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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

In Service Appeal No. 2608/2023

Nasru Minallah, Ex-Warder,

Attached to Central Prison Mardan. ----- (Appellant)

VERSUS

1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar.
2. The Additional Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
3. The Superintendent Circle Headquarter Prisons, Mardan.

----- (Respondents)

INDEX

| S.No. | Description of Documents | Annexure | Pages |
|-------|--|----------|-------|
| 01. | Para-wise comments | -- | 1-3 |
| 02. | Affidavit | -- | 4 |
| 03. | Rules 1082/1083 of KPK Prison Rules 2018 | A | 5-10 |
| 03. | Reliving Docket dated 10-05-2023 | B | 11 |
| 04. | 1st Absence Notice dated 12-06-2023 | C | 12 |
| 05. | Statement of allegations and Charge Sheet dated 05-06-2023 | D | 13-14 |
| 06. | Latter regarding Conducting Inquiry of dated 10-07-2023 | E | 15 |
| 07. | Line Muharrar dated 15-08-2023 | F | 16 |
| 08. | 2nd Absence notice dated 15-08-2023 | G | 17 |
| 09. | Line Muharrar dated 17-08-2023 regarding the absence of appellant. | H | 18 |
| 10. | Show Cause notice dated 17-08-2023 | I | 19 |
| 11. | Note Sheet for Show Cause notice Head Quarter Prison Mardan dated 29-08-2023 | J | 20 |
| 12. | Office order regarding Major penalty of Compulsory retirement from Service vide Endst No 2340 dated 30-08-2023 | K | 21 |
| 13. | Department appeal and Comments of the Head quarter Prison Mardan | L | 22-28 |
| 14. | Personal hearing dated 05-10-2023 | M | 29 |
| 15. | IG Prison Office order dated 06-10-2023 | N | 30 |
| 16. | Decision of Department appeal conveyed to appellant vide Superintend Prison Mardan dated 11-10-2023 | O | 31 |
| 17. | Authority letter | P | 32 |

29-2-24
Peshawar


Deponent

(2)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

In Service Appeal No. 2608/2023

Nasru Minallah, Ex-Warder,

Attached to Central Prison Mardan. ----- (Appellant)

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 11082

Dated 17-02-2024

VERSUS

1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar.
2. The Additional Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
3. The Superintendent Circle Headquarter Prisons, Mardan.

----- (Respondents)

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO 1 To 3

Respectfully Sheweth:-

PRELIMINARY OBJECTION:

- i. That the present service appeal is incompetent in its present form.
- ii. That the appellant has got no locus standi to file the instant appeal.
- iii. That the appellant is been estopped by his own conduct to file appeal.
- iv. That the appellant has not come to this Honorable Service Tribunal with clean hands.
- v. That the present appeal is bad for mis-joinder and non-joinder of necessary parties.
- vi. That the present appeal is badly Time-barred.
- vii. That the present appeal is not based on solid ground liable to be dismissed with cost.

FACTUAL OBJECTION:-

1. Pertains to record.
2. Incorrect and not admitted. The appellant having lethargic duty attitude which is crystal clear from his Service Book which is full of red entries. The appellant was found absent time and again for which he was awarded Minor penalties during his duties which are reflected in his Service Book. The respondent department already took lenient view with the appellant but he failed to mend his way and remained absent again for which he was awarded the Major Punishment in Compulsory Retirement from Service being an employee of the Prison Department. He was bound to follow the Prison rules according he had to seek leave under the relevant rules of KP Prison Rules 2018 from the Superintendent concerned. As it is an admitted fact that Prison is a highly sensitive area and the staff working there has to keep themselves strictly within the parameters defined in KP Prison Rules 2018, Rule 1082/1096 is extremely clear when it states that **"No subordinate officer is to be absent from Prison premises whether at Day or Night without getting permission from the Superintendent or Deputy Superintendent of the Jail. The same rule goes to the extent that if the leave granted by Deputy Superintendent is exceeding 04 hours, it has to be got sanctioned by the Superintendent (Annex-A).** Previous record of the appellant is also tainted which Minor Penalties on account of his willful absence, this show that the appellant failed to mend his ways and remained absent from official duty. Resultantly, the respondent No.3 being the competent authority after observing all the legal and codal formalities laid down in the E&D Rules 2011 awarded Major Penalty of Compulsory Retirement from Service to the appellant.

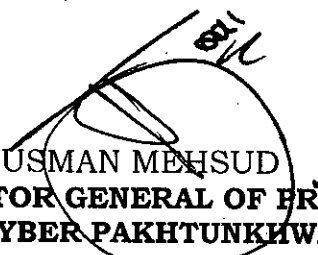
- 3. Pertains to record, hence needs no comments.
- 4. Incorrect and misleading as the appellant is habitual in absenting himself from duties without prior permission and sanction of leave from the competent authority and violating rules for which he was awarded the following punishments while attached to various Jails of the province.
 - a) The Period of absentees of 09 days treated as **Leave Without Pay** vide Superintendent HQ's Prison Peshawar order No. 1639-40 dated 16.04.2014.
 - b) Absence period of ten (10) days treated as **Leave Without Pay** vide Superintendent District Jail Chitral office order No. 1172 dated 09.12.2014.
 - c) Absence period of six (06) days treated as **Leave Without Pay** vide Superintendent District Jail Chitral office order No. 146 dated 06.02.2015.
 - d) The absence period of the accused official/warder for nineteen (19) days is hereby ordered as to be treated as **Leave Without Pay** and awarded the minor penalty of "**Censure**" vide Superintendent Circle HQ's Prison Mardan order No. 196-99 dated 16.01.2017.
 - e) Absence Period of seven (07) days is hereby treated as **Leave Without Pay** vide Superintendent Circle HQ's Prison Mardan order No. 1570-73 dated 10.05.2017.
 - f) The accused official was relieved on **administrative grounds** to Superintendent Circle Headquarters Prison Mardan upon preliminary inquiry report and the gravity of misconduct vide Superintendent District Jail Chitral office order Endst No. 634-35 dated 24.06.2017.
 - g) The accused warder was awarded the minor penalty of "**Censure**" while attached to District Jail Chitral and absence period of ten (10) days is hereby treated as **Leave Without Pay** vide Superintendent Circle HQ's Prison Mardan order No. 701-05 dated 19.03.2018.
 - h) The accused warder was awarded minor penalty of "**Censure**" and absence period of three (03) days is hereby treated as **Leave Without Pay** vide Superintendent HQ's Prison Mardan order No. 1520-23 dated 27.09.2018.
 - i) The accused official/warder was awarded the penalty of "**Three (03) increments stopped for three (03) years**" vide Superintendent HQ's Prison Mardan order No. 1921-26 dated 20.10.2020.
 - j) The accused official/warder was awarded the minor penalty of "**One (01) increment stopped for one (01) year**" and absence period of six (06) days were treated as **Leave Without Pay** vide Superintendent HQ's Prison Mardan order No. 2087-90 dated 19.11.2020.
 - k) The absence period of the accused official/warder for six (06) days is hereby ordered to be treated as **Leave Without Pay** vide Superintendent Central Prison Mardan order No. 12291-92 dated 10.11.2021.
 - l) The absence period of the accused official/warder while attached to Central Prison Mardan and presently attached to District Jail Chitral for twenty seven (27) days out of which eighteen (18) days is hereby treated **as leave on medical grounds** subject to title while remaining nine (09) days shall be treated as **Leave Without Pay** vide Superintendent Central Prison Mardan order No. 1159 dated 17.02.2022
 - m) As the inquiry against the said accused official with Mr. Bakht Rawan Deputy Superintendent District Jail Timergara of **twenty six (26) days wilful absence** from Central Prison Mardan is **pending** till date.
 - n) "**Compulsory Retirement from Service**" for his misconduct/wilful absence w.e.f 02.08.2023 to 16.08.2023 fourteen (14) days and he is not entitled for any remuneration under rule 19 of the Khyber Pakhtunkhwa Government Servant Revised Leave Rules 1981 vide Superintendent Circle Headquarter Prison Mardan Order No. 2340-43 dated. 30.08.2023 (**copy enclosed as Annex-B**).


