

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

In the matter of

Service Appeal No.1048/2024

Sadeeq Ullah (Ex-Junior Dental Technician) attached to Central Prison Peshawar

.....Appellant.

VERSUS

1. The Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
2. Additional Chief Secretary to Government of Khyber Pakhtunkhwa Home and Tribal Affairs Department Peshawar

.....Respondents.

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Deponent

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

In the matter of

Service Appeal No.1048/2024

Sadeeq Ullah (Ex-Junior Dental Technician) attached to Central Prison
Peshawar

.....Appellant. Khyber Pakhtunkhwa
Service Tribunal

VERSUS

Diary No. 17983

1. The Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar
2. Additional Chief Secretary to Government of Khyber Pakhtunkhwa Home and Tribal Affairs Department Peshawar

15/11/24

.....Respondents.

SUBJECT: JOINT PARAWISE COMMENTS OF RESPONDENTS No.01 & 02

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 has estopped by his own conduct to file appeal.
- iv. That the appellant has not come to this Honourable 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 grounds liable to be dismissed with cost.

OBJECTION ON FACTS:

1. Pertains to record.
2. Subject to proof.
3. Admitted to the extent that appellant took charge of the post on 02/07/2018 and posted at different Prison stations but from the very beginning the appellant created hurdles for the administration and was not serious to his designated duties. The appellant vide Inspectorate General of Prison office order dated 26/12/2022 (**Annex-A**) posted from Central Prison Mardan to Central Prison Peshawar for further duties there and was given 3 days joining time. Accordingly vide Superintendent Central Prison Mardan office letter dated 27/12/2022 (**Annex-B**) the appellant was relieved from official duties on the same day and was directed to report to Superintendent Central Prison Peshawar for further duties there. Thereafter, the appellant submitted his arrival report to Superintendent Central Prison Peshawar vide Superintendent Central Prison office letter No.18641 dated 30/12/2022 (**Annex-C**) but after one day of his charge an explanation notice was served upon him vide Superintendent Central Prison Peshawar office letter dated 10/01/2022 (**Annex-D**) on account of changing inmates from barrack to hospital and have committed misconduct on his part. He was required to inform the jail administration about existing of mobile phone with the prisoner in

,question but he concealed the facts from the administration for his motives,hence he committed grave misconduct on his part.

4. Incorrect and not admitted.The Superintendent Central Prison Peshawar reported vide his letter dated 25/01/2024 that upon recovery of mobile phone from prisoner namely Shah Khalid and further checking of record of mobile phone it was found that Mr.Sadiq Ullah Junior Technician(BPS-12) had been in contact with the said prisoner (**Annex-E**).Moreover,he also admitted his contact with the said prisoner before Superintendent Jail,thus he was involved in supply of mobile phone to prisoner.Using mobile phone/smuggling the mobile phones inside the Prisons are prohibited articles in the meaning of Rule 690 of sub clause (H) of Khyber Pakhtunkhwa Prison Rules 2018 (**Annex-F**) so the appellant violated the provision of Rule ibid which rendered disciplinary action against him. The Inspector General of Prisons being the competent authority placed the appellant under suspension w.e.f 25/01/2024 for his misconduct till conclusion of the proceeding vide Inspector General of Prison office order dated 30/01/2024 (**Annex-G**).Thereafter disciplinary action in the meaning of statement of allegations was served upon him and Mr.Abdul Bari Superintendent District Jail Kohat was nominated as an inquiry officer to probe in the matter thoroughly vide Inspector General of Prison office letter dated 30/01/2024.The appellant was also properly charge sheeted for his misconduct and for recovery of mobile phone with prisoner in question. **Statement of allegations and Charge Sheet are enclosed as Annex-H**. The inquiry officer vide Superintendent District Jail Kohat office letter dated 26/02/2024 (**Annex-I**) submitted their detail fact finding inquiry to worthy Inspector General of Prison being competent authority wherein inquiry officer recorded the statements of different officers/officials posted at Central Prison Peshawar including present appellant.The Inspector General of Prisons being competent authority issued show cause notice upon the present appellant vide Inspectorate General of Prison office letter dated 01/03/2024 (**Annex-J**) which was received and signed by present appellant on 07/03/2024.The appellant submitted reply to show cause notice on 14/03/2024 vide Superintendent Central Prison Peshawar office letter dated 14/03/2024 (**Annex-K**) in which the appellant failed to justify the allegations leveled against him and was unable to prove himself innocent. The appellant was also called for personal hearing before Inspector General of Prisons on 20/03/2024 vide Inspector General of Prison office letter No.18/03/2024 (**Annex-L**). The appellant appeared for personal hearing on due date. During course of early hearing, the accused/official admitted his telephonic conversation with the prisoner namely Shah Khalid in connection with supply of mobile phone. Consequent upon the disciplinary proceeding, the competent authority awarded him major penalty of Removal from Service vide Inspector General of Prison office order dated 21/03/2024 (**Annex-M**).
5. Incorrect and not admitted. Detail of this Para is elaborated in Para-04 above.
6. Incorrect and not admitted. Detail of this Para is elaborated in Para-04 above.
7. Incorrect and not admitted. The appellant was unable to prove himself innocent and to give plausible explanation to allegation leveled against him. The appellant also admit his misconduct during course of personal hearing before Inspector General of Prisons so the charge leveled against was fully proved without any doubt.

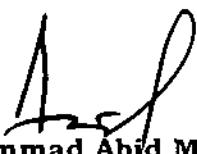
8. Admitted as correct. The respondent No.1 was rightly awarded him major penalty in shape of RFS on account of his gross misconduct after observing all legal and codal formalities as laid down in E&D Rules 2011.
9. Incorrect and not admitted. The appellant preferred his departmental appeal to Additional Chief Secretary being appellate authority against the order ibid. The competent authority granted the opportunity of personal hearing to the appellant on 23/05/2024 vide Home Department letter dated 20/05/2024. The appellant was heard in person. During course of personal hearing, he admitted his guilt and stated that he has telephonic contact and information sharing with the said prisoner. Consequently, the appellate authority uphold the order of penalty of Removal from Service imposed upon the accused/official by Inspector General of Prisons Khyber Pakhtunkhwa Peshawar and rejected his departmental appeal vide Home Department order dated 06/06/2024(Annex-A).

GROUND.

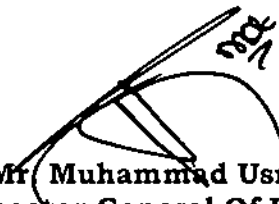
- A. Incorrect and not admitted. The order of the competent authority as well as the appellate authority are according to law and rules and no discrimination has been committed with the appellant.
- B. Incorrect and not admitted. The orders of respondent No.1 and 2 are according to law and rules and passed after observed all legal and codal formalities as laid down in E&D Rules 2011.
- C. Incorrect and not admitted. Detail is given at Para-B above.
- D. Incorrect and not admitted. Detail of this Para is given in Para-04 of factual objections.
- E. Incorrect and not admitted. Detail of this Para is given in Para-B above.
- F. Pertains to record.
- G. The respondent would also seeks prior permission of the Honourable Tribunal to raise additional grounds at the time of arguments.

PRAYER :

It is, therefore, most humbly prayed that on acceptance of this instant Joint parawise comments/reply of the respondent No.01 &2, the appeal of the appellant may please kindly be dismissed with cost being devoid of merit and law.


Mr. Muhammad Abid Majeed
Additional Chief Secretary
Home & Tribal Affairs Department
Khyber Pakhtunkhwa, Peshawar
(Respondent No.02)

Additional Chief Secretary
Home & T.As Department
Khyber Pakhtunkhwa.


Mr. Muhammad Usman
Inspector General Of Prisons
Khyber-Pakhtunkhwa, Peshawar
(Respondent No.01)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

In the matter of

Service Appeal No.1048/2024

Sadeeq Ullah (Ex-Junior Dental Technician) attached to Central Prison
Peshawar

.....Appellant.

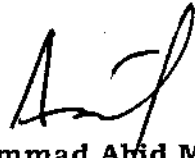
VERSUS

1. The Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
2. Additional Chief Secretary to Government of Khyber Pakhtunkhwa Home and Tribal Affairs Department Peshawar

.....Respondents.

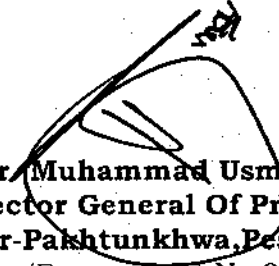
COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENTS No.1 & 2.

We, the following undersigned respondents do hereby solemnly affirm and declare on oath that the contents of the Joint 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 Honorable Service Tribunal. We further state on oath that the answering respondents does not placed ex-parte nor their defense have been struck off.



Mr. Muhammad Abid Majeed
Additional Chief Secretary
Home & Tribal Affairs Department
Khyber Pakhtunkhwa, Peshawar
(Respondent No.02)

Additional Chief Secretary
Home & T.As Department
Khyber Pakhtunkhwa.



Mr. Muhammad Usman
Inspector General Of Prisons
Khyber-Pakhtunkhwa, Peshawar
(Respondent No.01)



10 FEB 2024



INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

091-9210334,

091-9213445

9210406

No. 67/2-J-18-47182 1-

Dated 26-12-2022 1-

ORDER

Following mutual postings/ transfers are hereby ordered with immediate effect:-

S#	Name of Junior Technician Dental (BPS-12)	From	To
1.	Mr. Zain Ullah	Central Prison Peshawar	Central Prison Mardan Vice No.02.
2.	Mr. Sadiq Ullah	Central Prison Mardan	Central Prison Peshawar Vice No.01 above.

Note:

- Both officials shall be relieved immediately by making local arrangements.
- Departure/Arrival report should be sent to all concerned.
- Not more than three days joining time is allowed.
- No TA/DA is allowed to them on this account.

INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA PESHAWAR

ENDST; NO. 47183-86 1.

Copy of the above is forwarded to:-

- Accountant General Khyber Pakhtunkhwa Peshawar.
- The Superintendents, Central Prison Peshawar & Mardan for information and necessary action.
- The District Accounts Officer Mardan XXXXXXXXXX for information.

DEPUTY DIRECTOR(E)
INSPECTORATE GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA PESHAWAR

Attested by

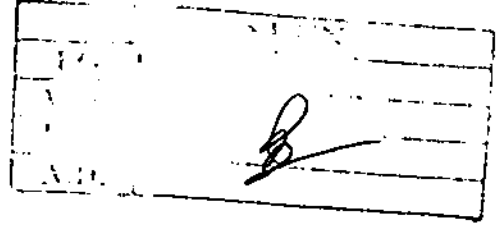


114

OFFICE OF THE
SUPERINTENDENT
CENTRAL PRISON PESHAWAR
No. 18641 /HC Dt: 30/12/22

To,

The Inspector General of Prisons,
Khyber Pakhtunkhwa, Peshawar.



Subject: ARRIVAL REPORT.

Memo:

Reference your good Office Order No. 47182, dated 26/12/2022. → P-112

It is submitted that **Mr. Sadiq Ullah, Dental Technician (BPS-12)**, has reported arrival for duty at this Jail today on dated 30/12/2022 (F.N).

The report is submitted for your kind information, please.

SUPERINTENDENT
CENTRAL PRISON PESHAWAR



3/1/23

[Handwritten signature]

NIFA
03/01/2023

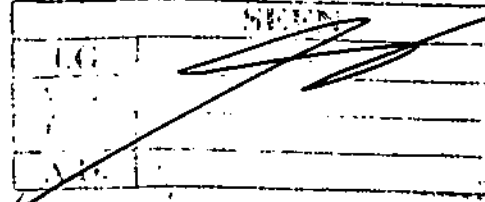


115

OFFICE OF THE
SUPERINTENDENT
CENTRAL PRISON PESHAWAR
No: _____ /HC Dt: 10/1/2022

To,

Mr. Sadiqullah
Dental Technician,
Central Prison, Peshawar.



Subject: EXPLANATION

Memo:

On 08-01-2023, you were allotted night duty and during your night duty you change inmates from barrack to hospital thus you committed gross misconduct on your part.

You are directed to explain your position within (3) days, failing which ex-parte action will be initiated against you.

SUPERINTENDENT
CENTRAL PRISON PESHAWAR

Endst: No. 335 /-

Copy of the above is forwarded to the Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar for kind information and with the request to place a copy of explanation on his personal file please.

SUPERINTENDENT
CENTRAL PRISON PESHAWAR

Al-F-A

12/01/23



12/1/23

Mustafa

M. Q.



OFFICE OF THE
SUPERINTENDENT
CENTRAL PRISON PESHAWAR
No. 1229 / Dt: 25/01/2024

To,

The Inspector General of Prisons,
Khyber Pakhtunkhwa Peshawar.

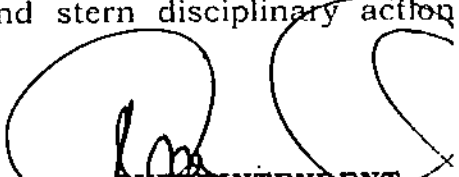
Subject: **SUSPENSION AND DISCIPLINARY PROCEEDINGS AGAINST MR. SADDIQ ULLAH, JUNIOR TECHNICIAN.**

R/Sir,

It is submitted that a search was conducted today i.e 25-01-2024 jail, during which a mobile phone was recovered from the possession of an untried prisoner namely Shah Khalid (MS-10 Barrack). The recovered mobile phone was then thoroughly checked and found exchange of messages between Saddiq Ullah, Junior Technician and prisoner namely Shah Khalid which means that he was in full contact with the said prisoner. Some messages also reveal that Mr. Saddiq Ullah used to supply mobile phone to him. When the said Junior Technician was called to the office of the undersigned and questioned, he admitted that he was in contact with the prisoner namely Shah Khalid through that mobile phone.

It was concluded that the above name Junior Technician failed to inform the Jail administration about the existence of mobile phone with prisoner Shah Khalid but instead had unnecessary contacts with the prisoner which is illegal and against the decorum of this Department.

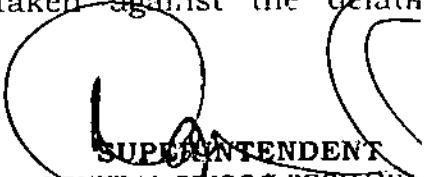
Forgoing in view, the official concerned has been placed under suspension which may please be confirmed and stern disciplinary action initiated against him under the rules.


