

1361/15

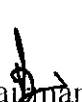
21.11.2016

Appellant idn person and Mst. Bushra Bibi, Government Pleader for respondents present. The Bench is incomplete. To come up for rejoinder and final hearing before D.B on 18.4.2017 at camp court, Abbottabad.


Chairman
Camp Court, A/Abad

18.04.2017

Counsel for the appellant and Mr. Muhammad Bilal, Government Pleader for the respondents present. Counsel for the appellant seeks adjournment to submit rejoinder. D.B is also incomplete. To come up for rejoinder and final hearing before the D.B on 16.10.2017 at camp court, Abbottabad.


Chairman
Camp court, A/Abad

16.10.2017

None present on behalf of the appellant. Mr. Muhammad Bilal, Deputy District Attorney for the respondents present. Called several times till last hours of the court but none appeared on behalf of the appellant.

In view of the above, the appeal is dismissed for want of prosecution. File be consigned to the record room.


Member


Chairman
Camp Court, A/Abad.

ANNOUNCED

16.10.2017

21.12.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was appointed as Female Warder (BPS-5) and vide order dated 5.8.2015 her services were terminated. That the appellant preferred departmental appeal on 7.8.2015 which was rejected on 2.11.2015 where after the instant service appeal was preferred on 4.12.2015.

That though the appellant was serving as probationer but she was entitled to an opportunity of hearing. Places reliance on case law reported as 2000 SCMR 75.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 25.2.2016 before S.B.

Appellant Deposited
Security & Process Fee


Chairman

25.02.2016

Counsel for the appellant and Addl: A.G for respondents present. Requested for adjournment. To come up for written reply/comments on 25.4.2016 before S.B.


Member

25.4.2016




Agent of counsel for the appellant and Mr. Sohrab Khan, Junior Clerk alongwith Addl: A.G for respondents present. Written reply by respondents submitted. The appeal is assigned to D.B for rejoinder and final hearing for 21.11.2016 at camp court, Abbottabad.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1361/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	04.12.2015	<p>The appeal of Mst. Faaiza Alam resubmitted today by Uzma Syed Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	11-12-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>11-12-15</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	11.12.2015	<p>Counsel for the appellant present. During the course of hearing it was transpired that the appellant was terminated from service during probation period. Seeks adjournment. Adjourned to 22.12.2015 for preliminary hearing before S.B.</p> <p style="text-align: right;"> Chairman</p>


The appeal of Mst. Faiza Alam Ex-Female Warder Central Prison Haripur received to-day i.e. on 23.11.2015 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of appointment order is not attached with the appeal which may be placed on it.
- 2- Annexures of the appeal may be attested.

No. 1802 /S.T,

Dt. 24/11 /2015

UZMA Syed
Majir Farhatullah Adv. Pesh.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Note:

Sr.

That the appointment is not available with appellant, and objection no. 2 has been removed. It is therefore, requested that the appeal may be put up before the bench.

4/12/2015



BEFORE THE KHYBER PAKHTUNKHWA SERVICE
 TRIBUNAL, PESHAWAR

SERVICE APPEAL NO 1361.../2015

Mst: Faiza Alam Ex-Female
 Warden Central Prison Haripur
Appellant

The Inspector General of
 Prisons Khyber Pakhtunkhwa,
 Peshawar and others
Respondents

Versus

INDEX

S.No.	Description of Documents	Date	Annexure	Pages
1.	Memo of service appeal along with Affidavit.			1-5
2.	Copies of Testimonials & NTC		A	6-13
3.	Copy of impugned order of respondent No.2		B	14
4.	Copy of departmental appeal		C	15
5.	Copy of rejection order		D	16
6.	Wakalatnama			17

Faiza Alam

Appellant

Through

Hameed Syed
 Advocate, Peshawar

Dated: 23 / 11/2015

[Handwritten signature and stamp]

1

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

SERVICE APPEAL NO. 1361.../2015

**K.W.F. Provincial
Service Tribunal**
Diary No. 1371
Dated 23-11-2015

Mst: Faaiza Alam Ex-Female Warder Central Prison Haripur

.....Appellants.

Versus

1. The Inspector General of Prisons Khyber Pakhtunkhwa,
Peshawar.
2. The Superintendent Circle Head Quarter, Prison, Haripur.
.....Respondents.

Service Appeal under section 4 of the Khyber Pakhtunkhwa Service Tribunal, Act, 1974 read with section 19 of the Government Servant (Efficiency and Discipline) Rules, 2011 against the impugned order dated 02-11-2015 of respondent No.1 passed on the departmental appeal of the appellant preferred against the impugned order of respondent No.2 dated 05-08-2015.

Prayer:

On acceptance of the instant service appeal this Honourable Tribunal may graciously be pleased to declare the impugned orders dated 05-08-2015 passed by respondent No.2 and order dated 02-11-2015 passed on the departmental appeal of the appellant as illegal, unlawful and without lawful authority and set aside the same and re-instate the appellant with all back benefits.

Respectfully Sheweth,

Facts giving rise to the present service appeal are as under:-

1. That appellant is highly educated (Annexure-A), applied for the post of Female Warder in response to an


Registrar

Re-submitted to-day
and filed;

Registrar

2/12/15

prescribed legal procedure was appointed as fe-male warder on regular basis and posted at Central Jail, Haripur.

2. That appellant served the department for more than 07 months to her entire Honesty and devotion.
3. That she was proceeded against on flimsy and concocted accusation which have no factual and legal backing and has been terminated from her legal service by respondent No.2 vide order dated 05-08-2015(Annexure-B).
4. That appellant being aggrieved from the harsh penal order submitted departmental appeal (Annexure-C) before the respondent No.1, who vide order dated 02-11-2015 (Annexure-D) rejected the same without assigning any reasonable grounds.
5. That appellant being aggrieved ofⁱ the impugned orders prefers the instant appeal service appeal inter alias on the following grounds.

Grounds:-

- A. That respondents have not treated the appellant in accordance with law, rules and policy on the subject and acted in violation of Article 4 of the Constitution of Pakistan 1973. Appellant has never been involved in any sort of extraneous activity etc. She has performed her duty with her utmost honesty and devotion. Appellant was regular civil servant and therefore entitled to be dealt with in accordance with legal prescribed procedure as has been provided in the statute and statutory rules and in absence of such prescribed procedure the action of the penal authority

- B. That departmental appeal has not been decided in accordance with spirit and provision of Rule 5 of the Appeal Rules 1986.
- C. The relevant prescribed procedure has not been adopted. Neither any show cause, charge sheet, statement of allegation has not been provided nor any inquiry has been conducted. Non Observance of procedure prescribed for inquiry...Effect.... Procedure prescribed under Rr.5 to 7 of the Govt: Servant (Efficiency and Discipline) Rules, 2011, manifested some rights in favor of civil servant and were mandatory in nature, including provision of record, cross examination of witnesses and production of defense witnesses. In absence of the these mandatory provisions, the penal order of authorities cannot be clothed with validity and is liable to set aside. 2014 PLC (CS) (d) 1199.
- D. Authority dispensed with the procedure of regular inquiry and passed the order of termination of appellant during his probation period....Validity...Order was not an order of termination simpliciter rather it was based upon allegation of misconduct....Order of termination was in fact an order of imposition of penalty of removal from service necessitating a regular inquiry and fair opportunity of hearing to be given by the authority to the appellant...Serious allegation of misconduct was pending inquiry against the appellant, therefore, appellant termination even during period of probation could not be ordered without finding truth of the allegation by providing an opportunity of hearing to the appellant through due process of law.... Right of due process and fair trial is Fundamental right of each and every citizen of this country duly safe guarded and guaranteed under Article 10A of the Constitution of Pakistan, which could not be denied in any case. 2014 PLC (CS) 1194.
- E. That appellant has been condemned unheard which is not only against the principle of audio altram partem, but also against the spirit of Article 10A of the Constitution.

