Signature and designation of the Head of the office or other appointing officer in attestation of column 1 to 8	Date of termination or promotion (such as dismissal, etc.)	Signature of the Head of the office or other appointing officer	Nature and duration of leave taken	Allocation of period of leave of average pay up to four months (or earned leave not exceeding 120 days) to which leave salary is debitable to another Government	Signature of the Head of the office or other appointing officer	Reference to any recorded or punishment or censured or reward, or Government servants
9	10	11	12	13	14	15

27⁹ / 9. Warden Comptrol found absent
 which abated duty inside the boat & room
 9-12 AM on 27-9-05 when checked by the subd.
 5 AM at 10-50 AM. He is placed under suspension
 with immediate effect by the Supd. H.B. Guin
 Department No. 248 dt 11-10-05

Report of arrival
 on 14-1-06
 Central Jail, Barru
 Superintendent

Re-attached in the Service
 with immediate effect
 and awarded one
 month's leave with out
 forfeiture effect V. do
 Supd. H.B. Guin
 with immediate effect
 No. 832 dt 28-12-05
 Date 28/12/05
 Superintendent
 Central Jail, Barru

18

ATTESTED

1	Name of Post	2	Whether (i) substantive or officiating and whether permanent or temporary	3	Whether appointment of (i) substantive or (ii) officiating service (iii) whether under C.S.R. (PB) or (PB) (iv) C.S.R. (voluntary)	4	Pay in substantive position	5	Additional pay for officiating	6	Other emoluments falling under term pay	7	Date of appointment	8	Signature of Government Servant

19

Signature and designation of the Head of the office or other attesting officer Column 1 to 8 دستخط افسر مجاز	Date of termination or appointment تاریخ انقطاع ملازمت	Reason of termination (such as promotion, transfer, dismissal etc.) دعوات انقطاع ملازمت یا برطرفی	Signature of the head of the office or other Attesting Officer. دستخط افسر مجاز	Nature and duration of leave taken رخصت کی نوعیت و معیار	leave of average pay up to four months (or earned leave not exceeding 120 days) to which leave salary is debitable to another Government ہمارے اوسط کماؤ کی رخصت کے لئے اوسط کماؤ کا قسین	Signature of the Head of the office or other attesting officer. دستخط افسر مجاز	any recorded punishment or censure or reward, or praised o the Government servants سزا یا جزا یا غیر مناسب کارکردگی کا ریکارڈ
				Period مدت	Government to which debitable کون سے حکومت		

30¹²/₀₄ EN Appointed as Temporary warden by the order of Superintendent Head Quarter Jail Peshawar, vide P.B. order NO: 3025 dated 18-12-04 Encl: NO: 1

Superintendent
Central Jail, Bannu

Superintendent
Central Jail, Bannu

11/5 Deputed for 35th Warden Basic Training course at CJSTI, Lahore

Superintendent
Central Jail, Bannu

3/8 Reported back at the jail after completion of Warden Basic training course at Lahore

Pay Provisionally fixed Rs. 2415 P.M.
In the Revised pay scale 2005 BPS DS
w.e.f. 1-7-2005 MVFP, Finance
Department (P.C.) 1-1/2005
Dated 9-7-2005

Superintendent
Central Jail, Bannu

Superintendent
Central Jail, Bannu

ATTESTED

1	2	3	4		5		6	7	8
Name of Post	Whether Substantive of officiating any whether permanent or temporary	If officiating state. (1) substantive appointment of (ii) whether service counts for pension under rule 3-20 C.S.R. (Pb) Volume II	Pay in substantive position		Additional pay for officiating		Other emoluments falling under the term pay	Date of appoin. Ment	Signature government SERV
درجہ ملازمت	عارضی مستعمل قائم مقام	اگر عارضی ہے تو روا کے مطابق پیشکش کا مستحق ہے؟	تعمروا بطور عارضی ملازمت	زائد تعمروا بطور قائم مقام	مساوائے تعمروا دیگر الائس	تاریخ تقرری			
B.P.S-5 (2100 - 100 - 5000)									
as a warder									
Central Jail									
Bannu									
Pay C.R.S 2100/Pm									
30 ¹² / ₀₄ FN									

ATTESTED

1. Name (نام) محمد عبدالرشید نسیم
2. Nationality and Religion (قومیت/مذہب) پاکستانی/اسلام
3. Residence (رہائش گاہ) Lahore, Khel Talana, (Punjab) Rawalpindi
4. Father's Name and Residence (والد کا نام اور رہائش گاہ) محمد اسحاق خان
5. Date of birth Christian era, as nearly as can be ascertained (تاریخ پیدائش عیسوی کے قریب جتنی معلوم ہو سکے) 11-11-1981
6. Exact height by measurement (اندازت) 5' 6"
7. Personal mark of identification (شخصی نشانات) Left hand thumb

Left hand/right hand thumb and finger impressions of (Non-gazetted officer)

(بازو کی سرورٹ میں بائیں اور سرورٹ کی سرورٹ میں دائیں ہاتھ کی انگوٹھوں کے نشانات)



Signature of Govt. Servant (سرکار کی ملازم کے دستخط)

Signature and designation of the Head of the Officer or other Attesting Officer

(تصدیق کنندہ افسر کے دستخط اور مہر)

Superintendent
Central Jail, Rawalpindi

The entries in this page should be renewed or re-aggsted at least every five years and the signatures in lines 9 and 10 should be dated. Finger prints need not be taken after every 5 years under this rule.