SUPERINTENDENT
CENTRAL PRISON PESHAWAR

Endst: No. 1230 / -

Copy of the above is forwarded to the Principal Medical Officer Central Jail Hospital Peshawar for information with the request that all concerned medical officers / officials may be directed to avoid such contacts with prisoners and administration of the Jail be informed for the existence of contrabands otherwise similar action will be taken against the defaulters concerned.




SUPERINTENDENT
CENTRAL PRISON PESHAWAR

2311

25-1-24

25-1-24

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.**

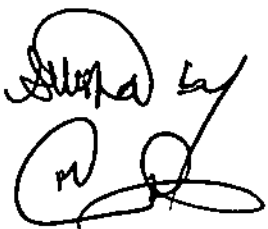
**Chapter-1
General Provision**

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;



690. **List of prohibited articles.**---(1) The articles specified or included in any of the descriptions contained in the list annexed to this rule, shall be deemed to be prohibited articles, within the meaning of section 42 of the Act and sub-section (12) of section 45 of the Act, unless any such article shall be-

- (a) introduced into any prison; or
- (b) removed from any prison; or
- (c) supplied to any prisoner outside the limits of any prison; or
- (d) received, processed or transferred by any prisoner with the permission of the Superintendent or other officer empowered by him in this behalf.

(2) List of prohibited articles include-

- (a) spirituous liquors of every description and intoxicating substances;
- (b) all explosives, intoxicating or poisonous substances and chemicals, whether fluid or solid of whatever description;
- (c) all arms and weapons and articles, which are capable of being used as weapons of whatever description;
- (d) all bullion, metal, coin, jewelry, ornaments, currency notes, except within permissible limit, securities, bonds and articles of value of every description;
- (e) all books, paper, photographs and pictures and printed or written matter and materials superficially prohibited by Government and appliances for printing or writing of whatever description;
- (f) string, ropes, chains, bamboos and all materials which are capable of being converted into string or rope or chain, any article likely to facilitate escape, or implement of any kind;
- (g) wood, bricks, stones and earth of every description;
- (h) mobile phone, PTCI phone, SIM's of any description, laptop, USB, MP3, charger, memory card and any other devices used for communications; and
- (i) all substances used for intoxication including Heroin, Ice, or any other drug / Narcotics of whatever description.

691. **Prohibited articles.**---Every article, of whatever description, shall be deemed to be a prohibited article within the meaning of section 42 and sub-section (12) of section 45 of the Act, in the case of-

- (a) a prisoner if introduced into or removed from any prison or received, possessed or transferred by such prisoner, and such article has-
 - (i) not been issued for his personal use from prison stores or supplies, under proper authority;
 - (ii) been so issued, if possessed or used at a time or place other than such as is authorized; and
 - (iii) not been placed in his possession for introduction, removal or used, as the case may be, by proper authority;
- (b) a prison official if introduced into or removed from any prisoner or supplied to any prisoner and such article-



- (i) has not been issued or sanctioned for his personal use by proper authority;
 - (ii) is not an article of clothing necessary for his personal wear; and
 - (iii) has not been placed in his possession by proper authority for introduction into or removal from the prison or for the purpose of being supplied to any prisoner.
- (c) a visitor if introduced into or removed from any prison, or supplied to any prisoner and such article-
- (i) is not required for his personal use while within the prison and has not been declared by him before entering the prison, and the introduction into or removal from the prison, or possession, of which while in prison, has not been permitted by Superintendent jail;
 - (ii) is introduced, with or without authority and is not retained in his possession until he has left the prison premises; and
 - (iii) comes into his possession while within the prison, and is subsequently removed by him from the prison; and
- (d) any other person if introduced into or removed from any prison, or supplied to any prisoner whether within or without the prison.

Attested by




F/13

**INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR**

091-9210334, 9210406

091-9213445

No. 50/2-J-18 — 7251 1-

Dated 30-01-2024

ORDER

In exercise of powers conferred under Rule-06 of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, Mr. Saddiq Ullah, Junior Technician Dental (BPS-12) posted at Central Prison Peshawar is hereby placed under suspension with effect from 25-01-2024 for his misconduct till conclusion of the proceedings.

During the period of suspension, he shall be entitled to get subsistence allowance as admissible under the rules.

ok
INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA PESHAWAR

Endst; No. 7252-541

Copy of the above is forwarded to:

1. Accountant General of Khyber Pakhtunkhwa Peshawar for information.
2. The Superintendent, Central Prison Peshawar for information and necessary action with reference to his letter No. 1229 dated 25-01-2024. Necessary entry may be made in his Service Book under proper attestation.
3. Official concerned for information.

ok
INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA PESHAWAR

Attested by



FIL

INSPECTORATE GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA PESHAWAR.
NO.50/2-J-2018 — 7255
DATED 30-01-2024

DISCIPLINARY ACTION

I, Muhammad Usman, I.G. Prisons Khyber Pakhtunkhwa, as competent authority, am of the opinion that Mr. Saddiq ullah, Junior Technician Dental (BPS-12) posted at Central Prison Peshawar ^(under suspension) has fendered himself liable to be proceeded against, as he committed the following acts/ omissions, within the meaning of Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

As reported by Supdt; Central Prison Peshawar, vide his letter No 1229, dated 25-01-2024 (copy enclosed), that upon recovery of mobile phone from prisoner namely Shah Khalid and further checking record of the mobile phone, it was found that Saddiq Ullah, Junior Technician Dental had been in contact with the said prisoner. Moreover he also admitted his contact with the said prisoner before Superintendent Jail, thus he involved in supply of mobile phone to prisoner. He was required to inform the jail administration about existing of mobile phone with the prisoner in question but he concealed the facts from the administration for his ulterior motives, hence, he committed grave misconduct on his part.

