

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA PESHAWAR

In the matter of

Service Appeal No: 54/2022

Arif Ullah s/o Abdullah ..... (APPELLANT)

**VERSUS**

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

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Deponent

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

**PESHAWAR**

In the matter of

Service Appeal No. 54/2022

Arif Ullah s/o Abdullah, .....(Appellant)

**VERSUS**

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

**JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO 01 & 02**

Respectfully Sheweth;

**PRELIMINARY OBJECTIONS**

- I. *That the appellant has got no locus standi to file present service appeal against the Respondents before this Honb'le Tribunal.*
- II. *That the appellant does not come to this Tribunal with clean hands.*
- III. *That the appellant is estopped by his own conduct to file the instant appeal.*
- IV. *That the appellant has concealed material facts from this Honb'le Tribunal.*
- V. *That the appellant has got no cause of action against the Respondents.*
- VI. *That the present appeal is bad for mis joinder and non-joinder of necessary parties.*
- VII. *That the present service appeal is badly time barred.*

**OBJECTION ON FACTS**

1. Pertains to record needs no comments.
2. Pertains to record needs no comments.
3. Incorrect and not admitted. The appellant has never been interested in his duties which is evident from the fact that prior to this major penalty the same warder was also awarded major penalty of reduction to lowest stage in present time scale vide No 934 dated 11.03.2021 (Annexure-A).
4. That the appellant always remained malingering on different occasions no such record has been provided/shown before the competent authorities/respondents. That the appellant did not bother to have submit an application for leave and oftenly being remained absent from official duties, belong to sensitive Force Department wherein, such wilful absence tribute to gross misconduct and inefficiency.
5. Incorrect and not admitted. That the superintendent Central Prison Bannu reported vide No. 1905 dated 30.03.2021 (Annexure-B) absented himself without any permission of the competent authority from duties as well as from jail premises. It is pertinent to mention here that prior to this the appellant was awarded major penalty of reduction to lowest stage in present time scale for two years vide office order No. 934 dated 11.03.2021 for his absence w.e.f 07.12.2020 to 07.03.2021 (Annexure-C), which clearly shows that the appellant is habitual of absenting himself from duty. hence, the appellant violated the mandatory provision of KP Prisons Rules-2018, Rule 1082/1096. (Relevant Rule is Annexure-D).
6. That the appellant is habitual of absenting himself without any permission of the authority on one pretext or the other. He had no cogent reasons for his absence therefore, he was awarded major penalty of removal from service. (Removal Order is an Annexure-E).
7. Admitted to the extent that the appellant has been awarded the major penalty of removal from service on account of his absence while the competent authority also treated his absence period as leave without pay as

he has not performed the department/ any duty on the golden principle no work no pay.


8. Admitted to the extent that the appellant filed departmental appeal against the first impounded order vide dated 26-05-2021 before the IG Prisons being the appellant authority who after examine the case of the appellant turn down the appeal being badly time barred vide office order dated 02-09-2021. **(Departmental appeal and office order is Annexure-F & G).**
9. No comments.

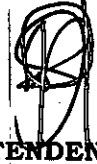
#### **OBJECTION ON GROUNDS.**


- A. That the orders of removal from service passed by the Superintendent Circle Head Quarter Prison DI Khan (respondent No.02) No. 1953 dated 26.05.2021 and order of Inspector General of Prisons Khyber Pakhtunkhwa Peshawar (Respondent No.02) No. 28296 dated 02.09.2021 are lawful, legal and based on facts.
- B. That legal proceeding has been carried out against the appellant. Ample opportunities were granted to the appellant to defend himself. Proper disciplinary proceedings were carried out. Show cause notice vide No. 1203-04 dated 05.04.2021 **(Annexure-H)** and final show cause Notice No. 1571-73 dated were served upon the appellant with personal hearing opportunity on 12.04.2021, 26.04.2021 and 17.05.2021. **(Personal hearing is Annexure-I)**
- C. That appellant has been awarded major penalty of **Removal from Service** for his misconduct of absenting himself without any permission of the authority while his absence period has been treated as leave without pay because he has not performed any duty, hence, no duty no pay.
- D. Incorrect and not admitted. The proper procedure were adopted before passing the major penalty and fully complied with the KP E&D Rules-2011 and the stance of the appellant audi alterm partm are baseless.
- E. The appellant has been treated under proper law and rules, he has been provided with ample opportunities of personal hearing and served with show cause notices.
- F. As elaborated in Para-D above.
- G. That the appellant is habitual absentee and prior to this penalty he had awarded major penalty of reduction to lowest stage in present time scale for two years which shows that he was not interested in duties. He had filed departmental appeal very late due to which it was rejected. Again his service appeal before the honourable court is also time barred.
- H. That the appellant is confessing that he had absented himself from duty and jail premises. It might be that his father was ill but his absence period very long which shows that the appellant is malingering having no cogent reasons for his absence. He was duty bound to have informed the competent authority about his absence and was required to put forward an application for leave under the KP Prisons Rule-2018 but he did not submit an application nor he informed the competent authority about his wilful absence which amounts to gross mis-conduct on the part of the appellant. The wilful absence from official duties is against the Jail decorum and discipline as it is very much clear that inside the Jail harden criminal militant are behind the bar which are under threats at any time in such like situation leaving the Jail premises without prior approval to the competent authority amounts negligence, mis-conduct. Inefficiency of the part of the appellant.
- I. Any additional documents/points will be raised during the arguments with a prior permission of the Honourable Tribunal.

**PRAYER:**

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

  
INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA  
PESHAWAR  
RESPONDENT NO.01

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

  
17-11-2022

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

In the matter of

Service Appeal No. 54/2022

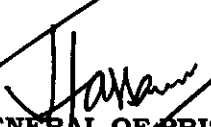
Arif Ullah s/o Abdullah, .....(Appellant)


**VERSUS**

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

**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 1 & 2**

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

  
INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA  
PESHAWAR  
RESPONDENT NO.01

  
17-11-2022

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





OFFICE OF THE SUPERINENDENT  
PRISONS CIRCLE HEAD QUARTER D.I.KHAN  
No. 934 / PB Date 11-03-2021  
PH&FAX \No. 0966-9280299  
cpdkhan1@gmail.com

**OFFICE ORDER**

WHEREAS, the accused official Mr. Arif Ullah s/o Abdullah attached to Central Prison Bannu was proceeded against under Rule-3 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges that he was relieved by the superintendent District Jail Lakki Marwat on 03.12.2020 vide No. 2232 dated 03.12.2020 for further duties at Central Prison Bannu and he was due to resume duty at Central Prison Bannu on 07.12.2020 but he did not report arrival at Central Prison Bannu on due date without any cogent reason and willfully absented himself.

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

AND WHEREAS, the undersigned being competent authority granted him the opportunity of personal hearing on 08.03.2021 as provided for under rules ibid. The accused official completely failed to defend his case with documentary proof/evidence.

NOW therefore, in exercise of powers conferred under Rule-14(5) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, having considered the charges, evidence on record, the explanation of the accused official and after affording the opportunity of personal hearing, the undersigned being competent authority, hereby award major penalty of "REDUCTION TO LOWEST STAGE IN PRESENT TIME SCALE FOR TWO YEARS" to Mr. Arif Ullah s/o Abdullah warder attached to Central Prison Bannu for his willful absence. The period of his absence w.e.f 07.12.2020 to 07.03.2021 is hereby treated as Leave Without Pay.

Endorsement No. 935-38 <sup>21</sup> SUPERINTENDENT  
CIRCLE H/QS PRISON DIKHAN

Copy of the above is forwarded to:-

1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information.
2. The Superintendent Central Prison Bannu. Necessary entry may please be made in the Service Book of official concerned under proper attestation.
3. DAO Bannu.
4. Warder Arif Ullah s/o Abdullah attached to Central Prison Bannu.

<sup>21</sup> SUPERINTENDENT  
CIRCLE H/QS PRISON DIKHAN



By     

OFFICE OF THE  
SUPERINTENDENT  
CENTRAL PRISON BANNU  
No. 1905

Dated: 30-03-2021

Phone No. 051-8022-43337  
Email: pbsb@pws.gov.pk

The Superintendent  
Office Headquarter Prison DI Khan.

Subject: DISCIPLINARY ACTION.

Reference

It is submitted that warder Arif Ullah S/O Abdullah attached with this Jail has absented herself from duty as well as Jail premises w.o.f 23.03.2021, without prior permission of the competent authority and still at large. His action can lead to any undesirable situation and mismanagement.

Therefore, it is requested that stern disciplinary action against him kindly be initiated against the warder concerned under the Efficiency & Discipline Rule-2011, please.

  
SUPERINTENDENT  
CENTRAL PRISON BANNU

      
DB  
    



**SHOWCAUSE NOTICE UNDER RULE-5 (I) READ WITH RULE-7 OF THE  
HYBER PUKHTUNKHWA GOVERNMENT SERVANTS (EFFICIENCY &  
DISCIPLINE) RULES.2011.**

You warder (BPS-07) Arif Ullah s/o Abdullah has absented yourself from duty as well as from jail premises w.e.f 23.03.2021 without permission of the competent authority and still at large.

I, Muhammad Binyamin Superintendent Headquarter Prison DIKhan competent authority, am satisfied by the report submitted by the Superintendent Central Prison Bannu and there is no need of holding any further inquiry.

Now therefore, you above named warder are hereby called upon to show cause Within 07 days of receipt of this notice as to why the punishment of **Removal from Service** may not be awarded to you for your above stated act of negligence and mis-conduct.

In case your reply does not reach this office within stipulated period ex-party Action shall be taken against you.

You may appear before the undersigned for personal hearing on 12-04-2021, if you wish to.

SUPERINTENDENT  
CIRCLE H/QS PRISON DIKHAN

Endst No.. 1203-04 dated 05/04/2021

Copy of the above is forwarded to :-

1. Superintendent Central Prison Bannu for information w/r to his No.1905 dated 30.03.2021, a copy of show cause notice duly signed / dated by the accused warder may please be returned to this Headquarter as a token of receipt and office record.
2. **Warder (BPS-07) Arif Ullah s/o Abdullah R/O Mohallah Khoidad Khail Lakki Marwat. Mobile No. 0311-811-8311.**

SUPERINTENDENT  
CIRCLE H/QS PRISON DIKHAN



**FINAL SHOW CAUSE NOTICE**

I, Binyamin Khan Superintendent Headquarter Prison D.I.Khan, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, do hereby serve you Warder BPS-07 Arif Ullah s/o Abdullah attached to Central Prison Bannu as follow;

1. (i). that consequent upon show cause notice served upon you under Khyber Pakhtunkhwa Peshawar Govt Servants Efficiency and Disciplinary Rule 2011.

(ii). On going through the findings and the material on record and other connected papers including your defence. I am satisfied that you have committed the following acts / omissions specified in rule-3 of the said rules;

You **Warder (BPS-07) Arif Ullah s/o Abdullah** attached to Central Prison Bannu have absented yourself from duty as well as jail premises w.e.f 23.03.2021 without permission of the competent authority and did not resume back your duty. Show cause notice vide No. 1203-04 dated 05.04.2021 was sent on your home address but neither you resumed your duty nor any reponse was received from your end

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the 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 o this notice is received within seven days or no more than fifteen days of its delivery, it shall be assumed that you have no defence to put in and in that case as ex-parte action shall be taken against you.

5. You can appear for personal hearing before the undersigned on 17-05-2021, if you wish to.

*Q*  
SUPERINTENDENT  
CIRCLE H/QS PRISON DIKHAN

Endst No.. 1571-73 dated      /      /2021

Copy of the above is forwarded to :-

1. Inspector General Of Prisons Khyber Pakhtunkhwa Peshawar for information please.
2. Superintendent Central Prison Bannu for information, a copy of show cause notice duly signed / dated by the accused warder may please be returned to this Headquarter as a token of receipt and office record.
3. **Warder (BPS-07) Arif Ullah s/o Abdullah R/O Mohallah Khoidad Khail District Lakki Marwat. Mobile No. 0311-811-8311**

*Q*  
SUPERINTENDENT  
CIRCLE H/QS PRISON DIKHAN

OFFICE OF THE SUPERINENDENT  
PRISONS, CIRCLE HEAD QUARTER D.I.KHAN  
No. 1450 / HQ Date 21-04-2021  
PH&FAX No. 0966-9280299  
cpdikhan1@gmail.com



To,  
The Superintendent,  
Central Prison Bannu.

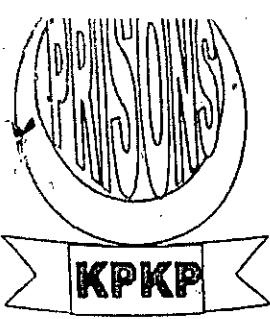
Subject: **SHOWCAUSE NOTICE.**

Memo.

Reference your No. 2280 dated 15.04.2021.

The next date of personal hearing in respect of warder Arif Ullah s/o  
Abdullah is fixed for 26.04.2021 at 11:00 AM at Central Prison DIKhan.

  
SUPERINTENDENT  
CIRCLE HQS PRISON DIKHAN



OFFICE ORDER

WHEREAS, the accused Mr. Arif Ullah s/o Abdullah warder attached to Central Prison Bannu was proceeded against under Rule-3(b)(d) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges that he willfully absented himself w.e.f 23.03.2021 to 24.05.2021 without permission of the competent authority. Showcause Notice No. 1203-04 dated 05.04.2021 was also sent to him but he neither resumed duty at Central Prison Bannu nor he appeared for personal hearing or submitted any type of response.

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

AND WHEREAS, the undersigned being competent authority granted him the opportunity of personal hearing on 25.05.2021 as provided for under rules ibid. The accused official completely failed to defend his case with documentary proof/evidence.

NOW therefore, in exercise of powers conferred under Rule-14(5) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, having considered the charges, evidence on record, the explanation of the accused official and after affording the opportunity of personal hearing, the undersigned being competent authority, hereby award Major penalty of "REMOVAL FROM SERVICE" to Mr. Arif Ullah s/o Absullah warder attached to Central Prison Bannu willful absence. The period of his absence w.e.f 23.03.2021 to 24.05.2021 is hereby treated as Leave Without pay.

SUPERINTENDENT  
CIRCLE H/QS PRISON DIKHAN

Endorsement No. 1954-56

Copy of the above is forwarded to :-

1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information please.
2. The Superintendent Central Prison Bannu. Necessary entry may please be made in the Service Book of official concerned under proper attestation..
3. DAO Bannu.
4. Warder Arif Ullah s/o Abdullah attached to Central Prison Bannu.

SUPERINTENDENT  
CIRCLE H/QS PRISON DIKHAN



4- یہ کہ جب والد گرامی کو افاقہ نہ ہوا تو اسے مختلف پیروں اور فقیروں کے پاس دم درود کے لئے ادھر ادھر پھر اتارنا ہوا جو پیروں فقیروں کی دعاؤں اور دم درود کی وجہ سے والد ام کو کچھ افاقہ ہوا۔ نیز کئی صدقات بھی کئے۔

5- یہ کہ اس دوران اسپلانٹ کی اپنے گاؤں میں اچانک کسی کے ساتھ دشمنی پیدا ہو گئی۔ جو من اسپلانٹ کے مقابلے میں دو تین دن اور اثر و رسوخ کا مالک تھا۔ جس کی خوف کی وجہ سے من اسپلانٹ گھر سے بہت کم نکلتا تھا۔ خصوصاً والد ام اور والدہ ام کے پرزور اسرار پر من اسپلانٹ گھر پر ہی رہتا۔ کیونکہ والدین ام انتہائی ضعف العمر اور من اسپلانٹ سے انتہائی محبت کرتے ہیں۔

6- یہ کہ من اسپلانٹ بوجوہات بالا اپنی ڈیوٹی پر حاضر نہ ہو سکا۔ جس کا من اسپلانٹ کو انتہائی افسوس ہے۔

7- یہ کہ من اسپلانٹ نے فائل شوکار نوٹس کا حقیقت پر مبنی جواب دیا تھا۔ مگر اس کے باوجود من اسپلانٹ کو یکطرفہ انکوائری کی بنیاد پر ملازمت سے برخاست کیا گیا۔ نقل آفس آرڈر بابت برخواسگی اسپلانٹ از ملازمت ہمراہ لف ہے۔

8- یہ کہ من اسپلانٹ کے خلاف انکوائری بمطابق قانون اور گورنمنٹ سرڈنٹس رولز کے مطابق نہیں ہوئی ہے۔ کیونکہ اس حقیقت کا ریکارڈ گواہ ہے کہ من اسپلانٹ کو کسی بھی گواہ یا گواہان پر جرح کا موقع نہیں دیا گیا ہے۔ نیز جملہ سپینڈ انکوائری انتہائی عجلت میں انجام تک پہنچائی گئی ہے کیونکہ من اسپلانٹ سے فائل شوکار نوٹس کا جواب 17/5/2021 تک طلب کیا گیا تھا۔ جبکہ اسپلانٹ کو شنوائی کا موقع دئے بغیر ملازمت سے مورخہ 26/5/2021 کو برطرف کیا گیا۔ جو کہ قانون اور انصاف کے تقاضوں کے منافی ہے۔

7- یہ کہ اسپلانٹ اپنے بوڑھے والدین اور چھوٹے برادران کی کفالت کا واحد سہارا ہوں۔ اسپلانٹ کے والدین انتہائی ضعف العمر اور اکثر بیمار ہوتے ہیں۔ جن کی خدمت و مدارت اور علاج معالجہ کی ذمہ داری من اسپلانٹ کے کندہوں پر ہے۔ نیز چھوٹے برادران جو زیر تعلیم ہیں۔ کی کفالت اور تعلیم کے خرچ کا بیڑا بھی من اسپلانٹ نے اٹھایا ہوا ہے۔ اگر من اسپلانٹ ملازمت پر دوبارہ بحال نہ ہوا تو یہ من اسپلانٹ کے بوڑھے والدین اور مذکورہ برادران کے لئے انتہائی دلچسپ ثابت ہوگا۔ جو من اسپلانٹ کے والدین کے لئے ناقابل برداشت اور برادران مذکورہ کی تعلیم اور مستقبل پر بھی انتہائی برا اثر پڑے گا۔

23

- 8- یہ کہ ایپلانٹ انسانی ہمدردی کی بنیاد پر بھی ملازمت پر دوبارہ بحال کرنے کا حقدار ہے۔
- 9- یہ کہ من ایپلانٹ کو اپنی برخواستگی کا علم تقریباً 25 یوم قبل ہوا۔ اس لئے بروقت حکمانہ اپیل آنجناب کی خدمت میں پیش نہ کر سکا۔ اس لئے ایپلانٹ یہ بھی استدعا کرتا ہے کہ اپیل ہذا کو اندر معیاد گردانہ جا کر ایپلانٹ کو اپیل دائر کرنے کا حقدار ٹھہرایا جائے۔
- 10- یہ کہ ایپلانٹ کو ذاتی طور پر آنجناب سے ملاقات کا شرف بخشنے کی اجازت دی جائے۔

لھذا استدعا ہے کہ پیل ہذا منظور کرنے کا حکم صادر فرمایا جاوے،

مورخہ۔ 08/2021/24

دعا گور ہوگا۔

العارض۔

ایپلانٹ۔ عارف اللہ ولد عبد اللہ سابقہ وارڈر سنٹرل جیل بنوں۔

موبائل نمبر۔ 0311 811 8311

بیان حلفی۔

حلفا بیان کیا کہ جملہ حقائق مندرجہ اپیل ہذا حقیقت پر مبنی ہیں۔  
کوئی امر پوشیدہ نہ ہے۔

16826  
25/08/21

العبد  
عارف اللہ

CIN  
27/8/21



Handwritten signature and date: 02/09/2021

OFFICE OF THE  
INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR  
☎ 91-9210334, 9210400 ☎ 91-9213448  
No. Cell/Ward./Order 28296  
Dated 02-09-2021

**ORDER:**

**WHEREAS,** Warder Arif Ullah S/O Abdullah while attached to Central Prison Bannu was awarded the major penalty of "Removal from Service" and "the period of his absence w.e.f 23-03-2021 to 24-05-2021 treated as leave without pay" by Superintendent HQs Prison D.I.Khan vide his office order No. 1953 dated 26-05-2021 due to his misconduct/willful absence from duty.

**AND WHEREAS,** the said Warder preferred his departmental appeal for setting-aside the penalty awarded to him, which was examined in light of the available record of the case and it was observed that the appeal is time barred and penalty awarded to him by the competent authority due to his misconduct/willful absence from duty after observing all legal and codal formalities as required under E&D Rules 2011.

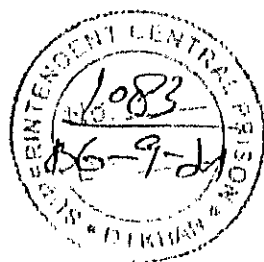
**NOW THEREFORE,** keeping in view the facts on record, the provision of rules in vogue and in exercise of powers conferred under Rule-17 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 read with Rule-05 of Khyber Pakhtunkhwa Service Appeal Rules 1986, the decision of the competent authority is upheld and appeal of the appellant is hereby rejected being time-barred and without any substance.

INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA, PESHAWAR.

ENDST; NO. 28297-99 / ..

Copy of the above is forwarded to:-

1. The Superintendent, Headquarters D.I.Khan for information and necessary action with reference to his order referred to above.
2. The Superintendent Central Prison Bannu for information and necessary action. He is directed to inform the appellant accordingly and to make necessary entry in his Service Book under proper attestation.
3. Ex-Warder Arif Ullah S/O Abdullah R/O Mohallah Lakki Khwaidad Khel Tehsil & District Lakki Marwat for information with reference to his appeal dated 25-08-2021 (Cell No.0311-8118311).



Handwritten signature and date: 02/09/2021  
ASSISTANT DIRECTOR  
INSPECTORATE GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR  
02/09/2021

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**GOVERNMENT OF THE KHYBER PAKHTUNKHWA  
HOME AND TRIBAL AFFAIRS DEPARTMENT.**

**NOTIFICATION**

*Peshawar, dated the 14<sup>th</sup> March 2018.*

**No.SO(P&R)HD/3-3/2018.**-In exercise of the powers conferred by section 59 of the Prisons Act, 1894 (IX of 1894) and in supersession of rules issued in this behalf, the Government of the Khyber Pakhtunkhwa is pleased to make the following rules, namely:

**THE KHYBER PAKHTUNKHWA  
PRISONS RULES, 2018.**

**Chapter-1  
General Provision**

**1. Short title and commencement.**---(1) These rules may be called the Khyber Pakhtunkhwa Prisons Rules, 2018.

(2) It shall come into force at once.

**2. Definitions.**---(1) In these rules, unless otherwise prescribed the following expressions shall have the meaning hereby respectively assigned to them, that is to say-

- (a) "Act" means the Prisons Act, 1894 (Act IX of 1894);
- (b) "Additional Inspector General" means Additional Inspector General of Prisons appointed by Government under these rules;
- (c) "Assistant Superintendent" means Assistant Superintendent of the Prisons and includes Senior Assistant Superintendent or Senior Lady Assistant Superintendent appointed by Government;
- (d) "Central Prison" means a Central Prison declared as such by Government;
- (e) "Chief Warder" means Chief Warder either male or female, as the case may be, in respective ward in a Prison;
- (f) "Code" means the Code of Criminal Procedure, 1898 (V of 1898);
- (g) "condemned prisoner" means prisoner sentenced to death and his sentence of death confirmed by the Supreme Court of Pakistan;



**1080. Prohibition against business and pecuniary transactions.**---(1) No prison officer shall directly or indirectly engage in any trade, business or employment other than his legitimate duties.

(2) No prison officer shall lend money to, borrow money from, enter into any pecuniary transaction with, or incur any obligation in favor of any other officer or any prisoner.