- F. That appellant has been highly discriminated. There were other similar placed employee, who were also terminated but they have been re-instated on the strength of their departmental appeal, but appellant has not been treated at par with similar placed employees, which is sheer violation of the constitutional provision and cannot be maintain in the eyes of law.
- G. Accused is stated to be a favorite child of law and he is presumed to be innocent unless proved otherwise and the benefit of doubt always goes to the accused and not to the prosecution as it is for the prosecution to stand on its own legs by proving all allegations to the hilt against the accused. Mere conjectures and presumption, however strong, could not be made a ground for removal from service of civil servant [1999 PLC (CS) 1332 (FST)]..... Unless and until prosecution proves accused guilty beyond any shadow of doubt, he would be considered innocent [1983 PLC (CS) 152 (FST)].
- H. That appellant is jobless since her termination and is under heavy burden of her minor kids and dependents, therefore entitle for back benefits
- I. That appellant would like to seek the permission of this Honorable Tribunal to advance more grounds at the time of hearing.

It is therefore humbly prayed that the service appeal may kindly be accepted as prayed for above.

Uzma
 Through *Uzma* Appellant
Uzma
 Advocate, Peshawar.

Dated:

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

SERVICE APPEAL NO...../2015

Mst: Faiza Alam Ex-Female Warder Central Prison Haripur

.....Appellants.

Versus

The Inspector General of Prisons Khyber Pakhtunkhwa, Peshawar
and othersRespondents.

Affidavit

I Mst: Faiza Alam Ex-Female Warder Central Prison
Haripur do hereby solemnly affirms on Oath that the
contents of the instant service appeal are correct and true
to the best of my knowledge and belief and nothing has
been concealed from the notice of this Honorable
Tribunal.

Faiza Alam

Deponent.

Attested

Amish

OATH COMMISSIONER
M-DAR WISH
Advocate
Distt: Courts Nowshera


Farhat Ullah Khan

Majid (D) FARHAT ULLAH KHAN
Advocate Peshawar

ATTESTED

Sr.No. 65712

Roll No: 82977



BOARD OF INTERMEDIATE & SECONDARY EDUCATION
ABBOTTABAD - N.W.F.P. PAKISTAN
SSC EXAMINATION
PROVISIONAL CERTIFICATE
SESSION 2003 (Annual)

THIS IS TO CERTIFY THAT Faiza Alam

Daughter of

Khurshid Alam

student of

Haripur District

has passed the *Secondary School Certificate Examination* of the Board of Intermediate & Secondary Education, Abbottabad held in *March, 2003* as a *Private* candidate. She obtained **427** marks out of **850** and has been placed in Grade "C"

The candidate passed the following subjects:

- | | | |
|-------------------|-----------------|--------------------|
| 1. English | 2. Urdu | 3. Islamiyat |
| 4. Pakistan Study | 5. New Riazi | 6. General Science |
| 7. Islamic study | 8. A.M. Drawing | |

Date of birth according to admission form is 08-03-1984

Checked By: [Signature] Date of Issue: 24/06/03

Date of Result Declaration: 25 Jun 2003

[Signature]
Asstt: Secretary (Certificate)

ksar and Brains Software Enterprise (K)

[Signature]
ATTESTED

14344

8

Sr. No. A

BOARD OF INTERMEDIATE & SECONDARY EDUCATION ABBOTTABAD
DETAILED MARKS CERTIFICATE

Higher Secondary School Certificate Examination
 Part - I



Name : FAIZA ALAM

Father's Name : KHURSHID ALAM

Group : HUMANITIES

Session: 2004 (Annual)

Roll No: 11961

Subjects	Marks	Marks Obtained			
		Theory	Pract	Total	Marks in Words
English	100	33		33	Thirty-Three
Urdu (Comp)	100	51		51	Fifty-One
Islamic Education	50	32		32	Thirty-Two
Islamic History	100	49		49	Forty-Nine
Civics	100	34		34	Thirty-Four
Islamic Studies	100	70		70	Seventy Only
Total : 550				269	Two Hundred Sixty-Nine Only
Remarks :					

Checked By : _____

Date : 31-July, 2004

Controller of Examinations
 Board of Intermediate & Secondary Education
 Abbottabad

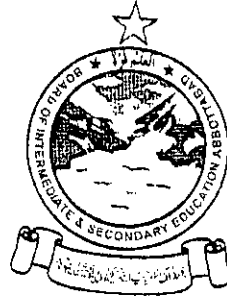
Note: Errors / Omissions excepted

[Handwritten Signature]
 ATTACHED

ADA No. 136288

Roll No. 82977

BOARD OF INTERMEDIATE & SECONDARY EDUCATION



Abbottabad N.W.F.P. - Pakistan
SECONDARY SCHOOL EXAMINATION CERTIFICATE
SESSION ANNUAL 2003

This is to certify that FAIZA ALAM
Son/Daughter of KHURSHID ALAM

A candidate from HARIPUR DISTRICT

has passed the Secondary School Certificate Examination of the Board of Intermediate and Secondary Education, Abbottabad held in March 2003 as a Regular/Private Candidate. He/She obtained 427 marks out of 850 and has been placed in Grade C Representing GOOD.

The candidate passed in the following subjects.

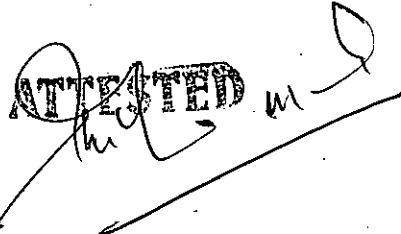
- | | | | |
|------------|---------------|-----------------|-----------------|
| 1. ENGLISH | 2. URDU | 3. ISLAMIYAT | 4. PAK STUDIES |
| 5. MATHS | 6. G. SCIENCE | 7. ISL. STUDIES | 8. A.M. DRAWING |

Date of Birth according to admission form is Eighth March
One Thousand Nine Hundred and Eighty-Four (-08-03-1984-)


Asstt. Secretary

This certificate is issued without alteration or erasure.


Secretary

ATTESTED


16670

10

Certificate No: _____

BOARD OF INTERMEDIATE & SECONDARY EDUCATION ABBOTTABADRoll No: 45803Group: HUMANITIES**RESULT CARD****HIGHER SECONDARY SCHOOL CERTIFICATE EXAMINATION**

Part - II

Session: 2005 (Annual)

Name: FAIZA ALAM
 Father Name: KHURSHID ALAM
 Institution: HARIPUR
 District: _____

has secured the marks shown against each subject in the Higher Secondary School Certificate Examination Part-II held in the month of May/June as a Private Candidate

Subjects	Marks	Marks Obtained					Marks in Words
		Part-I		Part-II		Total	
		Theory	Pract	Theory	Pract		
English	200	33	--	37	--	70	Seventy Only
Urdu (Comp)	200	51	--	49	--	100	One Hundred Only
Islamic Education	50	32	--	--	--	32	Thirty-Two
Pakistan Studies	50	--	--	22	--	22	Twenty-Two
Islamic History	200	49	--	48	--	97	Ninety-Seven
Civics	200	34	--	46	--	80	Eighty Only
Islamic Studies	200	70	--	56	--	126	One Hundred Twenty-Six

Total : 1100

527-D Five Hundred Twenty-Seven Only

Remarks : _____

Date : 11-August, 2005

Checked By : _____

Note: Errors / Omissions excepted. Any mistake in Name, Father Name etc must be intimated within 20 days of the issuance date of this certificate to BISE Abbottabad Visit us www.biseatd.edu.pk