2. For the purpose of inquiry proceedings against the afore-said accused with reference to the above allegations, Abdul Bari Superintendent District Jail Kohat is hereby appointed as Inquiry Officer, under Rule-10(1)(a) of the E&D Rules, 2011.
3. The Inquiry Officer shall, in accordance with the provisions of the Rules, provide reasonable opportunity of hearing to the accused, record its findings and make within sixty (60) days of the receipt of this order, recommendations as to the punishment or other appropriate action against the accused.
4. The accused and a well conversant representative of Central Prison Peshawar shall join the proceedings on the date, time and place fixed by the Inquiry Officer.

Sdu
INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA PESHAWAR

ENDST;NO. 7256-58 - WE
1-

Copy of the above is forwarded to:

1. Abdul Bari Superintendent District Jail Kohat (Inquiry Officer), for initiating proceedings against the accused under the provisions of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011. A copy of charge sheet is enclosed herewith. An extract copy of Rule-11 of E&D Rules 2011 regarding procedure to be followed by Inquiry officer is enclosed for ready reference please.
2. Superintendent Central Prison Peshawar for information and necessary action. Charge sheet in duplicate is sent herewith. One copy of the same duly signed and dated by the above named official may be returned to this office in-token of its receipt.
3. Accused official concerned C/O Central Prison Peshawar.

[Signature]

o/c

[Signature]
INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA PESHAWAR

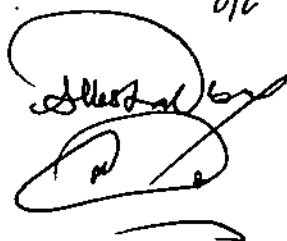
CHARGE SHEET

I, **Muhammad Usman**, I.G. Prisons Khyber Pakhtunkhwa Peshawar, as competent authority, hereby charge **Saddiq Ullah** as follows:

That you, posted at Central Prison Mardan as Junior Technician Dental (BPS-12) committed the following irregularities/misconduct:

As reported by Supdt; Central Prison Peshawar, vide his letter No 1229, dated 25-01-2024 (copy enclosed), that upon recovery of mobile phone from prisoner namely Shah Khalid and further checking record of the mobile phone, it was found that you had been in contact with the said prisoner. Moreover you also admitted your contact with the said prisoner before Superintendent Jail, thus you involved in supply of mobile phone to prisoner. You were required to inform the jail administration about existing of mobile phone with the prisoner in question but you concealed the facts from the administration for your ulterior motives, hence, you committed grave misconduct on your part.

2. For the reasons above, you appear to be guilty of inefficiency/misconduct under Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the Rules ibid.
3. You are, therefore required to submit your written defense within ten (10) days of the receipt of this **Charge Sheet** to the Inquiry Officer, as the case may be.
4. Your written defense, if any, should reach the Inquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.
5. Intimate whether you desire to be heard in person .
6. A statement of allegations is enclosed.

o/lc



INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA PESHAWAR



OFFICE OF THE
SUPERINTENDENT
DISTRICT JAIL KOHAT
No. 631 /AVE Dated: 26/02/2024
Phone & Fax-0922-920760
kohatprison@gmail.com

To,

The Inspector General of Prisons
Khyber Pakhtunkhwa Peshawar.

Subject: - **FACTS FINDING INQUIRY.**

Kindly refer to your good Office memo No. 7255 dated: 30/01/2024.

R/Sir;

In compliance with your directions vide memo under reference, the undersigned has visited Central Prison Peshawar on 19/02/2024 in order to conduct a fact finding inquiry against Saddiq Ullah, Junior Technician Dental in connection to the recovery of mobile phone from prisoner namely Shah Khalid. The Superintendent Central Prison Peshawar reported that prisoner namely Shah Khalid was released, however other concerned staff were present on the above mentioned date and Inquired in the matter.

FACTS & FINDINGS: -

To begin with, the Superintendent Central Prison Peshawar reported your good office vide letter No. 1229 dated: 25-01-2024, wherein he stated that during a search on 25-01-2024 inside the Jail, a mobile phone was recovered from the possession of an under trial prisoner namely Shah Khalid (MS-10 Barrack). He stated that the recovered mobile phone was then thoroughly checked and found exchange of messages between Mr. Saddiq Ullah, Junior Technician Dental and prisoner namely Shah Khalid which means that he was in full contact with the said prisoner. He further stated that the said Junior Technician Dental also involved in supplying of mobile phone to the prisoner. The JTD has then called by the Superintendent to his office where he inquired and admitted that he was in contact with the prisoner namely Shah Khalid through that mobile phone. (Photocopy attached as Annex-A).

STATEMENT OF INCHARGE CHAKKAR Mr. AITZAZ MEHMOOD (ASJ)

The undersigned first called the chakkar Incharge Mr. Aitzaz Mehmood Assistant Superintendent Jail and inquired about the event. He reported that on 25-01-2024, I (Aitzaz Mehmood) along with my squad conducted a search inside the Akram Block and recovered a touch mobile from prisoner Shah Khalid. He further stated that the said prisoner was then called to chakkar office where he was interrogated and got the code of the mobile. When the WhatsApp was checked, it was found that Saddiq Ullah Junior Dental exchanged some messages with the said prisoner. The Superintendent then called the Junior Technician and inquired about the messages where he admitted that he was in contact with the prisoner namely Shah Khalid through the mobile. (Statement attached as Annex-B)

The undersigned then checked the mobile and heard the voice messages between Saddiq Ullah Junior Technician Dental and prisoner Shah Khalid. The prisoner told JTD to contact my friends and take the mobiles from him. The JTD told him to give my number to your friend and contact with me. When the JTD received the mobiles, he replied the prisoners that the mobiles are very expensive and then used an abusive language against the Jail administration.

STATEMENT OF SADDIQ ULLAH JUNIOR TECHNICIAN DENTAL.

The official Saddiq Ullah Junior Technician Dental was then inquired and questioned him in detail about allegation leveled on him. Free and fair environment was provided to him without any duress and stress. The official replied all the questions asked and submitted a written statement wherein he stated that he has rendered his services as Junior Technician Dental to Prison

department for six years. The official provided his service to the prisoner in Jail from which he impressed and formed a relation of friendship. He also worked in clinic to his cousin. The official further stated that the prisoner told me two week earlier, that my friend will hand over something to you and you must take that to my house. I delivered the mobile on the same address on 24-01-2024. On 25-01-2024, I was received by a Warder from gate No.01 that told me that Mr. Aitzaz Mehmood ASJ has called you. The Warder has brought me to the office of the Deputy Superintendent Jail and searched body with my permission. Nothing was received during search without my mobile. Then I went inside the Jail for duty where Superintendent Jail called me in his office at about 11:00 AM. He interrogated about the mobile and exchange of voice messages. I clearly told him that the voice messages that I have done was not related to Jail nor Jail administration. The abusive language I used was about the cousin of the prisoner Shah Khalid. He latterly requested for pardon and promised that I will never do such activities in future. (Statement Attached as Annex-C)


CONCLUSION:

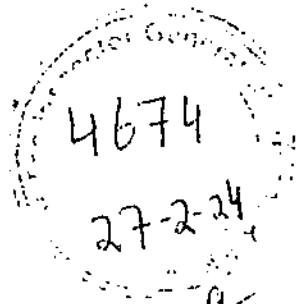
Keeping in view the above mentioned facts, the undersigned has concluded that the official Saddiq Ullah Junior Technician has exchanged messages with the prisoners namely Shah Khalid. The official also admitted that he was in contact with the said prisoner. The saved messages also revealed that he used abusive language against the Jail administration and was planned to provide mobiles to the prisoner. however no mobile was recovered from him on the spot.

RECOMMENDATIONS: -

Keeping in view, the above statements and findings, it is recommended that the official be transferred from Central Prison Peshawar to far-flung Jail of the province withholding of two annual increment for two years due to abusive language, exchange of messages and failure to inform the Jail administration about the mobile.

The Inquiry report is submitted as ordered, please.


ABDUL BARI 26/2/24
INQUIRY OFFICER
SUPERINTENDENT
DISTRICT JAIL KOHAT



Attested by

29-2-24



**INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR**

091-9210334, 9210406 091-9213445

No. 2-J-18 — 12224 1-W

Dated 01-03-2024 1.

REGISTERED

To

The Superintendent,
Central Prison Peshawar

Subject: - **DISCIPLINARY ACTION/SHOW CAUSE NOTICE**

Memo:

I am directed to refer to the subject and to forward herewith Show Cause Notice (in duplicate) alongwith a copy of Inquiry report in respect of Mr. Saddiq Ullah, Junior Technician Dental (BPS-12) for service upon him. Duplicate copy of the Show Cause Notice duly signed and dated by him may be returned to this office as a token of its receipt.

ok
01/07/2024
DEPUTY DIRECTOR(E)

INSPECTORATE GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA PESHAWAR

Endst; No. 12225 1.