OBJECTION ON GROUNDS


- A. Incorrect and misleading, as the order of the competent authority and appellate Authority are in accordance with the Law and according to the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011.
- B. Incorrect and misleading as the appellant has been treated in accordance with the Law and as per procedure laid down in the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 read with Rule-05 of Khyber Pakhtunkhwa Service Appeal Rules, 1986.
- C. Incorrect and misleading, as the appellant didn't submit any application in writing regarding the death of his uncle and absented himself without permission and sanctioning of leave from the competent authority.
- D. Incorrect and misleading, as explained in Para-A,C & Para-4 of Factual objection above.
- E. Incorrect and misleading, as explained in Para A & B above.
- F. Incorrect and misleading, as explained in Para-4 of Facts above.
- G. Incorrect and misleading, as explained in Para-C.
- H. Incorrect and misleading, appellant was treated in accordance with Law and according to the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 & Prison Rules, 2018.
- I. Incorrect and not admitted. Detail of this Para is elaborated in Para-04 of Factual objection.
- J. Incorrect and not admitted. The appellant was provided proper opportunity in his defense to prove himself innocent but he failed to justify his willful and unauthorized absence. During the course of hearing the appellant failed to justify his innocence and render himself liable to the said punishment.

PRAYER.

Keeping in view the above mentioned facts/comments/submission on behalf of respondent No.1 to 3,it is therefore most humbly prayed that his appeal may kindly be dismissed with cost, being baseless and devoid of merits.


 (MUHAMMAD) USMAN MEHSUD
INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA
 (Respondent No. 01)


 (HAMID UR REHMAN)
ADDITIONAL INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA
 (Respondent No. 02)


 (MUHAMMAD ARIEF KHAN)
SUPERINTENDENT
CIRCLE HQS PRISON MARDAN
 (Respondent No. 03)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

In Service Appeal No. 2608/2023

Nasru Minallah, Ex-Warder, Attached to Central Prison Mardan

----- (Appellant)

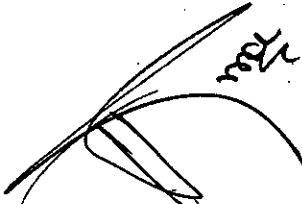
VERSUS

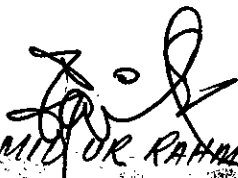
1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar.
2. The Additional Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
3. The Superintendent Circle Headquarter Prisons, Mardan.

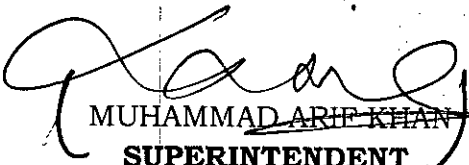
----- (Respondents)

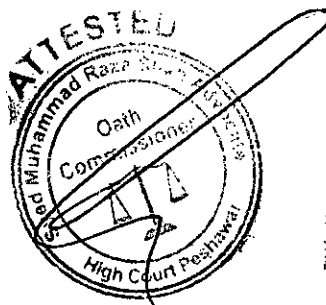
COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENTS No.1 to 3.

We, the following undersigned respondents do hereby solemnly affirm and declare that the contents of the Para-wise comments in the above cited appeal are true and correct to the best of our knowledge and belief and that no material/ facts have been kept concealed from this Honourable Service Tribunal. It is further stated on oath that in this appeal, the answering respondents have neither been made ex-parte nor their defence has been struck off.


 (MUHAMMAD USMAN MEHSUD)
INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA
 (Respondent No. 01)


HAMID UR RAHMAN
ADDITIONAL INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA
 (Respondent No. 02)


MUHAMMAD ARIEF KHAN
SUPERINTENDENT
CIRCLE HQS PRISON MARDAN
 (Respondent No. 03)



10 7 FEB 2024

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

NOTIFICATION

Peshawar, dated the 14th 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;

1079. Candidates to disclose previous punishment.---(1) Before any person is temporarily or permanently appointed as prison officer, he shall be required to make a declaration that he has not at any time been dismissed from Government service or convicted of any offence and punished with imprisonment.

(2) If any such person has been dismissed or convicted and punished, he shall instead of making a declaration as aforesaid, make a full disclosure of the circumstances attending such dismissal or conviction and punishment, for the information and orders of the proper authority.

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.

(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.

1091. Complaints.---(1) Any subordinate officer desiring to make any complaint of any kind shall do so in writing to the Superintendent within twenty-four hours of the occurrence of the cause of complaint.

(2) The making of frivolous, vexatious or false complaints is prohibited.

1092. Combined action by officers forbidden.---Subordinate officers are forbidden from taking part in any agitation for the redress of any grievance or supposed grievance, or for any other purpose whatsoever.

1093. Care and Custody of Keys.---(1) No subordinate officer who is at any time entrusted with any key shall, under any circumstances or any pretext whatsoever,-

- (a) take any key belonging to a lock in use for securing the custody of any prisoner out of the prison; or
- (b) leave any such key lying about; or
- (c) deliver any such key to any person other than a Prison officer duly authorized to receive such key or to have the care or custody thereof; and
- (d) leave his post of duty or the prison without delivering such key to the officer duly authorized to receive the same from him.

(2) The key of any cell, barrack, ward, godown, main gate or main gate wicket, shall not, under any circumstances or under any pretext, be at any time made over to any prisoner.

(3) If any key is lost or misplaced, the lock shall at once be condemned and destroyed by the Superintendent. The Officer held responsible for the loss shall be liable to pay the cost of the lock.

(4) Every warder shall keep the bunch of keys secured to his waist belt with a stout chain.

(5) Locks supplied to prisons shall not be provided with duplicate keys.

1094. Officers not to resign without Notice.---No subordinate officer shall, without permission in writing of the Superintendent, resign or otherwise leave service, unless he has submitted a notice in writing for a period of not less than two months, of his intention to resign and the period of such notice has expired.

1095. Prohibitions against sleeping on duty or other irregularities.--No subordinate officer shall at any time,-

- (a) be in a state of intoxication;
- (b) sleep while on duty;
- (c) enter any enclosure reserved for women prisoners unless he is authorized to do so under the rules and is accompanied by a woman wader;
- (d) commit, or permit or abet the commission of any irregularity in the supply of distribution of food, clothing, or other articles to prisoners;
- (e) display cowardice in the discharge of his duties;
- (f) be guilty of any act of insubordination, disobedience, breach of discipline or neglect of duty; and
- (g) malingering or render himself unable or unfit to discharge his duties.

1096. Grant of leave by whom sanctioned.---(1) Leave, other than casual leave, to Deputy Superintendents, Senior Assistant Superintendents, Assistant Superintendent, Budget and Accounts Officer, Clerical Staff, Teacher, Instructor, Psychologist, Junior Pharmacy Technician, etc., shall be sanctioned by the Appointing Authority but any officer to whom a certificate of sickness is granted by the Medical Officer, may be allowed to proceed on leave in anticipation of the sanction of the Inspector General.

(2) In the case of others, the grant of all kinds of leave shall rest with the Superintendent.

(3) Application for leave from officers mentioned in sub-rule (1) shall be submitted to the Inspector General one month before the date on which the leave is required.

