


Form- A

FORM OF ORDER SHEET

Court of _____

Implementation Petition No. 1125/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	1.10.2024	<p>The implementation petition of Mr. Raqibaz & others submitted today by Mr. Qamar Zaman Khattak Advocate. It is fixed for implementation report before Single Bench at Peshawar on 04.10.2024. Original file be requisitioned. AAG has noted the next date. Parcha Peshi given to counsel for the petitioner.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKH
PESHAWAR

In Execution Petition No. 1125 2024

Raqibaz etc (Appellant)

VERSUS

Govt of KPK & other (Respondents)

APPLICATION FOR FIXATION OF TITLED EXECUTION
PETITION BEFORE THE PRINCIPAL SEAT AT
PESHAWAR.

Respectfully Sheweth:

1. That the applicant/appellant has filed the instant Execution Petition in which no date is fixed so far.
2. That case of the applicant/appellant is urgent in nature and therefore be fixed before the principal seat at Peshawar.
3. That the counsel for the applicant/appellant is doing legal practice at Peshawar as well as the addresses of the main respondents i. e. Inspector General of Prison are also at Peshawar and the appellant also wants to pursue his case at the principal seat at Peshawar.
4. That it will be convenient for the counsel as well as for the applicant/appellant to fix the instant execution petition at principal seat at Peshawar.

It is therefore most humbly prayed that on the acceptance of this application, the instant execution petition may kindly be fixed at principal seat at Peshawar.

Dated: 01.10.2024

Applicant/Appellant

Through


QAMAR ZAMAN KHATTAK

LLM UK, ASC

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Case Title: Raqibaz etc vs Govt of KP etc CHECK LIST

S#	CONTENTS	YES	NO
1	This Appeal has been presented by:		
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?		
3	Whether appeal is within time?		
4	Whether the enactment under which the appeal is filed mentioned?		
5	Whether the enactment under which the appeal is filed is correct?		
6	Whether affidavit is appended?		
7	Whether affidavit is duly attested by competent Oath Commissioner?		
8	Whether appeal/annexures are properly paged?		
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?		
10	Whether annexures are legible?		
11	Whether annexures are attested?		
12	Whether copies of annexures are readable/clear?		
13	Whether copy of appeal is delivered to AG/DAG?		
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?		
15	Whether numbers of referred cases given are correct?		
16	Whether appeal contains cutting/overwriting?		
17	Whether list of books has been provided at the end of the appeal?		
18	Whether case relate to this court?		
19	Whether requisite number of spare copies attached?		
20	Whether complete spare copy is filed in separate file cover?		
21	Whether addresses of parties given are complete?		
22	Whether index filed?		
23	Whether index is correct?		
24	Whether Security and Process Fee deposited? On		
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On		
26	Whether copies of comments/reply/rejoinder submitted? On		
27	Whether copies of comments/reply/rejoinder provided to opposite party? On		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name:

Ramzar Farwan ASC

Signature:

[Handwritten Signature]

Dated:

01-10-2024

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

E.P. No. 1125/2024

Raqibaz and othersAPPELLANTS

Versus

Government of Khyber Pakhtunkhwa and others.....RESPONDENTS

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3.	Copy of the order/judgment dated 31.05.2024 of this learned Tribunal and First page of All appeal.	4-23	A
4.	WakalatNama.	24	

Appellants

Through



QAMAR ZAVIAN KHATTAK
LLM UK
ADVOCATE SUPREME COURT

Dated; 26.09.2024

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Execution petition No. ¹¹²⁵ 72024

Khyber Pakhtunkhwa
Service Tribunal

In

Appeal No: 1324,1226,1325,1326,1327,1328,1329,1330,1367,1368 and 1554/2019 ary No. 16223

Dated 01-10-2024

1. Raqibaz s/o Amir Qabaz Khan, Warder, central Jail Bannu, R/O Fariq Ismail Khani P/O Ismail Khani Bannu.
2. Muhammad Saqib s/o Niaz Badshah Warder, attached to district Jail Kohat.
3. Aminullah s/o Khan Sarder, Warder attached to central Jail Bannu.
4. Gul Mir Dali s/o Taj Muhammad, Warder attached to central Jail bannu, R/O Mawah Khel Ilaqa Soorani P.O Fazl-e-Haq Malwana Tehsil & District Bannu.
5. Muhammad Ibrar s/o Khayat Ullah, Warder attached to central Jail Bannu, R/O Hussani Kalan Ilaqa Soorani P.O Nizem Bazar Bannu.
6. Abid Ullah s/o Hazrat Ghulam, Warder attached to central Jail Bannu, R/O Hussani, Ilaqa Soorani P.O Nizem Bazar Bannu.
7. Saved Khan s/o Muhammad Usman, Warder attached to central Jail Bannu, R/O Jando Khel C/O Rafiq Zaman Jewelers Shop No.14 Tehsil Bazar Bannu City.
8. Hafiz Mir Hussain Shah s/o Bahadar Shah,, Warder attached to central Jail Bannu, R/O Hussani Darah Shah , P.O Soorani Bannu.
9. Asif Ali Shah s/o Tahir Ali Shah, , Warder attached to central Jail Bannu, R/O Pir Khel Kakki, P.O Kakki District Bannu.
10. Mir Liaq s/o Baraz Khan, Warder attached to central Jail Bannu, R/O Degan Shadi Khan Soorani P.O Fazl-e-Haq Malwana Bannu.
11. Muhammad Zahid, Deputy Superintendent Jail, Central Prison Bannu.