اس صفحہ کے سرورٹ ہم از کم ہر پانچ سال بعد تصدیق ہونا ضروری ہیں اور ہر 5 اور 10 سال کے دستخطوں کے ساتھ ہونا چاہئے۔ لیکن کے نشانات کے لئے ہر پانچ سال کے بعد تصدیق کی ضرورت نہیں۔

ATTESTED

BEFORE THE HON'BLE INSPECTOR-GENERAL OF POLICE
PRISONS DEPARTMENT
KHYBER PUKHTUNKHWA

Subject:- APPLICATION FOR THE RE-INSTATEMENT OF
THE APPLICANT IN SERVICE AGAIN ALONGWITH
ALL BACK BENEFITS AND SENIORITY

Sir,

I have the honour to submit the following:-

- 1) That I was enrolled as JAIL WARDER vide order dated 18-12-2004, copy attached.
- 2) That I was performing my duties as Warder (Prison) at Central Prison Bannu.
- 3) That a case U/Sa-302/324/24 PPC, P+S: Saddam Bannu under FIR NO.234 dated 10-05-2006.
- 4) That while the case was triled by the competent court of law and lastly the applicant was acquitted of the charges levelled against him in the above-captioned case FIR U/S-265-K Cr. P.C vide order of A.S.J-II, BANNU dated 15-12-2014. (Attested copy of the judgement/order is also attached herewith for your kind perusal please.
- 5) That now the applicant approaches the honorable forum through the instant application.

DECLARATION/AFFIDAVIT

I, the applicant do hereby stated and declare on solemn affirmation that the contents of of this application are true and correct to the best of my knowledge and belief.

It is, therefore prayed that on acceptance of the instant application, I may kindly be re-instated in service again with full back benefits and seniority.

Thanks,

Sincerely,

MUHAMMAD ABDULLAH ALI TASNEM

DATED:- 30-03-2015

CELL NO. 0305-4162682

EX-WARDER PRISON NO. _____

MUHAMMAD ABDULLAH ALI TASNEM
CHIEF COMMISSIONER
PRISONS DEPARTMENT
KHYBER PAKHTUNKHWA
BANNU
15/03/2015

ATTESTED



21/8/15

OFFICE OF THE SUPERINTENDENT CENTRAL PRISON BANNU

24

NO. 3289

TELE/FAX: 0928-633327/633326

DATED: 18/08/2015

To

The Superintendent, Circle Headquarters Prison, Peshawar

Subject: DEPARTMENTAL APPEAL IN RESPECT OF WARDER MUHAMMAD ABDULLAH ALI TASNIM.

Memo.

Reference your office memo: No. 1442/WE dated 07.08.2015 on the subject.

It is submitted that hectic efforts were made to trace out the record of above mentioned Ex-Warder but not find any where for the reason that during the militants attack on the Jail in 01/2012 they put fire and used explosive material inside the Jail as well as in administration block due to which an office bearing record was burnt out. Hence, it is evident that his record has also been ceased as not found in this Jail after thorough search.

Moreover, the Budget & Accounts officer Mr. Nasrullah Khan of your Jail may be asked for with any documented proof/receipt as to whom he handed over the record pertaining to the Circle Headquarters Prison Bannu received by him from the Superintendent Circle Headquarters Prison, Peshawar vide your No. 1936/WE dated 28.02.2011.

This is for information and further necessary action please.

SUPERINTENDENT CENTRAL PRISON BANNU

Encls: No. _____

Copy of the above is forwarded to:-

- 1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information and necessary action with reference to Superintendent Circle Headquarters Prison, Peshawar Encl: No. on even date please.
- The Superintendent Circle Headquarters Prison D.I. Khan for information with reference to above & this office memo: No. 889/WE dated 27.02.2015 please.

PS/ABP/PB

SUPERINTENDENT CENTRAL PRISON BANNU

ATTESTED

25/8/15



25

OFFICE OF THE
SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR
No. 869/WE /P.B/ Dt: 08/06/2015

To

The Superintendent,
Central Prison D.I.Khan.

Subject: DEPARTMENTAL APPEAL.

Memo:

Ex-Warder Muhammad Abdullah Ali Tasnim attached to Central Prison Bannu was removed from service on account of a criminal case U/S 302/324/31-PPC of Police Station Saddar Bannu Under FIR No. 234 dated 10-05-2006.

In 2008 Central Prison D.I.Khan was declared as new Headquarters and the record of the jails pertaining to the new Headquarters was sent to the Central Prison D.I.Khan through special messenger.

Now the above named Ex-Warder has submitted an appeal to the I.G Prisons Khyber Pakhtunkhwa Peshawar for his re-instatement into service as he has been acquitted of the charges by the Honourable Court of Additional Session Judge-II Bannu. (A copy of appeal is enclosed).

It is therefore requested that reply of the Inspector General of Prisons Khyber Pakhtunkhwa Peshawar memo No. 8049/WE dated 03-04-2015 (Copy enclosed) may be submitted to the Inspector General of Prisons Khyber Pakhtunkhwa at the earliest please.

SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR

Endorsement No: 870 /-

Copy of the above is forwarded to the Inspector General of Prisons Khyber Pakhtunkhwa Peshawar with reference to his memo referred to above please.

ATTESTED

SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR

~~ATTACHED~~

HEADQUARTERS PRISON PESHAWAR
SUPERINTENDENT

- 1- Inspector General of Prisons Khyber Pakhtunkhwa Peshawar with reference to his memo No. 18066 dated 29-06-2015 please.
- 2- Superintendent Circle HQs. Prison D.I. Khan for same-necessary action please.

Copy of the above is forwarded to the:-

Enforcement No. _____/-

HEADQUARTERS PRISON PESHAWAR
SUPERINTENDENT

Khyber Pakhtunkhwa Peshawar please.

