

S.No	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
	29.09.2016	<p style="text-align: center;"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u> <u>PESHAWAR.</u></p> <p style="text-align: center;">APPEAL NO. 738/2016 (Mst. Noreen Bibi-vs- Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar and others).</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>PIR BAKHSH SHAH , MEMBER:</u></p> <p>Appellant with counsel (Mr. Javed Ali and Mr. Muhammad Arsalan Afridi, Advocates) and Mr. Suhrab, Junior Clerk alongwith Mr. Ziaullah, GP for respondents present.</p> <p>2. The appellant Mst. Noreen Bibi, Female Warder of the Prison Department posted at the Judicial Lock-up of District Nowshera, was transferred to District Jail Swat vide impugned order dated 28.03.2016. Her departmental appeal was not responded, hence this appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974.</p> <p>3. Relevánt points and facts which are also argued by learned counsel for the appellant have been described by this Tribunal in its admission order dated 25.07.2010 which are as follows:-</p> <p style="padding-left: 40px;">“Appellant with counsel present. Learned counsel for the appellant argued that the appellant was appointed as Senior Warder BPS-05 at Judicial Lock-up Nowshera vide order dated 08.01.2015. That vide impugned order dated 28.03.2016</p>

she was transferred prematurely from the said judicial lock-up to District Jail, Swat against the vacant post where-against she preferred departmental appeal on 20.04.2016 which was not responded and hence the instant service appeal on 27.06.2016.

That the appellant is a female and her husband is also a civil servant serving as Junior Clerk in Federal Government Junior School No. 4 Peshawar Cantt. That the impugned order is premature and against the spouse policy as well. That the appellant has not yet relieved the charged of the post at judicial lock-up Nowshera.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 23.08.2016 before S.B. Status-quo be maintained.”

4. The appeal was resisted by learned GP on the ground that a post of female warder at District Jail Swat was vacant and as the work load at Nowshera was very slight, therefore the appellant was transferred to Swat. He also submitted that the impugned order was passed in good faith.

5. After a careful perusal of the record and hearing of the pro & contra arguments, it was observed that name of appellant was picked-up among six female warders and transferred out from Nowshera to Swat but no reason what so ever has been given in the transfer order for this preference to the name of the appellant. As reproduced above, the appellant has been transferred before completion of her normal tenure and her husband is also a Lower Division Clerk at F.G Fazaia School PAF Camp Badber Peshawar which ^{school} probably does not exist at Swat. These aspects of the matter have not been considered by the Departmental Authority. Since departmental appeal of the appellant has not been

decided, therefore the matter is referred back to the appellate authority with the direction to decide appeal of the appellant within a period of one month after receipt of this judgment giving opportunity of hearing to appellant, failing which this appeal shall be deemed to have been allowed as prayed for. The Tribunal was also informed that inspite of order of status-quo by this Tribunal, the respondents are not leaving appellant to perform duty at Nowshera and that they are bent upon to proceeded departmentally against her. Hence till disposal of her appeal, no adverse order be passed against the appellant and appellant should be let to perform duty at Nowshera till such disposal of her appeal. This appeal is disposed of in the above terms. Parties are left to bear their own cost. File be consigned to the record room.



(ABDUL LATIF)
MEMBER



(PIR BAKHSH SHAH)
MEMBER

ANNOUNCED
29.09.2016

25.7.2016

Appellant with counsel present. Learned counsel for the appellant argued that the appellant was appointed as Senior Warder BPS-05 at Judicial Lock-up Nowshera vide order dated 08.1.2015. That vide impugned order dated 28.03.2016 she was transferred prematurely from the said judicial lock-up to District Jail, Swat against the vacant post where-against she preferred departmental appeal on 20.4.2016 which was not responded and hence the instant service appeal on 27.6.2016.

That the appellant is a female and her husband is also a civil servant serving as Junior Clerk in Federal Government Junior School No. 4 Peshawar Cantt. That the impugned order is premature and against the spouse policy as well. That the appellant has not yet relieved the charge of the post at judicial lock-up Nowshera.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 23.08.2016 before S.B. Status quo be maintained.

Appellant Deposited
Security & Process Fee


Chairman

23.08.2016

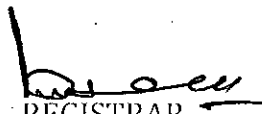

Appellant in person and Mr. Shehreyar, ASJ alongwith Addl. AG for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing on 29.9.2016. Status quo be maintained.


Chairman

Form- A
FORM OF ORDER SHEET

Court of: _____

Case No. 738/2016


S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	20/07/2016	<p>The appeal of Mst. Noreen Bibi resubmitted today by Mr. Javed Ali Advocate may be entered in the Institution Register and put up to Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	21-7-16	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on. <u>25-7-16</u></p> <p style="text-align: right;"> MEMBER</p>

This is an appeal filed by Mst. Noreen Bibi on 27/06/2016 against the order dated 28.03.2016 against which she preferred/made departmental appeal/ representation on 20.04.2016 the period of ninety days is not yet lapsed as per section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, which is premature as laid down in an authority reported as 2005-SCMR-890.

As such the instant appeal is again returned in original to the appellant/counsel. The appellant would be at liberty to resubmit fresh appeal after maturity of cause of action.