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

ok
01/07/2024
DEPUTY DIRECTOR(E)

INSPECTORATE GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA PESHAWAR

Attested by
[Signature]

131

SHOW CAUSE NOTICE

I, Muhammad Usman, Inspector General of Prisons Khyber Pakhtunkhwa, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, do hereby serve upon you, Saddiq Ullah, Junior Technician Dental (BPS-12) (under suspension) presently posted at Central Prison Peshawar as following:

- i. That consequent upon the completion of inquiry conducted against you by the Inquiry Officer for which you were given opportunity of hearing;
- ii. That on going through the findings and recommendations of the Inquiry Officer, the material on record and other connected papers including your defense before the Inquiry officer;

I am satisfied that you have committed the following acts/omissions specified in rule-3 of the said rules:

(a) Charge of misconduct proved.

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the ~~Minor~~ / Major penalty of Dismissal from service under rule-4 of the said rules.
3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
4. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defense to put in and in that case, ex-parte action shall be taken against you.
5. A copy of the findings of the Inquiry officer is enclosed.

[Handwritten signature]
7-3-24.
[Handwritten signature]

INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA PESHAWAR

[Handwritten signature]
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137

OFFICE OF THE
SUPERINTENDENT
CENTRAL PRISON PESHAWAR
No. 3490 /HC Dt: 14-3-24
WE

To

The Worthy Inspector General of Prisons,
Khyber Pakhtunkhwa Peshawar.


Subject:
Memo:

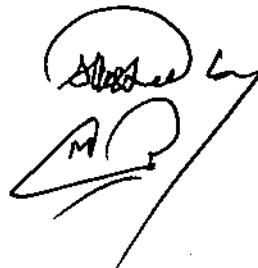

DISCIPLINARY ACTION/SHOW CAUSE NOTICE.

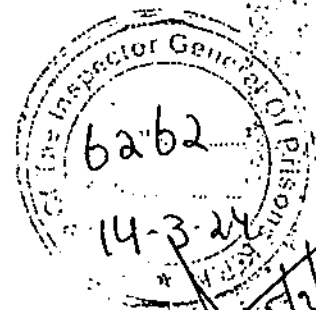
SUPERINTENDENT	
TO	
FROM	
DATE	
REMARKS	

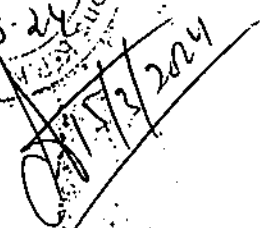
Kindly refer to Superintendent District Jail Kohat office letter No. 63 dated: 26-02-2024 on the subject noted above.

Enclosed find herewith show cause notice copy in respect of Mr. Sadiq Ullah Junior Technician Dental (BPS-12) for information please.


SUPERINTENDENT
CENTRAL PRISON PESHAWAR

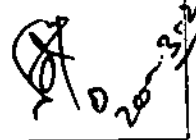




6262
14-3-24


14/3/2024

APPEARED FOR PERSONAL HEARING ON 20-03-2024 (Wednesday)

138

S#	NAME OF OFFICIAL	CNIC No & Contact No.	Signature
2.	Saddiq Ullah Junior Technician Dental (BPS-12) attached to Central Prison Peshawar	CNIC: 17301-0811222-7 Contact No: 0348-7827642	 020-3/24





E/M 136

**INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR**

☎ 091-9210334, 9210406 🏠 091-9213445

No. 52/2J-2018-148901-

Dated 21-03-2024-

ORDER

WHEREAS, the accused official **Mr. Saddiq Ullah**, Junior Technician Dental (BPS-12) attached to Central Prison Peshawar was placed under suspension and proceeded against under Rule-3 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 on the charges mentioned in the charge sheet served upon him.

AND WHEREAS, **Abdul Bari**, Superintendent District Jail Kohat was appointed as Inquiry Officer for conducting inquiry into the matter vide this office order 50/2-J-2018 – 7255 dated 30-01-2024.

AND WHEREAS, the Inquiry Officer concerned submitted his findings which are placed on record according to which the charge of misconduct was proved against him.

AND WHEREAS, as required under the rules, the undersigned being competent authority served Show Cause Notice on the accused and he accordingly furnished his reply which is placed on record.

AND WHEREAS, the undersigned being competent authority granted him the opportunity of personal hearing on 20-03-2024 as provided under rules ibid. During the course of personal hearing the accused admitted his telephonic conversation with the prisoner namely Shah Khalid in connection of supply of mobile phone.

NOW THEREFORE, in exercise of powers conferred under Rule-14(5)(II) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, having considered the charges, evidence on record, the explanation of the accused official, as well as recommendation of the Inquiry Officer and after affording the opportunity of personal hearing the undersigned being competent authority hereby awards the major penalty of "**Removal from Service**" to **Mr. Saddiq Ullah**, Junior Technician Dental (BPS-12) attached to Central Prison Peshawar with immediate effect.

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

Endst; No. 14891-96 1.

Copy of the above is forwarded to the:

1. Accountant General of Peshawar for information and necessary action.
2. Superintendent, Central Prison Peshawar for information and necessary action. Necessary entry to this effect may please be made in his service book under proper attestation.
3. Mr. Abdul Bari, Superintendent District Jail Kohat (Inquiry Officer) for information with reference to his letter No. 671/WE dated 26-02-2024.
4. Official concerned C/O Superintendent Central Prison Peshawar for information.
5. PS to Inspector General of Prisons Khyber Pakhtunkhwa for information please.
6. Confidential Clerk for placing in his C.R Dossier.

Attested by

**ASSISTANT DIRECTOR(E)
INSPECTORATE GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA PESHAWAR**



GOVERNMENT OF KHYBER PAKHTUNKHWA,
HOME & TRIBAL AFFAIRS DEPARTMENT

157

No. SO (Prisons)HD/8-3/KC
- Peshawar, dated the 20th May, 2024

To,
The Inspector General of Prisons,
Khyber Pakhtunkhwa.

A
B
A.D

Subject:- APPEAL OF MR.SADIQ ULLAH JUNIOR TECHNICIAN DENTAL (BPS-12)
AGAINST THE ORDER OF INSPECTOR GENERAL OF PRISONS PESHAWAR
DATED 21.03.2024

Dear Sir,

0-148

I am direct to refer to your letter No. 50/2-J-18-17145/WE dated 18-04-2024 on the subject noted above and to state that the Competent authority is pleased to give an opportunity of personal hearing to Mr.Sadiq Ullah Junior Technician Dental (BPS-12), Central Prison Peshawar, scheduled to be held on 23rd May, 2024 at 10:30 am in his office.

2. It is, therefore, requested to inform the above official for attending the personal hearing and also depute a well conversant officer alongwith complete record to attend the personal hearing, please.

Yours faithfully,

Section Officer (Prison-I)

Endst of even No. & Date:

Copy of forwarded to the;

1. PS to Additional Chief Secretary, Home & Tribal Affairs Department.
2. PS to Special Secretary-I Home, & Tribal Affairs Department.
3. Master File.

Section Officer (Prison-I)

10565
21-5-24

21-5-24



GOVERNMENT OF KHYBER PAKHTUNKHWA,
HOME & TRIBAL AFFAIRS DEPARTMENT

Dated Peshawar the 06th June, 2024

ORDER

TO	
A.C.S.	
D.P.	
A.D.	

SEEN

[Handwritten signature]

No. SO(P&R)/HD/8-3/KC/2024/ WHEREAS, Mr. Saddiq Ullah, Junior Technician Dental (BPS-12) Central Prison Peshawar was charged with supply of mobile phone to the under-trial prisoner namely Shah Khalid of Central Prison Peshawar. Upon recovery of mobile phone from the above mentioned prisoner and further checking of record of the mobile phone, it was unearthed that the accused official had been in contact with the said prisoner supplying him sensitive information with regards to prison administration. Furthermore, he was required to inform the jail administration about the existence of mobile phone with the prisoner in question but he concealed the facts from the administration. Hence, he committed grave misconduct;

AND WHEREAS, after departmental proceedings, show cause notice with tentative penalty of Dismissal from Service, was imposed upon him. Furthermore, an opportunity of personal hearing was given to the accused, during which he admitted his telephonic contact and information sharing with the said prisoner. Therefore, a major penalty of Removal from Service was imposed upon him by Inspector General of Prison being the Competent Authority;

AND WHEREAS, feeling aggrieved with the above decision, the accused official preferred an appeal under Rule-17 of the ibid Rules for setting aside the major penalty of Removal from Service;

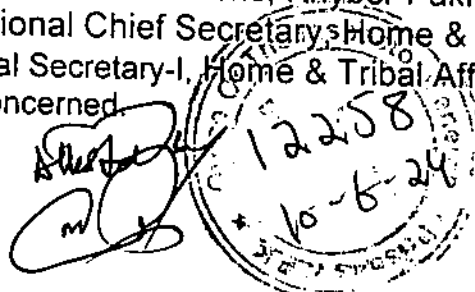
NOW THEREFORE, after having considered the charges, evidence on record, explanation of the accused official, I, Muhammad Abid Majeed, Additional Chief Secretary, Home & Tribal Affairs Department Government of Khyber Pakhtunkhwa in exercise of powers conferred under Rule- (2) (a) of Khyber Pakhtunkhwa Civil Servants (E&D) Rules, 2011, being appellate authority uphold the order of penalty of "Removal from Service" imposed upon the accused by Inspector General of Prisons and reject the appeal of the appellant.

Additional Chief Secretary,
Home & Tribal Affairs Department

ENDST; NO & DATE EVEN.

Copy forwarded for information to the: -

1. Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar.
2. PS to Additional Chief Secretary, Home & Tribal Affairs Department.
3. PS to Special Secretary-I, Home & Tribal Affairs Department.
4. Appellant concerned
5. Master file.



[Handwritten signature]
Section Officer (Prison-I)



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**