

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CAMP COURT ABBOTTABAD.

Service Appeal No. 248/2015

Date of Institution ... 27.03.2015

Date of Decision ... 16.04.2019

Gulfam, Junior Technician (Pharmacy) Central Jail Haripur. ... (Appellant)

VERSUS

The Government of Khyber Pakhtunkhwa through Secretary Home and Tribal Affairs Department, Khyber Pakhtunkhwa, Peshawar and four others. ... (Respondents)

MR. AMIR RASHID DURRANI,
Advocate

For appellant.

MR. MUHAMMAD BILAL,
Deputy District Attorney

For respondents

MR. AHMAD HASSAN,
MR. HAMID FAROOQ DURRANI

MEMBER (Executive)
CHAIRMAN

JUDGMENT

AHMAD HASSAN, MEMBER:- Arguments of the learned counsel for the parties heard and record perused.

ARGUMENTS.

2. Learned counsel for the appellant argued that he was appointed as Dispenser (BPS-06) in the respondent-department and performed duty to the entire satisfaction of the superiors. On 14.05.2014, he received a call through wireless set about illness of a patient in jail premises. He rushed to the jail to provide timely treatment to the ailing patient. However, he forgot to deposit two mobiles lying in his pocket at the appropriate place. Though he handed over the mobiles at the Talashi gate (main gate of jail) to constable Sajjad but he lodged complaint to the high-ups that mobiles

were recovered from him. On receipt of this complaint departmental proceedings were initiated against the appellant and upon culmination, major penalty of reduction in lowest scale in time scale was awarded to him vide impugned order dated 15.11.2014. He preferred an un-dated departmental appeal which was dismissed on 12.03.2015, hence, the present service appeal. Learned counsel for the appellant further argued that enquiry was conducted in a slipshod manner. Statements of the concerned were not recorded in presence of the appellant nor opportunity of personal hearing was afforded to him. He has more than twenty four years service at his credit and penalty awarded was very harsh.

3. Learned Deputy District Attorney argued that carrying mobile sets to the jail premises was banned under the rules, as they might be used by the prisoner for various purposes. He was required to deposit his mobiles at the main gate. Two mobiles sets were recovered from the appellant during body search. It was proved beyond doubt that he was in the habit of carrying mobile to the jail premises for ulterior motives. All codal formalities were observed before passing the impugned order.

CONCLUSION.

4. On the allegations of carrying two mobiles to the jail premises, disciplinary proceedings were conducted against the appellant and major penalty of reduction to the lowest stage in time scale was awarded to him vide impugned order dated 15.11.2014. During the course of enquiry, charges leveled against the appellant were proved. Attention is also invited to the reply submitted by the appellant to the charge sheet served on him, ~~which~~ admitted that he took mobiles to the jail

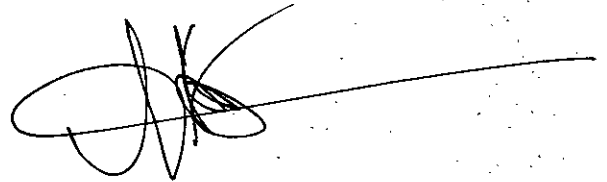
premises. As the appellant had admitted this guilt, so there was no need of affording opportunity of cross examination to him.

5. According to the learned counsel for the appellant, he has rendered twenty four years unblemished service and this fact has not been rebutted by the respondents. In these circumstances, we tend to agree with the assertions of the learned counsel for the appellant that penalty awarded to him was very harsh. It would have far reaching monetary implications on his career. There is ample justification for modifying the penalty referred to above.

6. As a sequel to above, the appeal is partially accepted and the major penalty of reduction to lowest scale in time scale is modified/converted into minor penalty of stoppage of two annual increments without cumulative effect for two years from the date of issuance of impugned order dated 15.11.2014. Parties are left to bear their own costs. File be consigned to the record room.



(HAMID FAROQQ DURRANI)
Chairman




(AHMAD HASSAN)
Member
Camp Court Abbottabad.

ANNOUNCED
16.04.2019

19.02.2019

Counsel for the appellant present. Mr. Muhammad Bilal, DDA for the respondents present. Counsel for the appellant seeks adjournment. He is also directed to furnish member copy of the instant appeal. Adjourned. Case to come up for arguments on 16.04.2019 before D.B at camp court Abbottabad.


(Ahmad Hassan)
Member

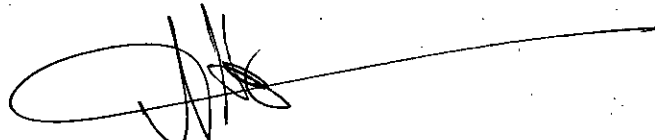

(M. Amin Khan Kundi)
Member
Camp Court Abbottabad

ORDER

16.04.2019 Appellant with counsel present. Mr. Muhammad Bilal, Deputy District Attorney for respondents present. Arguments heard and record perused.

Vide our detailed judgment of today placed on-file, , the appeal is partially accepted and the major penalty of reduction to lowest scale in time scale is modified/converted into minor penalty of stoppage of two annual increments without cumulative effect for two years from the date of issuance of impugned order dated 15.11.2014. In the circumstances, parties are left to bear their own costs. File be consigned to the record room.


(HAMID FAROOQ DURRANI)
Chairman



(Ahmad Hassan)
Member
Camp Court Abbottabad

ANNOUNCED
16.04.2019

18.09.2018


Appellant Gulfam in person present. Mr. Usman Ghani, District Attorney for the respondents present. Appellant seeks adjournment. Granted. To come up for arguments on 13.11.2018 before the D.B at cap court, Abbottabad.


Member


Chairman
Camp court, A/Abad

13.11.2018

None for the appellant and Hameed Abasi Assistant for the respondents present. Due to retirement of the Hon'ble Chairman the Service Tribunal is incomplete. Tour to Camp Court Abbottabad has been cancelled. To come up for the same on 16.01.2019 at camp court Abbottabad.


Reader
A/Abad

16.01.2019

Learned counsel for the appellant and Mr. Muhammad Bilal learned Deputy District Attorney present. Learned Deputy District Attorney requested for adjournment. Adjourn. To come up for arguments on 19.02.2019 before D.B at camp court Abbottabad.


Member


Member

Camp Court Abbottabad

19.04.2018


Counsel for the appellant and Mr. Usman Ghani, District Attorney for the respondents present. The court time is over. Adjourned. To come up for arguments on 25.06.2018 before the D.B at camp court, Abbottabad.


Member


Chairman
Camp court, A/Abad

25.06.2018

Neither appellant nor his counsel present. Mr. Abdul Hamid, Assistant alongwith Mr. Usman Ghani, District Attorney for the respondents present. To come up for further proceedings/arguments on 29.06.2018 before the D.B at camp court, Abbottabad.

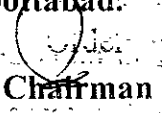

Member
Camp court, A/Abad

29.06.2018

~~Appellant alongwith his counsel Mr. Abdul Rashid Durrani, Advocate present. Mr. Abdul Hamid, Assistant alongwith Mr. Ziaullah, DDA for the respondents present. Counsel for the appellant made a request for adjournment. Granted. To come up for arguments on 18.09.2018 before the D.B at camp court, Abbottabad.~~

Appellant **Gulfam** alongwith his counsel **Mr. Abdul Rashid Durrani, Advocate** present. **Mr. Abdul Hamid, Assistant** alongwith **Mr. Ziaullah, DDA** for the respondents present. Counsel for the appellant made a request for adjournment. Granted. To come up for arguments on **18.09.2018** before the D.B at camp court, Abbottabad.



Member


Chairman
Camp court, A/Abad

18.09.2017


Appellant in person and Mr. Muhammad Bilal, Deputy District Attorney alongwith Nasirud Din Bangash, B&A Officer for the respondents present. Appellant seeks adjournment. Adjourned. To come up for final hearing on 21.12.2017 before the D.B at camp court, Abbottabad.


Member


Chairman
Camp court, A/Abad.

21.12.2017


Appellant in person present. Mr. Kabir Ullah Khattak, Addl: AG for the respondents present. Arguments could not be heard due to incomplete bench. To come up for ~~arguments~~ arguments on 19.03.2018 before D.B at Camp Court, Abbottabad.


(Gul Zeb Khan)
Member (Executive)
Camp Court, Abbottabad.

19.03.2018

Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Mr. Najam Abbasi, DD (Legal) and Hameed Abbasi, Office Assistant for the respondents present. Clarification as per order sheet dated 19.10.2017 submitted by the representative of the respondents. Counsel for the appellant seeks adjournment. Granted. To come up for arguments on 19.04.2018 before D.B at camp court, Abbottabad.


Member

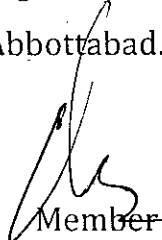

Chairman
Camp court, A/Abad


19.10.2017

Appellant with counsel M/S Sheryar, ASJ and Abdul Hameed Head Clerk alongwith Mr. Muhammad Siddique, Sr.GP for the respondents present.

During the course of hearing it was argued that area where-from mobile phone was recovered from appellant was not the area of falling within the premises of "jail". It was also argued that even keeping mobile phone by a civil servant/employee in the prison is not an offence.

Learned Sr.GP requested for adjournment for appraising the court as to whether the area of "Dudy" would fall within the jurisdiction of jail for the purpose of possessing of mob or not. To come up for remaining arguments on 14.03.2017 before the D.B at camp court, Abbottabad.


Member


Chairman
Camp Court, A/Abad

14.03.2017

appellant in person and Mr. Nasirud Din Bangash, B&AO & Sher Yar, ASJ alongwith Mr. Muhammad Siddique, Sr.GP for the respondents present. Due to non-availability of D.B arguments could not be heard. To come up for final hearing before the D.B on 18.09.2017 at camp court Abbottabad.


Chairman
Camp Court, A/Abad

15.9.2015

Appellant in person and Mr. Muhammad Tahir Aurangzeb, G.P for respondents present. Requested for adjournment. To come up for written reply on 14.12.2015 before S.B at camp court A/Abad.


Chairman
Camp Court A/Abad

14.12.2015


Appellant in person and Mr. Muhammad Ayub, Supdt: Jail alongwith Mr. Muhammad Siddique, Sr.G.P for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 18.7.2016 at Camp Court A/Abad.


Chairman
Camp Court A/Abad

18.07.2016

Appellant with counsel and Mr. Muhammad Siddique Sr.GP for the respondents present. Rejoinder submitted. Learned Sr.GP requested for adjournment. Adjourned for final hearing to 19.10.2016 before D.B at camp court, Abbottabad.


Member


Chairman
Camp court, A/Abad,

4

28.04.2015

Appellant Deposited
Security & Process Fee



Counsel for the appellant present. Learned counsel for the appellant argued that the appellant is serving as Dispenser in Prison Department at Haripur Jail. That vide impugned order dated 05.11.2014 appellant was imposed penalty in the shape of reduction to lowest stage in present time scale for four years on the ground of having two mobiles in his custody and allegedly recovered from his possession. That the appellant preferred departmental appeal which was rejected on 12.3.2015 and hence the instant service appeal on 27.3.2015.

That the appellant was condemned unheard as no opportunity of cross-examination etc. was extended to him and, moreover, the punishment is excessive.

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 for 27.7.2015 before S.B.


Chairman

5

27.07.2015

Agent of counsel for the appellant, M/S Sheharyar Khan, ASJ and Muhammad Ayub, Superintendent Jail Abbottabad alongwith Addl: A.G for respondents present. Requested for adjournment. To come up for written reply/comments on 15.9.2015 at Camp Court Abbottabad as the appeal pertains to the territorial limits of hazara Division.





Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 248/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	27.03.2015	<p>The appeal of Mr. Gulfam presented today by Mr. Mohib Jan Salarzai 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> <p>This case is entrusted to Bench <u>I</u> for preliminary hearing to be put up thereon <u>03-4-15</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2	31-3-15	
3	03.04.2015	<p>None present for appellant. The appeal be relisted for preliminary hearing for 28.4.2015 before S.B.</p> <p style="text-align: right;"> Chairman</p>

BEFORE THE SERVICE TRIBUNAL KPK AT
PESHAWAR

Service Appeal No: 248 /2015

Gulfam Junior Technician (Pharmacy) Central Jail Haripur

----- (Appellant)

VERSUS

Government of KPK through Secretary Home, & Others

----- (Respondents)

INDEX

S.No	Description of Documents	Annex	Pages
1.	Appeal with affidavit		1-7
2.	Copy of Complaint	"A"	8
3.	Copy of Statement of allegation	"B"	9
4.	Copy of Charge Sheet	"C"	10
5.	Reply of Charge Sheet	"D"	11-12
6.	Copy of Inquiry Report	"E"	13-14
7.	Copy of Show Cause Notice	"F"	15
8.	Reply of Show Cause Notice	"G"	16-17
9.	Copy of Letter dated 05/11/2014	"H"	18
10.	Copy of Departmental appeal	"J"	19-21
11.	Copy of Letter dated 12/03/2015	"K"	22
12.	Wakalat Nama		23

Through

Gul Far
**Appellants Gul Fam
(Junior Technician)**

**Mohib Jan Salarzai
Advocate
High Court Peshawar
Cell # 0333-2445986**

Dated: 26/03/2015

①

BEFORE THE KPK SERVICE TRIBUNAL
AT PESHAWAR

Service Appeal No: 248 /2015

K.P. Province
Service Tribunal

Diary No 277

Dated 27-3-2015

Gulfam Junior Technician (Pharmacy) Central Jail Haripur

----- (Appellant)

VERSUS

1. Government of KPK through Secretary Home & Tribal Affairs Department, Khyber Pakhtunkhwa Peshawar
2. Section Officer Prison Govt of Khyber Pakhtunkhwa, Home & Tribal Affairs Department, Civil Secretariate Peshawar
3. Inspector General (IG) of Prisons, Khyber Pakhtunkhwa Peshawar
4. Superintendent District Jail Abbottabad
5. Superintendent District Jail Haripur

----- (Respondents)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNAL ACT, 1974 AGAINST THE APPELLATE ORDER OF RESPONDENT NO.1 DATED 12/03/2015 WHEREBY APPEAL OF THE APPELLANT AGAINST THE OFFICE ORDER NO.17/2-J-88/26939 DATED 5/11/2014 PASSED BY RESPONDENT NO.2 HAS BEEN DISMISSED AND THE PUNISHMENT AWARDED TO THE APPELLANT FOR REDUCTION TO LOWER STAGE IN PRESENT TIME PAY SCALE FOR FOUR YEARS HAS BEEN MAINTAINED

27/3/15

PRAYER

On acceptance of this appeal the impugned appellate order of Respondent No.1 dated 12/03/2015 & initial office order dated 05/11/2014 of the Respondent No.3 may kindly be set aside and the appellant be exonerated from the charge leveled against him being baseless, illegal, harsh and based on malafide intention.

=====

Respectfully Sheweth:-

The appellants submit as under:-

1. That initially the appellant was appointed in the year 1988 as Dispenser (BPS-6) in the department of respondents since from the date of appointment the appellant performed his duty with great zeal and zest and presently working in the district jail at Haripur under the supervision of Respondent No.5.
2. That post of the appellant was upgraded from BSP-6 to BPS-9 and the designation has also been changed from dispenser to Junior Technician and from the date of initial appointment till date the appellant has served in the department for 24 years and in this long period of service the appellant has never committed any mis-conduct during his service.
3. That on 14/5/2014 the appellant was called through wireless set by the duty officer at evening time that there is some emergency patient in the jail, therefore the appellant was called to rescue the same, consequently the appellant rushed from his residential quarter to jail, and due to emergency situation the appellant forgot his own mobile sets in his pocket and when the appellant reached to the scanner outside the main gate of jail

the appellant find that he has his mobile sets in his pocket, therefore the appellant informed the duty constable on the scanner namely Nabi-ul-Haq that the appellant will hand over the same to the duty constable in Dewrey.

4. That when the appellant handed over the said mobile sets to the Constable Sajjad at Talashi Gate (Main gate of Jail) the said constable with malafide intention informed the high ups through wireless set that during search of appellant two mobile sets were recovered from the appellant.
5. That upon the said information the Respondent No.5 made a written complaint to Respondent No.3 regarding the said incident for further disciplinary action on 15/05/2014.

(Copy of Complaint is attached as Annexure "A")

6. That upon the said complaint the Respondent No.3 issued charge sheet against the appellant and also appointed Respondent No.4 as inquiry officer for further proceeding/action.

(Copy of Statement of allegation & Charge Sheet are attached as Annexure "B & C")

7. That accordingly appellant submitted his reply to the charge sheet before the inquiry officer and made request for personal hearing but the inquiry officer rather to call the appellant and his witness for recording his statement and the opportunity of cross examination allegedly recorded by the inquiry officer did not follow the set procedure of enquiry and submitted his report ex-parte on the reply of appellant to the Respondent No.3 on 11/8/2014 with the recommendation of major penalty.

(Copy of Reply of Charge Sheet, Inquiry Report are attached as Annexure "D & E")

8. That on receiving inquiry report the Respondent No.3 issued a show cause notice to the appellant on 01/09/2014 without the alleged report of inquiry officer which was duly replied by the appellant.

(Copy of Show Cause Notice & Reply are attached as Annexure "F & G")

9. That on the bases of so called inquiry report the Respondent No.3 issued the impugned office order No.17/2-J-88/26939 dated 05/11/2014 whereby the appellant was awarded major punishment of reduction of lowest stage in present time pay scale for four years which is clear violation of KPK Government Servants (Efficiency and Discipline) Rule 2011.

(Copy of Letter dated 05/11/2014 is attached as Annexure "H")

10. That the appellant made a department appeal to the competent authority (Respondent No.1) which was dismissed on 12/03/2015 without any reasons, therefore the appellant being aggrieved from the order of dismissal of departmental appeal as well as from the impugned office order dated 05/11/2014 whereby the appellant was awarded major punishment which is illegal, unwarranted, without lawful authority, based on malafide intention and liable to be struck down on the following grounds:-

(Copy of Departmental appeal & Letter dated 12/03/2015 are attached as Annexure "J & K")

GROUNDS

- A. That the impugned orders of the Respondents No.1 & 3 is totally illegal against justice and facts of the case therefore not tenable.
- B. That the alleged complaint made by the Respondent No.5 against the appellant does not constitute any misconduct because the alleged recovery of Mobile phone was not effected



from the accused/appellant but he himself has handed over the same for depositing the Mobile Phone in the Dewrey, therefore the allegation of recovery is fake and concocted story.

- C. That the Inquiry Officer did not follow the set procedure of inquiry and submitted his report on the reply of the appellant wherein certain facts and allegations have been leveled against the person who made the report of alleged recovery from the appellant which ought to have brought on record because the appellant has alleged specifically in his reply altercation with Sajjad whose report is based on malafide, therefore the report of inquiry officer is not based on proper appreciation of fact and impartial inquiry.
- D. That the competent authority has not issued show cause notice of the alleged report of inquiry officer under Rule 14, sub-rule 4 of E&D rules 2011 which vitiates the entire proceeding of the inquiry officer as the report was not provided to the appellant with show cause notice, therefore the impugned order on this score is also illegal.
- E. That the punishment awarded to the appellant is against the Section 4, sub-section (1) (a) (ii) of the E & D Rule 2011 as the maximum punishment provided by the said rule is upto three years, therefore the punishment awarded to the appellant is illegal, harsh, unwarranted, unjustified and against the efficiency & disciplinary rules 2011.
- F. That the impugned punishment awarded to the appellant is also in violation of the Section 4, sub-section (1) (a) of proviso class as the penalty of withholding increments shall not be imposed on a government servant who has reached the maximum of his pay scale, therefore the punishment awarded to the appellant is illegally, unwarranted and untenable in the eye of law.

- G. That the alleged recovery of mobile phone has not been made inside the Jail at the place of duty but outside the premises of the jail area i.e the Dewery which is outside of the jail premises, therefore the punishment awarded to the appellant is not sustainable under the law.
- H. That the punishment is very much harsh as the appellant has served in the department for 24 years and also at verge of retirement and in this long period the appellant has never committed any misconduct during his service.
- J. That the order of punishment is also strange enough which shows the malafide and biasness of the inquiry officer as not only the appellant was recommended for punishment but his witness was also punished which is against law & justice as the said witness has been punished for deposing in favour of appellant by disclosing the true fact.
- K. That the use of Mobile Phone is prohibited inside the jail premises and not in the gate of jail where all officials deposited the mobile phone, therefore the award of punishment is arbitrary not based on justice and law but is the result of personal grudge of the complainant with appellant for taking the revenge of previous altercation with appellant.
- L. That the inquiry officer neither followed the law and rules nor given any opportunity of hearing to the appellant neither any evidence was recorded before the appellant nor any opportunity for cross examination was given to the appellant which is against law and natural justice and amount to condemned unheard.

- M. That appellant is at the verge of retirement and at this last stage of service such like punishment will badly effect his pensioner benefits, which has earned by the appellant after long service therefore the punishment awarded to the appellant is unwarranted and unjustified and also harsh and is liable to be set aside.
- N. That the appellant seeks leave of this honorable tribunal to raise other grounds at the time of arguments.


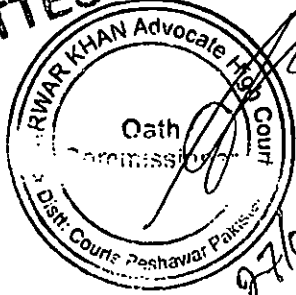
It is therefore humbly prayed that on acceptance of this appeal, the impugned appellate order dated 12/03/2015 of Respondent No.1 and the officer order No.17/2-J-88/26393 dated 05/11/2014 issued by the Respondent No.3 may graciously be set aside and the appellant be exonerated from the alleged charge being baseless and based on malafide and personal grudge of the respondents.


Appellant Gul Fam
(Junior Technician)
 Through

MOHIB JAN SALARZAI
Advocate
High Court Peshawar

Dated:- 26/03/2015

AFFIDAVIT

I Mr Mohib Jan Salarzai Advocate High Court at Peshawar as per instruction of my client due hereby declare that the contents of this appeal is true and correct to the best of my knowledge & belief and nothing has been concealed from this honorable court.


DEPONENT

 27/03/2015

ATTACHED

CENTRAL PRISON, HARRIDUR
SUPERINTENDENT



He has been placed under suspension subject to the confirmation of your goodseff with request that the official concerned may please be proceeded against under Efficiency and Disciplinary Rules, 2011.

It is submitted that that Mr. Guliam Junior Technician Pharmacy was allotted the duty during night of 14-05-2014. On search in the main gate, hidden in the pockets of his shalwar, two mobiles were recovered from his possession.

PRISONS DEPARTMENT
Inspector General
A.I.C.
Admin. Off.

The Inspector General of Prisons,
Khyber Pakhtunkhwa, Peshawar.
Subject:- DISCIPLINARY ACTION
Memo:



NO. 3236-1
Dated 15-05-2014

OFFICE OF THE SUPERINTENDENT
CENTRAL PRISON HARRIDUR

Annex "A"

8



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

Annex "B"
9

NO. 17/27-88
DATED 23/06/2014

DISCIPLINARY ACTION

I, Kifayatullah Khan, I.G.Prisons Khyber Pakhtunkhwa as the competent authority, am of the opinion that Mr.Gul Fam, Junior Technician Pharmacy (BPS-9) (under suspension) posted to Central Prison Haripur has rendered himself liable to be proceeded against, as he committed the following acts/ omissions, within the meaning of Rule-3 of the Khyber Pakhtunkhwa Government Servants(Efficiency & Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

As reported by Superintendent Central Prison Haripur letter No.3236 dated 15-5-2014 (copy enclosed) he was allotted the night duty on 14-5-2014. On search in the main gate two mobile phones have been recovered from his possession hidden in the pocket of his shalwar, which is prohibited, thus he has committed grave misconduct on his part.

- For the purpose of inquiry against the said accused with reference to the above allegations, Mr.Ehtizaz Ahmad Jadoon, Superintendent District Jail Abbottabad is hereby appointed as Inquiry Officer under Rule-10(1)(a) of the ibid rules.
- The Inquiry Officer shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.
- The accused and a representative of Central Prison Haripur shall join the proceedings on the date, time and place fixed by the Inquiry officer.

INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA PESHAWAR.

ENDST;NO. 17/34-36 1.