APPELLANTS

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs Department, Peshawar.
2. Inspector General of Prison, Khyber Pakhtunkhwa, Peshawar.
3. Superintendent Circle Headquarters, Prison Peshawar.
4. Superintendent Central Prison Bannu.

RESPONDENTS

EXECUTION PETITION FOR SATISFICATION OF THE ORDER/JUDGMENT DATED 31.05.2024 PASSED BY THIS LEARNED TRIBUNAL, ACCORDING TO WHICH THE MAIN APPEALS OF THE APPELLANTS WERE PLEASE TO ALLOW AS PRAYED FOR AND STANCE OF THE APPELLANTS, i-e PAY OF THE APPELLANTS MIGHT BE RESTORED TO THEIR ORIGIONAL POSITION WITH ALL BACK BENEFITS WERE ACKNOWLEDGE.

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RESPECTFULLY SHEWETH:-

Appellants humbly submit as under;

1. Aside from the detail of the averments of appeals raised in the detail of the contents of appeals, this Hon'ble Tribunal please to allow the preferred appeals of the appellants by consolidated order/judgment dated 31.05.2024. (COPY OF THE CONSOLIDATED ORDER/JUDGMENT DATED 31.05.2024 THIS LEARNED TRIBUNAL IS ATTACHED AS ANNEXURE "A").
2. That after arrival of the order/judgment of this learned Tribunal, appellants approached to the respondent no.2 & 4 with speaking applications and requested for the compliance of the order of learned Tribunal and treat to the appellants accordingly but all in vain.
3. That the respondent no.2 & 4, being competent authority is under the legal obligation, to be obedient of the order/judgment of this learned Tribunal in its letter in sprit.
4. That delay so far is accrued, in compliance of the order/judgment of this learned Tribunal is amount to injustice and creating legal liability to the respondents.
5. That four months more sufficient enough period has passed away in arrival of the order/judgment of this learned Tribunal but it is very unfortunate to say that no any reaction is reacted on behalf of the respondents for compliance of the order of this Learned Tribunal which such act of the respondents is amount to contempt of the order/judgment of this Learned Tribunal, which attract otherwise enactment of Contempt of Court Ordinance 2003.

It is therefore most humbly prayed that in the light of the above, this learned Tribunal may very kindly please be passed directions in specific form to the respondent no.2 & 4, especially and remaining respondents generally to comply with the order/judgment of this tribunal dated 31.05.2024 in its letter in sprit that pay of the appellants might be restored to his original position with all back benefits may be acknowledge by rewarding the same.

Appellants

Through



QAMAR ZAMAN KHATTAK
LLM UK
ADVOCATE SUPREME COURT

Dated; 26.09.2024

(3)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Raqibaz and othersAPPELLANTS

Versus

Government of Khyber Pakhtunkhwa and others.....RESPONDENTS

AFFIDAVIT

I, Hafiz Mir Hussain Shah s/o Bahadar Shah, Warder attached to central Jail Bannu, R/O Hussani Darah Shah , P.O Soorani Bannu, do hereby solemnly affirm and declare on oath that the contents of the accompanying Execution Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Tribunal Court.

IDENTIFIED BY;

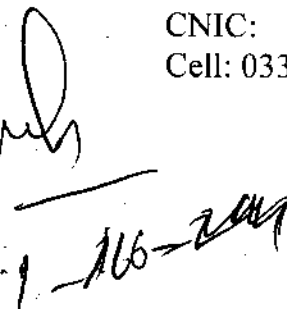
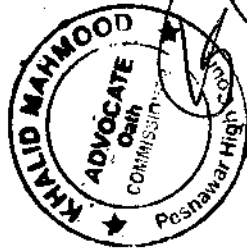


QAMAR ZAMAN KHATTAK
LLM UK
ADVOCATE SUPREME COURT

DEPONENT



CNIC:
Cell: 03348810890



SA 1554/2019 , *Muhammad Zahid vs Govt*

31st May, 2024 01. Mr. Zartaj Anwar, Advocate for the appellant present.
Mr. Muhammad Jan, District Attorney for the respondents present. Arguments heard and record perused.