1097. Communication of address during leave.---(1) Whenever a prison officer proceeds on leave or is absent from the station he shall leave his address and phone number at the prison office and keep it informed of any subsequent change of address.

(2) Whenever a Superintendent proceeds on leave, he shall communicate his address and phone number to the Inspector General.

1098. Leave to Warders.---The leave granted to Warders shall be so arranged that not more than ten percent of their sanctioned strength shall be absent from all causes at any one time. For this purpose warders shall be required to apply for leave well before the date on which the leave is required.

1099. Superintendent may stop or cancel leave.---The Superintendent may stop all leave or recall any officer on leave except in the case of leave on medical grounds during the prevalence of unusual sickness in the prison or on the occurrence of any circumstances requiring his presence.

1100. Service books.---(1) A service book shall be prepared for every non-gazetted officer on appointment (at his own expense), in which all changes of appointment, offences, punishments, leave, transfers, and changes of pay, shall be recorded under the signatures of the Superintendent. It shall be kept in the office of the Line Officer of the prison to which the officer is attached. On transfer of an officer his service book, after recording necessary entries in it, shall be sent under registered cover without delay, to the Superintendent of the prison to which he is transferred. On the resignation or discharge without fault of an officer except retirement on pension his service book may be given to him, after making an entry to this effect in his service book.

(2) The entries on the opening page of service books shall be attested at least once in five years, and the signatures of the officers and the Superintendent be taken on that page and dated.

(3) Every step in the official life of a Government servant must be recorded in his service book and each entry shall be attested by the Superintendent. The head of the office must see that all entries are duly made and attested and that the service book contains no erasure or overwriting. All corrections shall be neatly made and properly attested.

(4) Every period of suspension from employment and every other interruption of service must be noted, with full details of duration and entry made across the page of the service book and must be attested by the attesting officer. It is the duty of the attesting officer to see that such entries are promptly made.

12

OFFICE OF THE SUPERINTENDENT
DISTRICT JAIL LOWER CHITRAL
EMAIL: - JIL@AJIAJLPCZILAB.COM

TEL & FAX: 0943-412526

NO. 634 / DATE 10 / 05 / 2023

DJ-LOWER CHITRAL, D-1-LOWER CHITRAL, D-2-LOWER CHITRAL, D-3-LOWER CHITRAL, D-4-LOWER CHITRAL, D-5-LOWER CHITRAL, D-6-LOWER CHITRAL, D-7-LOWER CHITRAL

To,

Warder Nasru Minallah S/O Wazir Khan
Attached to District Jail Chitral.

Subject: - RELIEVING DOCKET.

Memo,

Under instructions contained in the Superintendent Circle Head Quarter Prison Mardan, Order No. 921/PB dated 18-05-2023, you are hereby relieved of your duties at this Jail today dated 10-05-2023 (AN) and directed to report to the Superintendent Central Prison Mardan for further duties there.

You are allowed 8 days joining time.

SUPERINTENDENT
DISTRICT JAIL / 10/5/23 CHITRAL

Enforcement No _____ / ____ / ____ / 2023

1. The Superintendent Circle Headquarter Prison Mardan for information with reference to his letter No. referred to above please.
2. The Superintendent Central prison Mardan for information please.
3. Accounts Office District Mardan / Chitral for information and necessary action please.

14/06/23 AN: Reported arrival for duty
at this Jail today on
14/06/23 AN after 26 day absence.

SUPERINTENDENT
DISTRICT JAIL LOWER CHITRAL

Attested

SUPERINTENDENT
CIRCLE HQ: PRISON MARDAN

SUPERINTENDENT
CENTRAL PRISON
MARDAN

14/06/23

14/6/23

OFFICE OF THE SUPERINTENDENT
DISTRICT JAIL LOWER CHITRAL
EMAIL: CHITRAL JAIL@GMAIL.COM
TELE & FAX: 0943-112526
NO. 634/- DATE 10/05/2023

To,

Warder Nasru Minallah S/O Wazir Khan
Attached to District Jail Chitral.

Subject: **RELIEVING DOCKET**

Memo:

Under instructions contained in the Superintendent Circle Headquarter Prison Mardan Order No.921/PB dated 18-05-2023, you are hereby relieved of your duties at this Jail today dated 10-05-2023 (AN) and directed to report to the Superintendent Central Prison Mardan for further duties there.

You are allowed **08** days joining time.

**SUPERINTENDENT
DISTRICT JAIL LOWER CHITRAL**

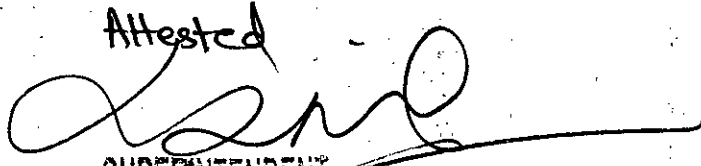
Endorsement No. _____ / ____ / ____ / 2023

Copy of the above is forwarded to:-

1. The Superintendent Circle Headquarter Prison Mardan for information with reference to his letter No. referred to above please.
2. The Superintendent Central Prison Mardan for information please.
3. Accounts Office District Mardan/Chitral for information and necessary action please.

**SUPERINTENDENT
DISTRICT JAIL LOWER CHITRAL**

Attested


SUPERINTENDENT
CIRCLE HQs PRISON MARDAN

REGISTERED



13

OFFICE OF THE SUPERINTENDENT CIRCLE HQS. PRISON MARDAN

No. 1581 /PB Dated: 12/06/2023, E-Mail: mardanjail@gmail.com 0937-843114

To

Warder Nasru Minallah S/O Wazir Hussain, R/O Village Langa Post Office Drosh District Chitral. Mobile No. 0347-5766988

Subject: ABSENCE NOTICE.

You were relieved on 10.05.2023 (AN) by the Superintendent District Jail Chitral upon transfer to Central Prisons Mardan vide this Headquarter Order No. 921/PB dated 18-03-2023, allowing eight (08) days joining time but you failed to report for duty at Central Prison Mardan and are absent up to date.

You are directed to report for duties at Central Prison Mardan within fifteen (15) days of the receipt of this notice otherwise you will be proceeded against under the Government of Khyber Pakhtunkhwa (Efficiency & Discipline) Rules 2011 which can culminate in removal from service.

SUPERINTENDENT CIRCLE HQS. PRISON MARDAN

Endst. No: 1582-84/

Copy of the above is forwarded to:-

- 1- The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information please.
2- The Superintendent Central Prison Mardan for information please.
3- The Superintendent District Jail Chitral for information please.

SUPERINTENDENT CIRCLE HQS PRISON MARDAN
Attested
SUPERINTENDENT CIRCLE HQS PRISON MARDAN

Insurance Notice Form with fields for RGL105704069, weight, insurance fee, and name of sender.



(16)
 OFFICE OF THE
 SUPERINTENDENT
 CIRCLE HQS. PRISON MARDAN
 Email. mardanjail@gmail.com.
 Phone/Fax: 0937-843114
 No. 1642 /PB. Dated: 15/06/2023.

DISCIPLINARY ACTION.

I, Superintendent, Circle Headquarter Prison Mardan, as competent authority, am of the opinion that **Warder (BPS-07) Nasru Minallah S/O Wazir Khan** attached to Central Prison Mardan has rendered himself liable to be proceeded against as he committed the following acts/omission within the meaning of rule 3 of the of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011.


STATEMENT OF ALLEGATIONS.

“As per report of Superintendent Central Prison Mardan, Warder (BPS-07) Nasru Minallah S/O Wazir Khan, was relieved on 10.05.2023 (AN) by the Superintendent District Jail Chitral upon transfer to Central Prisons Mardan vide this Headquarter Order No. 921/PB dated 18-03-2023, allowing eight (08) days joining time but he failed to report for duty at Central Prison Mardan as required on 19-05-2023 and he reported arrival for duty after twenty six (26) days wilful absence without any information and sanction of leave from Competent Authority on 14-06-2023.