No. 1137/ST,

Dt. 13/7/2016


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Javed Ali Adv. Pesh.

Respected Sirs,

The instant petition was returned on pre-mature ground; where as the 90 days of departmental Appeal on - 20-4-2016 is completed today. Hence, the instant petition may kindly be accepted.

Petitioner:
through
Muhammad Arsalan Afridi
M. Arsalan


The appeal of Mst. Noreen Bibi W/O Amir Shahzad Ali r/o House 280-B/35 Nawab Garhi Peshawar received to-day i.e. on 27.06.2016 is incomplete on the following score which is returned to the appellant for completion and resubmission within 15 days.

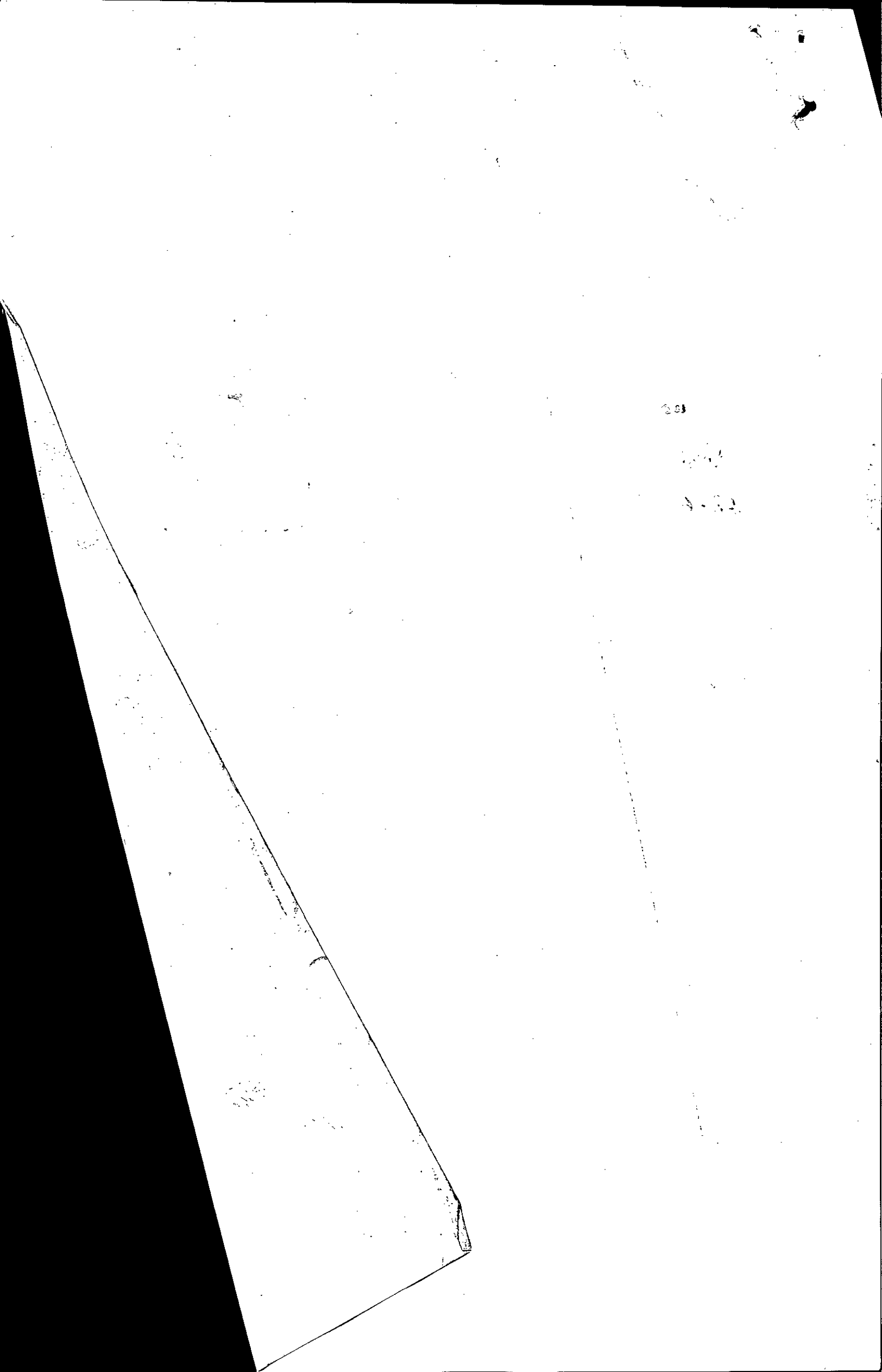
- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Annexures of the appeal may be attested.
- 3- Annexures of the appeal may be flagged.
- 4- Departmental appeal having no date be dated.
- 5- Approved file cover is not used.
- 6- Annexure-D of the appeal is illegible which may be replaced by legible/better one.
- 7- Appeal may be page marked.
- 8- ~~Two~~ more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1084 /S.T,

Dt. 28-6 /2016

Mr. Jawad Ali Adv. Peshawar.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 738 /2016

Mst. Noreen Bibi

versus I.G Prisons, KPK Peshawar & Other

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Through

Appellant

JAVED ALI

M. ARSALAN AFRIDI

AMJID KHAN

ADVOCATES, PESHAWAR

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 738 /2016

Khyber Pakhtunkhwa
Service Tribunal

Entry No. 672

Dated 27-6-2016

**Mst. Noreen Bibi W/O Amir Shahzad Ali R/O House No.280-B/35 Nawab Garhi,
Chughal Pura Tehsil and District Peshawar.**

.....Appellant

Versus

1. Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar.
2. Superintendent Judicial Lock up, Nowshera.