02. Vide our detailed judgment consisting of 07 pages, in connected Service Appeal No. 1324/2019, titled "Raqibaz Versus Government of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs Department, Peshawar and others", impugned order is set aside and the appeal is allowed as prayed for. Cost shall follow the event. Consign.

03. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 31st day of May, 2024.

(Signature)
(FARUJHA PAUL)
Member (I)

(Signature)
(RASHIDA BANO)
Member (J)

Fazul Sabhan JS

ATTESTED
(Signature)
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 10/7/23
Number of Words 10
Copying Fee 5/-
Urgent 9/-
Total 10/-
Name of Copy 10/7/23
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Date of Delivery of Copy 10/7/23

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1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 1324/2019



BEFORE: MRS. RASHIDA BANO ... MEMBER (J)
MISS FAREEHA PAUL ... MEMBER (E)

Raqibaz S/O Amir Qabaz Khan, Warder, Central Jail Bannu, R/O Fariq Ismail
Khani Post Office Ismail Khani Bannu.(Appellant)

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs Department, Peshawar.
2. Inspector General of Prison, Khyber Pakhtunkhwa, Peshawar.
3. Superintendent Circle Headquarters Prison, Peshawar.
4. Superintendent, Central Prison, Bannu.(Respondents)

Mr. Yasir Saleem,
Advocate ... For appellant

Mr. Muhammad Jan,
District Attorney ... For respondents

Date of Institution..... 26.09.2019
Date of Hearing..... 31.05.2024
Date of Decision..... 31.05.2024

CONOLIDATED JUDGEMENT

FAREEHA PAUL, MEMBER (E): Through this single judgment, we intend to dispose of instant service appeal as well as the following connected service appeals, as in all the appeals, common questions of law and facts are involved:-

1. Service Appeal No. 1226/2019, Muhammad Saqib,
2. Service Appeal No. 1325/2019, Aminullah,
3. Service Appeal No. 1326/2019, Gul Mir Dali,
4. Service Appeal No. 1327/2019, Muhammad Ibrar,
5. Service Appeal No. 1328/2019, Abid Ullah,

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Service Tribunal
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6. Service Appeal No. 1329/2019, Saved Khan,
7. Service Appeal No. 1330/2019, Hafiz Mir Hussain Shah,
8. Service Appeal No. 1367/2019, Asif Ali Shah,
9. Service Appeal No. 1368/2019, Mir Liaq and
10. Service Appeal No. 1554/2019, Muhammad Zahid,

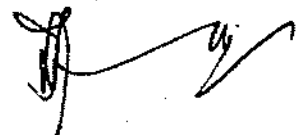
Vs. Government of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs Department Peshawar and others.

2. The service appeal in hand has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 11.04.2019, communicated to the appellant on 25.05.2019, whereby he was awarded major penalty of reduction to a lower stage in time scale for a maximum period of three years, against which his departmental appeal dated 28.05.2019 was not responded within the stipulated period of ninety days. It has been prayed that on acceptance of the appeal, the impugned order dated 11.04.2019 might be set aside and pay of the appellant might be restored to his original position with all back benefits.

3. Brief facts of the case, as given in the memorandum of appeal, are that the appellant was appointed as Warder in the Prison Department. He was performing his duties in Bannu Jail when in the mid night of 14/15 April, 2012, a huge number of militants attacked the jail with heavy weapons. The appellant, alongwith other jail officials, started firing at them, however the militants managed in helping the escape of certain condemned prisoners from the jail and also damaged some parts of the jail premises with their heavy weapons. The appellant also got wounded in cross firing. The Provincial

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KHYBER PAKHTUNKHWA
Service Tribunal
Peshawar



Government conducted a fact finding inquiry after which the appellant was served with a show cause notice containing the allegations that during the attack on Bannu Jail, he failed to fire and confront the militants effectively. The appellant duly replied the show cause notice and refuted the allegations leveled against him. Without conducting regular inquiry, he was awarded major penalty of dismissal from service vide order dated 12.12.2012, against which he filed departmental appeal which was rejected. The appellant filed Service Appeal No. 492/2013 before the Service Tribunal which was partially allowed vide judgment dated 01.09.2015, and the case of the appellant, alongwith other connected cases, was remanded back to the respondent department to conduct denovo inquiry and the issue of back benefits was subject to the outcome of that inquiry. The appellant was served with charge sheet and statement of allegations which were duly replied by him and he refuted the allegations leveled against him. An inquiry was conducted and the Inquiry Officer recommended the appellant for major penalty. The appellant was served with show cause notice dated 06.12.2017, which was duly replied by him, but without considering his reply, he was awarded major penalty of reduction to a lower stage in time scale for a maximum period of three years vide impugned order dated 11.04.2019, communicated to him on 25.05.2019. Feeling aggrieved, he filed departmental appeal dated 28.05.2019, which was not responded within the statutory period of ninety days; hence the instant service appeal.