Mr. Bakht Rawan, Deputy Superintendent District Jail Timergara is hereby appointed as Inquiry Officer against the said accused Warder with reference to the above allegations, under rule 10(1)(a) of the ibid rules.

The Inquiry Officer shall in accordance with the provision of the ibid rules, provide a reasonable opportunity of hearing to the accused, record his findings and make within **Thirty days (30)** of the receipt of this order, recommendation as to punishment or other appropriate action against the accused official.

Mr. Akbar Khan, Assistant Superintendent Central Prison Mardan is hereby nominated as Departmental representative. He and the accused official shall join the proceedings on the date, time and place fixed by the Inquiry Officer.

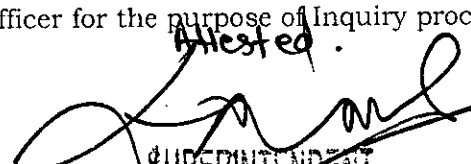

 SUPERINTENDENT
 CIRCLE HQS. PRISON MARDAN
 15/6


Endst No. 1643-921

Copy of the above is forwarded to:-

1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information please.
2. The Superintendent Central Prion Mardan for information and necessary action and with the request to provide relevant record of the accused official to the Inquiry officer, please.
3. **Mr. Bakht Rawan, Deputy Superintendent District Jail Timergara** (Inquiry Officer) for initiating proceedings against the above named Warder under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011.
4. **Mr. Akbar Khan, Assistant Superintendent Central Prison Mardan** for information. He is directed to produce all relevant record on the date and time fixed by the Inquiry Officer.
5. The above named Warder C/O Superintendent Central Prison Mardan with the direction to appear before the Inquiry Officer for the purpose of Inquiry proceedings.

Arrested


 SUPERINTENDENT
 CIRCLE HQS PRISON MARDAN


 SUPERINTENDENT
 CIRCLE HQS. PRISON MARDAN

CHARGE SHEET

15

I, Muhammad Arif Khan (BPS-18), Superintendent Circle Headquarter Prison Mardan, as competent authority, hereby charge you Warder (BPS-07) Nasru Minallah S/O Wazir Khan, attached Central Prison Mardan as under.


As per report of Superintendent Central Prison Mardan:-


"You were relieved on 10.05.2023 (AN) by the Superintendent District Jail Chitral upon transfer to Central Prisons Mardan vide this Headquarter Order No. 921/PB dated 18-03-2023, allowing eight (08) days joining time but you failed to report for duty at Central Prison Mardan as required on 19-05-2023 and you reported arrival for duty after twenty six (26) days wilful absence without any information and sanction of leave from Competent Authority, thus you violating Rules 1083 of the Khyber Pakhtunkhwa Prions Rules 2018.

By reasons of the above, you appeared to be guilty of misconduct under rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Disciplinary) Rules 2011 and have rendered yourself liable to all or any of the penalties specified in rule 4 of the rules ibid.

Therefore you are required to submit your written defense if any within seven (07) days of the receipt of this Charge Sheet to the inquiry officer.

- 1- Your written defense, if any, should reach to the inquiry officer within the specified period, failing which it shall be presumed that you have nothing in your defense and in that case Ex-Parte action shall be taken against you.
- 2- Intimate whether you desire to be heard in person.
- 3- Statement of allegations is enclosed.

Attested

SUPERINTENDENT
CIRCLE HQ: PRISON MARDAN


SUPERINTENDENT
CIRCLE HQS. PRISON MARDAN
15/5



16
OFFICE OF THE
SUPERINTENDENT
DISTRICT JAIL TIMERGARA
Phone/Fax: 0945-9250095
Email: districtjailtimergara@gmail.com

No. — / dated: 10/07/2023

To

The Superintendent,
Central Prison Mardan.

Subject: DISCIPLINARY ACTION/INQUIRY.

R/Sir,

Kindly refer to letter Endst. No. 1626-30/we dated 14.06.2023 and Endst. No. 1643-47/we dated 15.06.2023 of the Superintendent Headquarter Prison Mardan on the above noted subject and to state that the undersigned will visit the Jail under your kind control for conducting Inquiry against the following members of the watch and ward staff on 12.07.2023 at 09:00am.


1. Head Warder (BPS-09), Sajjad Afridi s/o Zilla Akbar Afridi.
2. Warder (BPS-07) Nasru Minallah s/o Wazir Khan.

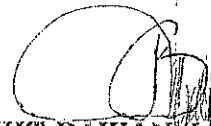
It is, therefore, requested to kindly direct the accused officials as well as other concerned officials to appear before the undersigned along with evidences, if any, for inquiry proceedings on the date and time fixed. Moreover, Akbar Khan, Assistant Superintendent Jail Departmental Representative may also be directed produce the relevant record and to assist the undersigned during the inquiry proceedings please.

sd-a
BAKHT RAWAN (Inquiry Officer)
DEPUTY SUPERINTENDENT
DISTRICT JAIL TIMERGARA

Endst. No. 979- /

Copy of the above is forwarded to the Superintendent Headquarter Jail Mardan for information with reference to his letters referred to above please.

Attested

SUPERINTENDENT
CIRCLE NO: PRISON MARDAN

 10/07/23
BAKHT RAWAN (Inquiry Officer)
DEPUTY SUPERINTENDENT
DISTRICT JAIL TIMERGARA

(17)

جانب اول

وارڈ، لائن میں اللہ 08/23 کو لائن اور ڈیوٹی

سے غیر حاضر ہوا جو نہ مکمل غیر حاضر ہے

پر وہ نہ ہر کارروائی پر اور حاضر ہے

اللہ کے نام سے

R. sir: forward to D/S for for these codes. pls

1.0
15/8/23

R/sir

Notice may served to his home address.

15/8/23

~~DS(S)~~
~~P-B~~

Agreed by
15/8/23

Attested

[Signature]

SUPERINTENDENT
CIRCLE HQs PRISON MARDAN

24/1

Registered



18

OFFICE OF THE SUPERINTENDENT CIRCLE HQS. PRISON MARDAN

Circle HQs Mardan Circle HQs Mardan Circle HQs Mardan Circle HQs Mardan Circle HQs Mardan Circle HQs Mardan Circle HQs Mardan Circle HQs Mardan Circle HQs Mardan Circle HQs Mardan

No. 2211 /PB Dated: 15/08/2023, E-Mail: mardanjail@gmail.com, 0937-843114

Warder Nasru Minallah S/O Wazir Hussain, R/O Village Langa Post Office Drosh District Chitral. Mobile No. 0347-5766988

Subject: ABSENCE NOTICE.

As reported by the Superintendent Central Prison Mardan, you absented yourself from duties as well as jail premises without permission and sanction of leave from the competent authority on 02.08.2023 and is still at large, hence you violated rule 1082(i) of Khyber Pakhtunkhwa Prison rules.

You are therefore directed to report to Superintendent Central Prison Mardan within fifteen (15) days of the receipt of this Notice and explain then reasons of your absence otherwise strict disciplinary action will be taken against you under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rule 2011.

SUPERINTENDENT CIRCLE HQS. PRISON MARDAN

Endst. No: 2212-13 / Dated: 15/08/2023.

Copy of the above is forwarded to:-

- 1- The Inspector General of Prison Khyber Pakhtunkhwa, Peshawar for information please.
2- The Superintendent Central Prison Mardan for information with references to his report dated. 15.08.2023 please.