Therefore it is requested that documentation regarding proceedings against subject Ex-Ward may be traced out and be provided to this Headquarters at the earliest to admit annotated reply to the departmental appeal submitted by him to the LG Prisons No. 1963 dated 28-02-2011 (Copy enclosed).

the then Budget & Accounts Officer of Central Prison Bannu vide this Headquarters Order entire record pertaining to the jail of its jurisdiction was handed over to Mr. Nasrullah Khan, Upon establishment of Central Prison Bannu as new Circle Headquarters, the

ABDULLAH ALI QASIMI

DEPARTMENTAL APPEAL IN RESPECT OF EX WARDER MUHAMMAD
Central Prison Bannu
The Superintendent

OFFICE OF THE
SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR
No. 1172/111 W.P.D.C. 27/12/2015

[Handwritten Signature]

RECEIVED
27/12/2015

86

POWER OF ATTORNEY

In the Court of Khyber Pakhtunkhwa Service Tribunal Peshawar

Muhammad Abdulah Ali Tagnona } For
} Plaintiff
} Appellant
} Petitioner
} Complainant

VERSUS

Govt of KPK and others } Defendant
} Respondent
} Accused
}

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

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

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

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

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

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

IN WITNESS whereof I/we have hereto signed at _____
the _____ day to _____ the year _____
Executant/Executants محمد عبدالہ علی تاجنونا
Accepted subject to the terms regarding fee _____

Witness
Muhammad Ali Tagnona
Advocate
APPROVED

Zartaj Anwar
Advocate High Courts
ADVOCATES, LEGAL ADVISORS, SERVICE & LABOUR LAW CONSULTANT
FR-3-4, Fourth Floor, Bifour Plaza, Saddar Road, Peshawar Cantt
Ph.091-5272154 Mobile-0331-9399185



OFFICE OF THE
SUPERINTENDENT
CENTRAL PRISON BANNU

NO. _____

DATED: 18/08/2015

TELE/FAX: 0928-633327/633326

To

The Superintendent,
Circle Headquarters Prison, Peshawar

Subject: - DEPARTMENTAL APPEAL IN RESPECT OF WARDER
MUHAMMAD ABDULLAH ALI TASNIM.

Memo.

Reference your office memo: No. 1442/WE dated 07.08.2015 on the subject.

It is submitted that hectic efforts were made to trace out the record of above mentioned Ex-Warder but not find any where for the reason that during the militants attack on this Jail in 04/2012, they put fire and used explosive material inside the Jail as well as in administration block due to which an office bearing record was burnt out. Hence, it is evident that his record has also been ceased as not found in this Jail after thorough search.

Moreover, the Budget & Accounts officer Mr. Nasrullah Khan of your Jail may be asked for with any documented proof/receipt as to whom he handed over the record pertaining to the Circle Headquarters Prison Bannu received by him from the Superintendent Circle Headquarters Prison, Peshawar vide your No. 1936/WE dated 28.02.2011.

This is for information and further necessary action please.


SUPERINTENDENT
CENTRAL PRISON BANNU

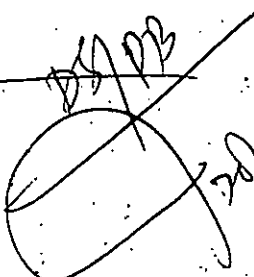
Endst: No. 3290-91 /

Copy of the above is forwarded to:-

- 1- The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information and necessary action with reference to Superintendent Circle Headquarters Prison, Peshawar Endst: No. on even-date please.
- 2- The Superintendent Circle Headquarters Prison D.I. Khan for information with reference to above & this office memo: No. 889/WE dated 27.02.2015 please.


SUPERINTENDENT
CENTRAL PRISON BANNU

1122
20-8-15



85



OFFICE OF THE
SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR
No. _____ /P.B/ Dt: 31/08/2015

To
The Inspector General of Prisons
Khyber Pakhtunkhwa, Peshawar.

Subject: DEPARTMENTAL APPEAL IN RESPECT OF EX-WARDER MUHAMMAD
ABDULLAH ALI TASNIM.

viemo: Reference your memo No. 18066 dated 29-06-2015.

Please refer to this Headquarters memo No. 1442/WE dated 07-08-2015 addressed to the Superintendent Central Prison Bannu with a copy thereof endorsed to your office & to the Superintendent Circle HQs. Prison D.I.Khan vide endorsement No: 1443-44 dated 07-08-2015 for provision of record in respect of subject Ex-Warder. The same has been regretted stating that during the militant's attacks, their administrative record was also destroyed including the record in question.

Submitted for further orders as desired please.

SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR

Endorsement No: 1657-58 /-

- Copy of the above is forwarded to the :-
- 1- Superintendent Headquarters Prison D.I.Khan.
 - 2- Superintendent Central Prison Bannu.

SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR

08/09/15
[Signature]

1211
04-09-2015

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

In the matter of
Service Appeal No.1398/20187
Muhammad Abdullah Ali Tasnim Ex- Warder
Attached to Central Prison Bannu.....**Appellant.**

VERSUS

1. Secretary to Government of Khyber Pakhtunkhwa,
Home and T.As Department, Peshawar.
2. Inspector General of Prisons,
Khyber Pakhtunkhwa Peshawar.....**Respondents.**

PARAWISE REPLY ON BEHALF OF RESPONDENTS No. 1 & 2.


Preliminary Objections

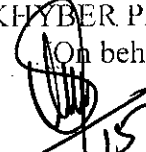
- i. That the appellant has got no cause of action.
- ii. That the appeal is incompetent and is not maintainable in its present form.
- iii. That the appellant is estopped by his own conduct to bring the present appeal.
- iv. That the appellant has no locus standi.
- v. That the appeal is bad for miss-joinder and non-joinder of necessary parties.
- vi. That the appeal is badly time barred.

ON FACTS

Para 1 to 10 & Grounds (Para A to N)

- 1- According to the reports of Superintendents Central Prison Bannu and Peshawar, the record pertaining to the case of Ex- Warder Muhammad Abdullah Ali Tasnim has already been burnt/ destroyed during Militants attack on Central Prison Bannu in the year 2012. Copies of the reports of Superintendents Central Prison Peshawar and Bannu are enclosed for ready reference. In addition, the appeal is badly time barred by nine (09) years, therefore, the same may please be dismissed with cost throughout. Moreover, the order which has been declared as impugned is actually not the order of his termination but burning of his record during Militant attacks.


INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR
(On behalf of Respondents No.1&2)


15/1/19

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**


In the matter of
Service Appeal No.1398/20187
Muhammad Abdullah Ali Tasnim Ex- Warder
Attached to Central Prison Bannu.....**Appellant.**

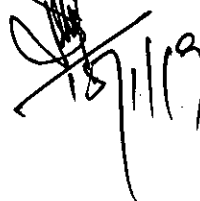
VERSUS

1. Secretary to Government of Khyber Pakhtunkhwa,
Home and T.As Department, Peshawar.
1. Inspector General of Prisons,
Khyber Pakhtunkhwa Peshawar.....**Respondents.**

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENTS No. 1 & 2.