4. Respondents were put on notice who submitted written reply/comments on the appeal. We heard the learned counsel for the appellant as well as the

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Khyber Pakhtunkhwa
Service Tribunal
Peshawar



learned District Attorney for the respondents and perused the case file with connected documents in detail.

5. Learned counsel for the appellant, after presenting the case in detail, argued that the appellant was not treated in accordance with law. He argued that the charges leveled against him were totally false and baseless and that he duly fired at the militants and confronted them as long as he could. Moreover, he was not provided with sufficient bullets and he also got wounded during cross firing. He argued that no proper procedure was followed before awarding major penalty to the appellant. Neither he was associated with the inquiry proceedings nor any witness was examined during the inquiry and thus the whole proceedings were nullity in the eyes of law. He argued that the appellant was not given proper opportunity to defend himself nor allowed any opportunity of personal hearing and was condemned unheard. He requested that the appeal might be accepted as prayed for.

6. Learned District Attorney, while rebutting the arguments of learned counsel for the appellant, argued that the appellant showed cowardice during militants attack on Jail and as a result, a number of condemned/convicted prisoners, escaped from the Jail. He argued that in the light of order of the Tribunal, denovo enquiry was conducted and charge sheet and statement of allegations were served upon the appellant, and the allegations leveled against him were proved. He was given proper opportunity of hearing but he failed to prove his innocence. The learned District Attorney requested that the appeal might be dismissed.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar



7. Arguments and record presented before us show that all the appellants were on duty at the Bannu Central Prison, when on the night between 14-15 April 2012, a group of militants attacked the Prison and got 381 prisoners released, including high profile prisoners also. The departmental authorities conducted a fact finding inquiry and resultantly imposed penalties on them which were impugned before the Service Tribunal. The Tribunal vide its judgment dated 01.09.2015 remanded the case back to the respondent department to conduct denovo inquiry. The matter of back benefits was subject to the outcome of that inquiry. In pursuance of that order, denovo inquiry was conducted and penalty was imposed on the appellants as follows:-

"Reduction to a lower stage in a time scale for a maximum period of three (03) years"

In the present service appeals, the appellants have impugned the order of departmental authority issued after the denovo inquiry. There is no second opinion on the fact that Prison is a highly sensitive place and requires extremely carefully drafted rules and standard procedures. Keeping in view the charge sheet of every appellant, the learned District Attorney was asked to clarify certain points about Bannu Prison, being a Central Prison, where high profile prisoners were kept. He was asked that it must be having more than one layer or cordon of security and at every level/cordon, the deployment of officials must be according to the requirement and sensitivity of that layer or cordon and based on that what were the SOPs for every layer of security and what were the job description of every official deployed at each layer/cordon?

AT-He was further asked to clarify the weapons and ammunition provided to them


AT-TESTED
 MEMBER
 Khairpur Pakhtunkhwa
 Service Tribunal
 Peshawar

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under the rules and SOPs. The learned District Attorney as well as the departmental representative confirmed that there were different layers/cordons of security but could not respond to other queries. They relied on the reply submitted by the respondents.

8. In their reply, the respondents themselves stated that the militants, who attacked the prison, were equipped with heavy weapons. Question here is, how did such a big number of militants, armed so heavily, reached the Central Prison? Another question is whether the staff deployed for security of prison, specially at the watch towers, were equipped to the extent where they could repel the attack which was made with heavy weapons? According to the inquiry report presented before us, it was not so. The Inquiry Officer took into consideration the type of weapon, which was AK 47 in almost all the cases, except for Abidullah who had 303 Rifle with 10 cartridges and Muhammad Zahid, who was the Deputy Superintendent-cum-Superintendent of Central Prison, Bannu. The amount of ammunition provided to all of them was extremely limited. He also took into consideration the power outage and darkness but concluded that the charges stood proved. One fails to understand that when it was dark, and the jail was attacked by militants having heavy weapons, how could the jail staff deployed for security with an ineffective weaponry, having limited ammunition, without any arrangement to see in the dark and without any communication system with the person in-charge of ammunition to get more from him, perform effectively and efficiently? In the absence of any effective security from outside, upto date weapons, and back up for electricity, how could the authorities expect from the appellants to perform

ATTESTED



EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar



well in such a situation? It should be an eye opener for the competent authorities and the provincial government and they should review their existing systems and make them fool-proof against such attacks.