Controller of Examinations

ATTESTED

11

111551

Sr. No. AD _____

BOARD OF INTERMEDIATE & SECONDARY EDUCATION ABBOTTABAD

DETAILED MARKS CERTIFICATE
Secondary School Certificate Examination
(Class X)



Session 2003 (Annual)
Group (HUMANITIES GROUP)

Name: Faiza Alam

Father's Name: Khurshid Alam

Roll No 82977

Subjects	Marks	MARKS OBTAINED			
		Theory	Practical	Total	In Words
1. English	150	36	37	73	Seventy-Three
2. Urdu	150	34	55	89	Eighty-Nine
3. Islamiyat	75	37		37	Thirty-Seven
4. Pakistan Study	75	25		25	Twenty-Five
5. New Riazi	100	50		50	Fifty Only
6. General Science	100	48		48	Forty-Eight
7. Islamic Study	100	55		55	Fifty-Five
8. A.M. Drawing	100	31	19	50	Fifty Only

Total 850

427-C Four Hundred Twenty-Seven Only

Checked By:

Date: 26-07-2003

Remarks

Note: Errors / Omissions are excepted

Khaksar and BRAINS Software Enterprise (KBSoft)

Controller of Examinations
BISE Abbottabad

ATTESTED



HAZARA UNIVERSITY

MANSEHRA, NWFP, PAKISTAN

SNo: 20565

DETAILED MARKS CERTIFICATE

BA ANNUAL 2008

Roll No: 61944

Registration No: 0638HRFPX-BA7

Student's Name: Faiza Alam

Father's Name: Khaurshid Alam

Institution/District: Haripur

Part: Second

Course Name	Maximum Marks	Marks Obtained	Marks In Words	Remarks
1. Part I Marks	285	135	One Hundred & Thirty-Five	Pass
2. English Compulsory	75	25	Twenty-Five	Pass
3. Pakistan Studies	40	17	Seventeen	Pass
4. Islamic Studies	75	50	Fifty	Pass
5. Urdu	75	29	Twenty-Nine	Pass
Total	550	256		

Percentage 46.55 %

Division Second



Checked by: *[Signature]*

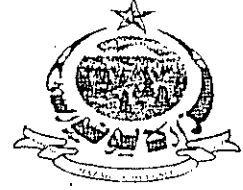
Errors and omissions are subject to subsequent rectification. Any mistake in Name, Father Name etc must be intimated within 60 days of the issuance date of this certificate.

[Signature]

Controller Examinations
Hazara University, Mansehra
August 20, 2008

[Signature]
ATTESTED

Certificate No: 12648707

HAZARA UNIVERSITY, MANSEHRA M.W.F.P, PAKISTAN**DETAILED MARKS CERTIFICATE****BA ANNUAL EXAMINATION 2007****Part - I.**Name: FAIZA ALAMRoll No: 26487Father Name: KHURSHID ALAMReg: No: 0638HRFPX-BA7Institution/
District: HARIPUR

Course Name	Max: Marks		Marks Obt:		Total	Marks in Words	Remarks
	TH	PR	TH	PR			
English	75		34	--	34	Thirty-Four	
Urdu	75		36	--	36	Thirty-Six	
Islamiyat	60		24	--	24	Twenty-Four	
Islamic Studies	75		41	--	41	Forty-One	
Total : 285					135	One Hundred Thirty-Five Only	

Checked By : _____

Controller of Examinations

Hazara University, Mansehra

September 26, 2007

Prepared in: Computer Section Hazara University.

Note: Errors / Omissions excepted with in 30 days of issuance date of this Certificate.

ATTESTED



OFFICE OF THE SUPERINTENDENT
CIRCLE (EASTERN) HQS PRISON HARIPUR

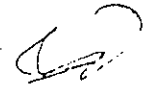
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No. 1518-1-
Dated 05/08/2015

OFFICE ORDER:

Probationer Female Warder (BPS-05) Faiza Alam attached to Central Prison Haripur for the purpose of duty and with District Jail Abbottabad for the purpose of pay has miserably failed to put up satisfactory work and conduct during her probation period as on 28-07-2015 three Cell Phones/sets were recovered from female prisoners namely Ms. Frasad w/o Kareem Bakhsh and Ms. Robina w/o Niaz-ud-Din by lady Assistant Superintendent accompanied by female Head Warder Gulna and female Warder Rani and Rukhsana Hayat which were handed over to them by Faiza Alam on cash payment.

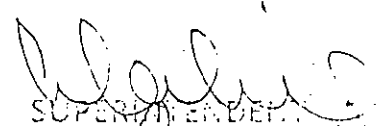
Due to above mentioned unsatisfactory work and conduct the services of above named Female Warder (BPS-05) Faiza are hereby terminated with immediate effect as contained in Para-2 of her appointment order.


SUPERINTENDENT
CIRCLE H.Q. PRISON HARIPUR

Endst: No: 1518-24/1

Copy of the above is forwarded to:

1. The Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar.
2. The Superintendent Headquarters Prison, Peshawar.
3. The Superintendent Central Prison Haripur with reference to his Memo No. 4781 dated 05-08-2015 please.
4. The Superintendent District Jail Abbottabad for information & necessary action.
5. The District Accounts Officer/Abbottabad for information & necessary action.
6. Female Warder (BPS-05) Faiza c/o Superintendent/Line Officer Central Prison Haripur.


SUPERINTENDENT

CIRCLE, H.Q. PRISON HARIPUR

5/8/15


ATTESTED

گواہت عنایت امین علیہ السلام حیل خانہ کا چھتر گروہ

امین علیہ السلام حیل خانہ

حنا عالیہ

میں سید ابراہیم خورشید 8 کو گواہت لے کر لڑی وارڈن

کھوئی ہوئی اور جوڑم 2015-5-8 کو خالد عباسی نے گواہت لے کر لڑی وارڈن
حیل خانہ میں لے کر لڑی وارڈن کی یاد میں ہیں۔ گواہت لے کر لڑی وارڈن
پر چھتر گروہ لے کر لڑی وارڈن کی یاد میں ہیں۔ گواہت لے کر لڑی وارڈن
اور جوڑم یا پتہ اس وقت حیل خانہ میں لے کر لڑی وارڈن
گھر میں لڑی وارڈن سے ڈسٹریکٹ کا حکم حیل خانہ میں لے کر لڑی وارڈن

2 گواہت لے کر لڑی وارڈن سے ڈسٹریکٹ کا حکم حیل خانہ میں لے کر لڑی وارڈن
گواہت لے کر لڑی وارڈن سے ڈسٹریکٹ کا حکم حیل خانہ میں لے کر لڑی وارڈن
اور لڑی وارڈن سے ڈسٹریکٹ کا حکم حیل خانہ میں لے کر لڑی وارڈن
حیثیت کی بات ہے حیل خانہ میں لے کر لڑی وارڈن سے ڈسٹریکٹ کا حکم حیل خانہ میں لے کر لڑی وارڈن

حیل خانہ میں لے کر لڑی وارڈن سے ڈسٹریکٹ کا حکم حیل خانہ میں لے کر لڑی وارڈن
گواہت لے کر لڑی وارڈن سے ڈسٹریکٹ کا حکم حیل خانہ میں لے کر لڑی وارڈن
گواہت لے کر لڑی وارڈن سے ڈسٹریکٹ کا حکم حیل خانہ میں لے کر لڑی وارڈن