We, the undersigned respondents, do hereby solemnly affirm and declare that the contents of the report on the above cited appeal are true and correct to the best of our knowledge and belief and that no material facts have been kept secret from this Honorable Tribunal.


**INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR**
(On behalf of Respondents No.1&2)


19/1/19



OFFICE OF THE
SUPERINTENDENT
CENTRAL PRISON BANNU

NO. _____

DATED: 18/08/2015

TELE/FAX: 0928-633327/633326

To

The Superintendent,
Circle Headquarters Prison, Peshawar

Subject: DEPARTMENTAL APPEAL IN RESPECT OF WARDER
MUHAMMAD ABDULLAH ALI TASNIM.

Memo:

Reference your office memo: No. 1442/WE dated 07.08.2015 on the subject.

It is submitted that hectic efforts were made to trace out the record of above mentioned Ex-Warder but not find any where for the reason that during the militants attack on this Jail in 04/2012, they put fire and used explosive material inside the Jail as well as in administration block due to which an office bearing record was burnt out. Hence, it is evident that his record has also been ceased as not found in this Jail after thorough search.

Moreover, the Budget & Accounts officer Mr. Nasrullah Khan of your Jail may be asked for with any documented proof/receipt as to whom he handed over the record pertaining to the Circle Headquarters Prison Bannu received by him from the Superintendent Circle Headquarters Prison, Peshawar vide your No. 1936/WE dated 28.02.2011.

This is for information and further necessary action please.


SUPERINTENDENT
CENTRAL PRISON BANNU

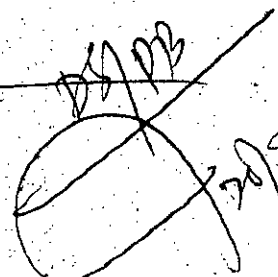
Endst: No. 3290-91 /

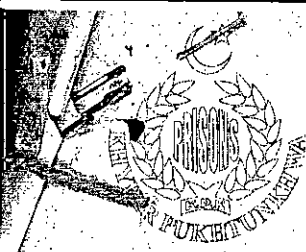
Copy of the above is forwarded to:-

- 1- The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information and necessary action with reference to Superintendent Circle Headquarters Prison, Peshawar Endst: No. on even date please.
- 2- The Superintendent Circle Headquarters Prison D.I. Khan for information with reference to above & this office memo: No. 889/WE dated 27.02.2015 please.


SUPERINTENDENT
CENTRAL PRISON BANNU

1122
20-8-15


20/8/15



Registered

OFFICE OF THE
SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR
No. _____ /P.B/ Dt: 07 08 2015

To

The Superintendent
Central Prison Bannu.

Subject: DEPARTMENTAL APPEAL IN RESPECT OF EX-WARDER MUHAMMAD
ABDULLAH ALI TASNIM.

Memo:

Upon establishment of Central Prison Bannu as new Circle Headquarters, the entire record pertaining to the jail of its jurisdiction was handed over to Mr. Nasrullah Khan, the then Budget & Accounts Officer of Central Prison Bannu vide this Headquarters Order No. 1963 dated 28-02-2011 (Copy enclosed).

Therefore it is requested that documentation regarding proceedings against subject Ex-Warder may be traced out and be provided to this Headquarters at the earliest to submit annotated reply to the departmental appeal submitted by him to the I.G Prisons Khyber Pakhtunkhwa Peshawar please.

SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR

Endorsement No: 1443-44-1-

Copy of the above is forwarded to the: -

- 1- Inspector General of Prisons Khyber Pakhtunkhwa Peshawar with reference to his memo No. 18066 dated 29-06-2015 please,
- 2- Superintendent Circle HQs. Prison D.I.Khan for same necessary action please.

[Signature]
~~SUPERINTENDENT~~
HEADQUARTERS PRISON PESHAWAR

DS/PB.
For urgent necessary action PR.

[Signature]

1088
12/08/2015

85



OFFICE OF THE
SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR
No. _____ /P.B/ Dt: 31/08/2015

To
The Inspector General of Prisons
Khyber Pakhtunkhwa, Peshawar.

Subject: DEPARTMENTAL APPEAL IN RESPECT OF EX-WARDER MUHAMMAD
ABDULLAH ALI TASNIM.

Memo:
Reference your memo No. 18066 dated 29-06-2015.

Please refer to this Headquarters memo No. 1442/WE dated 07-08-2015
addressed to the Superintendent Central Prison Bannu with a copy thereof endorsed to your
office & to the Superintendent Circle HQs. Prison D.I.Khan vide endorsement No: 1443-44
dated 07-08-2015 for provision of record in respect of subject Ex-Warder. The same has been
regretted stating that during the militant's attacks, their administrative record was also
destroyed including the record in question.

Submitted for further orders as desired please.

SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR

Endorsement No: 1657-58 /-

Copy of the above is forwarded to the: -
1- Superintendent Headquarters Prison D.I.Khan.
2- Superintendent Central Prison Bannu.

SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR

08/09/15
09/09/15

1271
04-09-2015

**BEFORE THE KHYBER PAKHTUNKWA
SERVICE TRIBUNAL PESHAWAR**

Appeal No.1398/2017

Muhammad Abdullah Ali Tasnim Ex Warder Prison Central Jail Bannu.
(Appellant)

VERSUS

Govt; of Khyber Pakhtunkhwa Secretary Home and Tribal Affairs
Civil Secretariat Peshawar and others.
(Respondents)

REJOINDER ON BEHALF OF THE APPELLANT

Preliminary Objections:

- i. Contents incorrect and misleading, because the appellant remained in the employment of the Department, hence he has got necessary cause of action
- ii. Contents incorrect and misleading, the appeal is competent and maintainable.
- iii. Contents incorrect and misleading, hence denied.
- iv. Contents incorrect and misleading, hence denied and appellant has got locus standi.
- v. Contents incorrect and false. All necessary parties are arrayed as parties in the instant appeal.
- vi. Contents incorrect and misleading, the appeal being filed well in accordance with the prescribed Rules and procedure, hence the present Appeal is well within time.