**1081. Residential quarters.**---(1) Rent free residential quarters shall ordinarily be provided at each prison for the Superintendent, Deputy Superintendent, Senior Assistant Superintendent, Assistant Superintendents, Senior Medical Officer, Medical Officer, Pharmacy Technician, Assistants and Clerical Staff, Storekeepers, Instructors, Teachers, Head Warders and the Warders.

(2) Every prison official for whom the residential quarters are not available in prison shall reside within such distance from the prison as the Superintendent may direct,

**1082. Leave to Subordinate Officers.**---(1) No subordinate officer shall, at any time, without the permission of the Deputy Superintendent, if such officer is subordinate to him, and, in any other case, of the Superintendent, be absent from the prison premises, whether by day or night.

(2) The Deputy Superintendent shall not, without the sanction of the Superintendent, grant leave of absence to any subordinate officer, or permit any such officer to remain absent, for any period exceeding four hours at any one time.

(3) Whenever any leave is granted by the Deputy Superintendent to any subordinate officer he shall, at the time the leave is granted, record the fact, and the period of leave in his report book.

(4) Every subordinate officer shall immediately on return from leave report the fact to the Deputy Superintendent, who shall forthwith record his arrival in his report book.

(5) The Deputy Superintendent shall similarly record in his report book, all leave granted by the Superintendent and all reports made of return from leave.

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(6) Fifteen (15) days recreation leave shall be granted to every employee of Department once in a calendar year on rotation basis.

**1083. Absence caused by illness or other unavoidable cause.**---Whenever any subordinate officer is at any time prevented by sudden illness or other unavoidable cause, from attending the prison or performing his duties he shall forth-with give notice to the Superintendent along with his reasons for absence. The Superintendent shall then make suitable arrangements for the due performance of his duties.

**1084. Acquaintance with these rules and directions.**---It shall be the duty of every prison officer to make himself thoroughly acquainted with the duties of his office and these rules and directions. He shall discharge his duties with zeal, efficiency, honesty, alacrity and regularity.

**1085. Note Book.**---Every subordinate officer shall keep a notebook with him in which he shall record every order given to him by his superior officers.

**1086. Subordinate Officer to render prompt obedience.**---It shall be the duty of every subordinate officer at all times to render prompt and implicit obedience to every lawful order, given to him by superior officer, with proper courtesy and respect.

**1087. Prohibition against communicating with prisoners, their-relatives and friends.**---  
(1) No subordinate officer shall, otherwise than with the special permission of the Superintendent, at any time,-

- (a) correspond or communicate with any relative or friend of any prisoner;
- (b) hold any unauthorized communication with any prisoner;
- (c) correspond or communicate with any discharged prisoner; or
- (d) permit any discharged prisoner or any relative of any prisoner to visit or remain at his quarters.

(2) No subordinate officer shall, at any time,-

- (a) hold any unnecessary conversation with any prisoner; or
- (b) treat any prisoner with familiarity; or
- (c) discuss any matter relating to the discipline or of the prison with or within the hearing of any prisoner.

1088. ---[incorporated in Uniform Chapter]

1089. **Officer not to leave place of duty idle about or quarrel.**---(1) Every subordinate officer when on duty, except when ordered by a superior officer to go elsewhere, shall not leave his beat or place of duty. Idleness or lounging about the prison premises is prohibited.

(2) No subordinate officer shall at any time, while on duty, smoke sing or talk loudly, or cook or eat his food, or do any act likely to distract his attention from his duty, or in any way conduct himself in an unseemly or disorderly manner.

(3) All quarrelling or disputes between prison officers is prohibited. Any dispute between subordinate officers about any matter connected with their duties shall at once be referred to the Deputy Superintendent.

(4) When any subordinate officer is accused or suspected of having committed any of the following offences, and a prima facie case against him exists, a proceedings shall be initiated,

- (a) willfully or negligently permitting a prisoner to escape or any other serious offence punishable under the Penal Code
- (b) any offence punishable under section 42 of the Act.
- (c) any breach of rule 1094 or clause (c) of rule 1095; and
- (d) any breach of section 9 or section 10 of the Act.

1090. **Visitors to subordinate officers.**---No subordinate officer shall at any time be permitted to receive any visitor inside the prison or while on duty outside the prison.