حنا عالیہ حیل خانہ میں لے کر لڑی وارڈن سے ڈسٹریکٹ کا حکم حیل خانہ میں لے کر لڑی وارڈن
گواہت لے کر لڑی وارڈن سے ڈسٹریکٹ کا حکم حیل خانہ میں لے کر لڑی وارڈن
گواہت لے کر لڑی وارڈن سے ڈسٹریکٹ کا حکم حیل خانہ میں لے کر لڑی وارڈن

حنا عالیہ حیل خانہ میں لے کر لڑی وارڈن سے ڈسٹریکٹ کا حکم حیل خانہ میں لے کر لڑی وارڈن
گواہت لے کر لڑی وارڈن سے ڈسٹریکٹ کا حکم حیل خانہ میں لے کر لڑی وارڈن
گواہت لے کر لڑی وارڈن سے ڈسٹریکٹ کا حکم حیل خانہ میں لے کر لڑی وارڈن

حنا عالیہ حیل خانہ میں لے کر لڑی وارڈن سے ڈسٹریکٹ کا حکم حیل خانہ میں لے کر لڑی وارڈن
گواہت لے کر لڑی وارڈن سے ڈسٹریکٹ کا حکم حیل خانہ میں لے کر لڑی وارڈن
گواہت لے کر لڑی وارڈن سے ڈسٹریکٹ کا حکم حیل خانہ میں لے کر لڑی وارڈن

حنا عالیہ حیل خانہ میں لے کر لڑی وارڈن سے ڈسٹریکٹ کا حکم حیل خانہ میں لے کر لڑی وارڈن
گواہت لے کر لڑی وارڈن سے ڈسٹریکٹ کا حکم حیل خانہ میں لے کر لڑی وارڈن
گواہت لے کر لڑی وارڈن سے ڈسٹریکٹ کا حکم حیل خانہ میں لے کر لڑی وارڈن

حنا عالیہ حیل خانہ میں لے کر لڑی وارڈن سے ڈسٹریکٹ کا حکم حیل خانہ میں لے کر لڑی وارڈن
گواہت لے کر لڑی وارڈن سے ڈسٹریکٹ کا حکم حیل خانہ میں لے کر لڑی وارڈن
گواہت لے کر لڑی وارڈن سے ڈسٹریکٹ کا حکم حیل خانہ میں لے کر لڑی وارڈن

ATTESTED
[Signature]

2015-8-7



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

☎ 091-9210334, 9210406 📠 091-9213445

No. Estb/Ward-/Orders/ 31688 /-

Dated 02-11-2015 /-

ORDER

WHEREEAS, Female Warder Faiza Alam attached to Central Prison Haripur terminated from service by Superintendent Headquarters Prison Haripur vide Order No 1518 dated 05-08-2015 due to recovery of Mobile Set / Cell Phone from Women Prisoners confined in Female Section of Central Prison Haripur which was supplied by her.

AND WHEREAS, the said Female Wader preferred her departmental appeal for setting aside of her termination order, which was examined in the light of available record of the case and observed that the appellant indulged in smuggling of such prohibited articles and charges proved against her.

AND WHEREAS, she was afforded the opportunity of personal hearing on 29-10-2015 and after hearing she completely failed to prove her innocence in defense of allegations leveled against her by the other Female Staff as well as Superintendent Central Prison Haripur.

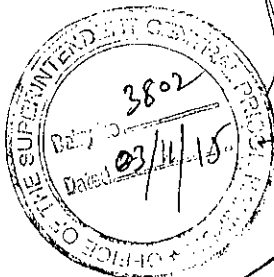
NOW THEREFORE, keeping in view the facts on record, the provision of rules in vogue, in exercise of power conferred under Rule-5 of Khyber Pakhtunkhwa Civil Servants Appeal Rules 1986, the decision of the competent authority is upheld and appeal of the appellant is hereby rejected being without any substance.

**INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR**

Endst; No. 31669-73 /-

Copy of the above is forwarded to the: -

- (1) Superintendent Headquarters Prison Haripur for information and necessary action with reference to his office order referred to above.
- (2) Superintendent Central Prison Haripur for information and necessary action.
- (3) Superintendent District Jail Abbottabad for information and necessary action with reference to Superintendent Headquarter Prison Haripur office order referred to above.
- (4) District Accounts Officer Abbottabad for information.
- (5) Appellant concerned for information.



*PR inform the
ex-female warden.*

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

[Signature]
3/11/15
ATTESTED

29378



پشاور بار ایسوسی ایشن، خیبر پختونخوا

ایڈووکیٹ/دستخط

بار کونسل ابار ایسوسی ایشن خیبر پختونخوا

رابطہ نمبر: 0311-9440378

بعد االت جناب: سر و مس ٹرینڈنگ شاعر

منجانب:	دعوی:
مسماة خانہ جات	علت نمبر:
	موردہ:
	جرم:
	تھانہ:

بابت تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ

آن مقام سے آگے کے اقرار کیا جاتا ہے کہ جناب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقریرات و فیصلہ برطین دینے جواب دہی اقبال دعویٰ اور درخواست ازہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز ضرورت ہر وہی پیروی یا اہل کی سیکرٹری یا اہل کی پیروی اور منوشی، نیز دائر کرنے اہل و غیر اہل و پیروی کرنے کا اختیار ہوگا اور ضرورت ہر وہی مقدمہ مذکورہ کے کل یا جودی کاروائی کے واسطے اور وکیل کیلئے کاروائی کو اپنے ہمراہ یا اپنے محل سے ہر کار کا اختیار ہو گا اور صاحب مقدمہ کو بھی وہی حملہ مذکورہ استیارات حاصل ہوں گے اور ان کا نام مقدمہ مذکورہ میں ہوگا اور ان کے لئے تاریخ پیشی مقام میں جو فرچہ ہر جاد التوائے مقدمہ سے ہوگا وہ وکیل موصوف کو ملے گا، نیز کاروائی مذکورہ کے لئے کاروائی مذکورہ سے دوہ یا دس سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے، لہذا نکات نامہ لکھ دیا تاکہ مندرجہ

المرقوم: 23-11-2017

الع ————— واہ شد ————— الع

مقام _____ کے لئے منظور ہے

Lair Alam

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

In the matter of
Service Appeal No.1361/2015
Faiza Alam Ex-Female Warder
Attached to Central Prison Haripur **Appellant.**

VERSUS

1- **INSPECTOR GENERAL OF PRISONS,**
Khyber Pakhtunkhwa Peshawar.

2- **SUPERINTENDENT**
Central Prison Haripur **Respondents.**

PARAWISE REPLY ON BEHALF OF RESPONDENTS

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 her own conduct to bring the present appeal.
- iv. That the appellant has no locus standi.
- v. That the appeal is bad for mis joinder and non-joinder of necessary parties.
- vi. That the appeal is badly time barred.

ON FACTS


- 1- Correct up-to the extent that she was appointed as Female Warder but as per rules all appointments initially are temporary / on probation basis (**Annex-A**).
- 2- Correct that she served just for 7 months in the said capacity but her performance during the tenure was neither satisfactory nor could be termed devoted because as per Annex-B,C & D), She was found guilty of selling of the recovered mobile cell phones to the inmates female barracks which were later on recovered by the Jail authorities duly confessed by the female prisoners.
- 3- Incorrect, misleading. As elaborated in Para-2 above, her misconduct was duly proved against her whereby her services were terminated in accordance with the relevant law / rules.
- 4- Incorrect, the departmental appeal was accordingly processed but having no sound footing, it could not be acceded to, thus it was filed.
- 5- No comments.