9. For what has been discussed above, impugned order in every appeal is set aside and all the appeals are allowed as prayed for. Cost shall follow the event. Consign.

10. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 31st day of May, 2024.


(FAREEHA PAUL)
Member (I)


(RASHIDA BANO)
Member(J)

FazleSubhan P.S

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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12

1



BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1311

Dated 26/9/2019

Appeal No. _____/2019

Raqibaz S/O Amir Qabaz Khan, Warder, Central Jail Bannu, R/O
Fariq Ismail Khani Post Office Ismail Khani Bannu.

(Appellant)

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary Home and Tribal Affairs, Department Khyber Pakhtunkhwa, Peshawar.
2. The Inspector General of Prison, Khyber Pakhtunkhwa, Peshawar.
3. Superintendent Circle Headquarters, Prison Peshawar.
4. The Superintendent Central Prison, Bannu.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, read with Section 19 of the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011, against the Order dated 11.04.2019, communicated to the appellant on 25.05.2019 whereby the appellant has been awarded the major penalty of "reduction to a lower stage in a time scale for a maximum period of three years" against which his Departmental Appeal dated 28.05.2019 (through post) has not been responded within the stipulated period of ninety days.

Filed to-day
Registrar
2019/19

Prayer in Appeal: -

On acceptance of this appeal the impugned order dated 11.04.2019, may please be set-aside and the pay of the appellant may please be restored to his original position with all back benefits.

Respectfully Submitted:

1. That the appellant was appointed as Warder in the Prison Department and was posted at the relevant time in Bannu Prison. Ever since his appointment the appellant was performing his duties as assigned to him with full devotion and there was no complaint whatsoever regarding his performance.

2. That the appellant while performing his duties in Bannu Jail, in the mid night of 14/15 April, 2012, a good number of militants (more than 300) attacked the Jail with heavy weapons, the appellant along with other jail officials started firing at them, however they

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

26-09-24

(B)

(1)



BEFORE SERVICE TRIBUNAL KPK PESHWAR

Appeal No-1226/19

Muhammad Saqib S/o Niaz Badshah warder, attached to District Jail KohatPetitioner/Appellant

Khyber Pakhtunkhwa Service Tribunal

VS

Diary No. 1327

Dated 30/9/2019

1. Govt. Khyber Pakhtunkhwa through Secretary Home Tribal Department KPK
2. Inspector General Prisons KPK
3. Assistant Director for Inspector General prisons KPK
4. Superintendent Circle Headquarter Peshawar.
5. Superintendent Central Prison Bannu.

.....Respondents

APPEAL U/S 4 OF KPK SERVICE TRIBUNAL ACT 1974
 READ WITH SECTION 19 OF THE GOVT. SERVANTS (E&D) RULES 2011 AGAINST THE IMPUGNED ORDER OF THE RESPONDENTS DATED 11/04/2019 WHEREBY THE APPELLANTS HAVE BEEN AWARDED MAJOR PENALTY OF "REDUCTION TO A LOWER STAGE IN A TIME SCALE FOR A MINIMUM PERIOD OF 3 YEARS" AS WELL AS THE INTERVENING PERIOD i.e. FROM THE DATE OF DISMISSAL FROM SERVICE ON THE BASIS OF AN EARLIER ENQUIRY TO THE DATE OF REINSTATEMENT IN SERVICE (2-12-2012 TO 20-01-2016) OF THE APPELLANTS WAS

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

28-09-2019

Filed to-day

Registrar

30/9/19

NOT RECORDED TO DAY
AND FILED.

Registrar

[Handwritten signature]

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BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Appeal No. _____/2019

Diary No. 1268

Dated 17/9/2019

Aminullah S/O Khan Sardar, Warder, attached to Central Jail
Bannu.

(Appellant)

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary Home and Tribal Affairs Department Khyber Pakhtunkhwa, Peshawar.
2. The Inspector General of Prison, Khyber Pakhtunkhwa, Peshawar.
3. Superintendent Circle Headquarters, Prison Peshawar.
4. The Superintendent Central Prison, Bannu.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, read with Section 19 of the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011, against the Order dated 11.04.2019, communicated to the appellant on 13.05.2019 whereby the appellant has been awarded the major penalty of "reduction to a lower stage in a time scale for a maximum period of three years" against which his Departmental Appeal dated 15.05.2019 (through post) conveyed to the Respondent on 17.05.2019 has not been responded within the stipulated period of ninety days.

Prayer in Appeal: -

Filed to day

Registrar

17/9/19

On acceptance of this appeal the impugned order dated 11.04.2019, may please be set-aside and the pay of the appellant may please be restored to his original position with all back benefits.