Attested

SUPERINTENDENT CIRCLE HQS. PRISON MARDAN

[Handwritten signature]

SUPERINTENDENT CIRCLE HQS. PRISON MARDAN

No. 116

For Insurance Notices see... Rs. Ps. 180
RGL117229939

Form with fields for Recipient, Insured, Name and address of sender, and Date Stamp.



19
جناب عالی

وارد رخصتیں 08/08 کو لائے اور ڈیوٹی

میں غیر حاضر ہوا اور 15/08 کو مذکورہ

وارد رخصتیں اور ڈیوٹی پر (Absence Notice)

نمبر 13-2817 جی جی جی جی جی جی کوئی

جو باقاعدگی سے لیا گیا اور 16/08

کو 14 روز غیر حاضر ہونے کے بعد لائے ہیں اور ڈیوٹی پر

برائے وزیر اعلیٰ ریورسٹاٹر جاننے

کوڈس کے ساتھ لیا ہے

17/08/23
R/Sir

Being habitual strict
necessary act is hereby
recommended please.

17/8/23

Show cause notice

be served upon

him

Attested

D8/P.B.
(S)

17/8/23
[Signature]

SUPERINTENDENT
CIRCLE HQs PRISON MARDAN

20

SHOW CAUSE NOTICE UNDER RULE-5 READ WITH RULE-7 OF THE KHYBER PAKHTUNKHWA GOVERNMENT SERVANTS (EFFICIENCY & DISCIPLINE) RULE, 2011.

You, Warder (BPS-07) **Nasru Minallah S/O Wazir Hussain** attached to Central Prison Mardan absented yourself from duties as well Jail premises without permission and sanction of leave from the competent authority on 02.08.2023 and reported for duties on 16.08.2023 after fourteen (14) days of wilful absence, which constitute gross misconduct on your part. In addition to this you are habitual of absenting yourself from line and duties and undisciplined, having lethargic duty attitude, which is crystal cleared from your service record and your record is replete with such desertion when you left the station at whim.

I, Superintendent Headquarter Prison Mardan, as competent authority, am satisfied by the report received vide report dated. 17.08.2023 of the Superintendent Central Prison Mardan and **there is no need of holding any further Inquiry.**

Now therefore, you above named Warder are hereby called to show cause within seven (07) days of the receipt of this notice as to why you should not be awarded major penalty of **Removal from Service** for your above stated acts of misconduct.

In case your reply does not reach this office within the stipulated period, ex-parte action shall be taken against you.

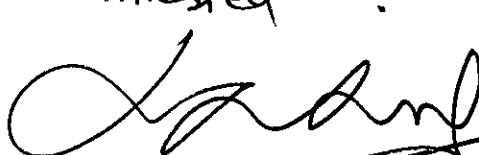
Also intimate this office whether you desired to be heard in person or not.

SUPERINTENDENT
CIRCLE HQS PRISON MARDAN

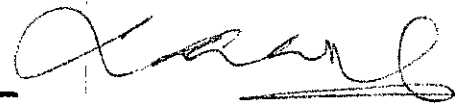
Endorsement No. 2232-34 / Dated. 17 /08/2023.

Copy of the above is forwarded to:-

1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information, please.
2. The Superintendent Central Prison Mardan for information and necessary action with reference to his report referred to above with the request that one copy of the Show Cause Notice duly signed and dated by the accused official to the effect that he was received the same and return to this office for record please.
3. Above name Warder C/O Superintendent Central Prison Mardan.

Attested


SUPERINTENDENT
CIRCLE HQS PRISON MARDAN


SUPERINTENDENT
CIRCLE HQS PRISON MARDAN

95/7/18/23

17/8/2023

NOTE SHEET FOR SHOW CAUSE NOTICE HQ'S PRISON MARDAN.

| | |
|-------------------------|---|
| Name with Parentage | Nasru Minallah S/O Wazir Hussain attached t to CP Mardan |
| Designation | Warder (BPS-07) |
| Notice | Show Cause notice |
| Date. | 17.08.2023 |
| Nature of offence | Absence from duty without permission of the competent authority |
| date of Absence from | 02.08.2023 |
| to | 16.08.2023 |
| Total Period of Absence | Fourteen (14) Days |

| | |
|-------------------------------|--|
| Reply of the accused official | The warder stated that his uncle was passed away at night time due to which he absented himself and left the jail premises without the permission of the competent authority. He also stated that he informed Line Muharrar Haroon and Ohdadar Jawad about his situation. He said that due to night and shortage of time he did not wrote any leave application. |
|-------------------------------|--|

| | |
|-------------------|--|
| Remarks of I/C PB | <p>Forwarded for orders please.</p> <p>Attested</p> <p><i>[Signature]</i></p> <p>SUPERINTENDENT CIRCLE NO. 5 PRISON MARDAN</p> <p>DS</p> <p>5/24/8/23 I/C PB</p> |
|-------------------|--|

| | |
|-----------------------------------|---|
| Orders of the Competent Authority | <p>Personally heard.</p> <p>Compulsory retirement from service, as completed 10 years service in 05/23 and this his 13 violation of rules for wilful absence, causing trouble and anxiety of his colleagues and disobedience. Many chances were given by different superiors but failed</p> |
|-----------------------------------|---|

his ways. I will 23/8/23
to improve and work



22

OFFICE OF THE SUPERINTENDENT CIRCLE HQS. PRISON MARDAN

No. _____ /PB Dated: ___/08/2023, E-Mail: mardanjail@gmail.com, 0937-843114

OFFICE ORDER

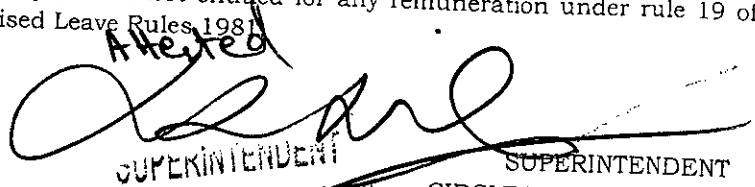
WHEREAS, the accused official/Warder Nasru Minallah S/O Wazir Hussain attached to Central Prison Mardan was proceeded against under Rule-5 read with 7 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges of his misconduct as mentioned in the Show Cause Notice No. 2232-34 dated. 17.08.2023 served upon him on his misconduct/wilful absence.

AND WHEREAS, he furnished his written reply/defence without any documentary proof/evidence which were found un-satisfactory.

AND WHEREAS, the undersigned being competent authority granted him the opportunity of personal hearing on 29.08.2023 as provided for under rules ibid. The accused official completely failed to defend his case with documentary proof/evidence.