GROUND: -


- A. Incorrect, misleading. As elaborated in Para-2 above. Misconduct on her part was duly established through Departmental proceedings and on the basis of recommendations made by the reporting officer, the competent authority accorded approval of imposition of major penalty upon her in accordance to the relevant law / rules.
- B. Incorrect, misleading. Ample opportunities provided to the appellant to defend her-self against the allegations levelled against her but she could not defend in satisfactory manner, thus her Departmental Appeal was rejected and filed as per parameters of the relevant law / rules.
- C. Incorrect, misleading. All the provision contained in the relevant law / rules duly entertained and accordingly the appellant were treated.
- D. As elaborated in Para-C above, all requisite codal procedure duly adopted as permissible under relevant law / rules, hence the plea of the appellant is not based on facts.
- E. As elaborated in Para-B above.
- F. Incorrect, misleading. As elaborated in preceding paras, no discrimination is made in her case because all departmental presentation / appeals are being decided on the basis of law/ facts with sound quality. The Departmental appeal of the appellant was found without sound footing. Thus, it could not bear any relief from the competent authority in her favour and accordingly, it was rejected and filed as per provision of law / rules.
- G. Incorrect, misleading. The Prosecution duly proved the case against her by Departmental proceedings and after establishment of the charges, she was accordingly treated, her plea is not based on facts.

H. As explained in Para-G above.

I. No comments. Therefore, her plea is quite unsustainable, baseless, bears no substance/veracity and frivolous, hence her appeal may be dismissed with costs.


1- INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA PESHAWAR.
PESHAWAR.

(RESPONDENT # 1)


24/2/16


SUPERINTENDENT
2- CIRLE HEAD QUARTERS PRISON HARIPUR.
(RESPONDENT # 2)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

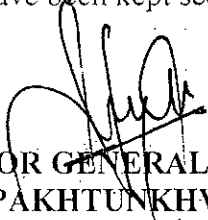
In the matter of Service Appeal No.1361 of 2015
Filed by Ex- Female Warder Faiza Alam
(Attached to District Jail Mansehra for pay & to Central Prison Haripur for duty only)
..... **Appellant**

VS

- 1- The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar.
- 2- The Superintendent Circle Headquarters Prison Haripur
..... **Respondents**

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 1 TO 2.

We, the undersigned respondents do hereby solemnly affirm that the contents of the para-wise comments 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/concealed from this honourable court.


1- INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA PESHAWAR.
PESHAWAR.
(RESPONDENT # 1)


SUPERINTENDENT
2- CIRLE HEAD QUARTERS PRISON HARIPUR.
(RESPONDENT # 2)



Annex-A

OFFICE OF THE
SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR
No. 34 /P.B/ Dt: 08/01/2015

To:

Mst: FAIZA ALAM D/O KHURSHID ALAM

R/o Moh: Afzal Abad, Central Jail Haripur Area, Tehsil & Distt: Haripur.

Subject:

APPOINTMENT AS FEMALE WARDER (BPS-05)

Memo:

Reference your test/ interview for the subject post.

You are hereby offered the post of temporary Female Warder in BPS-05 (5400-260-13200) and all other usual allowances as admissible under the rules subject to the following conditions: -

- 1- You are liable to serve anywhere in the Jails/ Judicial Lockups/ Internment Centers of Khyber Pakhtunkhwa.
- 2- Your appointment is purely temporary and your services can be terminated at any time without assigning any reason during probationary period.
- 3- For all other purposes such as pay, T.A & medical attendance etc; you will be governed by the rules applicable to the government servants of your category.
- 4- The terms and conditions of your appointment as Female Warder (BPS-05) will be those as laid down in the Khyber Pakhtunkhwa Prison Rules 1985, Prisons Department (Recruitment, Promotion & Transfer) rules 1980 and all other rules and regulations prescribed for Government Servants or the rules which may be promulgated by the Government from time to time in this behalf.
- 5- Your appointment will be subject to your medical fitness and prescribed physical standard.
- 6- No TA/ DA will be admissible to you on joining your first appointment.
- 7- You cannot resign from the service immediately but will have to put in writing at least one month prior notice or in lieu thereof, one month pay shall be forfeited from you.
- 8- Your appointment is subject to fulfillment of all the conditions laid down in the service rules.
- 9- You will be on probation for a period of two years extendable to one more year.
- 10- Your appointment will be subject to verification of your antecedents/ character.
- 11- If you report for duty, it will be taken for granted that you have accepted all the above terms and conditions and if you failed to report within 10 days of the receipt of this appointment order, it will be presumed that you have declined to accept this offer, hence this order of appointment shall stand cancelled.
- 12- You are directed to report to Superintendent District Jail Abbottabad for duties.

SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR

Endorsement No: 35-36.1

Copy of the above is forwarded to the: -

- 1- Superintendent District Jail Abbottabad. The above named newly appointed Female Warder is attached with his jail for all purposes. She may be got medically examined by the Medical Superintendent concerned and a copy of her Medical Examination Certificate may be sent to this office for record.
- 2- District Accounts Officer, Abbottabad.

- Sd -
SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR

Musawer/-

بیان مسماة فرانسے زوجہ حلیم بخش
قدری کے سالہ، سکونہ سنٹرل جیل پری پور

میں مسماة فرانسے زوجہ حلیم بخش، قدری کے سالہ
سکونہ حال سنٹرل جیل پری پور حلقہ بانی بیوں آہ
میں سے جو ایک عدد موبائل نیلے رنگ کا بیکر لگا
تھا۔ وہ میرے لیے مسٹر فائرہ (8000) آٹھ ہزار
روپے پر لے کر آئی ہے۔ عید کے دنوں میں نے اسکو
ایک ہزار روپے سے دے دی تھی اور 7000 روپے
بعد میں مسٹر فائرہ نے لے لیے ہیں
میں یہ بیان اپنی رضامندی سے بغیر کسی
خبر و زبردستی کے یقینی پیش و خواہش کے یہ
بیوں اور اس بیان کا ایک ایک لفظ درست ہے

5/8/2015

مسماة فرانسے زوجہ حلیم بخش
سکونہ سنٹرل جیل پری پور

موجودہ 5/8/2015

میں اس بیان کے ساتھ ہی انتہائی
معافی کی خواہشگار بیوں اور
یقین دہانی کرواتی بیوں کہ
آئندہ کسی قسم کی کوئی غیر قانونی
خبر میں اپنے ساتھ نہیں رکھوں گی

مسماة فرانسے زوجہ
حلیم بخش

بیانک مسماہ رو سینہ زوجہ نیاز الدین
قیدی کے سالہ سکون سنٹرل جیل بری پور

مسماہ رو سینہ زوجہ نیاز قیدی کے سالہ سکون حال
سنٹرل جیل بری پور حلقاً بیانکے یوں کہہ کر (B) عدد
Nokia نیکو رنگ کا جو موبائل ٹلاشی میں مسماہ فراسٹ
سے پکڑا گیا۔ وہ موبائل مسماہ فراسٹے زوجہ حلیہ میں
کے مسٹرن فائزہ سے 8000/- میں منگوا یا ہے۔ (B) نیاز (1000)
دوپے اس نے پید مسٹرن فائزہ کو دینے کے اور 7000/- (ساک
بزار) موبائل لانے کے بعد رہے ہیں۔

میں یہ بیان اپنی مرضی سے، بغیر کسی حیم وزیر
کے تعاون، پیش و حواس اور خدا کو حاکم جان کر دے
رہی ہوں اور مجھے اس میں کوئی شک و شبہ نہیں ہے۔



صدر 5/8/2015
مسماہ رو سینہ زوجہ نیاز
سکون سنٹرل جیل بری پور
5/8/2015

①
Annex-D

Annex-D
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The Superintendent
Central Prison Haripur

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Sub: Report with regard to the female warder Mst. Faiza Alam who is found guilty of Misconduct by providing a Mobile phone on cash payment to one of the prisoner namely Firasat w/o Hakeem Baksh.