Respectfully Submitted:

1. That the appellant was appointed as Warder in the Prison Department and was posted at the relevant time in Bannu Prison. Ever since his appointment the appellant was performing his duties as assigned to him with full devotion and there was no complaint whatsoever regarding his performance.
2. That the appellant while performing his duties in Bannu Jail, in the mid night of 14/15 April, 2012, a good number of militants (more than 300) attacked the Jail with heavy weapons, the appellant along with other jail officials started firing at them, however they

ATTORNEY

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

26-09-2019

Date of Presentation of Application 26-09-2024
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Surgent 5/-
Total 60/-
Name of Clerk _____
Date of Completion 26-09-2024
Date of Delivery of Copy 26-09-2024

(15)



1

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1266

Dated 17-9-2019

Appeal No. _____/2019

Gul Mir Dali S/O Taj Muhammad, Warder, attached to Central Jail
Bannu, R/O Mawah Khel Ilaqa Soorani P.O Fazl-e-Haq Malwana
Tehsil & District Bannu.

(Appellant)

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary Home and Tribal Affairs Department Khyber Pakhtunkhwa, Peshawar.
2. The Inspector General of Prison, Khyber Pakhtunkhwa, Peshawar.
3. Superintendent Circle Headquarters, Prison Peshawar.
4. The Superintendent Central Prison, Bannu.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, read with Section 19 of the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011, against the Order dated 11.04.2019, communicated to the appellant on 13.05.2019 whereby the appellant has been awarded the major penalty of "reduction to a lower stage in a time scale for a maximum period of three years" against which his Departmental Appeal dated 15.05.2019 (through post) conveyed to the Respondent on 17.05.2019 has not been responded within the stipulated period of ninety days.

Filed to-day

Registrar

Prayer in Appeal: -

On acceptance of this appeal the impugned order dated 11.04.2019, may please be set-aside and the pay of the appellant may please be restored to his original position with all back benefits.

Respectfully Submitted:

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

26-09-2019

1. That the appellant was appointed as Warder in the Prison Department and was posted at the relevant time in Bannu Prison. Ever since his appointment the appellant was performing his duties as assigned to him with full devotion and there was no complaint whatsoever regarding his performance.
2. That the appellant while performing his duties in Bannu Jail, in the mid night of 14/15 April, 2012, a good number of militants (more

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1

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 1266

Dated 17/9/2019

Appeal No. _____/2019

Muhammad Ibrar S/O Khayat Ulah, Warder, attached to Central Jail Bannu, R/O Hussni Kalan Ilaqa Soorani P.O Nizem Bazar Bannu.

(Appellant)

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary Home and Tribal Affairs Department Khyber Pakhtunkhwa, Peshawar.
2. The Inspector General of Prison, Khyber Pakhtunkhwa, Peshawar.
3. Superintendent Circle Headquarters, Prison Peshawar.
4. The Superintendent Central Prison, Bannu.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, read with Section 19 of the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011, against the Order dated 11.04.2019, communicated to the appellant on 13.05.2019 whereby the appellant has been awarded the major penalty of "reduction to a lower stage in a time scale for a maximum period of three years" against which his Departmental Appeal dated 15.05.2019 (through post) conveyed to the Respondent on 17.05.2019 has not been responded within the stipulated period of ninety days.

Filed to-day

Registrar

17/9/19

Prayer in Appeal: -

On acceptance of this appeal the impugned order dated 11.04.2019, may please be set-aside and the pay of the appellant may please be restored to his original position with all back benefits.

Respectfully Submitted:

1. That the appellant was appointed as Warder in the Prison Department and was posted at the relevant time in Bannu Prison. Ever since his appointment the appellant was performing his duties as assigned to him with full devotion and there was no complaint whatsoever regarding his performance.

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar
26-09-24

17



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**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 12164

Dated 17/9/2019

Appeal No. _____/2019

Abid Ullah S/O Hazrat Ghulam, Warder, attached to Central Jail
Bannu, R/O Hussni Illaqa Soorani P.O Nazim Bazar Bannu.

(Appellant)

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary Home and Tribal Affairs Department Khyber Pakhtunkhwa, Peshawar.
2. The Inspector General of Prison, Khyber Pakhtunkhwa, Peshawar.
3. Superintendent Circle Headquarters, Prison Peshawar.
4. The Superintendent Central Prison, Bannu.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, read with Section 19 of the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011, against the Order dated 11.04.2019, communicated to the appellant on 13.05.2019 whereby the appellant has been awarded the major penalty of "reduction to a lower stage in a time scale for a maximum period of three years" against which his Departmental Appeal dated 15.05.2019 (through post) conveyed to the Respondent on 17.05.2019 has not been responded within the stipulated period of ninety days.