.....Respondents

**Appeal u/s 4 of Khyber Pakhtunkhwa Service
Tribunal Act, 1974 against the impugned
Posting/Transfer order dated 28/03/2016**

Prayer in Appeal:

On the acceptance of this Appeal, the impugned Posting/Transfer order dated 28/03/2016 may please be set aside and the Respondents may kindly be restrained from compelling the Appellant to leave her present post till final disposal of this Appeal.

Respectfully Sheweth:

FACTS:

1. That the Appellant is a Law abiding citizen and is permanent resident of District Peshawar.
2. That the Appellant is a married woman having 03 school going minor children.
(Copies of the School Fee are annexed herewith as Annexure "A")
3. That husband of the Appellant is also serving as LDC at F.G Fazaia SS PAF Camp Badber Peshawar under Ministry of Defence, Government of Pakistan.
(Copy of the Certificate of Service is annexed herewith as Annexure "B")

Re-submitted to -day
and filed.

Filed to-day

Registrar

20/7/16

4. That the Appellant was appointed as Female Warder at Judicial Lock up of District Nowshera in BPS-05 vide letter No.52/P.B dated 08/01/2015.
(Copy of the appointment letter is annexed herewith as Annexure "C")
5. That soon after the appointment, the Appellant was posted at District Nowshera as per the Service Rules where she has been serving till date.
6. That the Respondent No.1 has pleased to transfer the Appellant from Judicial Lock up District Nowshera to District Jail Swat against a vacant post vide Order No. Estab/Ward/Orders/8201 dated 28/03/2016.
(Copy of the Posting/Transfer order is annexed as Annexure "D")
7. That following the said posting/transfer order, the Respondent No.2 has also directed the Appellant to leave her present post and report at her impugned place of posting/transfer vide Letter No.655 dated 05/04/2016.
(Copy of the Relieving order is annexed as Annexure "E")
8. That the Appellant applied to the Respondents for the cancellation of her transfer order on compassionate grounds however, they preferred to ignore the same.
(Copies of the Application is annexed as Annexure "F")
9. That the order of the Respondents is against the Civil Servants Policy.
(Copy of Service Policy is attached as Annexure "G")
10. That the Appellant has agitated her grievances to the Respondents against the unjust and unreasonable Posting/Transfer order but they are reluctant to provide any relief in this regard hence, the Appellant file this Service Appeal on the following grounds inter alia.

Grounds:

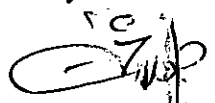
- a- That the impugned Posting/Transfer order is against the principles of Natural Justice.
- b- That the impugned order is unjust, against the ground realities and is liable to be set aside.
- c- That the impugned order is against the service rules therefore not tenable in the eyes of law.
- d- That the Appellant is a married woman and having minor school going children at home.
- e- That Two children of the Appellant are under treatment and needs immense care and lookafter at home and in case the Respondents compel the Appellant to report at impugned posted place, the whole family of the Appellant will suffer.
- f- That the husband of the Appellant being Government Servant can neither accompany her at such a far flung area nor the children could be accommodated by any of the spouse.
- g- That the Appellant being a female would be unable to accommodate herself at impugned place of posting as she not only has to travel hundreds of miles away from home but also it would cost her financially.

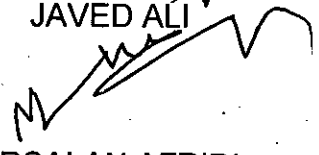
- h- That leaving minor and under treatment children at home, the Appellant and his family would suffer the mental torture and anxiety.
- i- That this impugned order of the Respondents will not only affect the Appellant but also her whole family.
- j- That this impugned order is not a judicious order hence is void and ineffective upon the rights of the Appellant.

It is therefore, most humbly prayed that the Appeal may kindly be accepted as prayed for.


Appellant

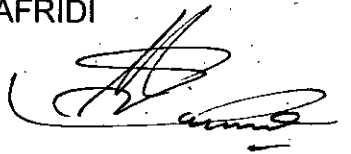
Through


JAVED ALI



M. ARSALAN AFRIDI

AMJID KHAN



ADVOCATES, PESHAWAR

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

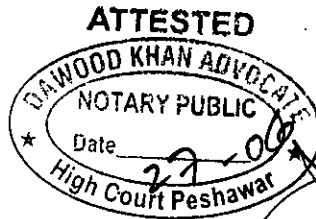
Service Appeal No. _____/2016

Mst. Noreen Bibi

versus I.G Prisons, KPK Peshawar & Other

AFFIDAVIT

I, **Mst. Noreen Bibi** W/O Amir Shahzad Ali R/O House No.280-B/35 Nawab Garhi, Chughal Pura Tehsil and District Peshawar, Appellant do hereby on oath Affirm and Declare that the contents of this Service Appeal are True and Correct to the best of my knowledge and belief and nothing has been kept concealed.