ON FACTS:

Contents needs no comments, however, the appellant timely approached the respondents for joining of duties but the appellant was verbally informed that he has been removed

from service, without showing/providing any document or order of removal from service, the appellant submitted his application for re-instatement on 30.03.2015, before the respondents, however the application was forwarded to superintendent Headquarters Prison Peshawar vide letter dated 03.04.2015, the respondent department vide letter dated 31.08.2015 clearly stated that the whole record of the Central Jail ~~Bannu~~ is destroyed due to the Militant's attack on the jail and without following the codal formalities, neither notice show cause notice was issued which was nor communicated to the appellant and after partial proceedings, major penalty was imposed upon the appellant, removal from service

Grounds of appeal:

Grounds (A) to (N) taken in the Memo of this Appeal are legal and will be substantiated at the time of hearing of this Appeal.

It is, therefore, prayed that on acceptance of this *Service Appeal*, may please be accepted as prayed for.


Appellant

Through


ZARTAJANWAR
Advocate Peshawar

**BEFORE THE KHYBER PAKHTUNKWA
SERVICE TRIBUNAL PESHAWAR**

Appeal No.1398/2017

Muhammad Abdullah Ali Tasnim Ex Warder Prison Central Jail Bannu.
(Appellant)

VERSUS

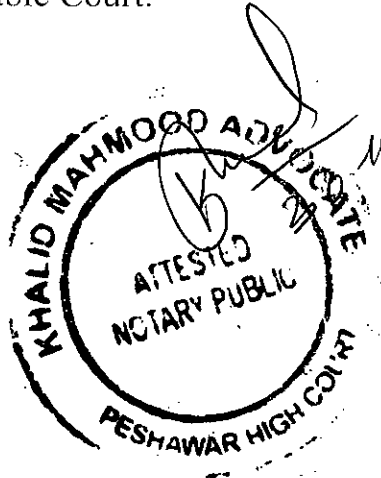
Govt; of Khyber Pakhtunkhwa Secretary Home and Tribal Affairs
Civil Secretariat Peshawar and others.

(Respondents)

Affidavit

I, do hereby solemnly affirm and declare that the contents of the *above Rejoinder* are true and correct and that nothing has been kept back or concealed from this Honourable Court.

محمد عبد الله علي تاسنيم
Deponent





OFFICE OF THE
INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

091-9210334, 9210406 091-9213445

No. 3/857-53 1-

Dated 15-10-2019 1-

To,

The Superintendents:-

1. Headquarters Prison Peshawar.
2. Headquarters Prison Bannu.
3. Headquarters Prison D.I Khan.

Subject:- **SERVICE APPEAL NO. 13/2017 FILED BY EX-WARDER ABDULLAH ALI TASNIM VS PRISONS DEPARTMENT**

Memo;

I am directed to refer to this office endst No. 6377-80/ WE dated 22-02-2018 subsequent, No. 17951-56/WE dated 12-06-2018 and No. 19289-95 dated 27-06-2018 on the subject and to convey that the representative of this office attended the Khyber Pakhtunkhwa Service Tribunal Peshawar on 11-10-2019 in connection with the above cited Service Appeal case.

During Course of hearing, the Learned Member Bench of the Provincial Service Tribunal strictly directed the representative of this office to produce all relevant record pertaining to the instant case before the next date i.e 27-11-2019 positively, otherwise the Court will take action under the Law.

It is therefore, directed that complete record alongwith details of the instant case may be furnished to this office for production before the Learned Provincial Service Tribunal as directed, failing which the consequences, if any, shall rest directly on your shoulders.

Endst; No. 31854-56 1-

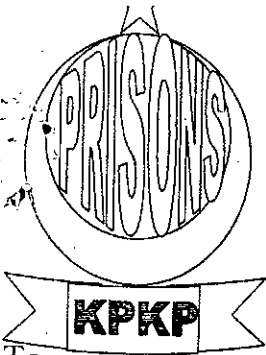
Copy of the above is forwarded to the:-

1. Secretary to Government of Khyber Pakhtunkhwa Home and T.As Department Peshawar.
2. Registrar, Khyber Pakhtunkhwa Service Tribunal Peshawar.
3. Additional Advocate General, Khyber Pakhtunkhwa Service Tribunal Peshawar (For information please).

15/10/19
ASSISTANT DIRECTOR
FOR INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

15/10/19
ASSISTANT DIRECTOR
FOR INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR





OFFICE OF THE SUPERINENDENT
PRISONS CIRCLE HEAD QUARTER D.I.KHAN
No. 205We / PB Date 30-10-2019
PH&FAX \No. 0966-9280299
cpdikhan1@gmail.com

SEEN	
I.G	
A.I.G	
D.D.	<i>2</i>
A.D.	

To,

The Inspector General Of Prisons,
Khyber Pakhtunkhwa, Peshawar.

Subject: SERVICE APPEAL NO. 13/2017 FILED BY EX-WARDER
ABDULLAH ALI TASNIM VS PRISONS DEPARTMENT.

Respected Sir,

Kindly refer to your memo No. 31851-53 dated 15.10.2019 on the subject noted above.

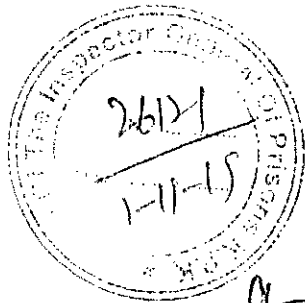
Enclosed please find herewith the correspondence made with superintendent Central Prison Bannu which shows that the record was present in Bannu Jail, however it was burnt in militants attack there.

oms
SUPERINTENDENT
CIRCLE H/QS PRISON DIKHAN

Endorsement No. _____ /2019

Copy of the above is forwarded to the Registrar Service
Tribunal Khyber Pakhtunkhwa Peshawar for information please.

sel
SUPERINTENDENT
CIRCLE H/QS PRISON DIKHAN



g
1-11



OFFICE OF THE
SUPERINTENDENT
CENTRAL PRISON BANNU

NO. 889-WE

DATED: 27/02/2015

TELE/FAX: 0928-633327/633326

To

The Superintendent,
Circle Headquarter Prison D. I. Khan

Subject: - APPLICATION OF EX-WARDER

Memo:

Reference your office memo: No. 1001/WE dated 13.02.2015 on the subject.