Filed to-day
 Registrar
 17/8/19

Prayer in Appeal: -

On acceptance of this appeal the impugned order dated 11.04.2019, may please be set-aside and the pay of the appellant may please be restored to his original position with all back benefits.

Respectfully Submitted:

1. That the appellant was appointed as Warder in the Prison Department and was posted at the relevant time in Bannu Prison. Ever since his appointment the appellant was performing his duties as assigned to him with full devotion and there was no complaint whatsoever regarding his performance.
2. That the appellant while performing his duties in Bannu Jail, in the mid night of 14/15 April, 2012, a good number of militants (more

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 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar
 26-09-24

(18)



**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Appeal No. _____/2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 12163

Dated 17/9/2019

Saved Khan S/O Muhammad Usman, Warder, attached to Central Jail Bannu, R/O Jando Khel C/O Rafiq Zaman Jewellers Shop No. 14 Tehsil Bazar Bannu City.

(Appellant)

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary Home and Tribal Affairs Department Khyber Pakhtunkhwa, Peshawar.
2. The Inspector General of Prison, Khyber Pakhtunkhwa, Peshawar.
3. Superintendent Circle Headquarters, Prison Peshawar.
4. The Superintendent Central Prison, Bannu.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, read with Section 19 of the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011, against the Order dated 11.04.2019, communicated to the appellant on 13.05.2019 whereby the appellant has been awarded the major penalty of "reduction to a lower stage in a time scale for a maximum period of three years" against which his Departmental Appeal dated 15.05.2019 (through post) conveyed to the Respondent on 17.05.2019 has not been responded within the stipulated period of ninety days.

Filed to-day
Registrar
17/9/19

Prayer in Appeal: -

On acceptance of this appeal the impugned order dated 11.04.2019, may please be set-aside and the pay of the appellant may please be restored to his original position with all back benefits.

Respectfully Submitted:

1. That the appellant was appointed as Warder in the Prison Department and was posted at the relevant time in Bannu Prison. Ever since his appointment the appellant was performing his duties as assigned to him with full devotion and there was no complaint whatsoever regarding his performance.

ATTESTED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar
26-09-24

(19)



BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1267

Dated 17/9/2019

Appeal No. /2019

Hafiz Mir Hussain Shah S/O Bahadar Shah, Warder, to Central Jail
Bannu, R/O Hussni Darah Shah P/O Soorani Bannu.

(Appellant)

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary Home and Tribal Affairs Department Khyber Pakhtunkhwa, Peshawar.
2. The Inspector General of Prison, Khyber Pakhtunkhwa, Peshawar.
3. Superintendent Circle Headquarters, Prison Peshawar.
4. The Superintendent Central Prison, Bannu.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, read with Section 19 of the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011, against the Order dated 11.04.2019, communicated to the appellant on 13.05.2019 whereby the appellant has been awarded the major penalty of "reduction to a lower stage in a time scale for a maximum period of three years" against which his Departmental Appeal dated 15.05.2019 (through post) conveyed to the Respondent on 17.05.2019 has not been responded within the stipulated period of ninety days.

Filed to-day

Registrar

17/9/19

Prayer in Appeal: -

On acceptance of this appeal the impugned order dated 11.04.2019, may please be set-aside and the pay of the appellant may please be restored to his original position with all back benefits.

Respectfully Submitted:

1. That the appellant was appointed as Warder in the Prison Department and was posted at the relevant time in Bannu Prison. Ever since his appointment the appellant was performing his duties as assigned to him with full devotion and there was no complaint whatsoever regarding his performance.

2. That the appellant while performing his duties in Bannu Jail, in the mid night of 14/15 April, 2012, a good number of militants (more than 300) attacked the Jail with heavy weapons, the appellant

EXAMINED
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

26-09-21

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BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Appeal No. 1367/2019

Diary No. 1265

Dated 17/9/2019

Asif Ali Shah S/O Tahir Ali Shah, Warder, attached to Central Jail
Bannu, R/O Pir Khel Kakki, P.O Kakki District, Bannu.

(Appellant)

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary Home and Tribal Affairs Department Khyber Pakhtunkhwa, Peshawar.
2. The Inspector General of Prison, Khyber Pakhtunkhwa, Peshawar.
3. Superintendent Circle Headquarters, Prison Peshawar.
4. The Superintendent Central Prison, Bannu.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, read with Section 19 of the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011, against the Order dated 11.04.2019, communicated to the appellant on 13.05.2019 whereby the appellant has been awarded the major penalty of "reduction to a lower stage in a time scale for a maximum period of three years" against which his Departmental Appeal dated 15.05.2019 (through post) conveyed to the Respondent on 17.05.2019 has not been responded within the stipulated period of ninety days.