[Signature]
Deponent

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2016

Mst. Noreen Bibi

versus I.G Prisons, KPK Peshawar & Other

ADDRESSES OF PARTIES

Appellant

Mst. Noreen Bibi W/O Amir Shahzad Ali R/O House No.280-B/35 Nawab Garhi,
Chughal Pura Tehsil and District Peshawar

Respondents

1. Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar.
2. Superintendent Judicial Lock up, Nowshera.

Through

Appellant

JAVED ALI

M. ARSALAN AFRIDI

AMJID KHAN

ADVOCATES, PESHAWAR

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2016

Mst. Noreen Bibi versus **I.G Prisons, KPK Peshawar & Other**

Application for the grant of an Interim Relief to the effect that the impugned posting/transfer order be suspended and Respondents be restrained to compel the Appellant to leave her present post/place of duty till final disposal of this Appeal

Respectfully Sheweth,

1. That the subject Appeal has been filed by the Appellant/Applicant before this Hon'ble Tribunal in which no date has been fixed yet.
2. That the contents of the main appeal may please be considered as an integral part of this application.
3. That the applicant has got a good prima facie case in her favor.
4. That the balance of convenience also lies in favor of the applicant.
5. That in case the impugned order of the Respondents is acted upon and the injunction is not granted, the applicant will suffer an irreparable loss.

It is therefore most humbly prayed that the impugned posting/transfer order may kindly be suspended till the final disposal of the main appeal.

Through

Appellant

JAVED ALI

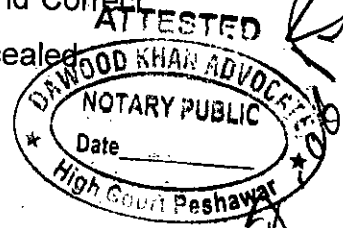
M. ARSALAN AFRIDI

AMJID KHAN
ADVOCATES, PESHAWAR

AFFIDAVIT

I, **Mst. Noreen Bibi** W/O Amir Shahzad Ali R/O House No.280-B/35 Nawab Garhi, Chughal Pura Tehsil and District Peshawar, Appellant do hereby on oath Affirm and Declare that the contents of this Service Appeal are True and Correct to the best of my knowledge and belief and nothing has been kept concealed

Deponent



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR



Service Appeal No. _____/2016

Mst. Noreen Bibi


versus I.G Prisons, KPK Peshawar & Other

AFFIDAVIT

I, **Mst. Noreen Bibi** W/O Amir Shahzad Ali R/O House No.280-B/35 Nawab Garhi, Chughal Pura Tehsil and District Peshawar, Appellant do hereby on oath Affirm and Declare that the contents of this Service Appeal are True and Correct to the best of my knowledge and belief and nothing has been kept concealed.


Deponent


ATTESTED
DAWOOD KHAN ADVOCATE
NOTARY PUBLIC
Date _____
High Court Peshawar


22-06-16



14



حکومت خیبر پختونخوا پاکستان

THE GOVT OF KHYBER PAKHTUNKHWA PAKISTAN

پیدائش سرٹیفکیٹ

(A) I

BIRTH CERTIFICATE

CRMS No: B173070-14-0194

FORM No: P002759127

درخواست دہندہ کا نام: عامر شہزاد علی خان

درخواست دہندہ کا شناختی کارڈ نمبر: 1730115450823

رشتہ: بیٹی

بچے کا نام	والد کا نام / شناختی کارڈ نمبر	والدہ کا نام / شناختی کارڈ نمبر	جنس	مذہب	پیدائش کا ضلع / تاریخ
سروش عامر	عامر شہزاد علی خان	نورین عامر	عورت	اسلام	پشاور

21-11-2004

1730103900912

1730115450823

APPLICANT's NAME: AMIR SHAHZAD ALI KHAN

APPLICANT's CNIC NO: 1730115450823

RELATION: Daughter

CHILD's NAME	FATHER's NAME / NIC NO	MOTHER's NAME / NIC NO	GENDER	RELIGION	DISTRICT AND DATE OF BIRTH
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SAROSH AMIR

AMIR SHAHZAD ALI KHAN

NOREEN AMIR

FEMALE ISLAM

PESHAWAR

1730115450823

1730103900912

21-11-2004

GRAND FATHER's NAME: AKHTAR ALI

دادا کا نام: اختر علی

GRAND FATHER's CNIC NO: 1730114042965

دادا کا شناختی کارڈ نمبر: 1730114042965

لیٹ اندراج:

مارچ اندراج: 11-3-2014

تاریخ اندراج:

پتہ: گاؤں نواب گڑھی چغل پورہ، تحصیل: پشاور، ضلع: پشاور

ADDRESS: VILLAGE: NAWAB GARHI CHUGHAL PURA, TEHSIL: PESHAWAR, DISTRICT: PESHAWAR

11-3-2014

تاریخ اجراء:

سیکرٹری یونین کونسل

پتہ: غلام (070) ضلع: پشاور

Official stamps and signatures

Official signature

Attested

SECRETARY U/G
Bukha Chughal No. 70
City Distt. Govt. KPM



15

حکومت خیبر پختونخوا پاکستان

THE GOVT OF KHYBER PAKHTUNKHWA PAKISTAN

پیدائش سرٹیفکیٹ

AD 2

BIRTH CERTIFICATE

CRMS No: B173070-13-0535

FORM No: P002170419

درخواست دہندہ کا نام: عامر شہزاد علی خان

درخواست دہندہ کا شناختی کارڈ نمبر: 1730115450823

رشتہ: بیٹی

بچے کا نام	والد کا نام	والدہ کا نام	جنس	مذہب	پیدائش کا ضلع / تاریخ
ماہم عامر	عامر شہزاد علی خان	نورین عامر	عورت	اسلام	پشاور
	1730115450823	1730103900912			24-8-2008

APPLICANT's NAME: AMIR SHAHZAD ALI KHAN

APPLICANT's CNIC NO: 1730115450823

RELATION: Daughter

CHILD's NAME	FATHER's NAME / NIC NO	MOTHER's NAME / NIC NO	GENDER	RELIGION	DISTRICT AND DATE OF BIRTH
MAHAM AMIR	AMIR SHAHZAD ALI KHAN 1730115450823	NOREEN AMIR 1730103900912	FEMALE	ISLAM	PESHAWAR 24-8-2008

GRAND FATHER's NAME: AKHTAR ALI

دادا کا نام: اختر علی

GRAND FATHER's CNIC NO: 1730114042965

دادا کا شناختی کارڈ نمبر: 1730114042965

تاریخ اندراج: 27-6-2013

لیٹ اندراج: | |

پتہ: گاؤں چنیل پورہ، تحصیل پشاور، ضلع پشاور

ADDRESS: VILLAGE: CHUGHAL PURA,
TEHSIL: PESHAWAR, DISTRICT: PESHAWAR

27-6-2013

تاریخ اجراء:

سکرٹری یونین کونسل
پشاور (070) ضلع پشاور
City Of Govt. KPK

Attested



16

حکومت خیبر پختونخوا پاکستان

THE GOVT OF KHYBER PAKHTUNKHWA PAKISTAN

پیدائش سرٹیفکیٹ

3

BIRTH CERTIFICATE

CRMS No: B173070-13-0534

FORM No: P002170420

درخواست دہندہ کا نام: عامر شہزاد علی خان

رشتہ: بیٹی

درخواست دہندہ کا شناختی کارڈ نمبر: 1730115450823

بچے کا نام	والد کا نام	والدہ کا نام	جنس	مذہب	پیدائش کا ضلع / تاریخ
وانیا عامر	عامر شہزاد علی خان	نورین عامر	عورت	اسلام	پشاور
	1730115450823	1730103900912			6-5-2012

APPLICANT's NAME: AMIR SHAHZAD ALI KHAN

APPLICANT's CNIC NO: 1730115450823

RELATION: Daughter

CHILD's NAME	FATHER's NAME / NIC NO	MOTHER's NAME / NIC NO	GENDER	RELIGION	DISTRICT AND DATE OF BIRTH
WANIA AMIR	AMIR SHAHZAD ALI KHAN 1730115450823	NOREEN AMIR 1730103900912	FEMALE	ISLAM	PESHAWAR 6-5-2012

GRAND FATHER's NAME: AKHTAR ALI

دادا کا نام: اختر علی

GRAND FATHER's CNIC NO: 1730114042965

دادا کا شناختی کارڈ نمبر: 1730114042965

لیٹ اندراج:

نارل اندراج: 27-6-2013

تاریخ اندراج:

پتہ: گاؤں پٹھ غلام، تحصیل: پشاور، ضلع: پشاور

ADDRESS: VILLAGE: PAKHA GHULAM,
TEHSIL: PESHAWAR, DISTRICT: PESHAWAR

تاریخ: 27-6-2013

تاریخ اجراء:

سیکرٹری یونین کونسل
S/O (070) ضلع: پشاور
Pakha Ghulam, Dist: Govt. KPK
City Dist: Govt. KPK

Alicia

Amir Shahzad Ali Khan
17

FG JUNIOR PUBLIC SCHOOL NO.4 KHYBER ROAD PESHAWAR CANTT

TO WHOM IT MAY CONCERN

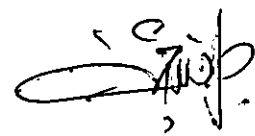
This is to certify that Mr. Amir Shahzad Ali Khan is a bonafid employee of FGEIs (C/G) Directorate Rawalpindi since 25th August 2006.

Recently he is working as LDC in BPS-09 at FG Junior Public School No.4 Khyber Road Peshawar Cantt.

Being a result oriented incumbent we wish him easiness in his life.



DDO/Principal
Amir Shahzad Ali Khan
FG Junior Public School No.4
Khyber Road Peshawar Cantt



Amir Shahzad



To

OFFICE OF THE
SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR
No. 52 /P.B/ Dt: 08/01/2015

Avenure (C)

18

Mst. NOUREEN AMIR W/O AMIR SHAHZAD ALI KHAN
R/o H.# 280/13/35, Nawab Garhi, PO Chughul Pura, Tehsil & Distt: Peshawar

Subject: APPOINTMENT AS FEMALE WARDER (BPS-05)

Memo:

Reference your test/ interview for the subject post.