Copy of the above is forwarded to:

- The Superintendent, Central Prison Haripur for information with reference to his letter No.3736 dated 15-5-2014. Charge sheet in duplicate is sent herewith. One copy of the same duly signed and dated by the accused official may be returned to this office in token of its receipt.
- Mr.Ehtizaz Ahmad Jadoon, Superintendent District Jail Abbottabad (Inquiry Officer) for initiating proceedings against the accused under the provisions of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011. A copy of charge sheet is enclosed herewith.
- Mr.Gul Fam, Junior Technician Pharmacy posted to Central Prison Haripur with the direction to appear before the Inquiry Officer, on the date, time and place fixed by the Inquiry Officer, for the purpose of inquiry proceedings.

INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA PESHAWAR.

ATTESTE

therefore the allegation of recovery is false and concocted story.

CHARGE SHEET

Annex "C"

10

I, Kifayatullah Khan, I.G. Prisons Khyber Pakhtunkhwa Peshawar, as competent authority, hereby charge you Mr. Gul Fam as follows:

That you, while posted as Junior Technician Pharmacy (BPS-09) at Central Prison Haripur committed the following irregularities:

As reported by Superintendent Central Prison Haripur letter No.3236 dated 15-5-2014 (copy enclosed) you were allotted the night duty on 14-5-2014. On search in the main gate two mobile phones have been recovered from your possession hidden in the pocket of your shalwar, which is prohibited, thus you have committed grave misconduct on his part.

2. For the reasons above, you appear to be guilty of inefficiency/misconduct under rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in rule-4 of the rules ibid.
3. You are, therefore required to submit your written defense within seven days of the receipt of this Charge Sheet to the Inquiry Officer, as the case may be.
4. Your written defense, if any, should reach the Inquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.
5. Intimate whether you desire to be heard in person.
6. A statement of allegations is enclosed.

INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA PESHAWAR.

ATTESTED

[Handwritten signature]

Handwritten signature and name, likely 'ATTAR' or 'M.S.', written in reverse.

Handwritten text in Urdu script, appearing to be a story or a letter. The text is written from right to left. It includes several lines of cursive handwriting, some starting with 'اور' (And) and 'اور' (And), suggesting a continuation of a narrative. There are some numbers and dates interspersed, such as '14-5-2014' and '18-11-2014'. The text is somewhat dense and difficult to read due to the cursive style and some fading.

Handwritten number '11' inside a circle.

Handwritten text 'Answer 9'.

Handwritten number '10' inside a circle.

Handwritten text at the bottom of the page, including 'اور' (And) and 'اور' (And), possibly a signature or a note.

چونکہ غزوی کو فیروزہ و بالائی میں جمع کرنے کا موقع نہیں دیا اور غزوات
انصاری نے بڑھتی ہیں اس لیے کہ ذریعہ نہ صرف مسائل کو بنانا کہ بلکہ
شہرہ نہیں کو وقت بھی دیا۔

یہاں یہ بات قابل غور ہے کہ غزوات سجاد ثانی وارڈ اور مسائل
کے درمیان میں کئی دفعہ بدعالمی بھی ہوئے تھے۔

جناب عالیہ مسائل نے اس حلقہ میں 24 سال ملازمت کی ہے
اور مسائل نے اپنے کرموں کے دوران میں اعتراف کیا کہ مشاہیر کا
واقعہ نہیں دیا اور ان میں بھی غیر جانور حرکت کی۔

انہذا عرض یہ ہے کہ آپ صاحبان صحیح جان کر کے مسائل کو اس ناکردہ
الزام سے بریں الزام قرار دیا جائے

عین کارشخصیوں

تاریخ 2-7-7

مسٹر جیل ہرلڈو

آپ کا تعارف
ڈیپارٹمنٹ

10.7.14

Confidential



OFFICE OF THE SUPERINTENDENT

DISTRICT JAIL ABBOTTABAD

Annex 1

E 4

No. 242-WE

13

Dated. 11-8-2014

M
218

To

The Inspector General of Prisons,
Khyber Pakhtun Khwa Peshawar

Subject:-

INQUIRY REPORT REGARDING RECOVERY OF MOBILE PHONES.

Memo:

Reference your office Memo No.17/2-J-88/19909-WE dated 23-07-2014 on the subject noted above.

The undersigned conducted inquiry case regarding the recovery of two mobiles in the possession of Dispenser Gulfam, and recorded the statement of warder Sajad, Nabi-ul-Haq, Muhammad Seraj, as directed by your good self in your above letter. In their statements they have been included that two mobiles recovered from Gulfam in Main Gate of Central Jail Haripur during search by Talashi Gate Sajad in the presence of warder Seraj. Moreover Mr. Nabi-ul-Haq also mentioned in his statement that Gulfam Dispenser directly came from Bazaar to jail, and he had two mobiles. He also stated in his statement that Gulfam said to him that he will deposit the mobile phones in Main Gate and warder Nabi-ul-Haq allowed him, this action was wrong because Nabi-ul-Haq should deposited mobiles with him and should not allow him to bring mobile phones inside Main Gate. I have reach the conclusion that Gulfam and Nabi-ul-Haq both involve in this case, therefore I recommended for the major punishment for both accused and the other two warders Seraj and Sajad should be awarded with Rs.5000 each as an opener for the other eyes.

Submitted for necessary action as consider suitable please.
Statements of three warders, Photocopies of Register No 16 are enclosed for your kind perusal.

Ehtiaz Ahmed Jadoon

Superintendent District Jail Abbottabad

(Inquiry Officer)

17430
22-8-2014

25/8/14

ATTESTED

Signature

Handwritten marks

Handwritten marks

Handwritten marks

Handwritten marks

33
14

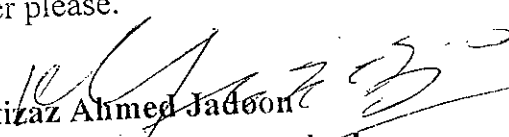
REPORT/FINDING WITH REGARD TO MR.GUL FAM JUNIOR
TECHNICINE PHARMACY ATTACHED TO CENTRAL JAIL
HARIPUR.

The brief facts of the case are as under ;-

The Superintendent Central Jail Haripur made a report to the Inspector General of Prisons Khyber Pakhtun Khwa Peshawar in which he complained that Mr. Gul Fam Junior Technician Pharmacy was allotted the night duty on 14-05-2014 on the search in the Main Gate two Mobile Phones have been recovered for his possession hidden in the pocket of his shalwar.

I was appointed as Inquiry Officer by the order of worthy Inspector General of Prisons Khyber Pakhtun Khwa vide his Memo No. 17134-36 dated 23-06-2014 and inquire in the matter and report to him under Rule 3 of the Khyber Pakhtun Khwa Servant (Efficiency & Discipline) Rule 2001. I conducted an inquiry in this respect and examined the reply of Mr. Gul Fam and other record during heard in person.

Going through the facts of the case I am convinced that the accused Junior Technician Pharmacy Mr . Gul Fam was actually involved in this case and two Mobile Phones' have been recovered form his possession, which is prohibited and he has committed grave misconduct. During examination he failed to produce any sort proof of his defence, so I fined that Mr. Gul Fam Junior Technician Pharmacy guilty of his gross negligence of his duty and grave misconduct as reported by the Superintendent Jail, the original reply of accused official submitted herewith the finding kind perusal and further necessary action as you may deem proper please.


Ehtizaz Ahmed Jadoon
Superintendent District Jail Abbottabad
(Inquiry Officer)

AT D
7/5/14

SHOW CAUSE NOTICE

Annex F⁴

15

I, Kifayatullah Khan, I.G.Prisons Khyber Pakhtunkhwa, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, do hereby serve you, **Mr. Gul Fam Junior Technician Pharmacy (BPS-9) (under suspension)** posted to Central Prison Haripur, as following :-

- i. That consequent upon the completion of inquiry conducted against you by the Inquiry Officer for which you were given opportunity of hearing
- ii. On going through the findings and recommendations of the Inquiry Officer, the material on record and other connected papers including your defence before the Inquiry Officer.

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

As reported by Superintendent Central Prison Haripur letter No.3236 dated 15-5-2014 (copy enclosed) you were allotted the night duty on 14-5-2014. On search in the main gate two mobile phones have been recovered from your possession hidden in the pocket of your shaiwar, which is prohibited, thus you have committed grave misconduct on your part.

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the major penalty of "Removal from Service" under rule-4 of the said rules.
3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
4. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.
5. A copy of the findings of the Inquiry Officer is enclosed.

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

ATTESTED

[Handwritten signature]

ATTACHED

Handwritten signature or scribble at the top left.

Main body of handwritten Urdu text, appearing to be a list or detailed notes. The text is written in a cursive style and is oriented vertically on the page.

Handwritten text at the bottom of the main body, possibly a signature or a specific note.

Large handwritten signature or name at the bottom right of the page.

16

Annex. 2

therefore the allegation of recovery is false and concocted story.

ATTENTION

15-9-2014

Handwritten notes in Urdu, possibly a signature or header.

Main body of handwritten text in Urdu, appearing to be a detailed report or statement.

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

NO. 17/2-J-88/26939

DATED 5-11-2014

63

Annex "H"

18

ORDER

In exercise of powers conferred under Rule-14 of Khyber Pakhtunkhwa Government Servants(Efficiency & Discipline) Rules 2011, having considered the charges mentioned in the Show Cause Notice, evidence on record , the explanation of the accused officials and affording an opportunity of personal hearing to the accused , the undersigned being competent authority, hereby award penalties as noted against their names:-

S.No.	NAME OF OFFICIALS	PENALTY
1.	Mr.Gul Fam, Junior Technician Pharmacy (BPS-9).	Reduction to lowest stage in present time pay scale for four years.
2.	Warder(BPS-5) Nabi-ul-Haq.	Reduction to lowest stage in present time pay scale for four years.

Official at S.No. 1 above is hereby re-instated into service with immediate effect. The period for which he remained under suspension shall be treated as duty for all purposes.

INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA PESHAWAR.

ENDST:NO 26940-42

Copy of the above is forwarded to :-

1. The Superintendent, HQ Prison Haripur for information.
2. The Superintendent, Central Prison Haripur, for information and necessary action. Necessary entry shall be made in the Service Books of officials concerned under proper attestation.
3. The District Accounts Officer Haripur, for information.

INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA PESHAWAR.

*As/H.c./no
Entry to be made in
Service Books
M. Supett
10-11-14*

*4016
10-11-14*

ATTESTED

M. Supett

Effectual

Page

[Signature]

[Signature]

1

Annex J

BEFORE THE SECRETARY HOME, TRIBAL AFFAIRS DEPARTMENT,
KHYBER PAKHTUNKHWA, PESHAWAR

(19)

SUBJECT:- DEPARTMENTAL APPEAL AGAINST THE OFFICE
ORDER NO.17/2-I-88/26939 DATED 5-11-2014 PASSED
BY THE INSPECTOR GENERAL OF PRISONS OF
KHYBER PAKHTUNKHWA PESHAWAR WHEREBY
THE APPELLANT HAS BEEN AWARDED THE
PUNISHMENT OF REDUCTION TO LOWER STAGE
IN PRESENT TIME PAY SCALE FOR FOUR YEAR