Filed to-day

Registrar

12/8/19

Prayer in Appeal: -

On acceptance of this appeal the impugned order dated 11.04.2019, may please be set-aside and the pay of the appellant may please be restored to his original position with all back benefits.

Respectfully Submitted:

1. That the appellant was appointed as Warder in the Prison Department and was posted at the relevant time in Bannu Prison. Ever since his appointment the appellant was performing his duties as assigned to him with full devotion and there was no complaint whatsoever regarding his performance.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

26-09-2012

2. That the appellant while performing his duties in Bannu Jail, in the mid night of 14/15 April, 2012, a good number of militants (more than 300) attacked the Jail with heavy weapons, the appellant

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**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Khyber Pakhtunkhwa
Service Tribunal

Appeal No. 1368/2019

Diary No. 1267
Dated 17/9/2019

Mir Liaq S/O Baraz Khan, Warder, Central Jail Bannu, R/O Degan
Shadi Khan Soranai Post Office Fazal Haq Malwana Bannu.

(Appellant)

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary Home and Tribal Affairs Department Khyber Pakhtunkhwa, Peshawar.
2. The Inspector General of Prison, Khyber Pakhtunkhwa, Peshawar.
3. Superintendent Circle Headquarters, Prison Peshawar.
4. The Superintendent Central Prison, Bannu.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, read with Section 19 of the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011, against the Order dated 11.04.2019, communicated to the appellant on 13.05.2019 whereby the appellant has been awarded the major penalty of "reduction to a lower stage in a time scale for a maximum period of three years" against which his Departmental Appeal dated 15.05.2019 (through post) conveyed to the Respondent on 17.05.2019 has not been responded within the stipulated period of ninety days.

Filed to-day
Registrar
12/9/19

Prayer in Appeal: -

On acceptance of this appeal the impugned order dated 11.04.2019, may please be set-aside and the pay of the appellant may please be restored to his original position with all back benefits.

Respectfully Submitted:

1. That the appellant was appointed as Warder in the Prison Department and was posted at the relevant time in Bannu Prison. Ever since his appointment the appellant was performing his duties as assigned to him with full devotion and there was no complaint whatsoever regarding his performance.
2. That the appellant while performing his duties in Bannu Jail, in the mid night of 14/15 April, 2012, a good number of militants (more

ACCEPTED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar
26-09-09

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**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Khyber Pakhtunkhwa
Service Tribunal

Diary No: 1519

Date: 29-10-2019

Appeal No. _____/2019

Muhammad Zahid, Deputy Superintendent Jail, Central Prison Bannu.

(Appellant)

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. Secretary Home and Tribal Affairs Department, Khyber Pakhtunkhwa, Peshawar.
3. Inspector General of Prison, Khyber Pakhtunkhwa, Peshawar.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, read with Section 19 of the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011, against the Order dated 11.04.2019, whereby the appellant has been awarded the major penalty of "Reduction to a lower stage in a time scale for period of three years" against which his Departmental Appeal has also been rejected vide order dated 30.09.2019.

Prayer in Appeal: -

On acceptance of this appeal the impugned order dated 11-04-2019, may please be set-aside and the appellant be restored to his original position with all arrears and benefits.

Respectfully Submitted:

1. That the appellant started his service as Assistant Superintendent Jail in the year 1986, he was promoted as Deputy Superintendent Jail in the year 2005. He remained posted at different jails and has performed his duties quite diligently, vigilantly, honestly and with his utmost loyalty. Ever since the appointment of the appellant, there was no complaint whatsoever regarding his performance.
2. That the appellant while posted as Deputy Superintendent-cum-Superintendent Central Prison Bannu, in the mid night of 14/15 April, 2012, a good number of militants (more then 300) attacked

Filed to-day
Registrar
29/10/19

ATTESTED
Khyber Pakhtunkhwa
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26-09-21

(23)

To,

The Inspector General
Of Prison,
KPK, Peshawar.

Subject: APPLICATION FOR COMPLIANCE OF
CONSOLIDATED JUDGMENT DATED: 31.05.2024
OF TITLED "RAQIBAZ etc VS GOVT OF KPK etc"
BY THE HON'BLE SERVICE TRIBUNAL KPK
PESHAWAR.

Respectfully Sir,

1. It is stated that the above subject case along with other ten appeals has been decided on dated: 31.05.2024, through consolidated judgment all appeals of the applicants has been allowed.
2. That the applicants being waiting for a long time to compliance with the above subject judgment.

It is therefore, request that the above subject Judgment may kindly be compliance with.

Thanks

Dated: 10.07.2024



Yours Sincerely

Raqibaz

S/O Amir Qabaz Khan

Along with other 10.