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

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

[Signature]
SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR

Endorsement No: 53-541

Copy of the above is forwarded to the: -

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

- Sd -

SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR

Musawer/-

[Signature]
AUCSLED

OFFICE OF THE
INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

No. Estb/Ward-Orders/ 8201 /-
091-9210334, 9210406 091-9213445

Dated 28/03/2016 /-

Avenue
(D)
(19)

ORDER

The following postings/ transfers are hereby ordered in the public interest:-

S. No.	NAME OF OFFICIAL	FROM	TO
	Female warder (BPS-5) Shabana Perveen W/O Muhammad Jalil.	Judicial Lockup Nowshera.	Distt. Jail Swat against the vacant post.
	Female warder (BPS-5) Norreen Bibi W/O Syed Zafar Ali.	Judicial Lockup Nowshera.	Distt. Jail Swat against the vacant post.

Note

- Both should be relieved immediately by making local arrangements.
- Minimum joining time may be allowed.

INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

Copy of the above is forwarded to :-

- The Commissioner HQ 17 Division Swat for information with reference to his letter dated 10-3-2016 on the subject.
- The Commissioner Malakand Division Malakand for information.
- The Superintendents HQ Prison Peshawar & Mardan for information.
- The Superintendent District Jail Swat.
- The Superintendent, Judicial Lockup Nowshera.
For information and necessary action.
- The District Accounts Officer Nowshera & Swat for information.

Mmmmm
ASSISTANT DIRECTOR (ADMIN)
FOR INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA PESHAWAR

[Signature]
Attested

BETTER COPY

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MONOGRAM HERE

OFFICE OF THE
INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA, PESHAWAR
091-9210334, 9210406, 091-9213445
No. Estb/Ward-/Orders/820/---/-
Dated 23/03/2016/-

ORDER

The following postings / transfers are hereby ordered in the public interest: -

S.NO	NAME OF OFFICIAL	FROM	TO
1.	Female warder (BPS-5) Shabana Parveen W/O Muhammad Jalil	Judicial Lockup Nowshera	Distt; Jail Swat against the vacant post
2.	Female Warder (BPS-5) Noreen Bibi D/O Syed Zafar Ali	Judicial lockup Nowshera	Distt; Jail Swat against the vacant post

Note:

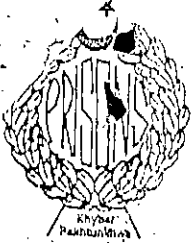
1. Both should be relieved immediately by making local arrangements.
2. Minimum joining time may be allowed.

INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA, PESHAWAR

Endst No. 820/210/

Copy of the above is forwarded to: -

1. The Commandant HQ 17 Division Swat for information with reference to his letter dated 10/03/2016 on the subject.
2. The Commissioner Malakand Division Malakand for information.
3. The Superintendents HQ Prison Peshawar & Mardan for information.
4. The Superintendent District Jail Swat.
5. The Superintendent Judicial Lockup Nowshera.
For information and necessary action.
6. The District Accounts Officer Nowshera & Swat for information.



OFFICE OF THE
SUPERINTENDENT
JUDICIAL LOCKUP NOWSHERA
Phone/Fax: 0923:9220017
NO: 655 dated: 05/04/2016

Anwarul

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To,

Mst. Noreen Bibi (Female Warder)
Attached to Judicial Lockup Nowshera.

Subject: - RELIEVING DOCKET.
Memo,

Under the instruction contained in the Inspector General of Prisons Khyber Pakhtunkhwa Peshawar Order No: 8201 dated: 28/03/2016. You are hereby relieved of your duties at this Jail today on 05/04/2016 (A.N)(F.N) and directed to report to the Superintendent district Jail Swat for further duties there.

You are allowed Minimum days joining time.

[Signature]
SUPERINTENDENT
JUDICIAL LOCKUP NOWSHERA

ENDST: NO: _____

Copy of the above is forwarded to:

1. The Inspector General of Prisons Khyber Pakhtunkhwa Peshawar, for information with reference to order no. Above please.
2. The Superintendent district Jail Swat for information and necessary action please.

[Signature]
SUPERINTENDENT
JUDICIAL LOCKUP NOWSHERA

To: [Signature]

Anwarul

خدمت جناب انسپکٹر جنرل جیلخانہ جات خیبر پختونخوا پشاور

عنوان: درخواست برآمد اداری و تبادلہ منسوخی

جناب عالی!

انتہائی ادب کے ساتھ عرض ہے کہ میں بطور فیمیل وارڈر جوڈیشل لاک اپ نوشہرہ میں ڈیوٹی سرانجام دے رہی ہوں ☆ یہ کہ سائلہ کے تین بچے ہیں جن میں سے دو بچے بیمار ہے، ایک بچی دل کی مریضہ ہے جبکہ دوسری ٹی۔ بی میں مبتلا ہیں اور اے دن ہسپتال برائے علاج آنا جانا پڑتا ہے۔

☆ یہ کہ سائلہ نئی بھرتی ہے اور سائلہ کا ابھی اس جیل میں ڈیوٹی کرتے ہوئے کچھ ہی ماہ ہوئے ہیں۔
☆ یہ کہ سائلہ کا شوہر ایک سرکاری ملازم ہے اور وزارت دفاع (پشاور) میں اپنی ڈیوٹی سرانجام دے رہا ہے۔
(سروس کارڈ ہمراہ لف ہے)

☆ یہ کہ سائلہ کا تبادلہ نوشہرہ جیل سے سوات جیل کرایا گیا ہے اور سائلہ کا نوشہرہ جیل میں ابھی کچھ ہی ماہ ہو گئے ہیں۔ (آرڈر کی فوٹو کاپی ہمراہ لف ہے)

☆ یہ کہ سائلہ کا شوہر پشاور میں سرکاری ڈیوٹی کر رہا ہے اس لئے سائلہ کا شوہر سائلہ کے ساتھ سوات شفٹ نہیں ہو سکتا اور سائلہ کی اپنی بیمار بیٹیوں کو اپنے گھر سے دور نہیں سنبھال سکتی۔ اور نہ وہاں سے یہاں علاج معالجہ کے لئے آئے روز اپنے بیمار بچوں کو پشاور لاسکتی ہیں۔

☆ چونکہ سائلہ کا گھر پشاور میں ہیں اور سائلہ قانوناً اپنی ضلع میں ڈیوٹی نہیں کر سکتی اس لئے سائلہ کے لئے نوشہرہ زیادہ نزدیک پڑتا ہے۔ اور سائلہ کو ڈیوٹی کے ساتھ ساتھ گھر کی دیکھ بھال اور اپنی چھوٹی بیمار بیٹیوں کے علاج معالجہ کرانے میں اسالی ہے۔

☆ یہ کہ سائلہ کی ایک بیٹی کی دل کا اپریشن ہو چکا ہے اور اسے گھر میں ہی ہیڈ اسٹنٹ کی ضرورت ہے۔ اور ایک بیٹی ٹی۔ بی میں مبتلا ہے۔

☆ یہ کہ سائلہ کا تبادلہ سوات جیل سے نوشہرہ جیل منسوخ کر دوانے کے احکامات جاری فرما کر مجھ لاچار عورت پر رحم فرمائیں تاکہ سائلہ اپنے گھر کی دیکھ بھال کے ساتھ ساتھ اپنے بچوں کا علاج معالجہ اسالی سے کر داسکے۔

سائلہ آپ کے اور آپ کے گھر والوں کی خوشیوں اور اچھی زندگی کے لئے دعاگوں رہے گی۔

العارض

ڈائری نمبر 8420

مورخہ 20-04-2016

نورین بی بی ولد سید ظفر علی



(CHIEF MINISTER'S COMPLAINT AND REDRESSAL CELL)
Chief Minister's Secretariat Khyber Pakhtunkhwa

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Phone No. 091-9222460-64
Fax No. 091-9212237
E-Mail cms_kpk@yahoo.com
Address S.A.O Road Peshawar

No. SO(C&RC)/CMS/KP/1-50/Noreen Bibi/App/1065
Dated Peshawar the 13th May 2016

To

The Inspector General of Prisons
Khyber Pakhtunkhwa
Peshawar

Subject:- REQUEST FOR CANCELLATION OF TRANSFER ORDER

Dear Sir,

I am directed to refer to the subject noted above and to forward herewith a copy of self-explanatory complaint alongwith enclosures received from Mst. Noreen Bibi D/o Syed Zafar Ali, Female Warden Judicial Lockup District Nowshera.

I am further directed to request that necessary action may be taken in the matter as per law/rules and report be furnished to this Secretariat for perusal of the competent authority.

Encl: as above

Yours faithfully

Encl: No. and Date even

[Signature]
SECTION OFFICER-II (C&RC)

Copy to:

1. PS to Principal Secretary to CM, Khyber Pakhtunkhwa
2. PS to Chairman (C&RC) CM, Sectt: Khyber Pakhtunkhwa

[Signature]
SECTION OFFICER-II (C&RC)

Computer-3

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

In the matter of
Service Appeal No.738/2016
Mst. Noreen Bibi Female Warder
Attached to Judicial Lockup Nowshera**Appellant.**

VERSUS

1. Inspector General of Prisons,
Khyber Pakhtunkhwa Peshawar.
2. Superintendent
Judicial Lockup Nowshera.....**Respondents.**

PARAWISE REPLY ON BEHALF OF RESPONDENTS No. 1 & 2.

Preliminary Objections

- i. That the appellant has got no cause of action.
- ii. That the appeal is incompetent and is not maintainable in its present form.
- iii. That the appellant is estopped by his own conduct to bring the present appeal.
- iv. That the appellant has no locus standi.
- v. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
- vi. That the appeal is barred by law.

