

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

**SERVICE APPEAL NO. 205/2019**

Date of institution ... 14.02.2019  
Date of judgment ... 02.03.2020

Sajid Rauf son of Abdur Rauf, Village Ganderi Khattak, Post Office & Tehsil Takht-e-Nasrati District Karak Ex-Warder attached District Jail, Kohat. ... (Appellant)

**VERSUS**

1. Government of Khyber Pakhtunkhwa through Inspector General of Prison Khyber Pakhtunkhwa, Peshawar.
  2. Superintendent Circle, Headquarters Prison D.I.Khan.
  3. Superintendent Jail Kohat.
- ... (Respondents)

SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, AGAINST OFFICE ORDER ENDST: NO. 7056-59/HQ DATED 18.10.2016 ISSUED BY THE RESPONDENT NO. 2 AND ENDST NO. 2990-91/WE DATED 28.10.2016 ISSUED BY RESPONDENT NO. 3 VIDE WHICH THE APPELLANT HAS BEEN REMOVED FROM SERVICE AS WELL AS AGAINST ORDER NO. 3289 DATED 29.01.2019 VIDE WHICH RESPONDENT NO. 1 HAS REJECTED THE DEPARTMENTAL APPEAL OF THE APPELLANT.

Mr. Umar Daraz Khattak, Advocate .. For appellant.  
Mr. Ziaullah, Deputy District Attorney .. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI .. MEMBER (JUDICIAL)  
MR. MIAN MOHAMMAD .. MEMBER (EXECUTIVE)

**JUDGMENT**

MUHAMMAD AMIN KHAN KUNDI, MEMBER: - Appellant  
alongwith his counsel and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Suleman, Law Officer for the respondents present. Arguments heard and record perused.

2. Brief facts of the case as per present appeal are that the appellant was serving as Warder in Prison Department. He was imposed major penalty of removal from service vide order dated 18.10.2016 on the allegation of willful absence from duty with effect from 30.12.2015 to 17.10.2016. The appellant filed departmental appeal on 11.12.2018 which was rejected on 29.01.2019 hence, the present service appeal on 14.02.2019.

3. Respondents were summoned who contested the appeal by filing written reply/comments.

4. Learned counsel for the appellant contended that the appellant was serving in Prison Department as Warder. It was further contended that the appellant was imposed major penalty of removal from service vide order dated 18.10.2016 but neither any charge sheet, statement of allegation was served upon the appellant nor proper inquiry was conducted nor any final show-cause notice was issued to the appellant, therefore, the appellant was condemned unheard which has rendered the whole proceeding illegal and liable to be set-aside and prayed for acceptance of appeal.

5. On the other hand, learned Deputy District Attorney for the respondents opposed the contention of learned counsel for the appellant and contended that the appellant was appointed as Warder vide order dated 12.01.2015 in Prison Department. It was further contended that the appellant remained absent from duty for a period of about ten months. It was further contended that absence notice was also issued to the appellant

*M. Amin*  
2-3-2020

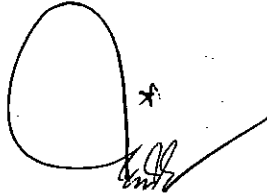
by the respondent-department but the appellant did not attend the duty. It was further contended that a show-cause notice regarding his absence was also advertised in the newspaper but despite show-cause notice regarding his absence in newspaper, the appellant did not attend the duty, therefore, it was contended that the appellant was rightly imposed major penalty of removal from service after fulfilling all the codal formalities by the competent authority. It was further contended that the appellant was imposed major penalty of removal from service vide order dated 18.10.2016, therefore, he was required to file departmental appeal within one month but the appellant has filed departmental appeal on 12.12.2018 after a delay of more than two years, therefore, the departmental appeal is badly time barred and prayed for dismissal of appeal.

*M. Amin  
2.13.2020*

6. Perusal of the record reveals that the appellant was appointed as Warder in Prison Department vide order dated 12.01.2015. The record further reveals that the appellant remained absent from duty for a period of about ten months. The record further reveals that the appellant was imposed major penalty of removal from service vide order dated 18.10.2016, the appellant was required to file departmental appeal within one month but he has filed departmental appeal on 12.12.2018 after a delay of more than two years, therefore, the departmental appeal is badly time barred and it is a well settled law that when the departmental appeal is time barred

then service appeal is not maintainable. As such, without touching the merit of the case, the present service appeal is not maintainable being time barred. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
02.03.2020

A handwritten signature in black ink, consisting of a large, stylized 'M' followed by a checkmark-like flourish.

(MIAN MOHAMMAD)  
MEMBER

A handwritten signature in black ink, written in a cursive style, appearing to read 'Muhammad Amin'.

(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

02.03.2020

Appellant alongwith his counsel and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Suleman, Law Officer for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today consisting of four pages placed on file, without touching the merit of the case, the present service appeal is not maintainable being time barred. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
02.03.2020

  
(MIAN MOHAMMAD)  
MEMBER

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER


205/19

12.09.2019

Appellant in person present.

Appellant submitted an application for extension of time to deposit security and process fee. The ground mentioned in the application is that due to an accident met by the appellant, the requisite fee could not be deposited in the prescribed period.

Appellant Deposited  
Security & Process Fee

  
13/9/19

Application is accepted. The appellant is allowed to deposit the requisite fee within three working days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 25.11.2019 before S.B.



Chairman

25.11.2019

Appellant in person and Addl. AG for the respondents present.

Learned AAG seeks time to procure the written reply/comments. The needful shall be done positively on the next date.

To come up for written reply/comments on 07.01.2020 before S.B.



Chairman

07.01.2020

Junior to counsel for the appellant and Addl. AG alongwith Suleman, Litigation Officer for the respondents present.

Parawise comments on behalf of respondents have been furnished. Placed on record. The appeal is assigned to D.B for arguments on 02.03.2020. The appellant may furnish rejoinder, within one month, if so advised.



Chairman

11.06.2019

Appellant in person present and requests for adjournment due to non-availability of his learned counsel.

Adjourned to 11.07.2019 before S.B.

  
Chairman

11.07.2019

Counsel for the appellant present.

Contends that it is evident from the impugned order dated 18.10.2016 itself that the mandatory procedure required under Rule 9 of the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011 was not complied with. In pursuance to the notices issued to the appellant and upon his non-appearance before the enquiry officer it was obligatory upon the respondents to have caused the publication of the notices in two leading newspapers which was not done. In the said manner, the appellant was condemned unheard.


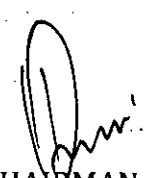


In view of the available record and arguments of learned counsel instant appeal is admitted for regular hearing but subject to all just exceptions regarding the element of delay. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 12.09.2019 before S.B.

  
Chairman

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 205/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	14/2/2019	<p>The appeal of Mr. Sajid Rauf presented today by Mr. Umar Daraz Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 14/2/19</p>
2-	21.03.2019	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>21-3-19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	23.04.2019	<p>Appellant in person present. Due to general strike of the bar, the case is adjourned. To come up for preliminary hearing on 23.04.2019 before S.B.</p> <p style="text-align: right;"> Member</p>
		<p>Appellant in person present. Due to general strike of the bar, the case is adjourned. Case to come up for preliminary hearing on 11.06.2019 before S.B.</p> <p style="text-align: right;"> (Ahmad Hassan) Member</p>



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

Service Appeal No. 205 of 2019

Sajid Rauf -----Appellant

VERSUS

Govt: of Khyber Pakhtunkhwa etc -----Respondents

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Dated:- 14-02-2019

Appellant Sajid Rauf

Through Umar Daraz Khattak  
Advocate, Karak.

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

Service Appeal No. 205 of 2019

Sajid Rauf son of Abdur Rauf, village Ganderi Khattak, Post Office & Tehsil Takht-e-Nasrati District Karak Ex Warder attached District Jail, Kohat ----- (~~Appellant~~) **Pakhtunkhwa Service Tribunal**

VERSUS

Diary No. 188

Dated 14-2-2019

1. Govt: of Khyber Pakhtunkhwa through Inspector General of Prisons Khyber Pakhtunkhwa , Peshawar.
2. Superintendent Circle Headquarters Prison D.I. Khan .
3. Superintendent Jail Kohat ----- (*Respondents*).

=====

**SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER**  
**PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST OFFICE**  
**ORDER ENDST: NO. 7056-59/HQ DATED 18-10-2016**  
**ISSUED BY THE RESPONDENT NO. 2 AND ENDST NO.**  
**2990-91/WE DATED 28-10-2016** ISSUED BY RESPONDENT  
**NO. 3 VIDE WHICH THE APPELLANT HAS BEEN**  
**REMOVED FROM SERVICE AS WELL AS AGAINST**  
**ORDER NO. 3289 DATED 29-01-2019 VIDE WHICH**  
**RESPONDENT NO. 1 HAS REJECTED THE**  
**DEPARTMENTAL APPEAL OF THE APPELLANT .**

=====

**Prayer in Appeal.**

On acceptance of the instant service appeal this honourable Service Tribunal may very graciously be pleased to hold and declare the impugned orders bearing No. 705659/HQ Dated 18-10-2016, Endst: No. 2990-91/WE Dated 28-10-2016 and No. 3289 Dated 29-01-2019 are as illegal; against law & facts, void ab initio, nullity in the eye of law, has got no legal effect and be set aside. This honourable Service Tribunal is requested to re-instate the appellant in his service with all back benefits.

=====

Filed to-day  
Registrar  
14/2/19

*(Signature)*

Respectfully Sheweth :-


This service appeal arises out of the following facts.

**FACTS:-**

1. That the present appellant was appointed against the post of Warder BPS-5 vide Superintendent Headquarter Prison Peshawar appointment order No. **8359 dated 12-01-2015** and was posted at Lakki Jail and then the appellant then transferred to District Jail Kohat vide Supdtt: H/Q Prison D.I. Khan order No. 69798 dated **16-11-2015** and since then the appellant was performing his duty at District Jail Kohat to the entire satisfaction of his immediate as well as superior officers. The appointment and transfer orders of the appellant reflect from his service book. -----(Photocopy of Service Book is enclosed as **Annexure "A"**).
2. That the appellant was remained absent from duty due to unavoidable circumstances and thereafter the appellant came to know about the removal from his service and then appellant submitted departmental appeal for re-instatement in service before respondent No. 1 (*Inspector General of Police Khyber Pakhtunkhwa Peshawar*) vide Diary No. 30502 dated 11-12-2018.(*Photocopy of Departmental Appeal is annexed as Annexure "B"*).
3. That the respondent No. 1 (*Inspector General of Police Khyber Pakhtunkhwa Peshawar*) vide letter No. 37155-WE dated 13-12-2018 called comments from the respondent No. 2 (*Superintendent Circle Headquarters Prison D.I. Khan*) (*Photocopy of letter No. 37155-WE dated 13-12-2018 is annexed as Annexure "C"*) and then the respondent No. 1 issued reminder to respondent No. 2 to submit comments regarding the departmental of the appellant vide letter No. 2713 dated 23-01-2019. -----(Photocopy of letter No. 2713 dated 23-01-2019 is annexed as Annexure "C")
3. That the respondent No. 2 (*Superintendent Circle Headquarters Prison D.I. Khan*) furnished comments to respondent No. 1 (*Inspector General of Police Khyber Pakhtunkhwa Peshawar*) vide letter No. 605-07 dated 25-01-2019. -----(Photocopy of comments is annexed as **Annexure "D"**).

(15)

4. That the respondent No. 2 (*Superintendent Circle Headquarters Prison D.I. Khan*) then submitted the service book of the appellant to respondent No. 1 (*Inspector General of Police Khyber Pakhtunkhwa Peshawar*) vide letter No. 243/WF dated 28-01-2019. ----- (*Photocopy of letter No. 243/WF dated 28-01-2019 is annexed as Annexure "E"*)
5. That the respondent No. 1 then served letter No. 3289 dated 29-01-2019 to the appellant under subject titled "*departmental appeal for reinstatement in service*" whereby the departmental appeal of the appellant was regretted / not entertained by the competent authority for the reason that same is badly time bard. (*Photocopy of letter No. 3289 dated 29-01-2019 is annexed as Annexure "F"*).
6. That after served the above mentioned rejection of departmental appeal vide letter date 29-01-2019 to the appellant, then the appellant approached to the office of respondent No. 1 (*Inspector General of Police Khyber Pakhtunkhwa Peshawar*) to get the removal order from service which was handed over to the appellant on 10-12-2018 vide office order No. 7056-59/HQ dated 18-10-2016 and Office Order Endst: No. 2990-91/WE dated 28-10-2016. (*Photocopy of office order of Removal From Service office order No. 7056-59/HQ dated 18-10-2016 and Photocopy of Office Order Endst: No. 2990-91/WE dated 28-10-2016 are annexed Annexure "G & H"*).

 The appellant was also handed over letter No. 1496 dated 06-05-2016 under subject titled "*Disciplinary Action*", letter No. 2619-21 dated 09-05-2016 under subject titled "*Disciplinary Action* and "*Final Show Cause Notice*" vide Endst: No. 5472 dated 09-09-2016 (*Photocopies are annexed as Annexure "I, J & K"*) respectively.

7. That the appellant is aggrieved from his removal from his service vide office order vide No. 705659/HQ Dated 18-10-2016, Endst: No. 2990-91/WE Dated 28-10-2016 and rejection of departmental appeal vide office order No. 3289 Dated 29-01-2019 hence the appellant approaches before this honourable Service Tribunal by filing the instant Service Appeal on the following grounds.

GROUND S.

- a. That the impugned office order vide No. 705659/HQ Dated 18-10-2016, Endst: No. 2990-91/WE Dated 28-10-2016 whereby the appellant has been removed from service and rejection of departmental appeal vide office order No. 3289 Dated 29-01-2019 are illegal, against law and facts are as illegal, unlawful and against service rules hence not sustainable in the eye of law.
- b. That the respondents have neither delivered the impugned order of removal from service nor any show cause notice through any government service but kept the whole record / proceedings in their office which is against the natural justice.
- c. That it is very ironical that on one side the respondent has issued removal order of the appellant from service while on the other side the respondents have treated the absent period of the appellant from service as leave without pay w.e.f from 30-12-2015 to 17-10-2016.
- d. That the respondents have passed the impugned order of removal from service and other whole proceedings in the absence of the appellant which is not sustainable in the eye of law. Therefore only on this score the impugned order of removal from service is liable to be set aside.
- e. That the present appellant before this Hon'able Tribunal has been condemned un-heard which is the blatant violation of principles of natural justice and also against the provision of Constitution of the Islamic Republic of Pakistan, 1973.
- e. That the respondents have passed the impugned order of removal service without giving proper opportunity of hearing to the which is mandatory provision of law and rules. Therefore the impugned order of removal of service is patently illegal, unlawful, without lawful authority, void ab initio and has got no legal effect or consequence.

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**Prayer in Appeal.**

So it is, therefore, most humbly and respectfully prayed that on acceptance of the instant service appeal this honourable Service Tribunal may very graciously be pleased to hold and declare the impugned orders bearing No. 705659/HQ Dated 18-10-2016, Endst: No. 2990-91/WE Dated 28-10-2016 and No. 3289 Dated 29-01-2019 are as illegal, against law & facts, void ab initio, nullity in the eye of law, has got no legal effect and be set aside. This honourable Service Tribunal is requested to re-instate the appellant in his service with all back benefits.

=====

Dated:- 14-02-2019

Appellant Sajid Rauf

Through Umar Daraz Khattak  
Advocate, Karak.

**Certificate**

Certified that no such like service appeal has been filed earlier on similar ground before this Hon'able Tribunal or any other court.

Appellant

Sajid Rauf

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

Service Appeal No. ----- of 2019

Sajid Rauf -----Appellant

VERSUS

Govt: of Khyber Pakhtunkhwa etc.-----Respondents.

**AFFIDAVIT**

I, Sajid Rauf son of Abdur Rauf, village Ganderi Khattak, Post Office & Tehsil Takht-e-Nasrati District Karak do hereby solemnly affirm and declare on oath that all the contents of the accompanying service tribunal are true and correct to the best of my knowledge and belief, nothing is lie and nothing has been concealed or mis-stated.

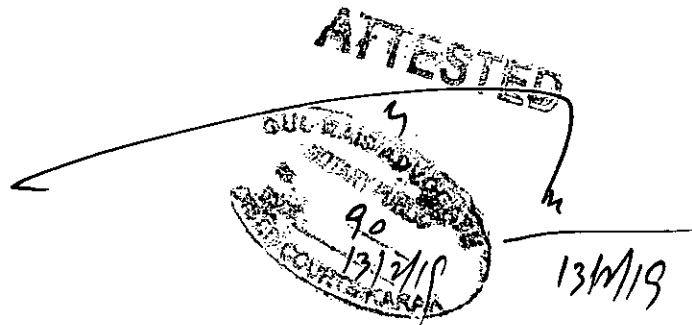
Dated :- 14-02-2019

Deponent

*Sajid Rauf*  
Sajid Rauf

Identification

*Umar Daraz Khattak*  
Identified by Umar Daraz Khattak  
Advocate, Karak.



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

Service Appeal No. ----- of 2019

Sajid Rauf -----Appellant

VERSUS

Govt: of Khyber Pakhtunkhwa etc -----Respondents

**ADDRESSES OF THE PARTIES.**


**Appellant**

Sajid Rauf son of Abdur Rauf, village Ganderi Khattak, Post Office & Tehsil Takht-e-Nasrati District Karak Ex Warder attached District Jail, Kohat

**Respondents**

1. Govt: of Khyber Pakhtunkhwa through Inspector General of Prisons Khyber Pakhtunkhwa , Peshawar.
2. Superintendent Circle Headquarters Prison D.I. Khan .
3. Superintendent Jail Kohat

Dated:- 14-02-2019

Appellant <sup>Sajid</sup> Sajid Rauf   
Through Umar Daraz Khattak  
Advocate, Karak



- 1- Name (نام) Sajid Rauf A (8)
- 2- Nationality and Religion Islam
- 3- Residence Teeta Nasrati Kharak  
(قومیت اور مذہب)
- 4- Father's name and residence Muhammad Rauf  
(والد کا نام اور پتہ)
- 5- Date of birth by christian era as nearly as can be ascertained 15-05-1993  
(تاریخ پیدائش مطابق سن عیسوی)
- 6- Exact height by measurement 5-6  
(قد و قامت)
- 7- Personal mark of identificator Mole on face  
(نشان شناخت)

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

(مرد کی صورت میں بائیں اور عورت کی صورت میں دائیں ہاتھ کی انگلیوں کے نشانات)

Little Finger

(چھنگلیا)

Ring Finger

(چھنگلیا کے ساتھ کی انگلی)

Middle Finger

(انگشت میانیہ)

Fore Finger

(انگشت شہادت)

Thumb

(انگوٹھا)

9. Signature of Govt. Servent

(سرکاری ملازم کے دستخط)

Sajid

*[Signature]*  
SUPERINTENDENT  
District Jail Lahore

Attested  
*[Signature]*

10. Signature and designation of the Head of the Office or other Attesting officer

(تصدیق کنندہ افسر کے دستخط اور مہر)

Note: The entries in this page should be renewed or re-attested at least every five years and the signatures in lines 9 and 10 should be dated. Finger prints need no be taken after every 5 years under this rule.

اس صفحہ کے مندرجہ کم از کم پانچ سال بعد تصدیق ہونا ضروری ہیں اور نمبر 9 اور 10 میں دستخطوں کے نیچے تاریخ لکھنی چاہیے۔

انگلیوں کے نشانات کے لئے ہر پانچ سال کے بعد تصدیق کی ضرورت نہیں



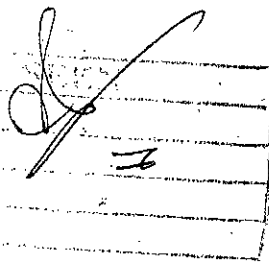




(12)

(B)

خدمتِ صبا ہے جی. جی. صابہ کے حکم جیل خانہ کا



مہنوں - سروریں لکالی

صبا جاتی ا

نزدیک جیل خانہ میں داخلہ دینی ہے

میں پندرہ ماہ ہو چکا تھا۔ اب سارا جیل خانہ میں داخلہ دینی ہے۔

بزرگہ در خواستہ پندرہ ماہ سارا کو ملازمت دال

کے حکم صادر ہو گا کہ سارا کو ملازمت دال

الحاضر

تعمیر

نیشنل ساجد رؤف ضلعو گڑھی واریٹی ٹریڈنگ اور

فون نمبر 03440922425

بجٹسٹریٹ کی ٹاؤن 30-12-015

30502

11-12-2018

12/12/18

13

OFFICE OF THE  
INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR

091-9210334, 9210406 091-9213445

www.facebook.com/kpkprisons/

prisonsig@gmail.com

No. 37155-WE

Dated 13-12-2018

(C)

To

The Superintendent,  
Headquarters Prison D. I Khan.

Subject:- **DEPARTMENTAL APPEAL**  
Memo:

I am directed to refer to the subject and to forward herewith a copy of appeal submitted by Ex-warder **Sajid Rauf S/O Muhammad Rauf** on the captioned subject (self-explanatory) for information.

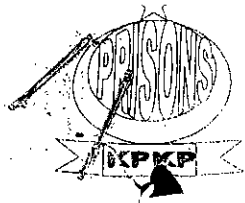
Please look into the matter and furnish comments on annotated form alongwith inquiry report, charge sheet, Show Cause Notice and history of his service on the below noted format within two days positively for further necessary action by this office:-

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

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

No. 1546  
18-12-18  
IPB  
18/12/18

etc  
*[Signature]*



14

OFFICE OF THE SUPERINTENDENT CIRCLE H/Qs PRISON D.I.KHAN

No. /HQ Dt: / /2019  
PH&FAX NO.0966-9280299  
Cpdikhan1@gmail.com

(D)

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

Subject:- DEPARTMENTAL APPEAL.  
Memo:-

Reference your memo No. 37155/WE dated 13.12.2018 on the subject noted above.

It is submitted that the Superintendent District Jail Kohat reported vide his letter No. 1496 dated 06.05.2016 (copy attached) that warder Sajid Rauf has absented himself from duty as well as from the jail premises without the permission of the competent authority w.e.f 30.12.2015.

Mr. Irshad Khan Assistant Superintendent Jail attached to District Jail Kohat was appointed as inquiry officer to inquire into the matter vide this office No. 2619-21 dated 09.05.2016(copy attached).

The Superintendent District Jail Kohat sent the statement of allegations on his home address vide his No. 1738 dated 31.05.2016 (copy attached) but no reply was received from Ex-warder Sajid Rauf.

Inquiry officer Mr. Irshad Khan Assistant Superintendent Jail sent two notices on home address of the ex-warder vide No.1225 dated 08.06.2016 and No. 1301 dated 16.06.2016 but no response was received from his end (copy attached).

Inquiry officer Mr. Irshad Khan Assistant Superintendent Jail vide his No. 1358 dated 20.06.2016 reported this office that the said ex-warder is not appearing before him and he has telephonically informed the inquiry officer that he is no more willing to continue his service, therefore, the inquiry officer recommended that Sajid Rauf s/o Abdul Rauf be removed from service (copy attached).

Show cause Notice No. 3757 dated 11.07.2016 and another final Showcause Notice No.5472 dated 09.09.2016 was sent on his home address (copy attached) but still no reply was received from his end.

As the said Ex-warder was not responding to any type of showcause notice and inquiry officer's letters, therefore, he was given major punishment of Removal From Service vide No. 7056-59 Dated 18.10.2016 (Copy attached).

Office order of Removal from Service of the Ex-warder Sajid Rauf was communicated to him by the Superintendent District Jail Kohat on his home address vide No. 2989 Dated 28.10.2016 (copy attached).

It is pertinent to mention here that the departmental appeal of the Ex-warder Sajid Rauf is badly time barred.

The information required in your above referred memo on the prescribed proforma is give below:-

S#	Name with Parentage	Rank	Date of Birth	Date of Appointment	Punishment awarded during his entire service with date and nature of offence
F	Sajid Rauf s/o Abdul Rauf	Warder BPS-05	15.05.1993	25.01.2015	Awarded Major penalty of Removal From service Vide Superintendent Circle HQ No. 2989 Dated 28.10.2016

Submitted as desired please.

CTC  
Handwritten signature

o/c  
SUPERINTENDENT  
CIRCLE H/QS PRISON DIKHAN  
Handwritten signature



15  
Through Special  
Messenger

(E)  
OFFICE OF THE  
SUPERINTENDENT  
DISTRICT JAIL KOHAT  
No: 243/wdt: 28/01/2019  
Phone & Fax-0922554150

To,

The Inspector General Of Prisons,  
Khyber Pakhtunkhwa Peshawar.

28/01/19

Subject:- DEPARTMENTAL APPEAL.

Kindly refer to Superintendent Circle Headquarter Prison D.I.Khan Office  
Endorsement No. 605-07 dated: 25-01-2019, on the subject above, please.

R/Sir;

Enclosed find herewith Service Book in respect Ex-Warder Sajid Rauf  
s/o Muhammad Rauf.

In this respect Warder Waseem Abbas Attached to this Jail is hereby  
detailed for submission of the Service Book at your good office in connection with  
personal hearing of the EX-Warder Sajid Rauf s/o Muhammad Rauf on 29-01-2019  
at 11:00 A.M, please.

Encl: As Above.

SUPERINTENDENT  
DISTRICT JAIL KOHAT

Endst No: \_\_\_\_\_/1-

Copy of the above is forwarded to:

1. The Superintendent Circle Headquarter Prison D.I.Khan for information with reference to his letter No referred to above, please.
2. The Superintendent Circle Headquarter Prison Bannu for information, please.

CTC  
2354  
28/01/19

SUPERINTENDENT  
DISTRICT JAIL KOHAT

28/01/19





16

OFFICE OF THE  
INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR

091-9210334, 9210406

091-9213445

f [www.facebook.com/kpkprisons/](http://www.facebook.com/kpkprisons/)

Gmail [prisonsig@gmail.com](mailto:prisonsig@gmail.com)

No. 3289 /-

Dated 29-01-2019 /-

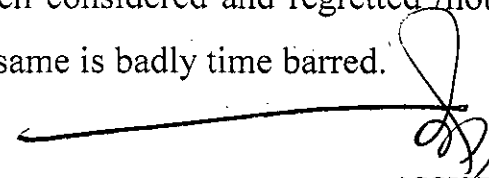
To,

Mr. Sajid Rauf S/O Muhammad Rauf,  
Village Ganderi Khattak,  
Post Office Takhti Nusrati Karak.

Subject:- **DEPARTMENTAL APPEAL FOR REINSTATEMENT IN SERVICE**


Memo;

I am directed to refer to your appeal dated 11-12-2018 on the subject and to convey that your appeal has been considered and regretted /not entertained by the competent authority for the reason that the same is badly time barred.

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

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

Copy of the above is forwarded to the Superintendent Headquarter Prison D.I Khan for information with reference to this office memo; No. 2713 dated 23-01-2019.

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



21 / 17

OFFICE OF THE  
SUPERINTENDENT  
CIRCLE H/Qs PRISON D.I.KHAN  
No. 7056-59 /HQ Dt: 12/10/16  
PH&FAX NO.0966-9280299  
Centraljail\_dikhan@yahoo.com (9)

**OFFICE ORDER**

WHEREAS, the accused official Mr.Sajid Rauf s/o Abdur Rauf attached to District Jail Kohat was proceeded against under Rule3 read with Rule-9of Khyber Pakhtunkhwa Government Servants(Efficiency & Discipline) Rules, 2011 for the charges of his long willful absence i.e from 30.12.2015 to 17.10.2016 and notices at his home address served upon him vide letter No.3757dated 11.07.2016, No.5472 dated 09.09.2016 and No.1739/WE dated 31.06.2016.

AND WHEREASE, the accused official not only failed to resume duty till date but also failed to justify his wilfull absence.

NOW THEREFORE, in exercise of power conferred under Rule-09 of Khyber Pakhtunkhwa Government Servants(Efficiency & Discipline) Rules; 2011, the undersigned being competent authority after observing all legal procedural formalaties hereby award mojour penalty of "Removal From Service" to Mr.Sajid Rauf s/o Abdur Rauf attached to District Jail Kohat for his misconduct/willful absence. The period of his absence i.e from 30.12.2015 to 17.10.2016 is hereby treated as "leave without pay".

SUPERINTENDENT  
CIRCLE H/Qs PRISON DIKHAN

ENDST NO 7056-59 /

ou  
Q

Copy of the above is forwarded the; -

- 1 The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information.
2. The Superintendent Jail Kohat. Necessay entry may please be made in the service book of official concerned under proper attestation.
3. DAO Kohat.
4. Mr.Sajid Rauf s/o Abdur Rauf attached to District Jail Kohat.

SUPERINTENDENT  
CIRCLE H/Qs PRISON D.I.Khan

CTC  
[Signature]

ou  
Q

Recieved

Szja

10/12/018



**REGISTERED.**

OFFICE OF THE  
SUPERINTENDENT  
DISTRICT JAIL KOHAT

No. \_\_\_\_\_ dt 28/10/2016.  
Phone & Fax-0922554150

To,

Warder Sajid Rauf s/o Abdur Rauf,  
Village: Ganderi Khattak, Post Office: Takhte Nasrati,  
Tehsil: Takhte Nasrati  
District: Karak.  
Mob No. 0344-0922425

1711  
3-11-16

*[Handwritten signature]*  
*[Handwritten initials]*

Subject:- **OFFICE ORDER.**

Reference to Superintendent Headquarter Prison D.I.Khan Office Order No. 7056-59 dated: 18-10-2016 on the subject above.

Memo;

Enclosed find herewith Office Order received from Superintendent Circle Headquarter Prison D.I.Khan, regarding your **Removal From Service** due to your absence from duty and Jail premises w.e.f 30-12-2015 till date. You were directed several times through notices at your Home address, but you failed to resumed back duty at District Jail Kohat.

Therefore, the Superintendent Headquarters Prison D.I.Khan being competent authority after observing all legal procedural formalities hereby awarded major penalty of "**Removal from Service**" upon you, and your absence period w.ef 30-12-2015 to 17-10-2016 is treated as **leave without pay.**

**SUPERINTENDENT,  
DISTRICT JAIL KOHAT.**

Endst No: 2990 - 91/WEI-

Copy of the above is forwarded to:

1. The Worthy Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information, please.
2. The Superintendent Circle Headquarter Prison, D.I.Khan for information with reference to his order No. referred to above, in this respect necessary entry has been made in service book of the concerned warder, (photocopy enclosed), please.

**SUPERINTENDENT,  
DISTRICT JAIL KOHAT.**



(19) (9)

OFFICE OF THE  
SUPERINTENDENT  
DISTRICT JAIL KOHAT  
No: 1496 dt: 06/05/2016  
Phone & Fax-0922554150

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

Subject:- DISCIPLINARY ACTION.

610  
10-5-16

*Handwritten signature and date: 06/05/16*

R/Sir;

It is submitted that the below mentioned 04 No's Warders attached to this Jail has absented themselves from duty as well as Jail premises without permission of competent authority since the dates mentioned before each and has not resumed their duties up till now.

S.No	Name of Warder	Remained Absent W.E.F
1.	Sajid Rauf	30-12-2015
2.	Amir Haroon	29-04-2016
3.	Kifayat Ullah	03-05-2016
4.	Samad Ullah	04-05-2016

Therefore, it is requested that strict disciplinary action may please be taken against them under relevant rules.

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

*Handwritten signature*  
SUPERINTENDENT  
DISTRICT JAIL KOHAT 6/5

Copy forwarded to the Worthy Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information, please.

*Handwritten signature: CTC*

SUPERINTENDENT,  
DISTRICT JAIL KOHAT.



KPKP

PB 20

OFFICE OF THE  
SUPERINTENDENT  
CIRCLE H/Qs PRISON D.I.KHAN  
No. 2612 /HQ Dt;  
PH&FAX NO.0966-9280299  
Centraljail\_dikhan@yahoo.com (J)

**DISCIPLINARY ACTION**

I, Muhammad Binyamin Khan Superintendent Headquarter Prison DIKhan as competent authority, am of the opinion that **Warder Sajid Rauf, Warder Amir Haroon, Warder Kifayat Ullah, Warder Samad Ullah** attached to District Jail Kohat has rendered themselves liable to be proceeded against them committed the following acts of misconduct within the meaning of Section 3 of the Khyber Pakhtunkhwa (Efficiency & Discipline) Rule 2011.

**STATEMENT OF ALLEGATIONS.**

- i). Warder Sajid Rauf absented himself from 30.12.2015 till date.
- ii). Amir Haroon absented himself form 29.04.2016 till date.
- iii). Kifayat Ullah absented himself form 03.05.2016 till date.
- iv). Samad Ullah absented himself form 04.05.2016 till date.

2. Mr. Irshad Khan Senior Assistant Superintendent Jail attached to Central Prison Bannu is hereby appointed as Inquiry Officer.

3. The Inquiry Officer shall in accordance with the provisions of the Ordinance provide a reasonable opportunity of hearing to the accused, record his findings and make within fifteen days of receipt of this order, recommendation as to punishment or other appropriate action against the accused officials.

4. The accused officials and a well conversant representative of the department shall join the proceedings at the date, time place fixed by the Inquiry Officer.

SUPERINTENDENT  
CIRCLE H/QS PRISON DIKHAN

Endorsement No. 2614-21

915-18

Copy of the above is forwarded to the:-

- 1. Mr. Irshad Kahn Assistant Superintendent Jail attached to District Jail Kohat Inquiry Officer for initiating proceedings against the above named warders under the meaning of Section 3 of the Khyber Pakhtunkhwa (Efficiency & Discipline) Rule 2011.
- 2. **Warder Sajid Rauf, Amir Haroon, Kifayat Ullah, Samad Ullah** attached to District Jail Kohat with the directions to appear before the Inquiry Officer for the purpose of inquiry proceedings.
- 3. Superintendent District Jail Kohat for information with reference to his memo; No.1496 dated 06.05.2016 with the request to produce the relévant record before the Inquiry Officer and assist them during the inquiry proceedings. One copy of the same duly signed and dated by above named officials may be returned to this office as a token of receipt.

CFC  
*[Handwritten Signature]*

SUPERINTENDENT  
CIRCLE H/QS PRISON DIKHAN

(21)

(15)



**REGISTERED.**

**FINAL SHOW CAUSE NOTICE**

OFFICE OF THE  
SUPERINTENDENT  
DISTRICT JAIL KOHAT  
No \_\_\_\_\_ dt 27/09/2016.  
Phone & Fax-0922554150

To,

Warder Sajid Rauf s/o Abdur Rauf,  
Village: Ganderi Khattak, Post Office: Takhte Nasrati,  
Tehsil: Takhte Nasrati  
District: Karak.  
Mob No. 0344-0922425

Subject:- **FINAL SHOW CAUSE NOTICE.**

*Reference to Superintendent Headquarter Prison D.I.Khan letter endorsement No. 5472 dated: 09-09-2016 on the subject above.*

**Memo;**

Enclosed find herewith final show cause notice received from Superintendent Circle Headquarter Prison D.I.Khan, regarding your absence from duty and Jail premises **w.e.f 30-12-2015 till date.** You were already directed several times by Inquiry Officer to appear for inquiry proceedings, but you did not bother to appear before the Inquiry Officer, in this respect you are recommended to be terminated from services at prison department by the inquiry officer. As it is crystal clear from your irresponsible behavior that you are not eager to continue your service.

Therefore, you are required to submit your reply to this show cause notice **within 15 days positively.** failing to which ex-parte action shall be taken against you.

Encl as above.

*Handwritten initials/signature*

**SUPERINTENDENT,  
DISTRICT JAIL KOHAT.**

Endst No: 2593

Copy of the above is forwarded to the Superintendent Circle Headquarter Prison, D.I.Khan for information with reference to his letter No. referred to above, please.

*No 1576  
Dt 30-9-2016*

*Handwritten signature and initials*

*Handwritten signature*  
**SUPERINTENDENT,  
DISTRICT JAIL KOHAT.**

**WAKALATNAMA**

In the B In the Honble Service Tribunal  
Sajjid Rauf VERSUS Govt of KPK & others

Sajjid Rauf do hereby appoint/nominate and authorize Mr UMAR DARAZ KHATTAK ADVOCATE, High Court, Peshawar / District Courts, Karak

In the mentioned case to do all or any of the following acts, deeds and things.

To appear / plead and act for me / us in the case in reference as required by law/ matter

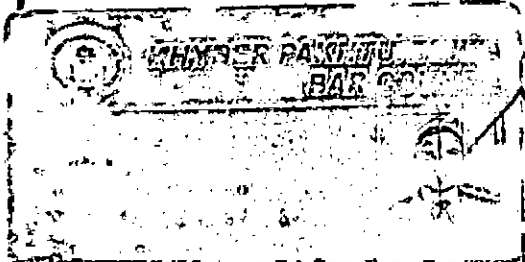
To sign, verify and file or with draw all or any of the proceedings, petitions, appeals, affidavits and applications for compromise submit the matter to the arbitration for proper disposal of the case, submit or withdraw other documents, as may be deemed necessary or advisable by me/us for the conduct, prosecution or defense and further proceedings of the case at all its stages.

To receive payment of and issue receipts for, all money that may be or become due and payable to me /us during the course of the proceedings and hereby agree that counsel mentioned above shall be entitled to withdraw from the prosecution and conduct of the case if the whole or any part of the agreed fee remains unpaid. All acts and deeds so performed by my counsel shall be considered as acts and deeds, performed by me/us

So we/2 hereby sign the same after going through its contents, accepting the same and effective between us till it is cancelled or withdrawn by counsel or me / us.

ACCEPTED

UMAR DARAZ KHATTAK ADVOCATE :-  
High Court, Peshawar / District Courts, Karak.





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

Appeal No. 205/2019

Sajid Rauf S/O Abdur Rauf Warder (BPS-05), R/O Gandheri Khattack P.O &  
Tehsil Takht-e-Nusrati, District Karak.....**Appellant**

**VERSUS**

1. Government of Khyber Pakhtunkhwa Through Inspector General of  
Prison Khyber Pakhtunkhwa Peshawar.
2. Superintendent, Circle Headquarter Prison D.I.Khan.
3. Superintendent, District Jail Kohat..... **Respondent**

**INDEX**

<b>S.NO.</b>	<b>DESCRIPTION OF DOCUMENTS</b>	<b>Annex</b>	<b>Page No.</b>
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3-	Disciplinary Action	A	5
4-	Office order regarding Removal from Service dated 08-10-2016	B	6
5-	Statements of Allegation	C	7
6-	Notice-I	D	8
7-	Notice-II	E	9
8-	Report of Inquiry Officer	F	10
9-	Office order Removal from Service	G	11-12
10-	Departmental Appeal	H	13
11-	Order of Competent Authority	I	14
12-	Show Cause Notice	J	15
13-	Final Show Cause Notice	K	16

  
**DEPONENT**

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

Appeal No. 205/2019

Sajid Rauf s/o Abdul Rauf warder BPS (05), R/o Village Gandheri Khattak,  
P.O & Tehsil Takht-e- Nasrati, District Karak.

..... (Appellant)

**VERSUS**

1. The Government of Khyber Pakhtunkhwa through the Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
2. The Superintendent Circle Head Quarter Prisons D.I.Khan.
3. The Superintendent, District Jail Kohat.

..... (Respondents)

**PARAWISE COMMENTS ON BEHALF OF RESPONDENTS ARE AS UNDER**

Respectfully Sheweth;

**Preliminary objections**

- a. That the appeal is badly time barred.
- b. That the appellant has no locus standi to file appeal against the Respondents before this Honb'le Court.
- c. That the petitioner is estopped by his own conduct to file the instant appeal.
- d. That the petitioner has concealed material facts from this Honb'le Court.
- e. That the appellant has no cause of action against the Respondents

**Facts**

1. No comments.
2. That the appellant deserted himself from duty w.e.f 30.12.2015 (copy of report attached as **Annexure-A**). The appellant then applied for departmental appeal on 11.12.2018 i.e nearly after two years of his removal from service. Such a time barred appeal shows that the appellant was not interested in duties. Removal from service order was

2. sent on his home address vide Superintendent District Jail Kohat No. 2990-91/we dated 28.10.2016 (copy attached as **Annexure-B**).
3. No comments.
4. No comments
5. No comments
6. That again appellants' statement shows lack of interest in duties as he was removed from service on 18.10.2016 and he had filed departmental appeal before the respondent No. 01 on 11.12.2018, which was rejected by the respondent No.01 **being badly time barred**.
7. That the Disciplinary action/statement of allegations were sent on home address of the appellant vide Nos. 1739-40 dated 31.06.2016, 1226 dated 08.06.2016 and 1301 dated 16.06.2016 (copies attached as **Annexure-C**). Besides this the Inquiry Officer telephonically informed the appellant regarding inquiry but due to lack of interest of the appellant he never appeared before the inquiry officer or any other competent authority. Removal from service orders were also sent on the home address of the appellant (copy attached **Annexure-B**).
8. No comments


### **GROUND**

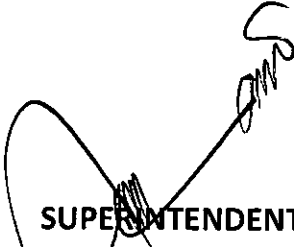
- a. The orders of removal from service passed by the Superintendent Circle Head Quarter Prison Dikhan (respondent No.02) No.7056-59 dated 18.10.2016 (attached as **Annexure-D**) and orders of Inspector General of Prison Khyber Pakhtunkhwa Peshawar No. 3289 dated 29.01.2019 (attached as **Annexure-E**) are lawful, legal and codal formalities have been fulfilled.
- b. Legal proceedings have been carried out against the appellant. Inquiry officer was nominated to proceed against the appellant vide No. 2618 dated 09.05.2016 (copy attached as **Annexure-F**) but the appellant never bother to resume his duty or appear before the Inquiry officer. Notices vide Nos. 1739-40 dated 31.06.2016, 1226 dated 08.06.2016 and 1301 dated 16.06.2016 (copies attached as **Annexure-G**) were sent on his home address but they were not


responded by the appellant. Final Showcause Notice was served upon his home address through the Superintendent District Jail Kohat vide No. 2593 dated 27.09.2016 (Annexure-H) but no response was received from the appellant side.

- c. True. As the appellant has absented himself without any permission during the said period and did not perform any duty, therefore, the period of his absence from 30.12.2015 to 17.10.2016 was treated as leave without pay. No duty no pay.
- d. The appellant was again and again called for resuming duty and to appear before the inquiry proceedings as mentioned in Para-C but the appellant was not interested in duties and as per the report of the Inquiry officer (copy attached as Annexure-I) the appellant was not willing to perform duties in Prisons Department, therefore, after following all the codal formalities the appellant was awarded major penalty.
- e. That the appellant was given full opportunity, repeated times, to appear in the inquiry proceedings but the appellant never bothered to respond to any notice.
- f. As of para-e

In view of the above reply it is humbly requested that the said appeal may kindly be dismissed with cost.

  
INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA  
PESHAWAR  
(RESPONDENT NO. 01)

  
SUPERINTENDENT,  
CIRCLE HEAD QUARTER,  
PRISONS, DIKHAN  
(RESPONDENT NO. 02)

  
SUPERINTENDENT,  
DISTRICT JAIL,  
KOHAT.  
(RESPONDENT NO. 03)

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

Appeal No. 205/2019

Sajid Rauf s/o Abdul Rauf warder BPS (05), R/o Village Gandheri Khattak,  
P.O & Tehsil Takht-e- Nasrati, District Karak.

..... (Appellant)

**VERSUS**

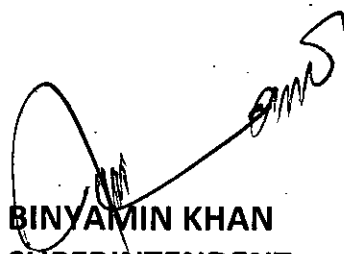
1. The Government of Khyber Pakhtunkhwa through the Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
2. The Superintendent Circle Head Quarter Prisons D.I.Khan.
3. The Superintendent, District Jail Kohat.

..... (Respondents)

**AFFIDAVIT**

I, Mr. Binyamin Khan, Superintendent, Circle Headquarter Prisons D.I.Khan do hereby solemnly affirm and declare on oath that the contents of Parawise Comments in above appeal are correct and true the best of my knowledge and belief that nothing has been concealed from this Honourable Court.

**DEPONENT**



**BINYAMIN KHAN**  
**SUPERINTENDENT**  
**CIRCLE HEADQUARTER PRISONS,**  
**D.I.KHAN**  
**RESPONDENT NO.02**

①

Annex - A



OFFICE OF THE  
SUPERINTENDENT  
DISTRICT JAIL KOHAT

No: 1496 dt: 06/05/2016  
Phone & Fax-0922554150

To,

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

Subject:- **DISCIPLINARY ACTION.**

R/Sir;

It is submitted that the below mentioned 04 No's Warders attached to this Jail has absented themselves from duty as well as Jail premises without permission of competent authority since the dates mentioned before each and has not resumed their duties up till now.

S.No	Name of Warder	Remained Absent W.E.F
1.	Sajid Rauf	30-12-2015
2.	Amir Haroon	29-04-2016
3.	Kifayat Ullah	03-05-2016
4.	Samad Ullah	04-05-2016

Therefore, it is requested that strict disciplinary action may please be taken against them under relevant rules.

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

  
SUPERINTENDENT  
DISTRICT JAIL KOHAT 5/5

Copy forwarded to the Worthy Inspector General of Prisons  
Khyber Pakhtunkhwa Peshawar for information, please.

  
SUPERINTENDENT,  
DISTRICT JAIL KOHAT.

Annex - B

OFFICE OF THE  
SUPERINTENDENT  
DISTRICT JAIL KOHAT

No. \_\_\_\_\_ dt 28/10/2016.  
Phone & Fax-0922554150

**REGISTERED.**

To,

Warder Sajid Rauf s/o Abdur Rauf,  
Village: Ganderi Khattak, Post Office: Takhte Nasrati,  
Tehsil: Takhte Nasrati  
District: Karak.  
Mob No. 0344-0922425

1711  
3-11-16

*[Handwritten signature]*  
S.M.P.K.

**Subject:- OFFICE ORDER.**

Reference to Superintendent Headquarter Prison D.I.Khan Office Order No. 7056-59 dated: 18-10-2016 on the subject above.

**Memo;**

Enclosed find herewith Office Order received from Superintendent Circle Headquarter Prison D.I.Khan; regarding your **Removal From Service** due to your absence from duty and Jail premises w.e.f 30-12-2015 till date. You were directed several times through notices at your Home address, but you failed to resumed back duty at District Jail Kohat.

Therefore, the Superintendent Headquarters Prison D.I.Khan being competent authority, after observing all legal procedural formalities hereby awarded major penalty of "**Removal from Service**" upon you, and your absence period w.e.f 30-12-2015 to 17-10-2016 is treated as **leave without pay**.

**SUPERINTENDENT,  
DISTRICT JAIL KOHAT.**

Endst No: 2990 - 91/WEI-

**Copy of the above is forwarded to:**

1. The Worthy Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information, please.
2. The Superintendent Circle Headquarter Prison, D.I.Khan for information with reference to his order No. referred to above, in this respect necessary entry has been made in service book of the concerned warder, (photocopy enclosed), please.

*[Handwritten signature]*  
**SUPERINTENDENT,  
DISTRICT JAIL KOHAT.**



Annex - c

PB

OFFICE OF THE  
SUPERINTENDENT  
CIRCLE H/Qs PRISON D.I.KHAN  
No. 2618 /HQ Dt:  
PH&FAX NO.0966-9280299  
Centraljail\_dikhan@yahoo.com

## DISCIPLINARY ACTION

I, Muhammad Binyamin Khan Superintendent Headquarter Prison DIKhan as competent authority, am of the opinion that **Warder Sajid Rauf, Warder Amir Haroon, Warder Kifayat Ullah, Warder Samad Ullah** attached to District Jail Kohat has rendered themselves liable to be proceeded against them committed the following acts of misconduct within the meaning of Section 3 of the Khyber Pakhtunkhwa (Efficiency & Discipline) Rule 2011.

### STATEMENT OF ALLEGATIONS.

- i). Warder Sajid Rauf absented himself from 30.12.2015 till date.
- ii). Amir Haroon absented himself form 29.04.2016 till date.
- iii) Kifayat Ullah absented himself form 03.05.2016 till date.
- iv) Samad Ullah absented himself form 04.05.2016 till date.

2. Mr. Irshad Khan Senior Assistant Superintendent Jail attached to Central Prison Bannu is hereby appointed as Inquiry Officer.
3. The Inquiry Officer shall in accordance with the provisions of the Ordinance provide a reasonable opportunity of hearing to the accused, record his findings and make within fifteen days of receipt of this order, recommendation as to punishment or other appropriate action against the accused officials.
4. The accused officials and a well conversant representative of the department shall join the proceedings at the date, time place fixed by the Inquiry Officer.

SUPERINTENDENT

CIRCLE H/QS PRISON DIKHAN

Endorsement No. 2619-21

9/5-16

Copy of the above is forwarded to the:-

1. Mr. Irshad Kahn Assistant Superintendent Jail attached to District Jail Kohat Inquiry Officer for initiating proceedings against the above named warders under the meaning of Section 3 of the Khyber Pakhtunkhwa (Efficiency & Discipline) Rule 2011.
2. **Warder Sajid Rauf, Amir Haroon, Kifayat Ullah, Samad Ullah** attached to District Jail Kohat with the directions to appear before the Inquiry Officer for the purpose of inquiry proceedings.
3. Superintendent District Jail Kohat for information with reference to his memo; No.1496 dated 06.05.2016 with the request to produce the relevant record before the Inquiry Officer and assist them during the inquiry proceedings. One copy of the same duly signed and dated by above named officials may be returned to this office as a token of receipt.

SUPERINTENDENT

CIRCLE H/QS PRISON DIKHAN





Annex - d

OFFICE OF THE  
SUPERINTENDENT  
DISTRICT JAIL KOHAT

No. \_\_\_\_\_ dt 31 / 06 / 2016.  
Phone & Fax-0922554150

Registered.

To,

Warder Sajid Rauf s/o Abdur Rauf,  
Village: Ganderi Khattak, Post Office: Takhte Nasrati,  
Tehsil: Takhte Nasrati  
District: Karak.  
Mob No. 0344-0922425

Subject:- DISCIPLINARY ACTION/STATEMENT OF ALLEGATIONS.  
Reference to your office letter endorsement No. 2619-21  
dated: 09-05-2016 on the subject above.

Memo;

Enclosed find here with copy of statement of allegation regarding your absence with effect from 30-12-2016. In this respect Mr. Muhammad Irshad Assistant Superintendent jail is hereby appointed as inquiry officer.

Therefore, you are directed to appear before the inquiry officer on 07-06-2016 for inquiry proceedings, if you failed to ensure your presence on the date fixed for inquiry then Ex-Partee action will be taken against you, as you have already been directed telephonically to resume your duty, but you failed to do so.

  
SUPERINTENDENT  
DISTRICT JAIL KOHAT

Endst No: 1739-40 WE

Copy of the above is forwarded to the Superintendent Circle Headquarter Prison, D.I.Khan for information with reference to his letter No. referred to above, please.

  
SUPERINTENDENT,  
DISTRICT JAIL KOHAT.

735  
06/06/16



**Notice: 1**

Annex - d

OFFICE OF THE  
SUPERINTENDENT  
DISTRICT JAIL KOHAT

No. \_\_\_\_\_ dt 08/06/2016.  
Phone & Fax-0922554150

To,

Warder Sajid Rauf s/o. Abdur Rauf,  
Village: Ganderi Khattak, Post Office: Takhte Nasrati,  
Tehsil: Takhte Nasrati  
District: Karak.  
Mob No. 0344-0922425

**Subject:- DISCIPLINARY ACTION/STATEMENT OF ALLEGATIONS.**  
Reference to Superintendent Headquarter Prison D.I.Khan letter  
endorsement No. 2619-21 dated: 09-05-2016 on the subject above.

**Memo;**

You were directed vide this Office letter No. 1739/WE dated: 31-06-2016 with enclosure of the under reference letter to appear yourself before the Inquiry officer on **07-06-2016** for inquiry proceeding regarding your absence w.e.f 30-12-2015. But you turned a deaf ear on the notice and failed to appear on the date fixed for inquiry.

Therefore, you are once again directed to appear before the inquiry officer on **15-06-2016 at 10:00 AM** for inquiry proceedings, if you failed to ensure your presence on the date fixed for inquiry then Ex-Parte action will be taken against you, as you have already been directed telephonically to resume your duty, but you failed to do so.

773  
14-06-016  
DS/PB  
T/14/16

(Muhammad Irshad)  
Assistant Superintendent Jail  
District Jail Kohat.  
(Inquiry officer)

Endst No: 1226

Copy of the above is forwarded to the Superintendent Circle Headquarter Prison, D.I.Khan for information with reference to his letter No. referred to above, please.

M. Irshad  
(Muhammad Irshad)  
Assistant Superintendent Jail  
District Jail Kohat.  
(Inquiry officer)

Annex - a



**Notice: 2**

OFFICE OF THE  
SUPERINTENDENT  
DISTRICT JAIL KOHAT

No. \_\_\_\_\_ dt 16/06/2016  
Phone & Fax-0922554150

To,

Warder Sajid Rauf s/o Abdur Rauf,  
Village: Ganderi Khattak, Post Office: Takhte Nasrati,  
Tehsil: Takhte Nasrati  
District: Karak.  
Mob No. 0344-0922425

**Subject:- DISCIPLINARY ACTION/STATEMENT OF ALLEGATIONS.**  
*Reference to Superintendent Headquarter Prison D.I.Khan letter endorsement No. 2619-21 dated: 09-05-2016 on the subject above.*

**Memo;**

You were directed vide this Office letter No. 1739/WE dated: 31-06-2016 with enclosure of the under reference letter to appear yourself before the Inquiry officer on **07-06-2016** for inquiry proceeding regarding your absence w.e.f 30-12-2015. But your failed to do so. In this respect your were again directed vide this office Notice No. 1225 dated: 08-06-2015 to appear on **15-06-2016** before the Inquiry officer but your turned a deaf ear on the both the notices and failed to appear on the dates fixed for inquiry.

Therefore, your are once again directed to appear before the inquiry officer on **22-06-2016 at 10:00 AM** for inquiry proceedings, if you failed to ensure your presence on the date fixed for inquiry then Ex-Partee action will be taken against you, as you have already been directed to resume your duty, but you failed to do so.

(Muhammad Irshad)  
Assistant Superintendent Jail  
District Jail Kohat.  
(Inquiry officer)

Endst No: 1301

Copy of the above is forwarded to the Superintendent Circle Headquarter Prison, D.I.Khan for information with reference to his letter No. referred to above, please.

08/06/16  
PB  
20/6

(Muhammad Irshad)  
Assistant Superintendent Jail  
District Jail Kohat.  
(Inquiry officer)



Annex E B

OFFICE OF THE  
SUPERINTENDENT  
DISTRICT JAIL KOHAT

No. 1358 dt 20/06/2016.  
Phone & Fax-0922554150

To,

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

**Subject:- DISCIPLINARY ACTION/STATEMENT OF ALLEGATIONS.**  
Reference to your office letter endorsement No. 2619-21  
dated: 09-05-2016 on the subject above.

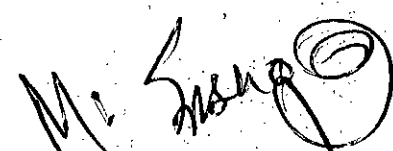
R/Sir;

In exercise of powers conferred upon me vide your endorsement No. 2619-21 dated: 09-05-2016, for initiating disciplinary proceedings/inquiry against **Warder Sajid Rauf s/o Abdur Rauf** regarding his absence w.e.f 30-12-2015 till date. The accused Warder was directed vide this Office letter No. 1739/WE dated: 31-06-2016 with enclosure of the under reference letter to appear before the Inquiry officer on 07-06-2016 for inquiry proceeding, but he failed to do so. In this respect he was once again directed vide this office Notice No. 1225 dated: 08-06-2015 to appear on 15-06-2016 before the Inquiry officer, but he again turned a deaf ear on the 2<sup>nd</sup> notice and failed to appear on the date fixed for inquiry. Therefore, he was finally directed vide this office Notice No. 1300, dated: 16-06-2016 to appear on 22-06-2016 at 10:00 AM for inquiry proceedings.


The accused Warder telephonically conveyed to the undersigned that he is not willing to continue his service, therefore he may be removed from service in Prisons Department.

Therefore, on the basis of above mentioned facts, it is recommended that the accused Warder may be terminated from service, please.

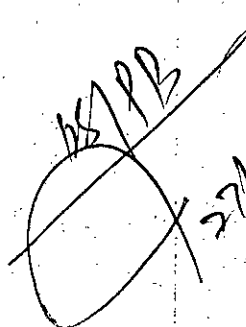
Endst No: \_\_\_\_\_

  
(Muhammad Irshad)  
Assistant Superintendent Jail  
District Jail Kohat.  
(Inquiry officer)

Copy of the above is forwarded to the Worthy Inspector General of Prisons Khyber Pakhtunkhwa for information, please.

  
(Muhammad Irshad)  
Assistant Superintendent Jail  
District Jail Kohat.  
(Inquiry officer)

No 811  
DF 27-6-16

  
27/6

**OFFICE ORDER**

OFFICE OF THE  
SUPERINTENDENT  
CIRCLE H/Qs PRISON D.I.KHAN  
No. 7056-59 /HQ Dt: 12/10/16  
PH&FAX NO.0966-9280299  
Centraljail\_dikhan@yahoo.com

WHEREAS, the accused official Mr.Sajid Rauf s/o Abdur Rauf attached to District Jail Kohat was proceeded against under Rule3 read with Rule-9of Khyber Pakhtunkhwa Government Servants(Efficiency & Discipline) Rules, 2011 for the charges of his long willful absence i.e from 30.12.2015 to 17.10.2016 and notices at his home address served upon him vide letter No.3757dated 11.07.2016, No.5472 dated 09.09.2016 and No.1739/WE dated 31.06.2016.

AND WHEREASE, the accused official not only failed to resume duty till date but also failed to justify his wilfull absence.

NOW THEREFORE, in exercise of power conferred under Rule-09 of Khyber Pakhtunkhwa Government Servants(Efficiency & Discipline) Rules, 2011, the undersigned being competent authority after observing all legal procedural formalaties hereby award mojor penalty of "Removal From Service" to Mr.Sajid Rauf s/o Abdur Rauf attached to District Jail Kohat for his misconduct/willful absence. The period of his absence i.e from 30.12.2015 to 17.10.2016 is hereby treated as "leave without pay".

SUPERINTENDENT  
CIRCLE H/Qs PRISON DIKHAN

ENDST NO 7056-59 /

Copy of the above is forwarded the; -

- 1 The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information.
- 2 The Superintendent Jail Kohat. Necessay entry may please be made in the service book of official concerned under proper attestation.
3. DAO Kohat.
4. Mr.Sajid Rauf s/o Abdur Rauf attached to District Jail Kohat.

SUPERINTENDENT  
CIRCLE H/Qs PRISON D.I.Khan



Amended? G  
Registered

OFFICE OF THE  
SUPERINTENDENT  
DISTRICT JAIL KOHAT

No. 2432 dt 08/09/2016.  
Phone & Fax-0922554150

To,

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

**Subject:- REMOVAL FROM SERVICE.**

Reference to your office letter No. 3757 dated: 11-07-2016.

R/Sir;

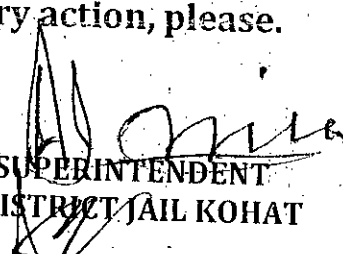
It is submitted for your kind information that Warder Sajid Rauf s/o Abdur Rauf attached to this Jail absented himself from duty and jail premises without permission w.e.f 30-12-2015 till date. In this respect inquiry was initiated by your good office against him. Therefore he was directed vide this Office letter No. 1739/WE dated: 31-06-2016 to appear before the Inquiry officer on 07-06-2016 for inquiry proceeding, but he failed to do so. In this respect he was once again directed vide this office Notice No. 1225 dated: 08-06-2015 to appear on 15-06-2016 before the Inquiry officer, but he again turned a deaf ear on the 2<sup>nd</sup> notice and failed to appear on the date fixed for inquiry. Therefore, he was finally directed vide this office Notice No. 1300, dated: 16-06-2016 to appear on 22-06-2016 at 10:00 AM for inquiry proceedings, but again he showed his irresponsible behaviour and failed to appear before the inquiry Officer.

After all facts mentioned above, the inquiry Officer Mr. Irshad Khan (Assistant Superintendent Jail) submitted the inquiry report to your office vide this office memo No. 1358 dated: 20-06-2016 with the recommendation to terminate the Warder concerned from service. In this respect your office served final show cause notice to the concerned warder vide No. 3757 dated: 11-07-2016 for submission of reply to his defense against termination, but the warder concerned has still not reported arrival for duty and also no positive response has been shown by him up till now.

Therefore, on the basis of above mentioned facts, the Warder is under probation period and his performance in service is not satisfactory, Further he is burden on the Prison department and no more inquiry is required against him, it is therefore, recommended that the accused Warder may please be terminated from service, please.

**Submitted for information and necessary action, please.**

1087/PB  
Yes  
I agreed  
15/9/16

  
SUPERINTENDENT  
DISTRICT JAIL KOHAT

Endst No: \_\_\_\_\_

Copy of the above is forwarded to the Worthy Inspector General of Prisons Khyber Pakhtunkhwa for information, please.

  
SUPERINTENDENT  
DISTRICT JAIL KOHAT

1197

15/09/2016



*Annexure "H"*

OFFICE OF THE  
SUPERINTENDENT  
CIRCLE H/Qs PRISON D.I.KHAN  
No. 253/we /HQ DG: 11/01/2019  
PH&FAX NO.0966-9280299  
Cpdikhan1@gmail.com

To,

The Inspector General of Prisons,  
Khyber Pakhtunkhwa, Peshawar.

Subject:- DEPARTMENTAL APPEAL.

Memo:-

Reference your memo No. 37155/WE dated 13.12.2018 on the subject noted above:

It is submitted that the Superintendent District Jail Kohat reported vide his letter No. 1496 dated 06.05.2016 (copy attached) that warder Sajid Rauf has absented himself from duty as well as from the jail premises without the permission of the competent authority w.e.f 30.12.2015.

Mr. Irshad Khan Assistant Superintendent Jail attached to District Jail Kohat was appointed as inquiry officer to inquire into the matter vide this office No. 2619-21 dated 09.05.2016(copy attached).

The Superintendent District Jail Kohat sent the statement of allegations on his home address vide his No. 1738 dated 31.05.2016 (copy attached) but no reply was received from Ex-warder Sajid Rauf.

Inquiry officer Mr. Irshad Khan Assistant Superintendent Jail sent two notices on home address of the ex-warder vide No.1225 dated 08.06.2016 and No. 1301 dated 16.06.2016 but no response was received from his end (copy attached).

Inquiry officer Mr. Irshad Khan Assistant Superintendent Jail vide his No. 1358 dated 20.06.2016 reported this office that the said ex-warder is not appearing before him and he has telephonically informed the inquiry officer that he is no more willing to continue his service, therefore, the inquiry officer recommended that Sajid Rauf s/o Abdul Rauf be removed from service (copy attached).

Show cause Notice No. 3757 dated 11.07.2016 and another final Showcause Notice No.5472 dated 09/09.2016 was sent on his home address (copy attached) but still no reply was received from his end.

As the said Ex-warder was not responding to any type of showcause notice and inquiry officer's letters, therefore, he was given major punishment of Removal From Service vide No. 7056-59 Dated 18.10.2016 (Copy attached).

Office order of Removal from Service of the Ex-warder Sajid Rauf was communicated to him by the Superintendent District Jail Kohat on his home address vide No. 2989 Dated 28.10.2016 (copy attached).

It is pertinent to mention here that the departmental appeal of the Ex-warder Sajid Rauf is badly time barred.

The information required in your above referred memo on the prescribed proforma is give below:-

S//	Name	with	Rank	Date of Birth	Date of Appointment	Punishment awarded during his entire service with date and nature of offence
1	Sajid Rauf Abdul Rauf	s/o	Warder BPS- 05	15.05.1993	25.01.2015	Awarded Major penalty of Removal From service Vide Superintendent Circle HQ No. 2989 Dated 28.10.2016

Submitted as desired please.

*o/c*  
SUPERINTENDENT  
CIRCLE H/Qs PRISON DIKHAN  
*A*



Annex - I

OFFICE OF THE  
INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR

091-9210334, 9210406 091-9213445

www.facebook.com/kpkprisons/

prisonsig@gmail.com

No. \_\_\_\_\_  
Dated 29-01-2019

To,

Mr. Sajid Rauf S/O Muhammad Rauf,  
Village Ganderi Khattak,  
Post Office Takhti Nusrati Karak.

Subject:- DEPARTMENTAL APPEAL FOR REINSTATEMENT IN SERVICE

Memo;

I am directed to refer to your appeal dated 11-12-2018 on the subject and to convey that your appeal has been considered and regretted /not entertained by the competent authority for the reason that the same is badly time barred.

Endst No. 3296 /-

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

Copy of the above is forwarded to the Superintendent Headquarter Prison D.I Khan for information with reference to this office memo; No: 2713 dated 23-01-2019.

No-207  
6-2-19  
[Handwritten signatures and initials]

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

[Handwritten mark]



Annexure J

SHOW CAUSE NOTICE.

No: 3757

Date: 11-07-2016

I, Binyamin Khan Superintendent HQ Prisons Dikhan, as competent authority, under the Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rule 2011, do hereby serve you, Mr. Sajid Rauf s/o Abdur Rauf, as follows:-

1. (i). That consequent upon the completion of inquiry conducted against you by the Inquiry officer for which you were given opportunity of hearing; and
- (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 said committee.

I am satisfied that you have committed the following acts / omissions specified in section 3 of the said Ordinance.

- (a). You warder Sajid Rauf S/O Abdur Rauf absented yourself w.e.f 30.12.2015 till date you were called again and again by the Inquiry Officer for the inquiry proceeding but you did not bother to appear before the inquiry officer therefore you are recommended to be terminated from service by the inquiry officer.
- (b). By committed above found misconduct with the meaning of Section 3 of Khyber Pakhtunkhwa Removal Government Servant (Efficiency & Discipline) Rule 2011.

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you **REMOVAL FROM SERVICE** under section 3 of the said Ordinance.

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 rectified within fifteen days of its delivery, in the normal course of circumstances, it shall be presumed that you have no defiance to put in and in that cause as ex-parte action shall be taken against you.

5. The copy of the findings of the Inquiry Officer is enclosed.

SUPERINTENDENT  
HEADQUARTER PRISONS DIKHAN

o/c

A

Annex "K"



**REGISTERED.**

**FINAL SHOW CAUSE NOTICE**

OFFICE OF THE  
SUPERINTENDENT  
DISTRICT JAIL KOHAT

No \_\_\_\_\_ dt 27/09/2016.  
Phone & Fax-0922554150

To,

Warder Sajid Rauf s/o Abdur Rauf,  
Village: Ganderi Khattak, Post Office: Takhte Nasrati,  
Tehsil: Takhte Nasrati  
District: Karak.  
Mob No. 0344-0922425

**Subject:- FINAL SHOW CAUSE NOTICE.**

*Reference to Superintendent Headquarter Prison D.I.Khan letter endorsement No. 5472 dated: 09-09-2016 on the subject above.*

**Memo;**

Enclosed find herewith final show cause notice received from Superintendent Circle Headquarter Prison D.I.Khan, regarding your absence from duty and Jail premises **w.e.f 30-12-2015 till date.** You were already directed several times by Inquiry Officer to appear for inquiry proceedings, but you did not bother to appear before the Inquiry Officer, in this respect you are recommended to be terminated from services at prison department by the inquiry officer. As it is crystal clear from your irresponsible behavior that you are not eager to continue your service.

Therefore, your are required to submit your reply to this show cause notice **within 15 days positively**, failing to which ex-partee action shall be taken against you.

Encl as above.

\_\_\_\_\_  
SUPERINTENDENT,  
DISTRICT JAIL KOHAT.

Endst No: 2593

Copy of the above is forwarded to the Superintendent Circle Headquarter Prison, D.I.Khan for information with reference to his letter No. referred to above, please.

No. 1576  
dt 30-9-2016

OS/PB  
27/9/2016

\_\_\_\_\_  
SUPERINTENDENT,  
DISTRICT JAIL KOHAT.

FINAL SHOW CAUSE NOTICE.

I, Binyamin Khan Superintendent HQ Prisons DIKhan, as competent authority, under the Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rule 2011, do hereby serve you, Warder Sajid Rauf S/o Abdul Rauf attached to District Jail Kohat, as follows:-

1. (i) That consequent upon the completion of inquiry conducted against you by the Inquiry officer for which you were given opportunity of hearing; and
- (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 said Officer.

I am satisfied that you have committed the following acts / omissions specified in section-3 of the said Ordinance.

- (a) you Warder Sajid Rauf S/o Abdul Rauf attached to District Jail Kohat absented your self from duty as well as jail premises w.e.f 30.12.2015 till date you were called again and again by the inquiry officer for the inquiry proceeding but you did not bother to appear before the inquiry officer therefore, you are recommended to be terminated from services by the inquiry officer. you were already served with a show cause notice no.3757 dated 11.07.2016 but you have shown no response to it.
- (b) By committed above found misconduct with the meaning of Section 3. of Khyber Pakhtunkhwa Removal Government Servant (Efficiency & Discipline) Rule 2011.

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you **REMOVAL FROM SERVICE** under section 3 of the said Ordinance.

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 rectified within fifteen days of its delivery, in the normal course of circumstances, it shall be presumed that you have no defiance to put in and in that cause as ex-parte action shall be taken against you.

5. The copy of the findings of the Inquiry Officer is enclosed.

  
SUPERINTENDENT  
HEADQUARTER PRISONS DIKHAN