5/8/15

Report with regard to the female warder Mst. Faiza Alam who is found guilty of Misconduct by providing a Mobile phone on cash payment to one of the prisoner namely Firasat w/o Hakeem Baksh.

Respected Sir,

The undersigned was verbally directed by your goodself to recover a mobile phone from a female prisoner namely Firasat w/o Hakeem Baksh, which was smuggled inside the prison by the female warder Faiza Alam. The same information was received to the undersigned from the prisoners and other female warders.

Consequent upon the above received information and as per your direction, undersigned, alongwith the female warders Noureen bibi and Gulnaz, has taken thorough search of the female section C.P. Haripur on Sunday dt: 28/7/2015 and after exhaustive searching

(2)

efforts three mobile phones recovered from the following prisoners.

- 1) Firasat 2 Nokia Mobites model 105
- 2) Rubeeena 1 Nokia Mobile model R-N 944

After Completion of the recovery process, Undersigned handed over the Mobile phones to your good self and further directed to hold an inquiry into the matters.

So, Undersigned has taken statements from some of the prisoners and (On Duty) Female Warders. These are :-

- 1) Mst. Gulnaz (Head Warder)
- 2) Mst. Nourseen bibi (Female Warder)
- 3) Mst. Rubeeena w/o Niaz-ud-din (Convicted Prisoner)
- 4) Mst. Firasat w/o Haleem Baksh (Convicted Prisoner)
- 5) Mst. Khalida w/o Khalid (Convicted Prisoner)

All the above mentioned prisoners and Female Warders gave their statements voluntarily without any stress and with their own free consent.

Another very serious issue, which I want to bring into your notice that some of the prisoners and Female Warders disclosed the fact that Mst. Faiza Alam is also involved in providing "Communication Facilities" between Male & Female Prisoners

(3)

and promoting their relationships even outside the prison by exchanging their letters to each other, which is very much clear from the statement of one of the prisoners namely Mst. Khalida w/o Khalid. (Her statement is annexed)

The Administration is responsible to take care of the respect and sanctity of the women prisoners (in whatever offence they are confined) but the aforesaid Faiza Alam has spared no stone unturned to spoil the respect & Decency of the female section.

Therefore, it is very much clear and proved without any doubt, from the statements of all the above mentioned prisoners and female warders, especially, "the Confessional Statement" of the main offender Mst. Firasat w/o Haleem Baksh that the female warder Mst. Faiza Alam has been found guilty of misconduct by smuggling a mobile phone (Nokia 205) on receiving Rs 8,000/- Cash payment from one of the prisoners Mst. Firasat.

As, the above said female warder Mst. Faiza Alam is in the Probation period, during which she should perform her duties very carefully to prove

(4)

herself to be very honest and efficient, instead, she commits such illegal activities, that can not be ignored.

At present, she brought a mobile for an ordinary prisoner in the initial days of her service, while in future, she may commit some other serious offences or extend such a cooperation to dangerous criminal offenders and terrorists, so, her this illegal act and other activities cannot be ignored and render herself liable to be punished according to law.

All the relevant statements of the female wardens and the prisoners are annexed with the report.

Report Submitted for further necessary action according to law.

Dated: 5/8/2015

P. Mallamali
5/8/2015

Obediently your.
Fouzia Naz Ehsani
Senior Lady Asst Supt
CP. Haripur

①

He
C/
Ch
F/

The Superintendent
Central Prison Haripur

Sub:- Report with regard to the deposit of Mobile phones alongwith other illegal items.

Sir, It is submitted that the undersigned was verbally directed by your good self to recover mobile phones from one of the prisoner namely Firasat, therefore, the Under signed has supervised complete search of the Female Section, included prisoner Mst. Firasat alongwith the female Warden Noreen bibi and head warden Gulnaz on 28/7/2015 and succeeded to recover the following mobile from the following prisoners:-

	Name of Mobile	Name of prisoner	Colour	Model
(i)	Nokia	Firasat	Black/blue	205
(ii)	Nokia	Firasat	Black	205
(iii)	Nokia	Rubeena	Black	R-N 944

Report submitted for further necessary action according to law.

L. AS.
29/7/2015

The following illegal items were also recovered during different searches. The reports were submitted to the Deputy Superintendent.

The detail is as under.

- 1) charger = 9
- 2) hands free = 9.
- 3) battery = 1
- 4) Sims = 29
- 5) Memory Card = 4.
- 6) Mobiles = 9
- 7) Thermos = 1
- 8) Knife = 12
- 9) Iron rods = 11.
- 10) Electric wire = 10
+ Socket

All the items mentioned above are hereby handed over to P.A. Hameed

Report Submitted for further necessary action please.

L.A.S.
Patel
29/7/2015



(Amex-E)
OFFICE OF THE SUPERINTENDENT
CIRCLE (EASTERN) HQ. PRISON HARIPUR

Ph/Fax: 0995-611196-612402

No. 210-WE/1

Dated 22/10/2016

Confidential

To,

The Inspector General of Prisons,
Khyber Pakhtunkhwa, Peshawar.

Subject:- COMPLAINT DIARY NO. 1051.

Memo:

Kindly refer to your office memo: No. 1157-WE dated 14-01-2016 on the subject.

In this connection it is submitted that Probationer Female Warder (BPS-05) Faiza Alam attached to Central Prison Haripur for the purpose of duty and to District Jail Abbottabad for the purpose of pay badly failed to put up satisfactory work and conduct during her probation period as on 28-07-2015 three Cell Phones/sets were recovered from female prisoners namely Ms. Frasat w/o Kareem Bakhsh and Ms. Robina w/o Niaz-ud-Din by lady Assistant Superintendent Ms. Fauzia Taj accompanied by female Head Warder Gul Naz and female Warders Rani and Rukhsana Hayat which were provided to Mst. Firasat by Faiza Alam (Ex-Female Warder) on cash payment. Those mobile sets/ cell phones were recovered in presence of Noreen Bibi (Female Warder) & Mst. Gulnaz Bibi (Female Head Warder) from women prisoners confined in women section by Fauzia Taj Lady Assistant Superintendent on 28/07/2015 which was duly verified by the statements of female prisoners Firasat w/o Kareem Bakhsh and Robina w/o Niaz uddin for cash money (photocopies enclosed). Lady Assistant Superintendent Ms. Fauzia Taj furnished her inquiry report (photocopy enclosed for ready reference) wherein she stated that she recovered the cell phones from the possession of said female inmates in the presence of female Warder & female Head Warder named above.

In order to sought out the realities an inquiry was assigned to Lady Assistant Superintendent Mst. Fozia Taj & all these facts are crystal clear from the enclosed statements of female convicts Mst. Firasat W/O Haleem Bakhsh who reiterated that the Mobile Phone was provided to her by female warder Faiza Alam on temptation of Rs. 8000/- cash payment while another female convicted prisoner namely Robina W/O Niaz-Uddin duly testified such statement in her own confessional statement (photocopy is enclosed herewith). Further female convict namely Khalida W/O Khalid in her enclosed statement revealed that the Mobile Phone was smuggled to female convict Firasat by female warder Faiza Alam on cash payment while she further disclosed the fact that female warder Faiza Alam was also involved in exchange of letters amongst male and female inmates bearing some sort of erotic contents as evident from the inquiry report of Lady Assistant Superintendent Mst. Fozia Taj and she recommended punishment. for her being in probation period as she could become more dangerous in future as she indulged herself into such nefarious activities which may lead to extreme defamation of the Jail administration and proved Ex-Female Warder Mst. Faiza Alam as a stigma for the Department and the Jail administration.