ON FACTS

- 1- Pertains to record, hence no comments.
- 2- Pertains to record, hence no comments.
- 3- Pertains to record. However husband of the applicant is not employee of Provincial Government.
- 4- Pertains to record, hence no comments.
- 5- Pertains to record, hence no comments.
- 6- Admitted to the extent that in Judicial Lockup Nowshera no female prisoner section exists and female warders are performing duties of search of female visitors for which sufficient female staff i.e 06 female

warders were posted there, including the petitioner. On the other hand at District Jail Swat there was 03 sanctioned posts of female warders against which only 01 female warder was performing duties, due to which administration of Internment Centers Paithom and Fiza ghat (Swat) repeatedly requested for posting of 02 more female warders against the vacant post to start the function of female internees in that centers. Accordingly, 02 female warders who were surplus at Judicial Lockup Nowshera were transferred to District Jail Swat for further duty at Internment Center Paithom and Fiza Ghat (Swat) in the larger interest of Public / State. In compliance both female warders were relieved by the Superintendent Judicial Lockup Nowshera and 01 female warder complied with the orders and the petitioner is absent since 05-04-2016 from duties till date which is a grave misconduct on her part.

- 7- Same remarks as given against Para-6 above. She is bound to obey the order as per section 10 of Civil Servant Act 1973.
- 8- Her request was considered and rejected being without any stance.
- 9- In-correct, misleading. The plea of the appellant is not based on facts because in the present worse security / scenario with special reference of the ongoing insurgency throughout the country and specially Khyber Pakhtunkhwa being its gateway and particularly the Prisons Department is the most vulnerable point from so many dimensions.

This is the reason that in the best public interest the management of the Prisons Department with the assent of controlling officers / competent authority making all out efforts to maintain the congenial atmosphere at all fronts including the internal and external Jail managements. In the process none is out of the range under such un-usual circumstances. All Postings / transfers are being made keeping in view various aspects and its finalization is being made in the best public interest. In the adaptation of such mechanism so many reports / information are considered by the competent authority which

either directly or indirectly having its effect with the Jail management maintenance of routine business.

Though outwardly nothing is there against the appellant, it is the domain of competent authority to address and redress the apprehensions and take necessary decisions with regard to making certain changes within the Jail management irrespective of the facts as to whether the transferee having any direct or indirect positive or negative touch, hence the plea of the appellant with regard to Premature transfer is beyond any logic at this very crucial stage.

10- No comments. Detail reply has been given below.

GROUND: -

- A. Incorrect, transfer posting were ordered in the public interest and according to the services need of the department.
- B. Incorrect, as explained in the preceding Paras.
- C. Incorrect, the transfer orders issued by the competent authority is tenable in the eyes of law as explained in Para-6 above.
- D. No comments. Being a Civil Servant she is to serve anywhere posted.
- E. All Provincial Government employees are bound to abide by the laid down policies including transfer from one station to other and they have to manage their own responsibilities at both ends. Moreover, Prison Rules ensure the presence of Watch & Ward Staff including the petitioner around the clock being belt staff in the Jail premises. None of Watch & Ward staff can leave without permission of the competent authority.
- F. The plea of the appellant is not based on facts because the post of female warder is provincial cadre post and it is not possible for the department to retain a civil servant such cadre at one station. Further, husband of applicant is an employee of Federal Government.
- G. According to the terms and conditions of service of the appellant, she is bound to serve anywhere within the Province whenever posted by the authority.

H. Illness and treatment of her children is her personal matter and cannot affect her job, however she can apply for the leave desired to her for such personal domestic matters as per procedure.

I. As explained in the preceding Paras.

J. As explained in Para-9, she is reluctant to comply with the orders of the competent authority and being a civil servant she rendered herself to departmental disciplinary proceedings against her under the Khyber Pakhtunkhwa Government Servants E & D Rules 2011, which is in progress, therefore her course of action by non-complying the lawful orders itself shows her attitude and behavior towards her interest in professional job and trying to achieve her choice station for her motives.

It is therefore, humbly prayed that on acceptance of this reply, instant appeal may kindly be dismissed with cost throughout.


INSPECTOR GENERAL OF PRISONS

Khyber Pakhtunkhwa Peshawar
(Respondent No.1)


5/8/16


SUPERINTENDENT

Judicial Lockup Nowshera
(Respondent No.2)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

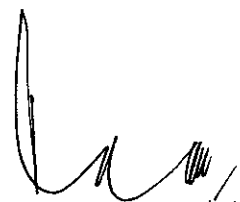
In the matter of
Service Appeal No. ___/2016
Mst. Noreen Bibi Female Warder
Attached to Judicial Lockup Nowshera.....**Appellant.**

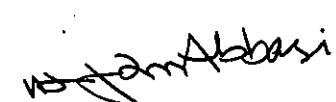
VERSUS

1. **Inspector General of Prisons,**
Khyber Pakhtunkhwa Peshawar.
2. **Superintendent**
Judicial Lockup Nowshera.....**Respondents.**

PARAWISE REPLY ON BEHALF OF RESPONDENTS No. 1 & 2.

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


INSPECTOR GENERAL OF PRISONS
Khyber Pakhtunkhwa Peshawar
(Respondent No.1)
15/8/16


SUPERINTENDENT
Judicial Lockup Nowshera
(Respondent No.2)

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR.

No. 1699 /ST


Dated 13 / 10 / 2016

To The I.G of Prisons,
Peshawar.

Subject: - **JUDGMENT**

I am directed to forward herewith a certified copy of Judgement dated 29.9.2016 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.