AND WHEREAS, the accused official/warder is habitual of absenting himself from line and duties without permission and sanction of leave and undisciplined, having lethargic duty attitude, which is crystal cleared from his service book record, 1- as the inquiry against the said accused official with Mr. Bakht Rawan Deputy Superintendent District Jail Timergara of Twenty Six (26) days wilful absence from Central Prison Mardan is also pending, 2- the period of absentees of 09 days treated as **leave without pay** vide Superintendent HQ's Prison Peshawar Order No. 1639-40 dated 16.06.2014, 3- absence period of 10 days as **leave without pay** vide Superintendent District Jail Chitral Office order No. 1172 dated 09.12.2014, 4-, absent period of 06 days **without pay** vide Superintendent District Jail Chitral Office order No. 146 dated 06.02.2015, 5- the absence period of the accused official/warder for 19 days is hereby ordered as to be treated as **leave without pay** and awarded the minor penalty of "**Censure**" vide Superintendent High Security Prison Mardan order No. 196-99 dated 16.01.2017, 6- absence period of seven (07) days is hereby treated as **leave without pay** vide Superintendent Circle Headquarter Prison Mardan Order No. 1570-73 dated 10.05.2017, 7- the accused official was relieved on administrative grounds to Superintendent Circle Headquarter Prison Mardan upon preliminary inquiry report and the gravity of misconduct vide Superintendent District Jail Chitral office order Endst No. 634-35 dated 24.06.2017, 8- the accused warder was awarded minor penalty of "**Censure**" while attached to District Jail Chitral and absence period of 10 days is hereby treated as **leave without pay** vide Superintendent Circle Headquarter Prison Mardan Order No. 701-05 dated 19.03.2018, 9- the accused warder was awarded minor penalty of "**Censure**" and absence period of 03 days is hereby treated as **leave without pay** vide Superintendent Circle Headquarter Prison Mardan Order No. 1520-23 dated 27.09.2018, 10- the accused official/warder was awarded penalty of "**Three (03) increment stopped for three (03) year**" vide Superintendent HQ's Prison Mardan Order No. 1921-26 dated 20.10.2020, 11- the accused official/warder was awarded minor penalty of "**One (01) increment stopped for one (01) year**" and absence period of six (06) days were treated as **leave without pay** vide Superintendent HQ's Prison Mardan Order No. 2087-90 dated 19.11.2020, 12- the absence period of the accused official/warder for six (06) days is hereby ordered to be treated as **leave without pay** vide Superintendent Central Prison Mardan Office order No. 12291-92 dated 10.11.2021, 13- the absence period of the accused official/warder while attached to Central Prison Mardan and presently attached to District Jail Chitral for 27 days out of which 18 days is hereby treated as leave on medical grounds subject to title while the remaining 09 days shall be treated as **leave without pay** vide Superintendent Central Prison Mardan order No. 1159 dated 17.02.2022.

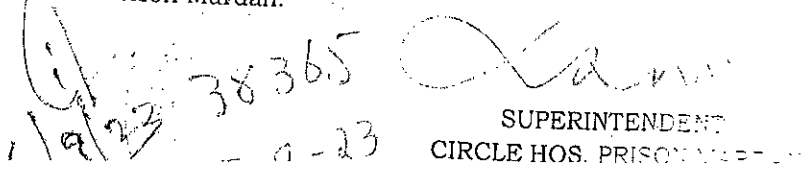
NOW THEREFORE, in exercise of powers conferred under Rule-14(5) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, being considered the charges, evidence on record, the explanation of the accused official and after affording the opportunity of personal hearing, the undersigned being competent authority after observing all legal procedural formalities, is hereby awarded the major penalty of "**Compulsory Retirement from Service**" with immediate effect to the accused official/ Warder Nasru Minallah S/O Wazir Hussain attached to Central Prison Mardan for his misconduct/ wilful absence, his absence period with effect from 02.08.2023 to 16.08.2023 Fourteen (14) days, he is not entitled for any remuneration under rule 19 of the Khyber Pakhtunkhwa Government Servant Revised Leave Rules 1981

Accepted

SUPERINTENDENT
CIRCLE HQS. PRISON MARDAN

Endst: No. 2340-43 / Dated: 30/08/2023

Copy of the above is forwarded to:-

1. The Worthy Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information, please.
2. The Superintendent Central Prison Mardan, for information and necessary action, please.
3. The District Accounts Officer, Mardan for information and necessary action please.
4. Official concerned C/O Superintendent Central Prison Mardan.


SUPERINTENDENT
CIRCLE HQS. PRISON MARDAN
19/8/23 38365 - 0-23

THE INSPECTOR GENERAL
PRISONS DEPARTMENT, GOVERNMENT OF KHYBER
PAKHTUNKHWA AT CIVIL SECRETARIATE PESHAWAR

SUBJECT: DEPARTMENTAL APPEAL/REPRESENTATION FOR REINSTATEMENT OF SERVICE AGAINST THE IMPUGNED ORDER BEARING NO. 2340-43; DATED 30-08-2023; ISSUED BY THE SUPERINTENDENT CIRCLE HQS. PRISON MARDAN; WHEREBY THE APPELLANT HAS BEEN GRANTED MAJOR PENALTY OF COMPULSORY RETIREMENT FORM THE SERVICE.

PRAYER;

On acceptance of the instant Departmental Appeal/Representation the Impugned Order bearing No. 2340-43; Dated 30-08-2023; issued by the Superintendent Circle Hqs. Prison Mardan KPK be set aside and the appellant be re-instated in service with all accruing back benefits. Any other relief deems just and proper in the circumstances of the representation may also granted to the appellant.

Respectfully Stated;

Facts and Grounds giving rise to the instant departmental appeal are as under;

1. That the appellant is belong to District Chitral and been serving as Warder (BPS-7) since 2013 at Prison Department Khyber Pakhtunkhwa, at Circle Hqs. Prison Mardan KPK.
2. That throughout his service the appellant performed his duty honestly, fairly, and devotedly without any complaint or mistakes.
3. That on the 28-08-2023 at night the appellant Uncle had been died in accidental death and upon the telephonic information the appellant informed his superiors at his duty station and being the only elder of his whole family leave for his home

Attested



SUPERINTENDENT
CIRCLE HQS PRISON MARDAN

6/9/23 5-9-23

SUPERINTENDENT
CIRCLE HQS. PRISON MARDAN



(24)

(3)

OFFICE OF THE SUPERINTENDENT CIRCLE HQS. PRISON MARDAN

PB Dated: _____

3

town Chitral, after funeral of his diseased uncle a few days later due to the sudden demise of the diseased the family members gone through a server depressive illness and have been admitted for Psychiatric treatment and kept in hospitalization/rehabilitation under the supervision of consultants.

4. That the appellant after getting hospitalization and crossing the pandemic situation return back to his duty on 15-08-2023, the officials told him that you have been removed from service, upon information the appellant present before the concerned official and informed him about the whole incident but unfortunately on 30-08-2023; the official surprisingly handed him the compulsory retirement order on account of 14 days absentee.
(Order of Compulsory Retirement from service Annexed)

5. Hence the instant appeal/ representation amongst the following grounds;

GROUND S:

A. That admittedly there is no case exist, established or connect the appellant with any offence, miss conduct or negligence with effect to liable him for any departmental proceeding or major penalty removal from service; therefore, imposition of major penalty of Compulsory Retirement is void *ab initio*, illegal, unlawful and ineffective upon the terms and conditions of service of the appellant.

B. That the gross malice and grave malafide of the Superintendent Circle Hqs. Prison Mardan with effect to impose the impugned order of direct Compulsory Retirement is self-evident and illegal/unlawful from without fulfilling the codal formalities show cause / notice etc.

C. That the direction of illegal removal order all being conducted in malice on behest of one and single authority who happened to be Departmental Head Circle Hqs. Prison Mardan as well as Administrative Head/Appellate Authority (So called Competent Authority) confirms grave illegality and violation of law, rules and office procedures.

D. Whether an authority as per administration of public office be a judge in his own cause and that's too in dual capacity?

E. Whether such inquiry officer suggest penalty in his inquiry report?

Attested

SUPERINTENDENT
CIRCLE HQS. PRISON MARDAN


SUPERINTENDENT
CIRCLE HQS. PRISON MARDAN

2023-08-29

- F. Whether such inquiry officer sign order of Compulsory Retirement?
- G. That the impugned order is backed by illegal and irregular exercise of power and based on mis-application of law/rules on the subject as well as against the well settled norms of administration of justice, hence; highly illegal, arbitrary, cursory, whimsical and full of surmises and conjectures.
- H. That the impugned order to impose penalty is totally based on evasive and self-made grounds. In fact the Superintendent Circle Hqs. Prison Mardan has failed to proceed on the substantial reasons and exhibited lack of application of administrative mind. The impugned order is, therefore, liable to be struck down.
- I. That the appellant has rendered about 11 years exemplary and outstanding service to the Department and is qualified committed and entitle to continue his remaining service till his superannuation with all benefits.
- J. That there is a fundamental principle of law "No One Can be Penalized Unheard" the right to a fair hearing requires that individuals should not be penalized by decisions affecting their rights or legitimate expectations unless they have been given prior notice of the case, a fair opportunity to answer it, and the opportunity to present their reply of show cause.
- K. That any other ground be furnished whenever required for the assistance of your good authority in support of his appeal.