It is submitted that during the militants attack on this Jail in 04/2012, they put fire and used explosive material inside the Jail as well as in administration block due to which an office bearing record was burnt out. Hence, it is evident that his record has also been ceased as not found in this office after thorough search.

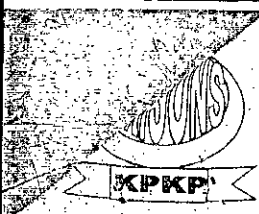
This is for information please.

SUPERINTENDENT
CENTRAL PRISON BANNU

HC
Put before the Supt. SB
[Signature]
5/3/15

SA/PB
[Signature]
5/3/15

314
06-03-2015



OFFICE OF THE
SUPERINTENDENT
CIRCLE H/Qs PRISON D.I.KHAN
No. 100/WE /HQ Dt: 13-02-2015
PH&FAX NO.0966-9280299
Centraljail_dikhan@yahoo.com

To
The Superintendent,
Central Prison Bannu.

Subject:- APPLICATION OF EX-WARDER.
Memo:

Reference your memo No. 614-WE dated 09.02.2015 on the subject noted above.

The enclosure received is returned herewith with the direction that full particular of the applicant in the light of record maintained in your office along with service book may be sent to this office for further necessary action.

ol
SUPERINTENDENT
CIRCLE H/Qs PRISON DIKHAN
13/2/15



OFFICE OF THE
SUPERINTENDENT
CENTRAL PRISON BANNU

NO. 614-WF

DATED: 09/02/2015

TELE/FAX: 0928-633327/633326


To

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

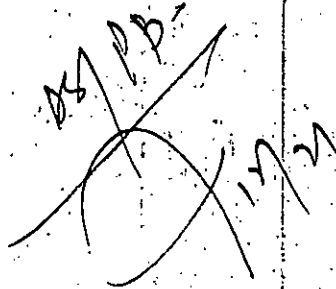
Subject: - APPLICATION OF EX-WARDER.

Memo:

Enclosed please find herewith application alongwith photocopies of connected papers etc presented by ex-warder Muhammad Abdullah Ali S/O Muhammad Sultan R/O District Bannu for further disposal.


SUPERINTENDENT
CENTRAL PRISON BANNU
09/2/2015
D. CA

150
12-02-2015

AS PP-

17/21

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06-02-15 19

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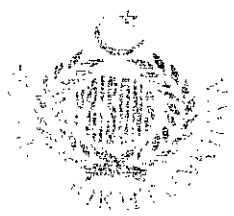
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**OFFICE OF THE
SUPERINTENDENT
CENTRAL PRISON BANNU**
No. 5385-68
Dated: 28/10/2019

Tel& Fax#0928-633327

Email:cpbannu@gmail.com

To

The Inspector General of Prisons,
Khyber Pakhtunkhwa, Peshawar.

IG	
A.I.G	
D.D.	

Subject: - **SERVICE APPEAL NO. 13/2017 FILED BY EX-WARDER ABDULLAH ALI TASNIM VS PRISONS DEPARTMENT**

Dear Sir:

Please refer to your office letter No. 31851-53 dated 15.10.2019.

It is submitted that the details of the case have already been submitted to your good office vide this office letter No.2125 dated 09.03.2018 and No. 3139 dated 20.04.2018. Moreover, the said warder was suspended from Govt: Service w.e.f 10.05.2006 by the order of Superintendent Headquarters Prison Peshawar vide order No. 123 dated 25.05.2006 and later on, he was terminated from service. The case was dealt at that time by the Superintendent Headquarters Prison Peshawar.

As the case has been dealt by Superintendent Headquarters Prison Peshawar, this jail has no record to furnish details of the instant case other than the service record present in the service book of the said warder which has already been submitted to your office through the above referred letters and once again submitted for your kind perusal alongwith Original Service Book, Copy of appointment order, Medical fitness certificate, Warder training basic course Certificate and Judgement copy of Additional Sessions Judge-II Bannu case No.95 of 2014, order No.14 dated 15.12.2014, please.

S#	Name & Parentage	Rank	D.O.B	D.O.A	Punishment awarded during his entire service with date and nature of offence.
	Muhammad Abdullah Ali Tasnim S/o Muhammad Sultan	Warder	25.11.1983	30.12.2004	<p>1. He was found absent while allotted duty inside the beat from on 27.09.2005 from 09:00AM to 12:00PM when he was checked by the Superintendent Jail at 10:50AM. He is placed under suspension with immediate effect by the Supdt: HQ Jail Peshawar vide No. 248 dt: 04.10.2005. He was reinstate into Govt Service with immediate effect by the order of Supdt HQ Jail Peshawar vide order No. 2374-75 dt: 26.12.2005 and awarded to stoppage of one annual increment without future effect.</p> <p>2. He was placed under suspension w.e.f 10.05.2006 by the order of Supdt HQ Jail Peshawar vide No. 123 dt: 25.05.2006.</p> <p>3. later on he was terminated from service.</p>

26/12/19
1-11-19

(Signature)
SUPERINTENDENT

OFFICE OF THE
SUPERINTENDENT
HEADQUARTER PRISON PESHAWAR
NO. 3025 /- Dt: 12/12/2004

To: Mr. Muhammad Abdullah Ali s/o Muhammad Sultan.
Address: Vill; Lechi Khel Chowk Fatima Khel. Tehsil and
District Bannu.

Subject: APPOINTMENT AS WARDER
MEMO

Reference your interview-dated ___/___/2004.