**OFFICE OF THE SUPERINTENDENT
CIRCLE (EASTERN) HQs PRISON HARIPUR**

Ph/Fax: 0995-611196-612402

No. _____ /

Dated _____ / _____ / 2016.

On this account, Ex-Female Warder Faiza Alam was rendered very dangerous for the reason that just after few months of her induction in service, she took such a risky rather highly bold step for the sake of few thousand rupees which had further apprehension that she can provide even weapons and explosive materials etc for the sake of money to high profile militants/Anti-State elements confined in Central Prison Haripur which is the most sensitive Jail in the Province. She was considered so dangerous that she could become an active tool in the hands of the militants and even her help could lead to break of this Jail for the greed of money like Central Prison Bannu & Central Prison D.I.Khan. Unfortunately the duties for which she was recruited i.e to stop the flow of contrabands inside the Jail, she was found indulged in its smuggling while she being a female could not be searched by a male staff member. Due to above mentioned unsatisfactory work and conduct the services of **Female Warder (BPS-05) Faiza** were terminated in the Public interest on 05-08-2012 as contained in terms and conditions vide Para-2 of her appointment order (*photocopy attached*) wherein it is clearly mentioned that the services of any W & W staff official can be terminated at any time during probation period without assigning any reasons thereof and that Para-9 of the said order clearly reveals that probation period is for two years (*vide photocopy of her appointment order*). In her case a very solid/cogent reason was available as her services were terminated on the basis of her indulgence in the smuggling of Mobile Phones to female inmates inside the Jail. Hence, her plea of any conspiracy against her is totally false & baseless.

Further, the disciplinary action against W & W staff is always ordered in the best interest of the Jail administration and the Department as well as Public as evident from the Termination from Service of about 20 Nos. W & W staff by Superintendent Circle Headquarters Prison D.I.Khan including 02 female Warders while 27 Nos. Warders by the Superintendent Circle Headquarters Prison Haripur just in the year 2015 who were found undesirable & unfit to be retained in further service due to their unsatisfactory work and conduct during the probation periods, as contained in terms & conditions of Para-2 of their appointment orders.

Upon personal hearing of said accused Ex-Female Warder before the worthy I.G Prisons on 29-10-2015 during her appeal, she totally failed to prove her innocence and was found guilty of the offence which she committed and the worthy I.G Prisons rightly & at par with the justice, Rules/Regulations rejected her appeal for reinstatement into service as her plea borne no *Locus Standi*.

Needless to mention here that so far her grievances are concerned, it is to clarify over here that the Superintendent Jail is the Principal Officer of the Department in the District and no grudges or personal antagonism is ever perpetrated against any officers/officials and all are treated with equality irrespective of their status, caste and creed except those who are found guilty of misconduct and to the effect no leniency is afforded to any staff member and they are accordingly treated as per standing rules/regulations in the best interest of the Jail administration and the Department, hence her plea regarding injustice is quite un-understandable and un-sustainable.



**OFFICE OF THE SUPERINTENDENT
CIRCLE (EASTERN) HQs. PRISON HARIPUR**

Ph/Fax: 0995-611196-612402

No. _____ /

Dated _____ / _____ / 2016.

Lastly being a Government servant if she has any grievances, she can prefer her appeal in the Khyber Pakhtunkhwa Service Tribunal Peshawar which is the proper and relevant forum for hearing of such cases..

27/1/16
SUPERINTENDENT
CIRCLE H.Qs. PRISON HARIPUR

QC

[Signature]

Khyber
Pakhtunkhwa

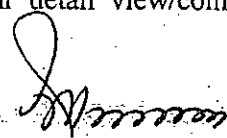
To

The Superintendent,
Headquarters Prison Haripur.

Subject:- COMPLAINT DIARY NO.1051.
Memo:

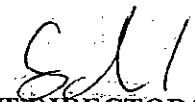
I am directed to refer to the subject and to forward herewith a copy of letter No.SO(Com/Eng)HD/1-39/2015 dated 06-1-2016 alongwith its enclosure received from Government of Khyber Pakhtunkhwa Home & T.As Department, , on the captioned subject (self explanatory) for information.

Please look into the matter and furnish your detail view/comments within two days positively for onward submission to the quarter concerned.


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

ENDST;NO. _____ /,

Copy of the above is forwarded to the Secretary to Government of Khyber Pakhtunkhwa Home and T.As Department Peshawar , for information with reference to Home Department letter referred to above.


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

PB

AN 18/1/16
For Comments

on
15/1/16

GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIRS DEPARTMENT

No. SO (Com/ Enq)/HD/1-39/2015
Dated Peshawar, the 06/01/2016

To

The Inspector General of Prisons,
Khyber Pakhtunkhwa, Peshawar.

Subject: -

COMPLAINT diary No. 1051

Misuse of Authority by:


- 1. Khalid Abbas, Superintendent Jail Haripur**
- 2. Aziz Khattak IGP KP.**

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith a copy of Additional Director Investigation, Khyber Pakhtunkhwa Ehtesab Commission, Peshawar letter No. 07/KP-EC/01/CC dated 04/12/2015 alongwith its enclosures which is self-explanatory with the request to furnish your views / comments to this department to proceed further into the matter please.

Yours faithfully,

Encl: As above


SECTION OFFICER (Com/Enq) 07/01/16
Ph No. 091-9214149

Endst. No. & Date Even

Copy forwarded for information to the:-

1. Additional Director Investigation, Khyber Pakhtunkhwa Ehtesab Commission, Peshawar w/r to his letter quoted above please.
2. PS to Secretary, Home and Tribal Affairs Department, Khyber Pakhtunkhwa.


SECTION OFFICER (Com/Enq)

ASK for complete
case from C.P. Haripur

A/15

906
12-01-2016
13-01-2016



**KHYBER PAKHTUNKHWA
EHTE SAB COMMISSION**



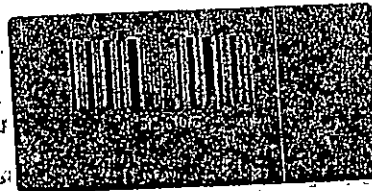
252
3

No. 07/KP-EC/ 01 /CC

Dated: 04/12/2015

To:

The Home Secretary,
Government of Khyber Pakhtunkhwa,
Peshawar



Subject:

Complaint Diary No. 1051
Misuse of Authority by:
1. Khalid Abbas, Superintendent Jail Haripur
2. Aziz Khattak IGP KP

1. A complaint received to Ehtesab Commission against Mr. Khalid Abbas, Superintendent Jail Haripur and Aziz Khattak IGP KP. The earlier terminated the services of Mst. Faiza Alam (Female Warden) Central Jail Haripur and the other being appellate authority rejected the appeal. The Ehtesab Commission examined the case and found that she was terminated on charges of misconduct and both the authorities were required to conduct proper inquiry, but in this case she was not proceeded with departmental procedure, mere on the ground that her length of service was 7 months and terminated. The termination on the charge of misconduct requires adopting proper procedure i.e show cause notice, charge sheet, deputing inquiry officer, inquiry officer finding and order of the authority.

2. The case is referred to you for departmental action against the officers as per rule and justice with the complainant under good governance regime with intimation to Ehtesab Commission, please.

11.12.15
S.H.
D.F. (A)
10.12.15



Col. Sardar Ali (Retd)
Additional Director Investigation,
Tel: 091-5622276.