Prayer

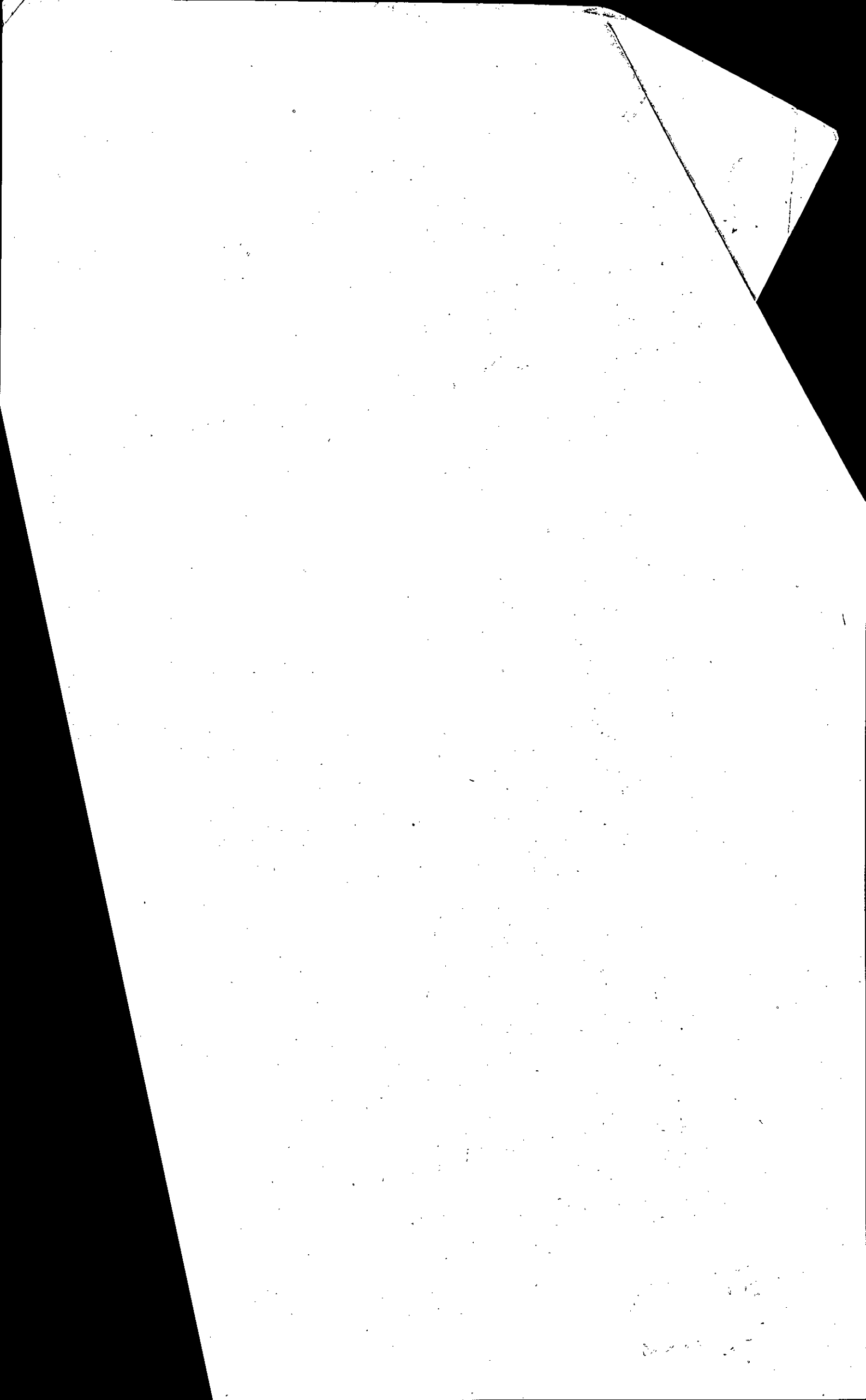
on acceptance of this departmental appeal the impugned order dated 5/11/2014 of the Inspector General prison Khyber Pakhtunkhwa may kindly be set aside and the appellant be exonerated from the charge leveled against the appellant being baseless and based on malafide.

Respectfully Sheweth:-

1. That the impugned order of the Inspector General of Prisons Khyber Pakhtunkhwa is tctally illegal against justice and facts of the case therefore not tenable.
2. That the alleged complaint made by the Superintendent Jail against the appellant does not constitute any misconduct because the alleged recovery of Mobile Phone was not effected from the accused/appellant but he himself has said that I am depositing the Mobile Phone in the Dewrey, therefore the allegation of recovery is false and concocted story.

ATTESTED

Handwritten signature



3. That the inquiry Officer did not follow the set procedure of enquiry and submitted his report on the reply of the appellant wherein certain facts and allegations have been leveled against the person who made the report of alleged recovery from the appellant which ought to have brought on record because the appellant has alleged specifically in his reply altercation with Sajjad whose report is based on malafide, therefore the report of enquiry officer is not based on proper appreciation of fact and impartial enquiry.
4. That the competent authority has not issued show cause notice of the alleged report of enquiry officer under rule 14 sub-rule 4 of E&D rules 2011 which vitiate the entire proceeding of the enquiry Officer as the report was not provided to the appellant with show cause notice, therefore the impugned order on this score is also illegal.
5. That the alleged recovery has not been made inside the Jail at the place duty but outside the premises of the Jail area i.e the Dewery which is outside of the Jail premises, therefore the punishment awarded to the appellant is not sustainable under the Law.
6. That the punishment is very much harsh as the appellant has served in the department for 24 years and in this long period the appellant has never committed any mis-conduct during his service.
7. That the order of punishment is also strange enough which shows the malafide and biasness of the enquiry Officer as not only the appellant was recommended for punishment but his witness was also punished.
8. That the use of Mobile Phone is prohibited inside the jail premises and not in the gate of Jail where all officials deposited the Mobile Phone, therefore the award of punishment is arbitrary not based on justice and law but is the result of personal grudge of the complaint etc.

ATTESTED

15/11/2011

- 9. That the enquiry Officer neither followed the law and rules nor given any opportunity of hearing to the appellant nor any evidence was recorded which is against law and natural justice.
- 10. That appellant is at the verge of retirement and at this stage such like punishment will badly affect his pensionary benefits therefore the punishment awarded to the appellant is unwarranted and unjustified and also harsh.
- 11. That appellant also request for personal hearing at the time of hearing/disposal of the appeal.

It is therefore requested that on acceptance of this appeal the impugned order of Inspector General of prison dated 5/11/2014 may graciously be set aside and the appellant be exonerated from the alleged being baseless charge and based on malafide and personal grudge.

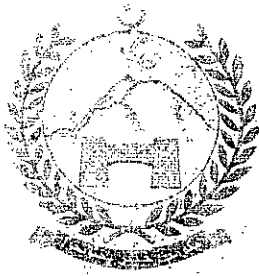
Appellant

Gulfam

Gulfam
 Junior Technician
 Central Jail Haripur
 Mobile No.03329218181

ATTESTED

Singh
a



Annex "K" (22)

GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIRS DEPARTMENT

OFFICE ORDER



124445

NO. 20 (PRISONS)/S-3/HD/BC-113969/2014/VOL-III: The Competent Authority is pleased to dismiss the appeal of Mr. Gul Fam, Jr. Technician Pharmacy after perusal of the relevant record and providing opportunity of personal hearing to the appellant being not supported by legal circumstances.

Sd

Secretary Home

Dated the 13th March, 2015, Peshawar.

**SECTION OFFICER (PRISONS)
GOVT OF KHYBER PAKHTUNKHWA**

NO. 20 (PRISONS)/S-3/HD/BC-113969/2014/VOL-III: - Dated the 12th March, 2015, Peshawar.

Copy is forwarded for information and necessary action to: -

- Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar, w/r to his letter No. 3/2-J-91/35-WE dated 01/01/2015.
- PS to Secretary Home, Khyber Pakhtunkhwa.
- PS to Special Secretary Home, Khyber Pakhtunkhwa.
- Official/Officer Concerned.
- Master file/Office Order file.

SECTION OFFICER (PRISONS)

175

ATTESTED

Handwritten signature at the top right.

Handwritten signature on the right side.

Handwritten signature at the top left.

26 June 2015

Main body of handwritten text, likely a letter or report, written in Urdu.

Junior Lecturer (Pharmacy) = English

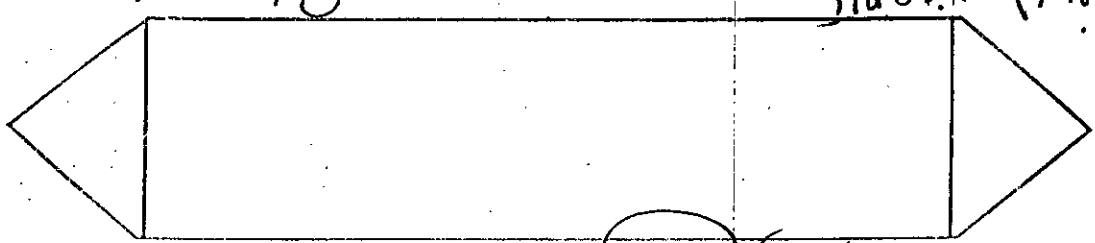
17701-3705398-3

Handwritten signature or name in the middle.

Handwritten notes and dates on the left side.

Handwritten signature or name in the middle.

Handwritten notes and dates on the right side.



Handwritten signature or name at the bottom.

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

In the matter of

Service Appeal No.248/2015

Gulfam Junior Technician (Pharmacy)

Central Prison HaripurAppellant.

VERSUS

- 1- Secretary to Government of Khyber Pakhtunkhwa
Home and Tribal Affairs Department Peshawar.
- 2- Section Officer (Prisons), Government of Khyber Pakhtunkhwa
Home and Tribal Affairs Department Peshawar.
- 3- Inspector General of Prisons,
Khyber Pakhtunkhwa Peshawar.
- 4- Superintendent
District Jail Abbottabad
- 5- Superintendent
Central Prison HaripurRespondents.

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 to the extent that his appointment was made in early 1988 in the said cadre in BPS-06. Though on certain allegations which were established against him, the penalty of stoppage of increments were imposed upon him thereby means that his service track record is not enough clean and neat.
- 2- Pertains to record, however to clarify that the claim of the appellant with regard to unblemished track record is not to the level and extent as has been claimed in this para as elaborated in Para-1.
- 3- Pertains to record, hence no comments.
- 4- Incorrect, mis-leading. It is the wrong presentation of the factual position because both mobile phone sets were recovered during body search and not been deposited with the concerned quarter prior to body search hence the plea of the appellant is not based on facts.
- 5- Correct, in compliance of the Prisons Rules. Respondent No. 5 (Central Prison Haripur) accordingly made written complaint to Respondent No. 3 (I.G Prisons) for

disciplinary proceedings of the said mis-happening i.e. recovery of two mobile phone sets from the possession of appellant.

- 6- Correct
- 7- Incorrect, misleading, all codal formalities accordingly completed in accordance to the laid down procedure which has been adopted in the course of inquiry.
- 8- Correct to the extent that charge-sheet was duly replied by the appellant but the competent authority could not satisfied with the charge-sheet reply of the appellant.
- 9- Correct to the extent that imposition of the said penalty accordingly notified by the competent authority in light of inquiry report/findings and recommendations thereof, as per relevant law / rules.
- 10- Incorrect, the departmental appeal was accordingly processed but having no sound footing it was accordingly preceded but could not acceded to, thus it was filed.


GROUNDS: -

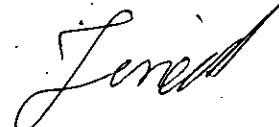
- A. Incorrect, said orders duly covered within the prescribed parameters and has been issued with the total satisfaction of the competent authority with fulfillment of norms and natural justice.
- B. Incorrect, misleading. The mobile phone sets is caused due to body search and not on the production by the appellant himself.
- C. Incorrect, misleading. The bone of contention between the duty search Warder on Main Gate and the appellant is that former claiming its recovery during body search while the later claims submission / depositing it himself. However, the inquiry officers has thoroughly examined the factual happening from different aspects and finally reached to the conclusion that mobile phone sets is the result of body search made by the former claimer hence, the plea of the appellant is worthless.
- D. The plea of the appellant is quite strange in early paras, he claims that Show Cause Notice served upon him which was accordingly replied by him and here at this point he claims that Show Cause Notice was not issued as required under certain rules. Thus the appellant himself is prey of contradictions in his own appeal.
- E. Incorrect. Keeping in view the potential / intensity of the matter in-wake of the ongoing insurgency the awarded punishment duly justified.
- F. Incorrect, misleading the awarded punishment is not stoppage of increments as presented in the quoted rules. However, reduction to lower stage in present time pay scale is permissible under the relevant law / rules.
- G. Incorrect, misleading. The dewery is a part and parcel of the Jail premises. It's the gateway to enter into the Jail. The recovery of the Mobile Phone sets clearly communicate the idea that being banned in the jails premises might be used for unwarranted purposes. As already elaborated in the proceedings paras, that both sets

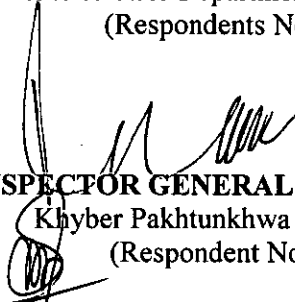
were recovered during body search which further strengthened the idea that the appellant was a habitual person who used to bring mobile phones for ulterior motives.