I am pleased to offer you a post of temporary Warder in the BPS-5 (2100-100-5000) plus RSA of Rs. 390 and other usual allowances as admissible under rules subject to the following conditions:

- 1- You are liable to serve anywhere in the Jails of NWFP.
- 2- Your appointment is purely temporary and your services can be terminated at any time without assigning any reasons.
- 3- For all other purposes such as pay, TA and Medical attendance etc he will be governed by rule applicable to the Government Servant of his category.
- 4- The term and conditions of his appointment as warder will be those as laid-down in the warders' service rules 1960 NWFP Prisons Department (Recruitment and Transfer) Rules 1980 and all other rules and regulations prescribed in this respect in the Prison Act / Pakistan Prison Rules and any other rules which may be promulgated by / applicable to Government servants or the rules which may be promulgated by the Government from time to time in this behalf.
- 5- His service will be subject to his medical fitness.
- 6- No TADA will be admissible to you or joining your first appointment.
- 7- You cannot resign the service immediately but you have put in writing at least one-month prior and in lieu thereof, one-month pay shall be forfeited from him.
- 8- If you accept the appointment on the above terms and condition then you may please report to the Superintendent Headquarter Jail Peshawar for duty within 15 days of the receipt of these orders.
- 9- On your assuming duties it will be taken for that you have accepted all the above terms and conditions.
- 10- Your appointment is subject to fulfillment of all the conditions laid down in the service rules.

(KHALID ABBAS)
SUPERINTENDENT 18/12/04
HEADQUARTER PRISON PESHAWAR

ENDST. NO. 3026-28

Copy of the above is forwarded to :-

- 1- The Inspector General of Prisons NWFP Peshawar for information please.
- 2- All Superintendent of Jails in NWFP for information and necessary action please.
- 3- All District Account Officer in NWFP for information and necessary action.

(KHALID ABBAS)
SUPERINTENDENT 18/12/04
HEADQUARTER PRISON PESHAWAR

AYAZ

OFFICE OF THE
SUPERINTENDENT
HEADQUARTER PRISON PESHAWAR
NO. 3314 /- Dt: 29/12/2004

To,

The Superintendent,
Central Jail / District Jail / Sub Jail / Judicial Lockup,
Bannu.

Subject: APPOINTMENT / POSTING
MEMO:-

On his arrival in response of his appointment order issued vide Superintendent
Headquarter Jail Peshawar No. 3025 dated 18/12/2004, warder Muhammad Abdullah Ali
S/O Muhammad Sultan is hereby posted to Central Jail / District Jail / Sub Jail
Judicial Lockup, Bannu against the existing vacancy. His Medical examination has
already been carried out in Police and Services Hospital Peshawar. His original Medical
fitness Certificate is enclosed herewith.

SUPERINTENDENT
HEADQUARTER PRISON PESHAWAR

Encls: No. 3315-16

Copy of the above is forwarded to:-

- 1- The Superintendent Central Jail Bannu for information and further necessary action.
- 2- The Accountant General / District Accounts Officer Bannu for information please.

SUPERINTENDENT
HEADQUARTER PRISON PESHAWAR

AYAZ:-

MEDICAL CERTIFICATE.

Name of Official *Mahomed Abdullah Ali Fasihon*
 Caste or race *Muslim (Pakistani)*
 Father's Name *Mahomed Sultan*
 Residence *Village Lechi Kher Chak Fatma Kher*
Peshawar and Dist. Bannu
 Date of birth *25-11-1983 (NIC No. 11101-1512828-9)*
 Exact height by measurement *5-3*
 Personal mark of identification *Black Mole on the Cheek*
 Signature of the Official *[Signature]*
 Signature of head of office

Seal of Office *Superintendent*
Headquarter Prison Peshawar
[Signature] 29/11/83

I do hereby certify that I have examined Mr *Mahd Abdullah Ali Fasihon*
 for employment in the office of the *Distt. Jail Bannu*
 and can not discover that he had any disease communicable or other constitu-
 tional affection or bodily infirmity except *Nil*
 I do not consider this as disqualification for employment in the office
 of the *Jail Bannu* His age according to his own statement *(21)*
 years and by appearance about *20-22* years.

LEFT HAND THUMB AND FINGER IMPRESSIONS

[Signature]
 Medical Superintendent,
 Civil Hospital
 28/11/83

GOVERNMENT OF PAKISTAN
MINISTRY OF INTERIOR
(INTERIOR DIVISION)

CENTRAL JAIL STAFF TRAINING INSTITUTE LAHORE

No. 35111/B/1609-14.
To

Dated: 01-08-05

- (1) The Inspector General of Prisons, Punjab, Lahore.
- (2) The Inspector General of Prisons, Sindh, Karachi.
- (3) The Inspector General of Prisons, NWFP, Peshawar.
- (4) The Inspector General of Prisons, Balochistan, Quetta.
- (5) The Deputy Inspector General of Prisons, Azad Kashmir, Muzaffarabad.
- (6) The Commissioner Northern Areas, Gilgit.

Subject: 35TH WARDERS BASIC TRAINING COURSE.

On expiry of course cited in the subject. The following Warders have been relieved on 01-08-2005 and directed to report for duty at their parent Jail.

Sr.No.	Name of Trainee	Jail
NWFP		
1	Mr. Kifayat Ullah	C. J. Bannu.
2	Mr. Amjad Khan.	C. J. Bannu
3	Mr. Abdulla Ali.	C. J. Bannu,
4	Mr. Hazrat Usman.	C. J. Bannu.
5	Mr. Asif Ullah.	C. J. Bannu.
6	Mr. Aurangzeb.	C. J. Bannu.
7	Mr. Muhammad Asif.	C. J. Bannu.
8	Mr. Sajid Ullah.	C. J. Bannu.
SINDH		
9	Mr. Muhammad Sohail.	D. J. Mirpur
10	Mr. Muhammad Azhar.	C. J. Sukkur
11	Mr. Nadeem Hussain.	C. J. Sukkur
12	Mr. Muhammad Hafeez.	D. J. Dadu
13	Mr. Mumtaz Ali.	D. J. Dadu
14	Mr. Azhar Nawaz.	B. I. J. Karachi
15	Mr. Muhammad Ali Khan.	C. J. Karachi.
16	Mr. Anwar Ali.	C. J. Hyderabad
17	Mr. Zia Hussain.	C. J. Hyderabad.
18	Mr. Shakir Hussain.	C. J. Hyderabad.
19	Mr. Farhan Azhar.	D. J. Nara.
20	Mr. Urfi Nadeem.	D. J. Nara.
21	Mr. Munir Ahmed.	C. J. Sukkur.
22	Mr. Farman Ali.	C. J. Khairpur
23	Mr. Jaro Khan.	D. J. Nawab Shah.
24	Mr. Khurshid Ahmed.	C. J. Sukkur.
25	Mr. Ali Nawaz.	D. J. Sanghar.
26	Mr. Hakim Ali.	C. J. Larkana

(Signature)
(Muhammad Masood Khan)
Principal
RH:9200646

Dated: 01-08-05

Encl. No. 1515/54

1. P. S. to Additional Secretary, Ministry of Interior, Government of Pakistan, Islamabad.
2. Superintendent Jail concerned.
3. ✓ Trainee concerned.

(Signature)
(Muhammad Masood Khan)
Principal



GOVERNMENT OF PAKISTAN
MINISTRY OF INTERIOR
(INTERIOR DIVISION)

CENTRAL JAIL STAFF TRAINING INSTITUTE LAHORE.

Serial No. BWC-1921

Dated 29-07-2005

This is to Certify that Mr. Abdullah Ali

Designation Warder

Central/District Jail/Office Central Jail, Bahau

Attended the 35th Wardens Basic Training

Course held from 25-04-2005 to 01-06-2005

and Qualified.

The main subjects included:

Pakistan Prison Rules

Service Rules & Regulations

Law

General Paper

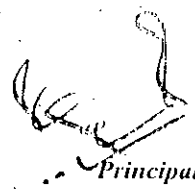
Psychology

Islamiat/Pakistaniat

Sociology/Criminology

Drill/Parade/Musketry


Vice Principal


Principal

FORM "A"
FORM OF ORDER SHEET
IN THE COURT OF MR. AMJAD MAKHDOOM, ASJ-II, BANNU

Sessions Case No 95 of 2014

The State ...vs...Muhammad Abdullah

Serial No. of Order or Proceeding	Date of Order or Proceeding	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
ORDER-14	15.12.2014	<p>Accused Muhammad Abdullah produced in custody. Learned Special Public Prosecutor for the state present.</p> <p>The accused facing trial has already moved application for seeking acquittal under section 265-K of the Cr.PC. Notice of such application was given to the state.</p> <p>The accused are facing trial in case FIR No.234 dated 10.05.2006 under section 302/324/34 of the Pakistan Penal Code, 1860 of Police Station Saddar, District Bannu. The allegations as contents of the FIR, are that on 10.05.2006 at 1835 hours, the complainant Muhammad Ayaz Khan brought the deadbodies of his son-namely, Jalil Khan and his son-in-law namely Umer Khan to the Emergency Room of DHQ Hospital, Bannu with the help of his grandson namely Inamullah and made a report. He alleged that on the day of occurrence at Asar vela he alongwith his son Jalil Khan, his son-in-law Umer Khan and grandson Inamullah started to Kotka Zabita Khan for threshing the crop and when at 1800 hours they reached Lochi Chowk of his village, saw that accused Abdur Rehman alias Numan (acquitted), accused facing trial Abdullah armed with Kalashnikovs and acquitted co-accused Iqbal Khan armed with pistol .30 bore, were present in veranda of Chowk. As soon they reached near them all the three accused started firing at them with their respective weapons with the intent to commit their Qatl-e-Amd as a result of firing his son Jalil Khan and his son-in-law Umer Khan were hit and fell down. They being empty handed, could do nothing. After decamping the accused from the spot when they attended Jalil Khan and Umer Khan, they both were by then expired. Motive for the occurrence, as stated by the complainant in his report,</p>



Attested
Copyist
District & Session Judge
Bannu
23-12-14

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... was terminated from

267 of
trial No. of
Order or
proceeding

Trial No. of Order or proceeding	Date of Order or Proceeding	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
Contd..OS-14	15.12.2014	<p>was beating between accused Abdur Rahman and his son Saweed Rahman. The complainant charged all the three accused for commission of the offence.</p> <p>On receipt of challan, accused facing trial was formally charged to which he pleaded not guilty. Trial was commenced and some of the PWs were examined when the accused submitted an application under section 265-K of the Cr.P.C. Notice of the application was given to the prosecution. Arguments heard and record perused.</p> <p>Perusal of record in light of the contentions though reveals long abscondence of the present accused/petitioner. However, conviction cannot be recorded on mere ground of abscondence. The record transpires that ocular evidence in miserably suffering from infirmities and therefore pregnant with malign, generating doubts in the prosecution story. Five injured witnesses, (Barkatullah, Ismail, Qazi Nazifullah, Riffat Bibi and Kifayatullah), reveled later in the previous trial of (acquitted) co-accused, were suppressed by the complainant in his FIR. The rider of the FIR, Inamullah has also concealed the aforesaid facts of five injured witnesses not only in his 161 Cr.P.C's statement but also in his evidence as Pw-9. He has not even disclosed anything about any recovery. Contrary to the FIR Pw-9 rather discloses that both the dead bodies were taken to the PS. Moreover, one of the injured witnesses (Barkatullah) has been abandoned in the instant trial, while the complainant being dead has also been abandoned. The apex court vide its judgment order dated 14.04.2014 has already discarded the ocular evidence, acquitting both the co-accused (Abdur Rehman and Iqbal), charged with a similar role in the same case.</p> <p>In light of the above, there does no longer remain any probability of conviction even if the entire remaining evidence is recorded. Accordingly, this application is accepted. Consequently, the accused facing trial, Muhammad Abdullah is acquitted from the charges</p>



Attested
Copyiest
District & Session Judge
Bannu 2/14