It is, therefore, humbly prayed to allow the subject departmental appeal and the appellant be re-instated in service with all accruing back benefits.

Dated; 04-09-2023

Appellant 
 Nasru Minallah
 Warder (BPS-3)
 Circle Hqs. Prison Mardan.
 Cell;0321-5877605


lit.
 7/9/23
 38393
 5-9-23

Attested



SUPERINTENDENT
 CIRCLE HQs PRISON MARDAN

lit.
 7/9/23
 38303
 5-9-23


 SUPERINTENDENT
 CIRCLE HQs PRISON MARDAN



26

INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

091-9210334, 9210406 091-9213445

https://www.facebook.com/kpkprisons
prisonsig@gmail.com

No. 100 — 32731 — 1-WE

Dated. 07 — 09-2023 — 1-


To, The Superintendent,
Circle Headquarters Prison Mardan

Subject: DEPARTMENTAL APPEAL
Memo:

I am directed to refer to the subject and to forward herewith a copy of application appeal dated 04-09-2023 (self-explanatory) submitted by Ex-Warder Nasru Minallah S/o Wa Hussain attached to Central Prison Mardan on the captioned subject.

Please look into the matter and furnish your necessary views / comments along with history of his service on the below noted format for further necessary action by this office:


| S.No. | Name & Parentage | Rank | Date of Birth | Date of appointment | Detail Of Postings | Penalty if any awarded |
|-------|------------------|------|---------------|---------------------|--------------------|------------------------|
|-------|------------------|------|---------------|---------------------|--------------------|------------------------|

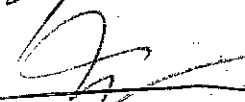

DEPUTY DIRECTOR
INSPECTORATE GENERAL OF PRISON
KHYBER PAKHTUNKHWA PESHAWAR

Encls: No. _____ /-

Copy of the above is forwarded to the PS to I.G Prisons Khyber Pakhtunk Peshawar.

DEPUTY DIRECTOR
INSPECTORATE GENERAL OF PRISON
KHYBER PAKHTUNKHWA PESHAWAR

Attested

SUPERINTENDENT
CIRCLE HQ: PRISON MARDAN

DS/No-22
11/9/22
DS/PB

SOPHA



27

330

OFFICE OF THE SUPERINTENDENT CIRCLE HQS. PRISON MARDAN

No. **2462-WE** PB Dated: **10** /09/2023,

E-Mail: mardanjail@gmail.com,

0937-843114

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

Subject: **DEPARTMENTAL APPEAL.**

R/Sir:

Reference to your good office letter No. 32731-WE dated. 07.09.2023 on the subject cited above.

Information regarding the Departmental appeal of the Ex-Warder Nasru Minallah S/O Wazir Hussain are as under on the prescribed format, please.

| | | | | | |
|----|-------------------------------|---|------------------|------------|------------|
| 1. | Name with Parentage | Nasru Minallah S/O Wazir Hussain | | | |
| 2. | Rank | Ex-Warder | | | |
| 3. | Date of Birth | 04.02.1992 | | | |
| 4. | Date of Appointment | 23.05.2013 | | | |
| 5. | Detail of postings | S# | Name of Jail | From | To |
| | | 01 | DJ Chitral | 23.05.2013 | 27.12.2016 |
| | | 02 | HS Prison Mardan | 01.01.2017 | 16.03.2017 |
| | | 03 | DJ Chitral | 27.03.2017 | 01.06.2020 |
| | | 04 | CP Mardan | 05.06.2020 | 06.12.2021 |
| | | 05 | DJ Chitral | 16.12.2021 | 10.05.2023 |
| | | 06 | CP Mardan | 14.06.2023 | 30.08.2023 |
| 6. | Penalty if any awarded | <ol style="list-style-type: none">1. The Period of absentees of 09 days treated as Leave Without Pay vide Superintendent HQ's Prison Peshawar order No. 1639-40 dated 16.04.2014.2. Absence period of ten (10) days treated as Leave Without Pay vide Superintendent District Jail Chitral office order No. 1172 dated 09.12.2014.3. Absence period of six (06) days treated as Leave Without Pay vide Superintendent District Jail Chitral office order No. 146 dated 06.02.2015.4. The absence period of the accused official/warder for nineteen (19) days is hereby ordered as to be treated as Leave Without Pay and awarded the minor penalty of "Censure" vide Superintendent Circle HQ's Prison Mardan order No. 196-99 dated 16.01.2017.5. 90-Absence Period of seven (07) days is hereby treated as Leave Without Pay vide Superintendent Circle HQ's Prison Mardan order No. 1570-73 dated 10.05.2017.6. The accused official was relieved on administrative grounds to Superintendent Circle Headquarters, Prison Mardan upon preliminary inquiry report and the gravity of misconduct vide Superintendent District Jail Chitral office order Endst No. 634-35 dated 24.06.2017.7. The accused warder was awarded the minor penalty of "Censure" while attached to District Jail Chitral and absence period of ten (10) days is hereby treated as Leave Without Pay vide Superintendent Circle HQ's Prison Mardan order No. 701-05 dated 19.03.2018.8. The accused warder was awarded minor penalty of "Censure" and absence period of three (03) days is hereby treated as Leave Without Pay vide Superintendent HQ's Prison Mardan order No. 1520-23 dated 27.09.2018.9. The accused official/warder was awarded the penalty of "Three (03) increments stopped for three (03) years" vide Superintendent HQ's Prison Mardan order No. 1921-26 dated 20.10.2020. | | | |

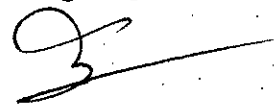
Attested

SUPERINTENDENT
CIRCLE HQS PRISON MARDAN

10. The accused official/warder was awarded the minor penalty of **"One (01) increment stopped for one (01) year"** and absence period of six (06) days were treated as **Leave Without Pay** vide Superintendent HQ's Prison Mardan order No. 2087-90 dated 19.11.2020.
11. The absence period of the accused official/warder for six (06) days is hereby ordered to be treated as **Leave Without Pay** vide Superintendent Central Prison Mardan order No. 12291-92 dated 10.11.2021.
12. The absence period of the accused official/warder while attached to Central Prison Mardan and presently attached to District Jail Chitral for twenty seven (27) days out of which eighteen (18) days is hereby treated as **leave on medical grounds** subject to title while remaining nine (09) days shall be treated as **Leave Without Pay** vide Superintendent Central Prison Mardan order No. 1159 dated 17.02.2022
13. As the inquiry against the said accused official with Mr. Bakht Rawan Deputy Superintendent District Jail Timergara of **twenty six (26) days wilful absence** from Central Prison Mardan is **pending** till date.
14. **"Compulsory Retirement from Service"** for his misconduct/wilful absence w.e.f 02.08.2023 to 16.08.2023 fourteen (14) days and he is not entitled for any remuneration under rule 19 of the Khyber Pakhtunkhwa Government Servant Revised Leave Rules 1981 vide Superintendent Circle Headquarter Prison Mardan Order No. 2340-43 dated. 30.08.2023.

The appellatant was awarded the major penalty of **"Compulsory Retirement from Service"** for his misconduct/wilful absence w.e.f 02.08.2023 to 16.08.2023 fourteen (14) days and he is not entitled for any remuneration under rule 19 of the Khyber Pakhtunkhwa Government Servant Revised Leave Rules 1981 vide Superintendent Circle Headquarter Prison Mardan Order No. 2340-43 dated. 30.08.2023, after observing proper procedure and completion of all legal formalities.