(Annex-9)

بیان قیدی مسماة خالدہ زوجہ خالدہ
قیدی کے سالانہ سکونیشنل جیل پری پور

میں مسماة خالدہ زوجہ خالدہ سکونیشنل جیل پری پور
حلفاً بیانی بیوں کہ B عدد جو بائیل Nokia جو کہ مسماة
فراست زوجہ حلیم بخش سے پکڑا گیا ہے وہ قیدی معلومات
کے مطابق ڈیوٹی پر موجود مسٹر ن فائزہ کے کرائی ہے۔
اسکے علاوہ مسٹر ن مذکورہ فائزہ قیدیوں کی خط و کتابت
وغیرہ میں بھی مدد کرتی ہے اور دفعہ وغیرہ بھی باہر سے
لائی اور لے جاتی ہے۔ اس کو قیدیوں کو رقمیں دینے میں
بھی خود اپنی آنکھوں سے دیکھا ہے۔

یہ بیان میں اپنی مرضی بخیر کسی جبر و زبردستی

کے بغیر لکھی ہوئی ہو اس کے لیے میں

مسماة خالدہ زوجہ خالدہ
سکونیشنل جیل پری پور

5/8/2015

مورخہ 5/8/2015



Annex - H
OFFICE OF THE SUPERINTENDENT
CIRCLE (EASTERN) HQs PRISON HARIPUR

No. 1569 / 1

Dated 31/08/2015

To,

The Inspector General of Prisons,
Khyber Pakhtunkhwa, Peshawar.

Subject: - DEPARTMENTAL APPEAL.

Memo:

Reference your memo: No22054-WE dated 13-08-2015.

The requisite information pertaining to appeal of female Warder Faiza Alam attached to Central Prison Hripur for the purpose of duty and with District Jail Abbottabad for pay etc is furnished as under on the prescribed format for further necessary action please:-

S #	Name & Parentage	Rank	D.O.B	Date of Appointment	Punishment awarded during his entire service with date & nature of offence
1	Faiza Alam & Khusheed Alam	Female Warder	08-03-1983	15-01-2015	1- Terminated from service on 05-08-2012.

Three mobile sets/ cell phone were recovered in presence of Noreen Bibi (Female Warde) Mst. Gulnaz Bibi (Female Head Warder) from women prisoners confined in women section by Fauzia Taj Lady Assistant Superintendent on 28/07/2015 which was verified by the statement of female prisoner Firasat w/o Kareem Bakhsh and Robina w/o Niaz uddin for cash money. She was found very dangerous because after just a few months of her induction in service, she took such a risky step for the sake of a few thousands rupees which have further apprehension that she can take even weapons and explosive for the sake of money to high militants confined in this jail. She is so dangerous that she can become an active tool into the hands of militants and even her help can break this jail for the greed of money. Unfortunately the duties for which she was recruited i.e to stop the flow of contrabands inside the jail, she was found indulged in its smuggling while she being a female could not be reached by a male member. As she was in probation period, therefore she was terminated from service in the Public interest.

Keeping in view the above explanation, her appeal for reinstatement may be rejected for the safety, security of this Department and for our future generation.

It is therefore requested that her appeal may be dismissed please.

[Signature]
SUPERINTENDENT
CIRCLE H.Qs. PRISON HARIPUR

31/8/15

121



OFFICE OF THE SUPERINTENDENT
CIRCLE (EASTERN) HQs PRISON HARIPUR


No. 1578 / 1-

Dated 05/08/2015

OFFICE ORDER:

Probationer Female Warder (BPS-05) Faiza Alam attached to Central Prison Haripur for the purpose of duty and with District Jail Abbottabad for the purpose of pay has miserably failed to put up satisfactory work and conduct during her probation period as on 28-07-2015 three Cell Phones/sets were recovered from female prisoners namely Ms. Frasad w/o Kareem Bakhsh and Ms. Robina w/o Niaz-ud-Din by lady Assistant Superintendent accompanied by female Head Warder Gul Naz and female Warder Rani and Rukhsana Hayat which were handed over to them by Faiza Alam on cash payment.

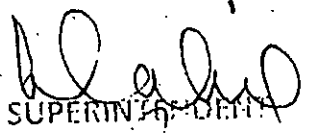
Due to above mentioned unsatisfactory work and conduct the services of above named Female Warder (BPS-05) Faiza are hereby terminated with immediate effect as contained in Para-2 of her appointment order.


SUPERINTENDENT
CIRCLE H.Q. PRISON HARIPUR
5/8/15

Endst: No: 1578-24/1

Copy of the above is forwarded to:

1. The Inspector Central Prison
2. The Superintendent Headquarters Prison, Peshawar.
3. The Superintendent Central Prison Haripur with reference to his Memo; No. 4781 dated 05-08-2015 please.
4. The Superintendent District Jail Abbottabad for information & necessary action
5. The District Accounts Officer Abbottabad for information & necessary action.
6. Female Warder (BPS-05) Faiza c/o Superintendent/Line Officer Central Prison Haripur.


SUPERINTENDENT
CIRCLE H.Q. PRISON HARIPUR
5/8/15



OFFICE OF THE SUPERINTENDENT
CENTRAL PRISON HARIPUR

No. 4781-1-
Dated 05/08/2015/-

To,


Superintendent,
Headquarters Prisons, Haripur.

Subject:- TERMINATION FROM SERVICE.

Memo:
It is reported that on 28-07-2015 three Cell Phones/sets were recovered from female prisoners namely Mst. Frasat w/o Haleem Bakhsh and Mst. Robina w/o Niaz-ud-Din by lady Assistant Superintendent accompanied by female head warder Gul Naz and female warder Rani and Rukhsana Hayat.


In the light of the statement of above name female prisoners and female warders and material on record the contrabands were taken inside the female section by newly recruited female warder faiza by getting illegal gratification which is evident from the enclosed statement.

The conduct of the said female warder is extremely dangerous and her further retention in the sensitive service like prison is not just, advisable and in the interest of government. Being probationer, it is therefore recommended that her services may be terminated with immediate effect in light of para-2 of her appointment order.


SUPERINTENDENT
CENTRAL PRISON HARIPUR
8/8/15

Endst: No. _____/dated ____/____/2015

Copy of the above is forwarded to the Superintendent District Jail
Abbottabad please.


SUPERINTENDENT
CENTRAL PRISON HARIPUR

The DG/Ehtesab Commission,
KP, Peshawar.

DC:	
Director:	
PCO:	<i>Am</i>
Supdt:	<i>[Signature]</i>
Date:	<i>13/11</i>

1051

3597

Subject: MISUSE OF AUTHORITY COMMITTED BY THE SUPERINTENDENT JAIL AND
IGPJAIL KP PESHAWAR.

Sir,

I am a graduate and belong to a very poor family having two kids. Due to no approach / money I could not get job as per my qualification. The Jail warden post is of middle pass qualification and appeared in NTS Test / Interview and qualified. 7 months ago I joined the service on 05/08/2015 I was terminated from service having allegations to supply mobile phone to female prisoners on cash payment. I own oath state that the allegations are falls and I was terminated for an Act which is not committed by me. Furthermore the order passed by the SP Jail itself is illegal as no explanation, show cause notice, charge sheet and nor any sort of inquiry conducted in my presence and nor any chance of cross examination the witnesses etc has been given the probation period does not mean that one may be terminated without any inquiry and proper procedure, particularly after having misconduct charges. It is also bring into your kind notice that prayer to entry in Jail for purpose of duty and after duty both times body search is made thoroughly, had the allegations been true then why the prohibited items were not recovered. I once again on oath states that I do not know, nor I did the aforesaid misconduct. Therefore it's a humble request that I may be reinstated in service and in my presence proper inquiry may be conducted giving me chance to defend myself as per law.

Faiza Alam
Mst. Faiza Alam,
Ex Female Warden,
Central Jail Haripur.
Contact # 0334-9657620.
12.11.2015

Copy to: Home Secretary KP Peshawar for similar request & justice please.