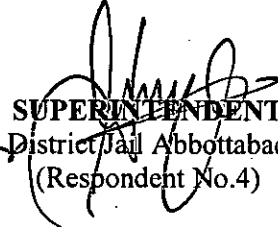
- H. Incorrect, the punishment is accordance to the intensity of the misconduct on the part of appellant and falls within the prescribed parameter.
- J. Incorrect, misleading. That is the intention of the appellant who present the happening in such a way that brings relief to him whereas actual happening is not of that kind. As it is clearly depicts in the inquiry report.
- K. Incorrect misleading. There is nothing on the record with regard to previous altercation between the said. So far as punishment of the witnesses is concerned the accused in the instant case were awarded punishment in accordance to their involvement.
- L. Incorrect misleading. All codal formalities accordingly fulfilled. Ample opportunities provided to the appellant for the defense and following the codal procedures the inquiry is being completed.
- M. Incorrect, misleading. This is the brain child of the appellant having least concern with the existing law/rules.
- N. That the respondent seek permission to raise additional grounds at the time of arguments.

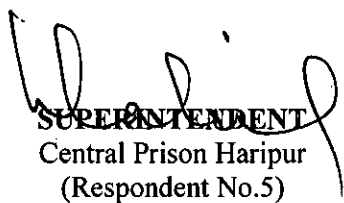
In view of the above parawise comments, the appeal of Gulfam Junior Technician (Pharmacy) may be dismissed with cost please.


SECRETARY TO GOVERNMENT
 Khyber Pakhtunkhwa
 Home & T.As Department Peshawar.
 (Respondents No.1)


SECTION OFFICER (PRISONS)
 Government of Khyber Pakhtunkhwa
 Home & T.As Department Peshawar.
 (Respondents No.2)


INSPECTOR GENERAL OF PRISONS
 Khyber Pakhtunkhwa Peshawar
 (Respondent No.3)


SUPERINTENDENT
 District Jail Abbottabad
 (Respondent No.4)


SUPERINTENDENT
 Central Prison Haripur
 (Respondent No.5)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

In the matter of

Service Appeal No.248/2015

Gulfam Junior Technician (Pharmacy)

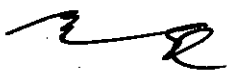
Central Prison HaripurAppellant.

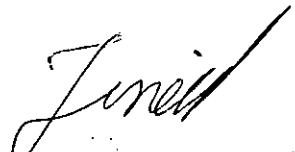
VERSUS


- 1- Secretary to Government of Khyber Pakhtunkhwa
Home and Tribal Affairs Department Peshawar.
- 2- Section Officer (Prisons), Government of Khyber Pakhtunkhwa
Home and Tribal Affairs Department Peshawar.
- 3- Inspector General of Prisons,
Khyber Pakhtunkhwa Peshawar.
- 4- Superintendent
District Jail Abbottabad.
- 5- Superintendent
Central Prison HaripurRespondents.

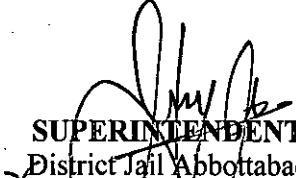
COUNTER AFFIDAVIT ON BEHALF OF RESPONDENTS NO. 1 TO 5.

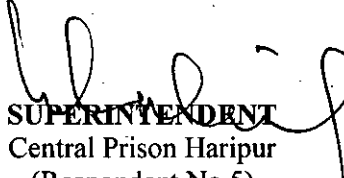
We the undersigned respondents do hereby solemnly affirm and declare that the contents of the parawise comments on the above cited appeal are true and correct to the best of our knowledge and belief and that no material facts has been kept secret from this Honorable Tribunal.


SECRETARY TO GOVERNMENT
Khyber Pakhtunkhwa
Home & T.As Department Peshawar.
(Respondents No.1)


SECTION OFFICER (PRISONS)
Government of Khyber Pakhtunkhwa
Home & T.As Department Peshawar.
(Respondents No.2)


INSPECTOR GENERAL OF PRISONS
Khyber Pakhtunkhwa Peshawar
(Respondent No.3)


SUPERINTENDENT
District Jail Abbottabad
(Respondent No.4)


SUPERINTENDENT
Central Prison Haripur
(Respondent No.5)



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

NO.

17/25-1988

DATED

23/06/2014

DISCIPLINARY ACTION

I, Kifayatullah Khan, I.G. Prisons Khyber Pakhtunkhwa as the competent authority, am of the opinion that **Mr. Gul Fam, Junior Technician Pharmacy (BPS-9) (under suspension) posted to Central Prison Haripur** has rendered himself liable to be proceeded against, as he committed the following acts/ omissions, within the meaning of Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.


STATEMENT OF ALLEGATIONS

As reported by Superintendent Central Prison Haripur letter No.3236 dated 15-5-2014 (copy enclosed) he was allotted the night duty on 14-5-2014. On search in the main gate two mobile phones have been recovered from his possession hidden in the pocket of his shalwar, which is prohibited, thus he has committed grave misconduct on his part.

2. For the purpose of inquiry against the said accused with reference to the above allegations, **Mr. Ehtizaz Ahmad Jadoon, Superintendent District Jail Abbottabad** is hereby appointed as Inquiry Officer under Rule-10(1)(a) of the ibid rules.

3. The Inquiry Officer shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.


4. The accused and a representative of **Central Prison Haripur** shall join the proceedings on the date, time and place fixed by the Inquiry officer.


INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA PESHAWAR

ENDST; NO. 17/24-36 + ONE

Copy of the above is forwarded to:

1. The Superintendent, Central Prison Haripur for information with reference to his letter No.3736 dated 15-5-2014. Charge sheet in duplicate is sent herewith. One copy of the same duly signed and dated by the accused official may be returned to this office in token of its receipt.
2. **Mr. Ehtizaz Ahmad Jadoon, Superintendent District Jail Abbottabad** (Inquiry Officer) for initiating proceedings against the accused under the provisions of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011. A copy of charge sheet is enclosed herewith.
3. **Mr. Gul Fam, Junior Technician Pharmacy** posted to Central Prison Haripur with the direction to appear before the Inquiry Officer, on the date, time and place fixed by the Inquiry Officer, for the purpose of inquiry proceedings.


INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA PESHAWAR

CHARGE SHEET

I, **Kifayatullah Khan**, I.G.Prisons Khyber Pakhtunkhwa Peshawar , as competent authority, hereby charge you **Mr.Gul Fam** as follows :

That you, while posted as Junior Technician Pharmacy (BPS-09) at **Central Prison Haripur** committed the following irregularities:

As reported by Superintendent Central Prison Haripur letter No.3236 dated 15-5-2014 (copy enclosed) you were allotted the night duty on 14-5-2014 . On search in the main gate two mobile phones have been recovered from your possession hidden in the pocket of your shalwar, which is prohibited , thus you have committed grave misconduct on his part.

2. For the reasons above, you appear to be guilty of inefficiency/misconduct under rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules,2011 and have rendered yourself liable to all or any of the penalties specified in rule-4 of the rules ibid.

3. You are, therefore required to submit your written defense within seven days of the receipt of this **Charge Sheet** to the Inquiry Officer , as the case may be.

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

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

6. A statement of allegations is enclosed.

INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA PESHAWAR.

6/7/2014.

Received one copy
Charge sheet.

2-7-2014

325

OFFICE OF THE SUPERINTENDENT DISTRICT JAIL ABBOTTABAD.

NO; _____

dated. ⁰⁷ 30/06/2014

TO, Mr, Gul Fam(Junior Technician Pharmacy)
C/O
Superintendent, Central Jail Haripur.

PRIS	INVENT
Inspector General	✓
A.I.G.	
Admn. Office	31/7

Subject: DISCIPLINARY ACTION.

Memo: ^{31/7}

In continuation of Worthy Inspector General Of Prison KPK ,Peshawar NO.17134-36 dated 23/06/2014, wherein a disciplinary action has been initiated against you under Rule-3 of the KPK, Govt; Servant (Efficiency & Discipline) Rules 2011 (Copy Enclosed).

You are hereby directed to attend the office of the undersigned on 10-07-2014 , for the purpose of inquiry.

Moreover Superintendent Central Jail Haripur is requested to make available relevant record if any to sent this office for above purposes.

(EHTIZAZ AHMID JADOON)
Inquiry Officer
Superintendent District Jail Abbottabad

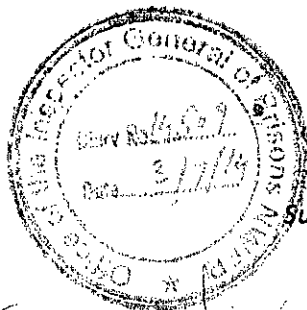
Endst NO. 203-206 dated 01/07/2014.

Copy of the above is forwarded to;

- 1.The Worthy Inspector General Of Prison KPK, Peshawar for information & w/r to his number referred to above please.
- 2.The Superintendent Central Jail haripur for Information & n/a please.

ABBASI

Handwritten signature



Handwritten signature
8/7/14

Handwritten signature
(EHTIZAZ AHMID JADOON)
Inquiry Officer
Superintendent District Jail Abbottabad



To

*Immediate
out to day
Recd*

OFFICE OF THE
INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

091-9210334, 9210406 091-9213445

No. 17/2-J-88/19909-WE 1., *WF*

Dated 23/7/2014 1.,

Mr. Ehtizaz Ahmad,
Superintendent,
District Jail Abbottabad.

Subject:- DISCIPLINARY ACTION

Memo:

I am directed to refer to your letter No.227-WE dated 14-7-2014 on the subject and to return herewith inquiry report alongwith its enclosures with the remarks that the same is defective for the below noted reasons :-

1. You have failed to record the statement of official on scanner duty which passed by the accused official as stated in his reply to the charge sheet with cross examination.
2. You have failed to record the statement of official who recovered the mobiles with cross examination.
3. You have failed to record the statement of other eye witness of the case posted in the main gate at the time of recovery of mobiles phone.
4. You have failed to examine Register No.16 (in/out) and append a copy of the same showing exact entry timing of the accused official in the main gate on 14-5-2014.
5. You have failed to mention specific recommendations about proposed penalty to the accused official as required under the rules.
6. All appended documents must be attested.

After attending the above observations complete inquiry report alongwith all connected documents may be submitted within a week time positively for further action by this office.

2

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

[Signature]

325

11

OFFICE OF THE
SUPERINTENDENT DISTRICT JAIL
ABBOTTABAD

No. 227/we / Dated 14/07/2014.

To

The Inspector General of Prisons
Khyber Pakhtun Khwa Peshawar

PRISONS DEPARTMENT
Inspector General.....
A.I.G.....
Admin. Secy.....
15-7-14
16/7

Subject; -

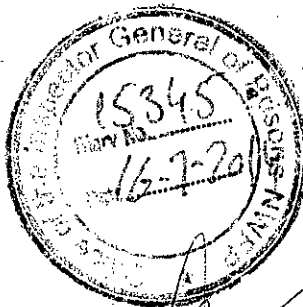
DISCIPLINARY ACTION.

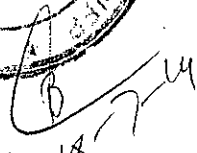
Memo,

Reference your Endst No. 17134-36/WE dated 23-06-14.

Enclosed please find herewith report/finding with regard to Mr. Gul Fam Junior Technician Pharmacy attached to Central Prison Haripur along with reply to the Statement of Allegation for your further necessary action please.


Superintendent
District Jail Abbottabad




16-7-14

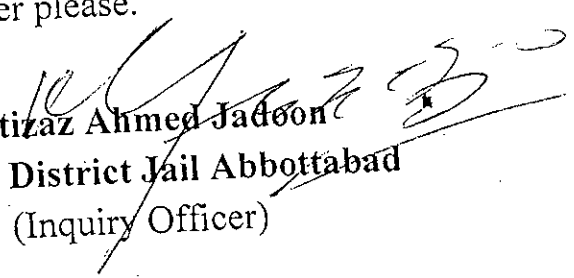
REPORT/FINDING WITH REGARD TO MR.GUL FAM JUNIOR
TECHNICINE PHARMACY ATTACHED TO CENTRAL JAIL
HARIPUR.

The brief facts of the case are as under ;-

The Superintendent Central Jail Haripur made a report to the Inspector General of Prisons Khyber Pakhtun Khwa Peshawar in which he complained that Mr. Gul Fam Junior Technician Pharmacy was allotted the night duty on 14-05-2014 on the search in the Main Gate two Mobile Phones have been recovered for his possession hidden in the pocket of his shalwar.

I was appointed as Inquiry Officer by the order of worthy Inspector General of Prisons Khyber Pakhtun Khwa vide his Memo No. 17134-36 dated 23-06-2014 and inquire in the matter and report to him under Rule 3 of the Khyber Pakhtun Khwa Servant (Efficiency & Discipline) Rule 2001. I conducted an inquiry in this respect and examined the reply of Mr. Gul Fam and other record during heard in person.

Going through the facts of the case I am convinced that the accused Junior Technician Pharmacy Mr. Gul Fam was actually involved in this case and two Mobile Phones have been recovered form his possession, which is prohibited and he has committed grave misconduct. During examination he failed to produce any sort proof of his defence, so I fined that Mr. Gul Fam Junior Technician Pharmacy guilty of his gross negligence of his duty and grave misconduct as reported by the Superintendent Jail, the original reply of accused official submitted herewith the finding kind perusal and further necessary action as you may deem proper please.


Ehtizaz Ahmed Jadoon
Superintendent District Jail Abbottabad
(Inquiry Officer)

Handwritten notes in Urdu at the bottom of the page, including the date 14/05/2014 and a signature.

مستطاب

مستطاب

مستطاب

مستطاب

مستطاب

مستطاب

مستطاب

مستطاب

مستطاب

مستطاب

مستطاب

مستطاب

مستطاب

مستطاب

مستطاب

مستطاب

Handwritten text at the top left, including a signature and the date 27-9-1947.

Handwritten text at the top right, possibly a name or title.

Main body of handwritten text, consisting of several lines of cursive script, likely a letter or a report.

Small handwritten text at the bottom left corner.

آپ کے نام پر ایک دستخط شدہ دستخط ہے
جمعہ کو لکھی ہے

یہ آپ کے پاس کچھ کر کے لیا اور وہاں لیا گیا
جو یہ لکھا ہے
یہاں لکھا ہے

کال : جمعہ کو لکھی ہے
یہاں لکھا ہے
یہاں لکھا ہے

2 APR 2014

Signature
10-7-2014

confidential

325

OFFICE OF THE SUPERINTENDENT

DISTRICT JAIL ABBOTTABAD

No. 242-WE

Dated. 11-8-2014



21/8

To

The Inspector General of Prisons,
Khyber Pakhtun Khwa Peshawar.

PRISON DEPARTMENT
Inspector General
A.I.C.
Address

Subject;-

INQUIRY REPORT REGARDING RECOVERY OF
MOBILE PHONES.

Memo:

Reference your office Memo No.17/2-J-88/19909-WE dated 23-07- 2014 on the subject noted above.

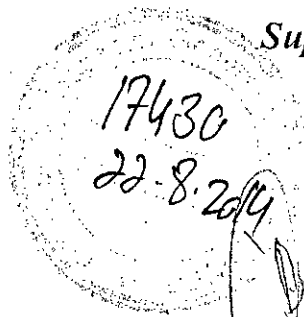
The undersigned conducted inquiry case regarding the recovery of two mobiles in the possession of Dispenser Gulfam, and recorded the statement of warder Sajad, Nabi-ul-Haq, Muhammad Seraj, as directed by your good self in your above letter. In their statements they have been included that two mobiles recovered from Gulfam in Main Gate of Central Jail Haripur during search by Talashi Gate Sajad in the presence of warder Seraj. Moreover Mr. Nabi-ul-Haq also mentioned in his statement that Gulfam Dispenser directly came from Bazaar to jail, and he had two mobiles. He also stated in his statement that Gulfam said to him that he will deposit the mobile phones in Main Gate and warder Nabi-ul-Haq allowed him , this action was wrong because Nabi-ul-Haq should deposited mobiles with him and should not allow him to bring mobile phones inside Main Gate. I have reach the conclusion that Gulfam and Nabi-ul-Haq both involve in this case, therefore I recommended for the major punishment for both accused and the other two warders Seraj and Sajad should be awarded with Rs.5000 each as an opener for the other eyes.

Submitted for necessary action as consider suitable please.
Statements of three warders, Photocopies of Register No 16 are enclosed for your kind perusal.

Ehtiaz Ahmed Jadoon

Superintendent District Jail Abbottabad

(Inquiry Officer)



25/8/14

[Handwritten signature]

دارڈر بن الحق حال سٹریٹ جیل ہری پور

میں حلفیہ بیان کرتا ہوں کہ میری ڈیوٹی مورسہ 20-5-14 کو ہدایت نامہ 6 سے 9 بجے سیکرٹری ہری پور ڈسپنسر گل نام جس وقت اندر جا رہا تھا تو وہ میرے پاس آیا۔ میرے ساتھ آری داے میں آکٹروے کے اسٹے پاس لفافے میں دو اینٹیاں تھیں ایک اور اس کے پاس ایک عدد پائے کاغذ پاس میں تھا۔ میں نے اسے کچھ پوچھا تو اس نے اس کے پاس دو عدد موہائل موجود تھے اور ہندو حالت میں تھے اور تمبھوں کے سائید داں جیب میں تھے۔ میں نے انکو موہائل اور کھڑا پاس کے ساتھ چھوڑ دیا۔ کیونکہ اس نے مر کھا تھا کہ میں ڈلوڈی میں جے سزا دوں گا۔ کیونکہ ڈاکٹر صاحب کو کچھ اجیر حسنی کال کرنی ہے۔ اس کے بعد وہ ڈلوڈی چلا گیا۔ اور اس سے دوران پوچھا دو موہائل دارڈر سجاد جسکی ڈلوڈی پوچھا گیا۔ اس نے اس سے برآمد کرنی کے رپورٹ کی اس واقعے کی طرف اس طرح علم ہے کہ مجھے اور میرے ساتھ آری جران جو ڈلوڈی پر تھا ہم دونوں کو آری آسنیر نے ڈلوڈی میں بلایا کہ جس وقت یہ سیکرٹری سے رخصت ہوا اس کے پاس یہ موہائل تھے وہی میرا بیان ہے اس کے علاوہ ہے علم میں ہے۔ بقول بن الحق میں بازار میں تھا اور مجھے اجیر حسنی کال ہوں کہ اندر چل میں کوئی بیمار ہے تو میں سید صاحب بازار سے چل آیا۔ میرے پاس نام نہی تھا کہ میں کوآرڈر میں موہائل رکھتا۔

AHested

Superintendent
Jail Abbottabad

الحمد
میں نے اس کو تسلیم کیا۔

سوال :-
سجاد دارڈر سے ہمارے مابین یا ہمارے موجودگی سے

ڈسپنسر گنگا کی ملائی؟

جواب :-
جی ہاں جناب
سوال :- ہمارے علم میں ہے کہ ڈسپنسر گنگا نے سجاد دارڈر سے ملائی ہے یا نہیں؟

جواب :- جی ہاں ہے۔ علم میں ہے کہ ڈسپنسر گنگا نے سجاد دارڈر سے ملائی ہے۔
سوال :- سجاد دارڈر سے ملائی ہے یا نہیں؟

جواب :- جی ہاں ہے۔ سجاد دارڈر سے ملائی ہے۔
سوال :- سجاد دارڈر سے ملائی ہے یا نہیں؟

جواب :- جی ہاں ہے۔ سجاد دارڈر سے ملائی ہے۔
سوال :- سجاد دارڈر سے ملائی ہے یا نہیں؟

جواب :- جی ہاں ہے۔ سجاد دارڈر سے ملائی ہے۔
سوال :- سجاد دارڈر سے ملائی ہے یا نہیں؟

جواب :- جی ہاں ہے۔ سجاد دارڈر سے ملائی ہے۔
سوال :- سجاد دارڈر سے ملائی ہے یا نہیں؟

جواب :- جی ہاں ہے۔ سجاد دارڈر سے ملائی ہے۔
سوال :- سجاد دارڈر سے ملائی ہے یا نہیں؟

Sub-intendent
District Jail Abbottabad

Handwritten notes and a signature in the top right corner of the page.

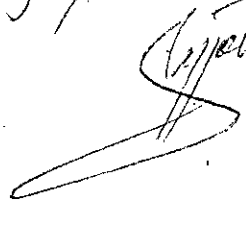
0/10

Handwritten signature or initials.



دار فوجدار سیالکوٹ

میں حلفہ بیان کرنا میں میری ڈیوٹی خواتین کو بھرتی ٹرائل ٹیم کے نام سے 9
 ڈیوٹی سٹریٹ جیل خوری پور میں کئی دوران ڈیوٹی بہ وقت تقریباً 7:40 پر ڈسپنسر
 گلخانہ ڈیوٹی میں آیا اور اسکے پاس ایک عدد کھڑکیس کو بیڈسٹن کئی وہ جیل کے اندر
 جارہا تھا۔ میں نے اسکی بدن ٹرائل سے لڑا اس سے دو عدد وہیلز چوڑے آسن ٹھکانے میں
 موجود تھے میں نے یہ موجودگی سنتری محمد سراج ہر آدہ تھے اور رپورٹ کئی کو
 کئی سے کئی دیر بعد مجھے اطلاع ملی کہ ڈسپنسر گلخانہ کو ڈیوٹی سے با
 نکال اسکی جگہ دوسرا آدمی ڈیوٹی پر آ رہا ہے۔ تو اسکو (ڈسپنسر گلخانہ) میں نے 2:50
 پر باہر نکال دیا اور اسکی جگہ ڈسپنسر سید اللہ 20:00 پر اندر آ گیا۔ اور کئی
 بیڈسٹن اور وہیلز برائے ٹائون گاڑائی کئی رام میں لے کر دی۔

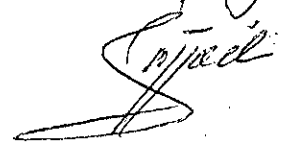


سوال :- کھاری اور ڈسپنسر گلخانہ کی کئی ملیج نکالی یا کئی ہوا؟
 جواب :- میں کئی کئی ایسا نہیں ہوا۔

سوال :- عام طور پر ڈیوٹی میں ٹرائل ہی جانی ہے یا کئی کئی کئی کرتے ہیں؟
 جواب :- جس وقت کسی کے پاس سٹان میں وہیلز وغیرہ ہو تو وہ سیکر رام میں لا کر ہی کئی
 ہیں اور وہاں سے واکس لیتے ہیں ڈیوٹی میں نہیں لے جاتے۔

سوال :- ڈسپنسر گلخانہ میں کھلی کیا تھا کہ میرے وہیلز اپنے پاس ڈیوٹی میں لے کر
 جواب :- میں کئی ہوا ہے کہ کئی نہیں کیا بلکہ اس سے کئی کیا کہ ہر نام میری
 ٹرائل کرنے ہو باقی کئی نہیں کرتا اسکے علاوہ اس کی کئی اس لیے نہ لے
 کہ کئی ملازم ڈیوٹی میں کئی وہیلز کئی کئی وہیلز باہر لے جاتے ہیں

Attested
 Superintendent
 TRICT Jail Abbottabad
 7/8



سوال :- بنی الحق پر ہم یہ بتاؤ کہ سیکرٹری میں جو مائل جمع کرنے کے بعد لوگوں کو دیا جاتا ہے؟

جواب :- جی ہاں ہمارے پاس ایک عدد اگاری مائل جمع کرنے کے لیے ہے اور جو مائل جمع کرنے کے بعد انہیں لوگوں کو دینے سے اور والی ہر لوگوں کے مائل حاصل کر دیتے ہیں۔

سوال :- عمارت کے مطابق عمارت ڈپوٹی میں یہ مائل نہیں ہے اور میرا آپ کو مائل جمع کرتے ہو؟

جواب :- ہم اپنے مائل سے جمع کر کے بلکہ ہر اسٹوٹ لوگوں سے جمع کرتے ہیں۔

سوال :- ہر اسٹوٹ کے کیا مطلب ہے ملائی ملائی لوگوں سے جمع کرتے ہیں جو مائل؟

جواب :- میں مائل ملائی دیکر سے نہیں بلکہ مل سے جو مائل دیکر جاتا ہے اس سے جمع کرتے ہیں ان کے علاوہ اور مائل کے لوگ ڈپوٹی کے لیے آتے ہیں ان سے جمع کرتے ہیں۔

سوال :- کہ ہم سے ہر بار میرا کیا ہے کہ مائل سے لگتی ہیں وہ میرا آپ کو جمع کرتے ہیں؟

جواب :- جی ہاں مائل رکھنا ہی ہمارا ڈپوٹی میں مائل ہے کہ کوئی مائل جو جمع کر کے دے گا اسے دے سکتے ہیں اس کے مائل سے لوگ لے جاتے ہیں ڈپوٹی کے لئے۔

سوال :- سجاد پر سجاد آپ یہ بتائیں کہ جو کچھ بنی الحق سے کیا کہ مائل کے لوگوں کا مائل جمع کر کے؟

جواب :- مائل ڈپوٹی سے میرے سے میرے سے ۶ سے سیکرٹری ہر ڈپوٹی کی سیکرٹری ہر مائل کسی مائل جو میرے سے آتے ہر اندر سے جاتے دیا جاتا ہے ہر مائل رات کو خواہ وہ مائل مائل ہو یا کوئی اور اور اس بنی الحق کی ڈپوٹی ہر مائل سیکرٹری سے کوئی اور کسی مائل کو اندر سے چھوڑنے جو مائل سیکرٹری ہر مائل۔

Arrested
Superintendent
District Jail Abbottabad

عالم: میں الحق پر آیا جو کہ دارڈر مجاہد نے کیا یہ درست ہے؟
دوب: جناب اس نے جو بات کی درست ہے۔

Tajad

دارڈر مجاہد
07/08/2014

بیان
07/08/2014

M. Saraj

بیان: مڈ سراج حال سنٹرل جیل میں ہے۔

میرن ڈپوٹی 14514 کوئی نام نام سنٹرل جیل کی ڈاڑھی میں بھیت سنٹری
نیں گیت ڈپوٹی میں ٹرانس گیت سے ساؤتھی ٹیونڈ گیت کے بعد میرن
سنٹری ڈپوٹی تک اندر بلا جانا ڈ سنٹر میں موجودی میں آیا
اور میرن اور جو وہی اسکی بہنی ٹرانس دارڈر مجاہد جو کہ ٹرانس گیت تھا اس نے
کی اور اس سے ٹیکار کی جیب سے دو عدد موٹیل برآ کر ہوئے۔
اور اسکی رپورٹ میرن موجودگی اور میرن سے سامنے مجاہد نے سنٹرل جیل
کو ٹروری - سنٹرل جیل کی اطلاع ڈ سنٹر گنگا کو باہر نکال دیا اور ڈ سنٹر
سبع اللہ بعد میں اندر بلا گیا۔ میں بالکل اللہ تعالیٰ کو حاضر ناظران کر
یہ بیان دے رہا ہوں کہ میرن سے سامنے میرن موجودگی میں جس کا یہ قسم
ہوں دارڈر مجاہد نے گنگا سے ٹیکار برآ کر اور سنٹرل
کو اطلاع دی - M. Saraj

Superintendent
District Jail Abbottabad

۱۰۔ عمارت کے مطابق۔ عمارت کے ساتھ گلفام ڈسپینری اور آبیاء اور تمام باہر
 جامع تلاش اور عمارت کو جوڑی اور عمارت کے ساتھ ہوں۔ گلفام ڈسپینری
 سجاد تلاش ٹیٹ کو یا کہیں یہ کیا ہے کہ میں سوائس میں کڑا ہوں سہرا
 کر کے آبا ڈیوٹی میں جمع کرے۔

۱۱۔ میں جناب اس نے کوئی بات ہے اور سجاد کو کسی اور سوائس کا
 نو فکری نہیں کیا۔

۱۲۔ اکثر ملازم سوائس دلیہ لکھنؤ جمع کر کے یا چھوڑتے ہیں ؟

۱۳۔ عمارت ~~سوائس~~ ملازم اکثر ڈیوٹی پر جانے کے لیے اپنے گھروں، کھانوں، باہر
 باہر جگہ پر چھوڑتے ہیں اگر کسی کے پاس آجاتے تو وہ آ رہے جنکی ڈیوٹی
 سیکرٹری ہوتے ہیں ان کے پاس جمع کر کے آئے ہیں اگر سیکرٹری نہ ہوتے
 اور باہر سے آجاتے تو ڈیوٹی میں داخل ہوتے سے پہلے سیزن کو بتا دیتے
 کہ یہ بیماریا سوائس میں جمع کرے۔

۱۴۔ تم اچھی طرح یاد کرو کہ ہومنگ کے ڈسپینری گلفام میں ہیں کہ سوائس
 جمع کرنے کے لیے کیا ہو ؟

۱۵۔ میں جناب یہ بولا۔ جہاں تک گلفام ڈسپینری کا تعلق ہے وہ تلاش
 میں ہے رہتا تھا ہے کہ سجاد تلاش میں شاید وہ دور بھاگی جانا۔ اور جب اس
 سے کسی سوائس پر آمد ہوا تو بعد میں دوسرا بھی کیا اس لیے اس نے کوئی سوائس
 بولا تھا کہ میں سوائس ڈیوٹی میں رکھتا ہوں۔ اور جب یہ سیکرٹری سے ہو کر آیا
 اور اس کو جانے لگا کہ یہ سوائس سیکرٹری میں رکھتا تھا جس سے جہاں اس
 کی بدینی نام ہوئی ہے۔ اگر ڈیوٹی میں عمارت کے تلاش میں ہونا تو یہ
 سوائس اٹھ لے جانا۔

Attested
 Superintendent
 T. Jay, Abbottabad

۱۶۔ ۸۔ ۷۔ ۱۶
 M. Sarwat

10
 20
 30
 40
 50
 60
 70
 80
 85
 90
 95
 100
 105
 110
 115
 120
 125
 130
 135
 140
 145
 150
 155
 160
 165
 170
 175
 180
 185
 190
 195
 200

The first of these is the fact that the
 government has been unable to
 raise the necessary funds to
 carry out its program. This
 is due to the fact that the
 public has been unwilling to
 pay the necessary taxes. This
 is a serious problem and one
 which must be solved if the
 government is to be able to
 carry out its program.

The second of these is the fact
 that the government has been
 unable to raise the necessary
 funds to carry out its program.
 This is due to the fact that
 the public has been unwilling
 to pay the necessary taxes.

The third of these is the fact
 that the government has been
 unable to raise the necessary
 funds to carry out its program.
 This is due to the fact that
 the public has been unwilling
 to pay the necessary taxes.

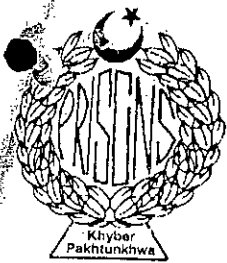
The fourth of these is the fact
 that the government has been
 unable to raise the necessary
 funds to carry out its program.
 This is due to the fact that
 the public has been unwilling
 to pay the necessary taxes.

The fifth of these is the fact
 that the government has been
 unable to raise the necessary
 funds to carry out its program.
 This is due to the fact that
 the public has been unwilling
 to pay the necessary taxes.

Disincentive
 Superintendent
 Jail Abolition
 1/21/14

After the
 100
 105
 110
 115
 120
 125
 130
 135
 140
 145
 150
 155
 160
 165
 170
 175
 180
 185
 190
 195
 200

1/21/14



349

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

☎ 091-9210334, 9210406 📠 091-9213445

No. 17/2-J-88/22448 I., *WE*

Dated 2-9-2014 I.,

IMMEDIATE/REGISTERED

To

The Superintendent,
Central Prison Haripur.

Subject:- **SHOW CAUSE NOTICES**

Memo:

Show Cause Notices(in duplicate) are sent herewith for service upon ^{to} the below noted officials :-

1. Mr.Gul Fam Junior Technician Pharmacy (under suspension).
2. Warder Nabi-ul-Haq.

One copy of the show cause notice, duly signed and dated by them, should be returned to this office in token of its receipt.

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

SHOW CAUSE NOTICE

351

I, Kifayatullah Khan, I.G.Prisons Khyber Pakhtunkhwa, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, do hereby serve you, Mr. Gul Fam Junior, Technician Pharmacy (BPS-9) (under suspension) posted to Central Prison Haripur, as following :-

- i. That consequent upon the completion of inquiry conducted against you by the Inquiry Officer for which you were given opportunity of hearing
- ii. On going through the findings and recommendations of the Inquiry Officer, the material on record and other connected papers including your defence before the Inquiry Officer.

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

As reported by Superintendent Central Prison Haripur letter No.3236 dated 15-5-2014 (copy enclosed) you were allotted the night duty on 14-5-2014. On search in the main gate two mobile phones have been recovered from your possession hidden in the pocket of your shalwar, which is prohibited, thus you have committed grave misconduct on your part.

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the major penalty of "Removal from service" under rule-4 of the said rules.
3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
4. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.
5. A copy of the findings of the Inquiry Officer is enclosed.



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

حکومت جناب انسٹیٹیوٹ جیل خانہ جات عدویہ کراچی

۱۶/۱۰

NO.	114
DATE	15/10/14

جناب عالی

گزارش ہے کہ سال ۱۴۱۵ء میں جناب انسٹیٹیوٹ جیل خانہ جات

جیل خانہ جات حواہ کی طرف سے جو شوقاز ڈس دی ٹس ہے ان کا جواب دینا

عزیزہ شوقاز ڈس میں مسائل پر جواب دل فون جیل میں لے جانے کا الزام

لگایا گیا ہے۔ اس سلسلے میں گزارش ہے کہ سال کی ٹاسٹ ڈیوٹی مورخہ 2-5-14ء کو

اس وقت مسائل سنا کر اپنے دائرے میں موجود تھا کہ دائرے میں فون پر الملح علی

کہ اندر جیل میں قید کی بیماریاں اسلئے جلدی کے وجہ سے مسائل کی جیب میں دیکھیں

اہلے اور مسائل پیلے کینڈروم کے لئے کہ جیب میں جواب لے لے اور

اس سلسلے میں پیلے کینڈروم کے لئے کہ جیب میں جواب لے لے اور

در انہوں نے انکو ان کے آفیسر کے ساتھ اس قید کے لئے اس بات کی تصدیق کی ہے اور ان کا بیان

کواٹر میں اور ساتھ ساتھ جیل میں جواب لے لے اور ان کا بیان

یہی جواب لے لے اور ان کے آفیسر کے ساتھ اس قید کے لئے اس بات کی تصدیق کی ہے اور ان کا بیان

ادرسات سے وارٹس خون پر کنٹرول ہوگا اور الملائح کی - کہ میں نے مقلان ڈیڈ کنٹرول سے

دو عدد جو بائبل پر لکھے گئے - چونکہ فدوی اور چھپڑہ جو بائبل خون جمع کرنے کا موقع نہیں دیا اور فزوریہ اسرار نے بزنس پر مشتمل ذریعے نہ صرف مسائل کو دیکھا گیا بلکہ

مشہور زینس بوفت بھی دیا گیا یہ بات بھی قابل غور ہے کہ فزوریہ سجاد نانی وارڈر اور مسائل کے درمیان میں کسی دفعہ بدگلائی بھی ہوئی ہے اس لیے انہوں نے مسائل کو دیکھا کرنے کی طرف سے یہ

جناب عالی مسائل نے اس حوالہ میں 24 سال ملازمت کی ہے اور مسائل نے اپنے سرورس کے دوران بھی افسران بالا کو کئی شہادت کا موقع نہیں دیا اور نہ میں

بہتر عرضیہ سے کہ آپ صاحبان صبر پائی کر کے مسائل کو اس نا کردہ الزام سے بھی الزام فرار دیا جائے اور ساتھ میں آپ صاحبان نے پھر وہ بدگلائی پیش کرنے کے لیے مسائل کو بات کرنے کا بھی موقع دیا جائے

عین ڈائریسی ہوگی

خوف
15-9-2014

آپ کا لقب دار مقلان ڈیڈ کنٹرول جیل بریلی





OFFICE OF THE SUPERINTENDENT
CENTRAL PRISON HARIPUR

No. 6204/WE 1-

Dated 29-8-14 1-

To

The Inspector General of Prisons,
Khyber Pakhtunkhwa Peshawar.

Subject:-

SHOW CAUSE NOTICES.

Memo:

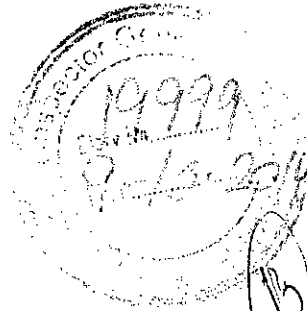
Reference your letter No. 17/2-J-88/22448/WE dated
02-09-2014 on the subject noted above.

PRISON DEPARTMENT
Inspector General
A.I.G.
Admn Officer

Enclosed please find herewith one copy of the Show Cause Notices duly signed and dated by the following accused officials attached to Central Prison Haripur as token of receipt for further necessary action on your part as desired please.

1. Mr. Gul Fam Junior Technician Pharmacy (*Under Suspension*).
2. Warder Nabi Ul Haq

Nabi
SUPERINTENDENT
CENTRAL PRISON, HARIPUR



B
13/10/14

SHOW CAUSE NOTICE

I, **Kifayatullah Khan**, I.G.Prisons Khyber Pakhtunkhwa, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, do hereby serve you, **Mr. Gul Fam Junior Technician Pharmacy (BPS-9) (under suspension)** posted to Central Prison Haripur, as following :-

- i. That consequent upon the completion of inquiry conducted against you by the Inquiry Officer for which you were given opportunity of hearing
- ii. On going through the findings and recommendations of the Inquiry Officer, the material on record and other connected papers including your defence before the Inquiry Officer.

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

As reported by Superintendent Central Prison Haripur letter No.3236 dated 15-5-2014 (copy enclosed) you were allotted the night duty on 14-5-2014. On search in the main gate two mobile phones have been recovered from your possession hidden in the pocket of your shalwar, which is prohibited, thus you have committed grave misconduct on your part.



2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the major penalty of "Removal from service" under rule-4 of the said rules.
3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
4. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.
5. A copy of the findings of the Inquiry Officer is enclosed.

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

Received Show Cause Notice
along with other papers.

Gulfam
GULFAM
Junior Technician Pharmacy

ATTENDANCE OF ACCUSED OFFICIALS FOR PERSONAL
HEARING BEFORE THE INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA ON 30/10/2014

S.No.	Name Accused Officials	Signature of Accused Officials
1.	Mr. Gulfam, Junior Technician Pharmacy (BPS-09)	
2.	Warder Nabi-ul-Haq	



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

NO. 17/2-J-88/26939

DATED 5-11-2014

ORDER

In exercise of powers conferred under Rule-14 of Khyber Pakhtunkhwa Government Servants(Efficiency & Discipline) Rules 2011, having considered the charges mentioned in the Show Cause Notice, evidence on record, the explanation of the accused officials and affording an opportunity of personal hearing to the accused, the undersigned being competent authority, hereby award penalties as noted against their names:-

S.No.	NAME OF OFFICIALS	PENALTY
1.	Mr.Gul Fam, Junior Technician Pharmacy (BPS-9).	Reduction to lowest stage in present time pay scale for four years.
2.	Warder(BPS-5) Nabi-ul-Haq.	Reduction to lowest stage in present time pay scale for four years.


Official at S.No. 1 above is hereby re-instated into service with immediate effect. The period for which he remained under suspension shall be treated as duty for all purposes.

ENDST;NO. 26940-42 /


INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA PESHAWAR.

Copy of the above is forwarded to :-

1. The Superintendent, HQ Prison Haripur for information.
2. The Superintendent, Central Prison Haripur, for information and necessary action. Necessary entry shall be made in the Service Books of officials concerned under proper attestation.
3. The District Accounts Officer Haripur, for information.


INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA PESHAWAR.



OFFICE OF THE SUPERINTENDENT
CENTRAL PRISON HARIPUR

No. _____ /-
Dated 27-10-2014

To,

1. Mr. Gulfam,
Junior Technician Pharmacy,
Attached to Central Jail, Haripur.
2. Nabi-ul-Haq, Warder,
Attached to Central Jail, Haripur.

PRISON HARIPUR
Inspector General
30/10/14

Subject:- DEPARTMENTAL PROCEEDING / SHOW CAUSE NOTICES

Memo,

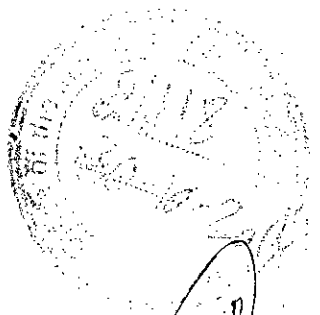
As per direction by the Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar, letter No. 26318/ dated, 24-10-2014, on the above noted subject. You are directed to attend the office of Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar; for Personal hearing on 30-10-2014, at 11:00- (A.M) Positively.

SJ
SUPERINTENDENT
CENTRAL PRISON, HARIPUR

Endst; No. 6869 - 1

Copy of the above is forwarded to the Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar, for information with reference to his memo No. referred to above please.

Sardar Balas
SUPERINTENDENT
CENTRAL PRISON, HARIPUR



07/11/14

Handwritten signature



Handwritten notes:
Keb
and faroo

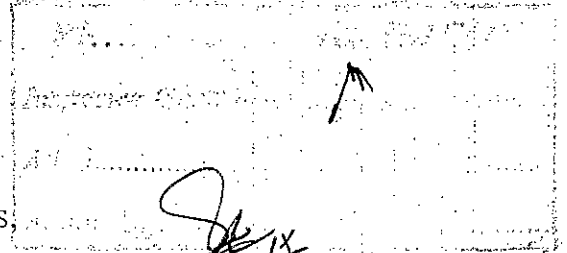
OFFICE OF THE SUPERINTENDENT
CENTRAL PRISON HARIPUR

No. 6886 / 1-

Dated 27-10-14 / 1-

To,

The Inspector General Of Prisons,
Khyber Pakhtunkhwa, Peshawar.



Handwritten signature and date:
30/14

Subject:- DEPARTMENTAL PROCEEDING / SHOW CAUSE NOTICES

Memo,

Reference to your letter No. 17/2-J-88/26318 dated. 24-10-2014, on the subject noted above.

Handwritten note:
p. 377

It is submitted for your kind information that the history of service in respect of the below noted officials on the prescribe format is sent herewith for further necessary action please.

S #	Name & Parentage	Rank	Date of Birth	Date of Appointment	Punishment awarded during his entire service with date & nature of offence
1.	Gulfam S/o Noshad	Junior Pharmacy Technician	30-01-1962	24-09-1988	20-07-2000 awarded the punishment of stoppage One Increment for One Year for willful of his absence from duty.
2.	Nabi-ul-Haq s/o Fazal Haq	Warder	15-04-1990	09-02-2010	Nil



Handwritten signature:
SUPERINTENDENT
CENTRAL PRISON, HARIPUR

Handwritten signature and date:
27/11/14

Handwritten signature and initials:

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

In matter of Service Appeal No.248/2015

GULFAM (Junior Technician) Central Prison Haripur

------(Appellant)

VERSUS

Secretary to Government of KPK Home & Tribal Affairs & Others

-----(Respondents)

RE-JOINDER ON BEHALF OF APPELLANT

Reply to Preliminary Objections

- i) The appellant has got cause of action against the replying respondents.
- ii) Appeal of the appellant is competent in its present form.
- iii) The appellant being aggrieved person filed the instant appeal in accordance with law.
- iv) The appellant is an effected person and has locus standee to file the instant appeal.
- v) The appellant has made all the necessary party in the panel of Respondents.
- vi) The appeal of the appellant is well within time.

Reply to facts

1. Reply to para 1 is partially correct while reaming para is incorrect. It is further submitted that in fact no misconduct was made by the appellant but only the basis of malafide and ulterior motive the appellant was indulged in the matter in hand.
2. In reply to para 2 it is submitted that since from joining his service the service record of the appellant is free from any blame, misconduct.
3. Para 3 of the reply need no comments.
4. Para 4 of the reply is totally incorrect, the alleged recovery has not been made inside the jail at the place of duty but outside the premises of the jail area i.e the dewery which is outside of the jail premises, therefore the punishment awarded to the appellant is not sustainable under the law.
5. Para 5 of the reply is incorrect, hence the inquiry officer did not follow the set procedure of enquiry.
6. Para 6 of the reply needs no reply.
7. Para 7 of the reply is also incorrect, in fact the inquiry officer did not follow the set procedure of enquiry.

8. Para 8 of the reply is correct to the extent of reply of show cause notice while the remaining para is incorrect.
9. Para 9 of the reply is also incorrect the competent authority has also not follow the procedural law and on the basis of fake, frivolous and incomplete inquiry report the appellatant was illegally and unlawfully punished.
10. Para 10 of the reply is correct to the extent of departmental appeal while remaining para is not correct.

Reply to Grounds

- A. Para A of the reply is incorrect.
- B. Para B of the reply is also incorrect.
- C. Para C of the reply is also incorrect, hence the detail reply has already being given in the above paras, therefore need no reply.
- D. Para D to N are also incorrect and based on presumption. The detail reply has already been given therefore needs no reply.

It is therefore humbly prayed that on acceptance of this rejoinder on behalf of appellatant the impugned order dated 05/11/2014 may graciously be set aside and the appellatant be exonerated from the alleged charges being baseless and based on malafide and personal grudge.

Appellant
Through

MS
cu
MOHIB JAN SALARZAI
Advocate High Court Peshawar

Affidavit

It is solemnly affirmed that the contents of rejoinder is true.

Deponant



وکالت نامہ

کورٹ فیس

بعدالت سروس ٹریڈ برنل پشاور خیر بخشو خواہ

عنوان: گلغام جونیئر ایڈووکیٹس (پرائیویٹ) لمیٹڈ گورنمنٹ ٹرانسپورٹ کورپوریشن خیر بخشو خواہ ویزہ

منجانب: ایڈووکیٹ

نوعیت مقدمہ: ایپیل

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کاروائی متعلقہ آل مقام

امیر رشید رانی ایڈووکیٹ صاحبی کورٹ

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل

صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری

کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت

ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی

جائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا

ساختہ پر داختمہ مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے

مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا

حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں

کوئی جز و بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد

استجارت نالاش بصیغہ مفلسی کے دائرہ کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سندم ہے۔

ACCEPTED
Amir Rashid Rani

المترقوم: 29 جون 2018ء

بمقام: ایڈووکیٹ آباد



OFFICE OF THE SUPERINTENDENT
CENTRAL PRISON, HARIPUR

No. 8228 Dated 31/10/2016
Phone No. 0995-611196 Fax No. 0995-612402

To,

The Inspector General of Prisons,
Khyber Pakhtunkhwa Peshawar.

Subject:- PROVISION OF CLARIFICATION/SERVICE APPEAL NO.248/2015 IN R/O
MR. GULFAM SENIOR TECHNICIAN PHARMACY.

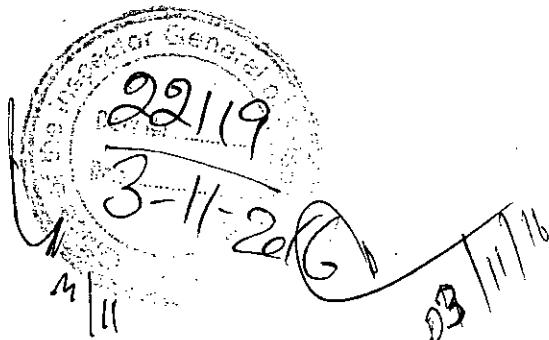
Memo:

Reference your memo: No. 24865 dated 25-10-2016 on the subject.

In this connection it is submitted that the replies to the queries raised by the Hon'ble Chairman Khyber Pakhtunkhwa Service Tribunal camp court at Abbottabad as under please:-

- 1- The relevant rules of the Khyber Pakhtunkhwa Prisons Rules-1985 are furnished as under which clearly indicate & speak the relevancy of Jail Dewri as the part of the Prison rather the Jail Dewri is the main source of entry inside the Jail:-
Rule-16, 83, 389, 562, 605, 606, 696, 706 & 721
- 2- In this connection Rule-571 (2) & 572 (2) of Khyber Pakhtunkhwa Prisons Rules-1985 indicate and speak the entrance of all prohibited articles etc inside the Jail by any person. Further, all staff members have time & again been strictly warned from the entry and supply of any prohibited articles etc including the mobile phones and possession of mobile phones by any staff member inside the Jail is a heinous offence and one cannot be spared in the matter as evident from the major punishments of Removal from Service awarded to the Watch & Ward Staff time to time by the Superintendent Circle Headquarters Prison Haripur, hence none is superior to Law and prescribed rules/regulations .

Submitted for information and further necessary action please.



SUPERINTENDENT
CENTRAL PRISON HARIPUR

31/10

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 813 /ST Dated 25-4- / 2019


To

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

Subject: - JUDGMENT IN APPEAL NO. 248/2015, MR. GULFAM.

I am directed to forward herewith a certified copy of Judgement dated 16.04.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.