Therefore his appeal may kindly be rejected as proceedings against him were conducted strictly in accordance with rules, please.



SUPERINTENDENT
CIRCLE HQS. PRISON MARDAN

8/12/23

Attested



SUPERINTENDENT
CIRCLE HQS. PRISON MARDAN



29

INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

091-9210334, 9210406 091-9213445

https://www.facebook.com/kpkprisons
Email: prisonsig@gmail.com

BY FAX

No. ICC - 34669 /-


Dated. 21-09-2023 /-

To,

The Superintendent,
Circle Headquarters Prison Mardan

Subject: DEPARTMENTAL APPEAL
Memo;

I am directed to refer to your letter No. 2462/WE/PB dated 12-09-2023 on the subject and to convey that **Ex-Warder Nasru Minallah S/O Wazir Hussain** may be directed to appear before the Addl: Inspector General of Prisons Khyber Pakhtunkhwa Peshawar on **05-10-2023 at 11:00 AM** for personal hearing in the instant case. Also depute a well conversant officer alongwith Service Book as well as original record of the case to attend this office on the date and time fixed above please.


DEPUTY DIRECTOR
INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR


Endst; No. _____ /.

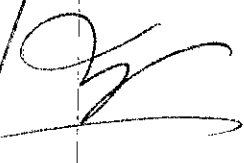
Copy of the above is forwarded to the PA to Addl: Inspector General of Prisons (HQ) Khyber Pakhtunkhwa Peshawar for information.

DEPUTY DIRECTOR
INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

Attested

D/No - 2370
25/9/23


SUPERINTENDENT
CIRCLE HQs PRISON MARDAN

DS / PB
(3)

supdt



REGISTERED

30

OFFICE OF THE
SUPERINTENDENT
CIRCLE HQs PRISON MARDAN
Email. mardanjail@gmail.com.

Phone No. 0937843114
No. 2616 /PB Dated: 25 /09/2023

To,

Mr. Nasru Minallah S/O Wazir Hussain, Ex-Warder,
R/O Village Langa, Post Office Drosh, District Chitral.

Subject: **DEPARTMENTAL APPEAL.**

Memo;

Reference to letter No. 34669 dated. 21.09.2023 of the Inspector General of Prisons Khyber Pakhtunkhwa Peshawar, on the subject noted above.

You are directed to appear before the Additional Inspector General of Prisons Khyber Pakhtunkhwa Peshawar on 05.10.2023 (Thursday) at 11:00 AM for personal hearing in the Departmental appeal positively.

re SUPERINTENDENT
CIRCLE HQs PRISON MARDAN

Endst. No: 2617 /

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

Attested

re SUPERINTENDENT
CIRCLE HQs PRISON MARDAN

[Handwritten Signature]

SUPERINTENDENT
CIRCLE HQs PRISON MARDAN



Most Immediate
out today

(31) OFFICE OF THE
INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR
☎ 091-9210334, 9210406 📠 091-9213445
No.Estb/Ward-/Orders/ 36830-1-
Dated 06-10-2023

ORDER:

WHEREAS, Ex-Warder Nasru Minallah S/o Wazir Hussain, while attached to Central Prison Mardan was awarded the major penalty of "Compulsory Retirement from Service" and "non-entitlement for any remuneration for his absence period under rule-19 of Khyber Pakhtunkhwa Government Servants Revised Leave Rules, 1981" by Superintendent HQs Prison Mardan vide order No. 2339-43 dated 30-08-2023 due to his misconduct / willful absence w.e.f. 02-08-2023 to 16-08-2023.

AND WHEREAS, the said Ex-Warder preferred his departmental appeal for setting aside the penalty awarded to him and also requested for reinstatement in service.

AND WHEREAS, he was afforded an opportunity of personal hearing on 05-10-2023. His appeal was examined in light of the available record of the case and it was observed that the penalty was awarded to him by the competent authority on his willful absence after observing all legal and codal formalities as required under Government Servants (Efficiency & Discipline) Rules, 2011. During the course of hearing, the appellant failed to justify his innocence.

AND WHEREAS, entire service history of the appellant is filled with red entries and he had been awarded 14 penalties which have been recorded in order of the competent authority referred to above. He is habitual of absenting himself from duties as per his service record.

NOW THEREFORE, having considered the charges, evidences/facts on record, explanation of the accused official, his entire service history, 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 without any substance & facts and devoid of merit.

SH

**ADDL: INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA, PESHAWAR**

ENDST: NO. 36831-351-

Copy of the above is forwarded to the:

1. Deputy Inspector General of Prisons Regional Prison Office Mardan for information.
2. Superintendent, Headquarters Prison Mardan for information and necessary action with reference to his letter No. 2462/WE/PB dated 12-09-2023.
3. Superintendent Central Prison Mardan 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.
4. The appellant C/o Superintendent Central Prison Mardan for information.
5. PS to Inspector General of Prisons Khyber Pakhtunkhwa Peshawar for information.

D/N^o 2578
11/10-23

DS/PR

Attested
[Signature]
SUPERINTENDENT
CIRCLE HQs PRISON MARDAN

**DEPUTY DIRECTOR
INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR**



OFFICE OF THE SUPERINTENDENT CIRCLE HQS. PRISON MARDAN

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No. 2843 WE/PB. Dated: 11 / 10 / 2023, E-Mail: mardanjail@gmail.com 0937-843

To,

Ex- Warden Nasru Minallah S/O Wazir Hussain,
R/O Village Langa Post Office Drosh District Chitral.
Mobile No. 0347-5766988.

Subject: **DEPARTMENTAL APPEAL.**

Memo;

It is to inform you that your Appeal regarding Major penalty of "Compulsory Retirement from Service" and " non-entitlement for any remuneration for his absence period under rule 19 of Khyber Pakhtunkhwa Government Servants Revised Leave Rules 1981" has been considered by the Appellant Authority i.e. Additional Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar vide his order No.36830 dated. 06-10-2023 and the same has been rejected without any substance & facts and devoid of merit as per the Appellant Authority own comments (copy enclosed).

Endst No. 2844 /

[Signature]
SUPERINTENDENT
CIRCLE HQS. PRISON MARDAN

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

[Signature]
SUPERINTENDENT
CIRCLE HQS. PRISON MARDAN

Attested

[Signature]
SUPERINTENDENT
CIRCLE HQS PRISON MARDAN

No. 1179

For Insurance Rs. to Ps. 000

Stan RGL117432401

Received a-registered* addressed to Muhammad Nasru Minallah Date-Stamp 11/10/2023

Initials of Receiving Officer: Muhammad Nasru Minallah

Insurance fee Rs. 000 Ps. 000 (in words) 000

Name and address: Muhammad Nasru Minallah

[Circular Stamp]



OFFICE OF THE
INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR
☎ 091-9210334, 9210406 📠 091-9213445

No. _____

Dated _____

AUTHORITY LETTER

Mr.Sulaiman, Law Officer(BPS-17) attached to the office of Inspector General of Prisons Khyber Pakhtunkhwa Peshawar is hereby authorized to make affidavit, to file comments/reply/report and to attend the Lower Courts, Ombudsperson, Khyber Pakhtunkhwa Service Tribunal, Peshawar High Court Peshawar, Supreme Court of Pakistan Islamabad, Federal Shariat Court, meeting of scrutiny committee at Law Department and also to attend the office of Advocate General Khyber Pakhtunkhwa at Peshawar on each and every date of hearing, on behalf of the Inspector General of Prisons Khyber Pakhtunkhwa .


**INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR**