

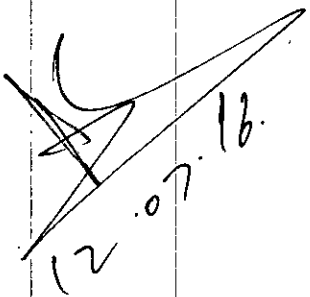
S.No. of proceed ings	Date of Order or proceedings.	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	12.07.2016	<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u> CAMP COURT SWAT</p> <p style="text-align: center;">Service Appeal No. 260/2014</p> <p>Usman Shah Versus Commissioner Malakand Division, Saidu Sharif Swat and 4 others.</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:</u></p> <p>Counsel for the appellant and Mr. Khursheed Ali, Assistant alongwith Mr. Muhammad Zubair, Senior Government Pleader for respondents present.</p> <p>2. Mr. Usman Shah S/O Amanullah Khan hereinafter referred to as the appellant has preferred the instant appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against order dated 16.01.2014 passed by the Commissioner Malakand Division vide which original order dated 31.07.2013 passed by the Deputy Commissioner Swat imposing the penalty in the shape of withholding promotion of appellant for indefinite period was modified into minor penalty in the shape of withholding promotion for a period of 2 years.</p> <p>3. Brief acts of the case of appellant are that the appellant</p>

12/07.16.

was subjected to enquiry on certain allegations including securing thumb impressions/signatures of the concerned parties without lawful authority on certain mutations stated in the charge sheet and statement of allegations and recorded report of Ahle Commission on certain mutations but leaving blank space for the name of Ahle Commission. That after concluding of the enquiry original order against the appellant was passed by the Deputy Commissioner, Swat which was modified by the Commissioner Malakand Division in the mode and manners stated above.

4. Learned counsel for the appellant has argued that the enquiry was not conducted in the mode and manners prescribed by law as opportunity of cross-examination was not extended to the appellant and that the witnesses were examined in his absence. That even certain mutations not mentioned in the charge sheet and statement of allegations were included in the enquiry by the enquiry officer. That apart from the above mutations mentioned in the charge sheet were later-on accepted and as such this aspect of the case was also not considered during the enquiry. That even final show cause notice was not issued against the appellant and as such the proceedings are against facts and law and are therefore liable to set aside.

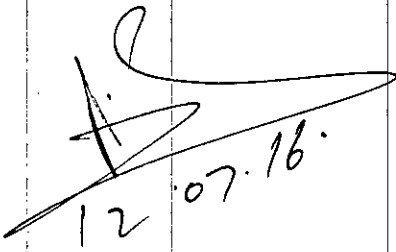
5. Learned Senior Government Pleader has argued that the enquiry was conducted in accordance with law and that the appellant was associated with the enquiry proceedings and that

A handwritten signature in black ink, followed by the date '12.07.16.' written below it.

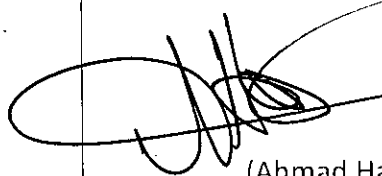
the impugned order was passed by the Commissioner Malakand Division after considering pro & cons of the case.

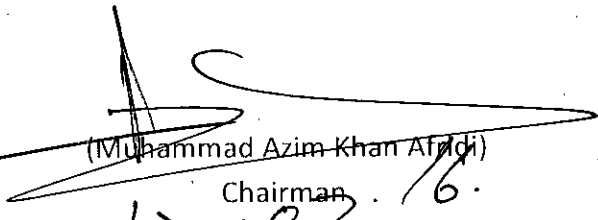
5. We have heard arguments of learned counsel for the appellant and learned Senior Government Pleader for respondents and perused the record.

6. Findings of the enquiry and other record placed before us would suggest that the enquiry officer has though recorded statements of witnesses but no opportunity was extended to the appellant for cross-examining the said witnesses. The appellant was not associated with the enquiry as required. Certain mutations mentioned in the enquiry do not find mention in the charge sheet and statement of allegations. As such we are of the considered view that the enquiry proceedings were not conducted in accordance with law. We are therefore, constrained to accept the instant appeal and set aside the impugned order dated 16.01.2014 and remand the case of the appellant to the competent authority for denovo enquiry wherein opportunity of cross-examination and full participation in the enquiry proceedings to the appellant be extended and where-after the matter be decided as deem appropriate by the competent authority within a period of one month from the date of receipt of this judgment. In case the respondents fail to conduct and conclude enquiry within the stipulated period of one month then it shall be deemed that the impugned final order dated 16.1.2014

  
12.07.16.

has been set aside and in such eventuality the appellant would be entitled to consideration for promotion irrespective of the penalty imposed against him. Parties are left to bear their own costs. File be consigned to the record room.

  
(Ahmad Hassan)  
Member

  
(Muhammad Azim Khan Afridi)  
Chairman

12.07.16

ANNOUNCED  
12.07.2016

4.8.2015

Appellant in person and Mr. Khurshid Ali, Assistant alongwith Mr. Muhammad Zubair, Sr.GP for official respondents present. Rejoinder not submitted. To come up for rejoinder and final hearing before D.B on 6.10.2015 at Camp Court Swat.

  
Chairman  
Camp Court Swat

6.10.2015

Appellant in person and Mr.Khurshid Ali, Assistant alongwith Mr.Muhammad Zubair, Sr.GP for official respondents present. Due to non-availability of D.B arguments could not be heard. To come up for rejoinder and final hearing before D.B on 10.12.2015 at Camp Court Swat.

  
Chairman  
Camp Court Swat


10.12.2015

Appellant in person and Mr. Khurshid Ali, Assistant alongwith Mr. Muhammad Zubair, Sr. G.P for official <sup>respects</sup> present. Rejoinder submitted. Due to non-availability of D.B arguments could not be heard. To come up for final hearing before D.B on 4.4.2016 at Camp Court Swat.

  
Chairman  
Camp Court Swat

04.04.2016

Appellant with counsel and Mr. Shahid Ali, Computer Operation alongwith Mr. Anwarul Haq, GP for the official respondents present. Due to non-availability of D.B arguments could not be heard. To come up for final hearing before D.B on 12.07.2016 at Camp Court, Swat.

  
Chairman  
Camp court, Swat.

Appeal No. 260/2014  
Usman Shah vs Govt

12 1.6.2015

Appellant with counsel, Mr. Iqbal Hussain, D.K for respondents alongwith Mr. Anwar-ul-Haq, G.P and applicants with counsel present. Arguments of counsel for the parties and submission of representative of official respondents heard and record perused.

During the course of arguments it was resolved that restraint order may be confined by this Tribunal to the extent of vacancy falling at S.No.1 and in case of success of appellant he is to be considered for promotion against the said vacancy and the applicants shall have no objection by placing the appellant senior to the applicants.

In view of the above, the restraint order is confined to one vacancy falling at S.No.1 and in case of acceptance of appeal, the appellant who is admittedly senior to the applicants is to be placed senior to them. Orders accordingly. The respondents shall not fill in one vacancy falling at S.No.1.

Learned counsel for the applicants, in view of the afore-stated situation, did not press application for impleadment of the applicants as party in the panel of respondents. The application is, therefore, dismissed as withdrawn. To come up for rejoinder and final hearing before D.B on 4.8.2015 at camp court Swat.

  
Chairman  
Camp Court Swat

9. 2.3.2015

Appellant in person and Mr. Iqbal Hussain, D.K

for respondents alongwith Mr. Muhammad Zubair, Sr.G.P

present. Para-wise comments submitted. The case is

assigned to D.B for rejoinder and final hearing for

9.4.2015 at camp court Swat.

  
Chairman  
Camp Court Swat

10. 9.4.2015

Appellant in person and Mr. Iqbal Hussain, DK alongwith Mr.


Muhammad Farooq Ahmad, Addl: G.P for official respondents present.

Applicants Sohrab and Mohabat Khan alongwith counsel present.

Application for impleading the applicants as party in the panel of respondents

submitted, copy whereof supplied to the appellant. To come up for reply and

arguments on application before S.B on 6.5.2015 at Camp Court Swat.

  
Chairman  
Camp Court Swat


11 6.5.2015

Appellant in person and Mr. Khurshid Ali, Assistant alongwith Mr.

Muhammad Zubair, Sr.G.P for respondents present. Both the applicants with

counsel also present. Reply to application submitted. To come up for

arguments on application for impleadment on 01.6.2015 at Camp Court Swat.

  
Chairman  
Camp Court Swat

5-1-2015:-

Appellant in person and G.P.P

four respondents present. The Tribunal  
is incomplete application To come up for  
arguments on/ as well as ex-parte argued  
at camp court Swat on 2-2-2015.

Amir  
Rasool

8-

02.02.2015

Appellant with counsel and Mr. Iqbal Hussain,

District Kanungo for respondents No.1 to 5 alongwith  
Mr. Muhammad Zubair, Sr.G.P present. Application for setting  
aside ex-parte proceedings against respondents No.1 to 5  
submitted. Arguments on application for interim relief/  
status-quo and setting aside ex-parte proceedings heard and  
record perused.

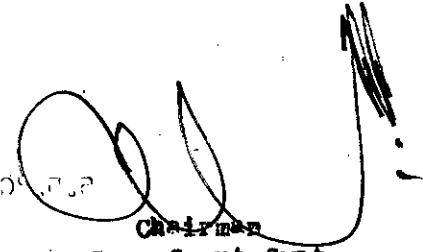
According to record appellant has been punished  
and declared not fit for promotion upto two years which  
penalty, as argued by the learned counsel for the appellant,  
is contrary to law as the inquiry was not conducted in the  
prescribed manners. The respondents No.1 to 5 have not yet  
submitted even written reply. In such circumstances, it is  
deemed appropriate to direct the respondents No.1 to 5 to  
submit written reply/comments and to maintain status-quo  
to the effect that till further orders none junior to  
appellant be promoted. Orders accordingly. To come up for  
written reply/comments and further proceedings at camp court  
Swat on 2.3.2015.

Chairman  
Camp Court Swat



14.10.2014

Appellant present in person. Mr. Muhammad Zubair, Sr.GP on behalf of official respondents No.1 to 3 is also present alongwith Mr. Khurshid Ali, Assistant. Application for interim relief moved on behalf of the appellant, copy whereof is handed over to the learned Sr.GP for reply and arguments on application as well as ex-parte arguments on available record at camp court Swat on 06.11.2014.

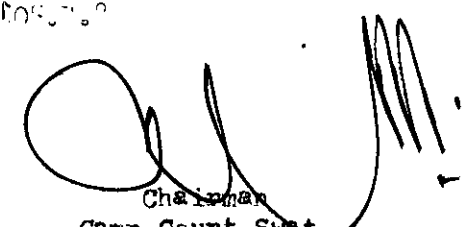
  
Chairman  
Camp Court Swat

6.11.2014

Appellant in person and Mr. Shah Wazir, Naib-Tehsildar (Judicial) on behalf of respondent No.2 with Mr. Muhammad Zubair, Sr.G.P for the respondents present.

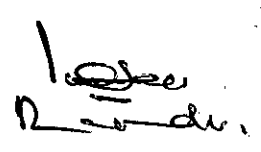
Reply to application for interim relief received, but arguments could not be heard due to pre-occupation of learned counsel for the appellant in Darul Qaza. To come up for arguments on application as well as ex-parte arguments on available record at camp court Swat on

3.12.2014

  
Chairman  
Camp Court Swat

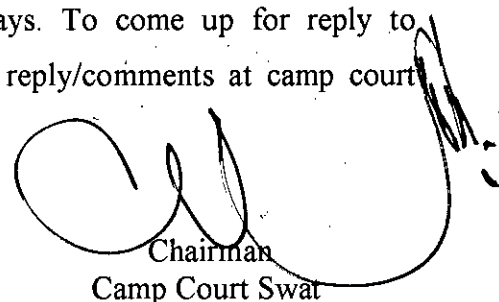
2-12-14

Appellant in person and G.P for the respondent present. The Tribunal is incomplete. To come up for arguments on application as well as ex-parte arguments at camp court Swat on 05-01-2015.

  
Chairman

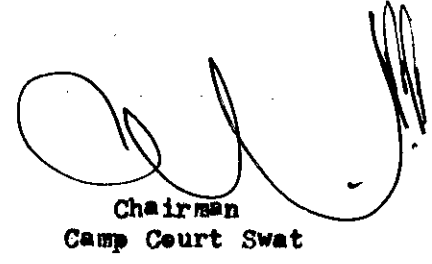
Girdawar, which is sought to be stayed till disposal of the appeal. Anyhow, notice of the application as well as notices of the appeal be issued to the respondents after deposit of security and process fee within 10 days. To come up for reply to application as well as written reply/comments at camp court Swat on 5.5.2014.

Appellant Deposited Security & Process Fee Receipt is Attached with File.

  
Chairman  
Camp Court Swat

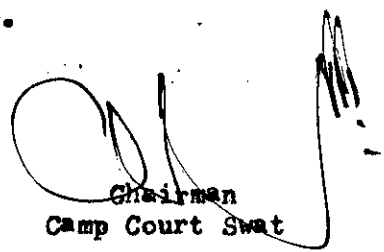
4 5.5.2014

Appellant present in person. Respondents are absent despite their service through registered post, hence proceeded against ex-parte. Mr. Muhammad Zubair, Sr.GP is present but he has received no instructions from the respondents. To come up for ex-parte arguments/at camp court Swat on 8.7.2014.

  
Chairman  
Camp Court Swat

5- 8.7.2014

Appellant with counsel present. Ex-parte arguments could not be heard due to incomplete Bench. To come up for ex-parte arguments on available record at camp court Swat on 14.10.2014.

  
Chairman  
Camp Court Swat



7.4.2014

Appellant with counsel present and heard. The learned counsel for the appellant, inter-alia, contended that on the charges enumerated in the charge sheet and statement of allegations, the appellant was proceeded against and awarded the minor penalty of 'unfit for further promotion' by the competent authority i.e. Deputy Commissioner, Swat (Respondent No.2) vide order dated 31.7.2013. On appeal, the appellate authority i.e. Commissioner, Malakand Division (Respondent No.1) vide order dated 16.01.2014 modified order of the competent authority and the penalty of 'unfit for further promotion' was held to be effective for a period of two years only. It is against the final order of the appellate authority, that the appellant lodged this appeal on 25.2.2014. The learned counsel for the appellant, in support of his case against the imposition of minor penalty, contended that the law and prescribed procedure was not followed during departmental/inquiry proceedings against the appellant, as neither the witnesses were examined in the presence of the appellant, as provided for under sub-rule(4) of Rule 11 of the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011; nor the appellant was afforded opportunity of defence and cross-examination on the witnesses examined by the inquiry officer during departmental/inquiry proceedings against him. As regards the question of limitation, the learned counsel argued that the appellate authority made the final order on 16.01.2014 but copy of the order was provided to the appellant on 27.01.2014 and then he lodged this appeal within the period of limitation i.e. one month on 25.2.2014. The points raised at the Bar need consideration. The appeal is admitted for regular hearing, but subject to all just legal objections, including objections with regard to maintainability of the appeal and limitation. The learned counsel for the appellant also argued application for interim relief (status-quo) for restraining the respondents not to make recommendations or holding DPC for promotion of Girdawar till the final disposal of the appeal. To say the least, the prayer for interim relief (status-quo), prima facie, has got no nexus with the case of the appellant, which is against imposition of penalty on the appellant as a result of departmental proceedings against him, while the application and prayer therein relates to further promotion to the rank of

Form- A  
FORM OF ORDER SHEET

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

Case No. 260/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	25/02/2014	<p>The appeal of Mr. Usman Shah presented today by Mr. Muhammad Zahir Khan Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	27-2-2014	<p>This case is entrusted to Touring Bench Swat for preliminary hearing to be put up there on <u>07-04-2014</u></p> <p style="text-align: right;"> CHAIRMAN</p>

**BEFORE THE SERVICES TRIBUNAL  
KHYBER PAKHTUNKHWA PESHAWAR**

Service appeal No 260-M of 2014

Usman Shah .....Appellant


VERSUS

Commissioner Malakand Division and others...Respondents

**INDEX**

S. #	Description	Annexure	Pages #
1.	Memo of Appeal	---	1-9
2.	Memo of Addresses of the parties	---	10
3.	Affidavit	---	11
3A	Stay application with affidavit	--	12 & 13
4.	Copies of summary of allegation & charged	A & B	14-17
5.	Copy of written reply	C	18-19
6.	Copy of finding	D	20-30
7.	Copy of order dated 31-07-2013	E	31-32
8.	Memorandum of appeal	F	33-37
9.	Copy of order dated 16-01-2014	G	38-39
10.	Copy of seniority list	---	40-47
11.	Wakalat Nama	---	48

  
Appellant  
through Counsel

  
**MUHAMMAD ZAHIR KHAN**  
Advocate, High Court

Office: S-20, Continental Plaza, Makanbagh, Mingor Swat.  
Cell No: 03001-9178352

BEFORE THE SERVICES TRIBUNAL  
KHYBER PAKHTUNKHWA PESHAWAR

Service appeal No 260-M of 2014

~~260~~  
275  
25/2/2014

Usman Shah S/o Amanullah Khan R/o Khawaza Khela,  
District Swat. Halqa Patwari Shawar, Tehsil Matta (Sibujni)  
presently Land Acquisition Branch of the Deputy  
Commissioner Swat at Gulkada.

.....Appellant

VERSUS

- 1) The Commissioner Malakand Division at Saidu Sharif Swat.
- 2) Deputy Commissioner Swat at Gulkada.
- 3) Assistant Commissioner Babuzai Swat at Gulkada.
- 4) Naib Tehsildar Muhammad Ilyas Matta (Sibujni) Swat Presently Naib Tehsildar Tehsil Charbagh.
- 5) Shafiur Rahman Ex-District Kanungo Swat R/o Tahir Abad, Mingora, Swat.

.....Respondents

~~260~~  
25/2/14

U/S-4 of KPK Service Tribunal Act 1974  
Appeal/against the order of Respondent No. 1  
dated 16-01-2014 in Case No. 98 / CMD / 2013 due  
to which the appellant has been declared unfit  
for further promotion for the period of two years.

Respondent 1 to 5  
ex - parte vide  
order dt: 5/5/14

Restore  
02-02-2015

## PRAYER

On acceptance of this appeal, the order of Respondent No. 1 may kindly be set aside and the appellant may kindly be exonerated from the charge leveled against the appellant.

Any other remedy coupled with cost, which is efficacious and appropriate in peculiar circumstances of the case, may please be graciously granted, though not specifically prayed for.

Respectfully Sheweth,

1. That the appellant is serving as a patwari in District Swat and serving since 1982 being posted in different Muzas.
2. That the appellant was posted as a Halqa Patwari while the Respondent No. 4 being Tehsildar of the said Muza.
3. That the Respondent No. 4 made a concocted story against the appellant due to which an inquiry was started against the appellant.

4. That on 22-03-2013 Respondent No. 2 served the charged sheet & summary of allegation upon the appellant and directed the appellant to submit his written reply within a period of seven days from the date of issue of summary of allegation & charged sheet. (Copies of summary of allegation & charged sheet are attached as annexure "A" & "B" respectively)
5. That the appellant submitted written reply on 28-03-2013 and categorically denied the allegation made against the appellant. It was also mentioned in the written reply that the basic duty of patwari is entry of Mutation in the registered and putting thumb impression / signatures of the parties on the mutation is the basic duty of Revenue Officer. In the present case the appellant has not violated the rules & regulations. (Copy of written reply is attached as annexure "C")
6. That after written reply, the inquiry officer conducted the inquiry and submitted his finding to the Respondent No. 2. It is pertinent to note that inquiry conducted by the inquiry officer Respondent No. 3 not conducted the inquiry according to the Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules 2011 and is not maintainable. (Copy of finding is attached as annexure "D")



7. That Respondent N. 2 keeping in view the finding of Respondent No. 3 imposed penalty upon the appellant, that the appellant is unfit for further promotion vide passing order dated 31-07-2013. (Copy of order dated 31-07-2013 is attached as annexure "E")
8. That the appellant filed an appeal before the Respondent No. 1, due to which the order of Respondent No. 2 dated 31-07-2013 was maintained vide their order dated 16-01-2014. However slight modification was ordered which is instead of unfit for further promotion, declare the appellant unfit for further promotion for period of two years. (Attested copies of memo of appeal and order dated 16-01-2014 are attached as annexure "F" & "G" respectively)
9. That the order of Respondent No. 1 dated 16-01-2014 is illegal, against shariah, against KPK Government Servants (E & D) Rules 2011 and against the facts of the case which is liable to be set aside on the following grounds amongst other.

**GROUND:**

- i) That the order of Respondent No. 1 dated 16-01-2014 is illegal, against shariah, against KPK Government Servants (E & D) Rules 2011 and

against the facts of the case, hence liable to be set aside.

- ii) That the appellant has served efficiently and has never given a chance of complaint to his superior officers.
- iii) That the appellant has served for a period of about 31 years and no complaint whatsoever filed against the appellant till now.
- iv) That the appellant is senior most Patwari in District Swat and the name of appellant is forthcoming on the top of the seniority list. (Copy of seniority list is attached)
- v) That the inquiry has not be conducted by Respondent No. 3 according to the KPK Government Servants (E & D) Rules 2011 and the inquiry of Respondent No. 3 is liable to e set aside.
- vi) The appellant has preformed his basic assignment as Patwari and entered the mutation in the register duly verified by the Girdawar Circle within time, but the Revenue Officer who is head of Revenue Administration of the Tehsil and controller of the revenue work done by the

revenue staff is duty bound for hearing of the parties at time of attestation of mutation, putting the signatures / thumb impressions on the mutations and collection of Taxes but he has miserably failed to perform his assignment in letter and spirit as enshrined in Land Revenue Act and Land Record Manual but instead the dirt and dust has been thrown on the shoulders of the appellant being a low paid employee. The mutations in questions were lying in his personal custody for along period of 6 / 7 months without any orders regarding accepting or rejecting the same. He was legally bound to dispose of the same one way or the other within a period of 03-months. Besides he was also bound to check the mutation register and passed orders deem appropriate on daily basis or the tour programs.

- vii) As already stated the appellant has obtained signature / thumb impressions of the parties on the faces of mutations or received the amounts of taxes on behalf of the Revenue Officer. The Respondents No. 2 & 3 should have associated the Revenue Officer with the inquiry proceedings to explain his position for this willful negligence / blunder and illegal acts on his part being the main accused for the

concoction and fabrication of the whole game. In this context two mutations bearing No. 3937 and 3942, Muza Shawar are worth perusal. In these mutations two persons namely Rahmat Ali Khan S/o Syed Gul and Riaz Khan S/o Qalandar are parties. The mutations were presented before the Revenue Officer on 14-11-2012, wherein Mutation No. 3937 was accepted by the Revenue Officer declaring these two persons as absent in spite of the fact that both were present before him. It shows that the Revenue Officer is not interested in Performing his duty according to Rules / Law, but dealt with the things as per as own whims and wishes.

- viii) That the inquiry Officer (Respondent No. 3) has given no opportunity of personal hearing to the appellant nor a chance of cross examining the other witnesses / persons. Even their statements were recorded in the absence of the appellant.
- ix) That the Inquiry Officer (Respondent No. 3) was directed by the Respondent No. 2 to submit his report within a period of one month but he submitted the same within a period of Four months due to which the appellant remained suspended unnecessarily for along period.

- x) That no evidence has been recorded by the inquiry officer i.e., Respondent No. 3. That the papers in favour of the appellant are not available in the inquiry file.
- xi) That in the table of mutations, the amount of mutation No. 3950 has been mentioned is 17,00,000/- instead of 13,00,000/-.
- xii) That mutation No. 3956 amounting to Rupees 148,000/- had already been rejected by the Respondent No. 4 but in spite of that it has been mentioned in the table of mutation.
- xiii) That the Respondent No. 4 has rejected the mutation in the absence of appellant when the appellant was transferred from Muza Shawar to Mingora main branch D.C Office.
- xiv) That the Respondent No. 4 has made over writing in every mutation for self defence only,
- xv) That the Respondent No. 4 has not shown any mutation in the months of September 2012

malafidely, though there were 13 Mutations pending.

- xvi) That any other ground may also be taken of at the time of arguments with the permission of this Honorable Court.

Keeping in view the above mentioned Grounds, It is therefore humbly prayed that On acceptance of this appeal, the order of Respondent No. 1 may kindly be set aside and the appellant may kindly be exonerated from the charge leveled against the appellant.

Any other remedy coupled with cost, which is efficacious and appropriate in peculiar circumstances of the case, may please be graciously granted, though not specifically prayed for



*Appellant*

Through Counsel



**MUHAMMAD ZAHIR KHAN**

**Advocate, High Court**

**Date: 21/02/2014**

BEFORE THE SERVICES TRIBUNAL  
KHYBER PAKHTUNKHWA PESHAWAR

Service appeal No \_\_\_\_\_-M of 2014

Usman Shah .....Appellant

VERSUS

Commissioner Malakand Division and others...Respondents

MEMO OF ADDRESSES

Appellant:-


Usman Shah S/o Amanullah Khan R/o Khawaza Khela,  
District Swat. Halqa Patwari Shawar, Tehsil Matta (Sibujni)  
presently Land Acquisition Branch of the Deputy  
Commissioner Swat at Gulkada.

Cell No: 0301-8530881

RESPONDENTS

1. The Commissioner Malakand Division at Saidu Sharif Swat.
2. Deputy Commissioner Swat at Gulkada.
3. Assistant Commissioner Babuzai Swat at Gulkada.
4. Naib Tehsildar Muhammad Ilyas Matta (Sibujni) Swat  
Presently Naib Tehsildar Tehsil Charbagh.
5. Shafiur Rahman Ex-District Kanungo Swat R/o Tahir Abad,  
Mingora, Swat.

through Counsel

  
MUHAMMAD ZAHIR KHAN  
Advocate, High Court

BEFORE THE SERVICES TRIBUNAL  
KHYBER PAKHTUNKHWA PESHAWAR

Service appeal No \_\_\_\_\_-M of 2014

Usman Shah .....Appellant

VERSUS

Commissioner Malakand Division and others...Respondents

AFFIDAVIT

I, Usman Shah S/o Amanullah Khan R/o Khawaza Khela,  
District Swat, do hereby solemnly affirm and declare that the  
contents of the above titled appeal are true and correct to the  
best of my knowledge and belief and nothing has been kept  
secret of this honorable Court.



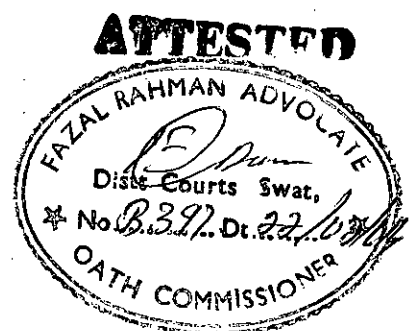
DEPONENT

Identified by



MUHAMMAD ZAHIR KHAN

Advocate, High Court





BEFORE THE SERVICES TRIBUNAL  
KHYBER PAKHTUNKHWA PESHAWAR

Service appeal No \_\_\_\_\_ -M of 2014

Usman Shah .....Appellant

VERSUS

Commissioner Malakand Division and others...Respondents

**APPLICATION FOR INTERIM RELIEF (STATUS-  
QUO) UP TO THE EXTENT OF NOT  
RECOMMENDING DPC AND PROMOTION OF  
GIRDAWAR TILL THE FINAL DISPOSAL OF  
THE ABOVE TITLED APPEAL**

**Respectfully Sheweth:-**

1. That the accompanying titled appeal is being filed in this Honorable Court.
2. That the balance of convenience also lies in the favour of applicant / appellant.
3. That the appellant has good prima facie case in his favour and it is hoped that the case will be decided in his favour.

4. That the DPC for the Promotion of Girdawar is being held in near future and the appellant name is on the top of the seniority list of the Patwaries of Swat District and the appellant will be definitely promoted in case the DPC is held.
5. That the impugned order is hindrance in the way of promotion and in case the appellant's name is dropped from the DPC, it will be an irreparable loss to the appellant / applicant.
6. That the contents of this instant application be deemed as the integral part of the appeal.

It is, therefore humbly prayed, that on acceptance of this application the interim relief is stated above may kindly be granted.



Applicant / appellant Through Counsel

Muhammad Zahir KHAN Advocate High Court

### AFFIDAVIT

I, Usman Shah S/o Amanullah Khan R/o Khawaza Khela, District Swat, do hereby solemnly affirm and declare that the contents of the above titled application are true and correct to the best of my knowledge and belief and nothing has been kept secret of this honorable Court.

DEPONENT

Identified by



**MUHAMMAD ZAHIR KHAN**

Advocate, High Court






(14) ANX(A) 242  
OFFICE OF THE  
DEPUTY COMMISSIONER  
SWAT.

**DISCIPLINARY ACTION.**

I, Kamran Rehman Khan, Deputy Commissioner, Swat as Competent Authority, am of the opinion that Mr. Usman Shah, Patwari Halqa Shawar (now Khwazakhela) has rendered himself liable to be proceeded against, as he has committed the following acts/omissions, within the meaning of Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

**STATEMENT OF ALLEGATIONS.**

- (i) According to Section 42 of the Land Revenue Act, collecting of fee and putting/fixing thumb impression/signatures on Mutations is the responsibility of Revenue Officer, but you have collected fee and put signatures/thumb impressions on the above Mutations in violation of the above rules which were rejected by the Revenue Officer on 14-11-2012. Similarly Mutations No. 3945, 3954, 3956 & 3958 were also rejected on 26-11-2012 for the same reason.
- (ii) You have recorded report of Ahle Commission (اہل کمیٹی) on Mutations No. 3942, 3949, 3955 dated 12-09-2012 but have left blank space for the name of Ahle Commission i.e it is not known that who is Ahle Commission and who appointed him.
- (iii) You have entered the following tabulated mutations on the basis of sale deeds and collected total fee worth Rs. 1,45,83,000/- and put signatures/thumb impressions from the concerned parties without competency which were rejected by the Revenue Officer for the reason stated above and thus causing a loss of 583320/- to Government Exchequer in shape of Rs. 291660/- as stamp duty and Rs. 291660/- as District Council fee.

Mutation No.	Amount	Page No.
3983	600000/-	1
3940	2800000/-	3
3942	8000000/-	5
3949	140000/-	8
3950	1700000/-	9
3953	95000/-	10
3955	1100000/-	11
3956	148000/-	13
<b>Total:</b>	<b>14583000/-</b>	

High Court  
Dist. Court Swat.

Attested  
Kamran

Mohammad Usman Khan

2- For the purpose of the inquiry against the above said accused with reference to the above allegations, Syed Saif-ul-Islam, Additional Assistant Commissioner, Revenue, Swat is appointed as Inquiry Officer under Rule-10(1)(a) of the ibid Rules.

15

- 3- Your written defence, if any, should reach the inquiry officer within the specified period failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.
- 4- Intimate whether you desire to be heard in person.
- 5- A statement of allegations is enclosed.

  
DEPUTY COMMISSIONER, SWAT.

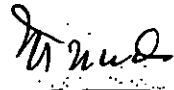
No. 209 /1/4/DK

Dated the 22/03/2013.

Copy forwarded to Mr. Usman Shah, Patwari Halqa Shawar (now Khwazakhela), Swat for information and compliance.

  
DEPUTY COMMISSIONER, SWAT.

*Attested*



Mohammad Zahir Khan  
(Adv. Gen.)  
High Court Peshawar.  
Distt. Courts Gulkada Swat,



16 ANXB  
OFFICE OF THE  
DEPUTY COMMISSIONER  
SWAT

CHARGE SHEET.

I, Kamran Rehman Khan, Deputy Commissioner, Swat as Competent Authority, hereby charge you, Mr. Usman Shah, Patwari Halqa Shawar (now Khwazakhela), Swat as follows:-

- (i) According to Section 42 of the Land Revenue Act, collecting of fee and putting/fixing thumb impression/signatures on Mutations is the responsibility of Revenue Officer, but you have collected fee and put signatures/thumb impressions on the above Mutations in violation of the above rules which were rejected by the Revenue Officer on 14-11-2012. Similarly Mutations No. 3945, 3954, 3956 & 3958 were also rejected on 26-11-2012 for the same reason.
- (ii) You have recorded report of Ahle Commission (کمیٹی) on Mutations No. 3942, 3949, 3955 dated 12-09-2012 but have left blank space for the name of Ahle Commission i.e. it is not know that who is Ahle Commission and who appointed him.
- (iv) You have entered the following tabulated mutations on the basis of sale deeds and collected total fee worth Rs. 1,45,83,000/- and put signatures/thumb impressions from the concerned parties without competency which were rejected by the Revenue Officer for the reason stated above and thus causing a loss of 583320/- to Government Exchequer in shape of Rs. 291660/- as stamp duty and Rs. 291660/- as District Council fee.

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3949	140000/-	8
3950	1700000/-	9
3953	95000/-	10
3955	1100000/-	11
3956	48000/-	13
<b>Total:</b>	<b>14583000/-</b>	

Attested  
Signature

Mohammad Zahir Khan  
(Prosecutor)  
High Court Peshawar.  
Distt; Courts Gulkada Swat.

- 1- By reason of the above you appear to be guilty of acts/omissions punishable under Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in rule 4 of the rules ibid.
- 2- You are, therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the Inquiry Officer as the case

3- The inquiry officer shall in accordance with the provision of the Ibid Rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within 30 days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

4- The accused and a well conversant representative of the department (District Kanungo) Swat shall join the proceedings on the date, time and place fixed by the inquiry officer.

*Kamran*

(KAMRAN REHMAN KHAN)  
DEPUTY COMMISSIONER, SWAT.

Dated. 22/03/2013.

No. 210-211 /1/4/DK

Copy forwarded to the:-

- 1- Syed. Saif-Ul-Islam, Additional Assistant Commissioner, Revenue, Swat for initiating proceedings against the accused official under the provision of Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.
- 2- Mr. Usman Shah, Patwari Halqa Shawar (now Khwazakhela), Swat with the directions to appear before the inquiry Officer, on the date, time and place fixed by the inquiry officer for the purpose of inquiry proceedings.

*Kamran*

DEPUTY COMMISSIONER, SWAT.

*Attested*  
*Muhammad*

Mohammad Zahir Khan  
(Mu. Jate)  
High Court Peshawar.  
Distt: Courts Gulistan Swat

3  
72  
1  
6  
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6

اعدالت صاحب ریڈیشن اسٹنڈ کمنٹری صاحب ریونیو ضلع سوات

حنا عالی

جواب سلسلہ عدالت نمبر D.K. 1/4-209 ذیل عرفا ہے۔

1۔ یہ کہ فقیرا نبر 1 غلط اور بے بنیاد ہے۔ جس کا مکشن 24 لینڈ ریونیو ایکٹ کے

تحت ریونیو افسر فیسی منتقالات اور بالٹان وغیرہ سے انکسٹ دستخط پانے کا

ذمہ دار ہوتا ہے۔ جو کہ فیسی منتقالات وصول کرنا۔ اور بالٹان وغیرہ سے انکسٹ

دستخط پانے لینا صیرا کی یوٹی نہیں ہے۔ صیرا کی یوٹی صرف منتقالات دینے کے لیے ہے۔ میں

نے کبھی ریونیو افسر کا اختیار بالکل استعمال نہیں کیا ہے۔ منتقالات 3932 تا

3945 تک جو رقم  $\frac{15}{12}$  منظور کیے تھے۔ اور فیسی منتقالات بھی وصول کیے تھے

2۔ یہ کہ فقیرا نبر 2 بھی غلط اور بے بنیاد ہے۔ اپیل مکشن کا تقرر کرنا بھی ریونیو افسر کا کام

ہے۔ منتقالات 3942-3949-3955 پر اپیل مکشن بھی ریونیو افسر نے مقرر کیا تھا۔

جہاں تک خالی جگہ چھوڑنے کا تعلق ہے۔ تو یہ بھی ریونیو افسر کا ذمہ داری ہے۔ میں نے

کبھی ریونیو افسر کے اختیارات استعمال نہیں کیے۔

3۔ یہ کہ فقیرا نبر 3 بالکل غلط اور بے بنیاد ہے۔ کیونکہ دینے شدہ منتقالات کے فیسی

اس وقت ریونیو افسر کے پاس جمع کیے گئے تھے۔ مطابق قانون یہ صیرا کی یوٹی نہیں ہے

فیسی منتقالات وصول کرنا۔ اور داخل کرنا بھی ریونیو افسر کا ذمہ داری ہے۔ چھٹی فرسٹ

میں انتقال نمبر 3950 کل ذریعے تیسرا لاکھ دینے ہے۔ جبکہ چھٹی فرسٹ میں سترہ لاکھ <sup>1300000</sup> لاکھ

کیا گیا ہے۔ اور انتقال 3956 کے بارے میں رپورٹ سودا فتح ہونا دینی ہے۔ مگر

پھر بھی جیسے ظاہر کیا گیا ہے۔ منتقالات 3937 تا 3945 تک فیسی سٹیٹ کی یوٹی فیسی

ڈسٹریکٹ کونسل اور فیسی منتقالات ریونیو افسر کے پاس جمع شدہ ہے۔ اگر فیسی

سہ کار ریونیو افسر داخل نہیں کرتے۔ تو صیرا کیا قصور ہے۔ رسیدات کے نقل و

لغابہ ہے۔ منتقالات خارج شدہ بڑا بہت نظر ثانی منظور کیا جائے جبکہ

Attested: Mohd. Zahir Khan (Advocate)

High Court Peshawar. Distt: Courts Gujraha SWA

556600

یہ کہ منتقلات بابت ماہ جولائی - اگست اور ستمبر میں رتنہ رٹھیا لکھا گیا تھا۔ جبکہ  
 بھڑا موقع شور میں جیت پٹواری بموضع 24<sup>10</sup>/<sub>012</sub> تک تعینات تھا۔ اس دوران  
 ریونیو آفسر نے کوئی اطلاع یا نہیں کی ہے۔ وہ صرف لکھا گیا ہے۔ جبکہ  
 ریونیو آفسر نے ڈیوٹی منتقلات کی کئی حوالہ خانہ کیے ہیں۔ رور ڈیوٹی درجہ  
 شدہ خانہ لکھا گیا ہے۔ خانہ شدہ منتقلات ریونیو آفسر نے چھ ماہ تک اپنے  
 پاس رکھے تھے۔ جو کہ بموضع 7<sup>3</sup>/<sub>013</sub> چائے بعد دراصل دفتر کیا ہے۔ رور ماہ پورے  
 نقلیات میں Nil حلقہ شور منتقلات آفسران ہالہ کو ظاہر کیا گیا ہے۔ حالانکہ  
 ریونیو آفسر نے یہ بھی بدلتی گئی ہے۔ کہ آفسران ہالہ کے نوٹس میں یہ بات نہیں لایا گیا  
 ہے۔ کہ حلقہ شور میں 24 عود منتقلات لایا ہے۔ جبکہ ریونیو آفسر قانون میں  
 بھڑا کے خاطر لکھا گیا ہے۔ کہ بار بار اطلاع بھی کی ہے۔ یہ غلط ہے۔  
 یہ کہ بھڑا تقریباً تیس سال جیت پٹواری تعینات ہے۔ 2.6 تک بند ہے  
 مقررہ سرکار کو کوئی نقصان نہیں پہنچایا ہے۔

یہ کہ مندرجہ بالا وجوہات کے بنا پر بند ہے قہور ہے۔ اور بندہ پر لگائی  
 گئی الزامات غلط اور بے بنیاد ہے۔

لہذا استدعا ہے۔ کہ بندہ بے قہور ہے۔ اور معطلی کا حکم ختم کرنے  
 بندہ بحال کرنے کا حکم صادر فرمادیں۔ تو عین نوڈنٹی ہوگا۔

آپ کا تابع دار عثمان شاہ پٹواری حلقہ فوڈ ماہی  
 مورخ 28/3/03

Attested.

*Mohammad Zahir Khan*  
 Mohammad Zahir Khan  
 (Advocate)  
 High Court Peshawar.  
 Distt; Courts Gulkada Swat.





ANX(D)

20

ASSISTANT COMMISSIONER,  
BABUZAI AT GULKADA.

# 0946-9240341  
# 0946-9240342

No. 3076 /5/AC(B)-S

Dated the 23 /07/2013.

From,

The Assistant Commissioner,  
Babuzai.

To,

The Deputy Commissioner, Swat.

Subject:-

INQUIRY AGAINST MR. USMAN SHAH PATWARI.

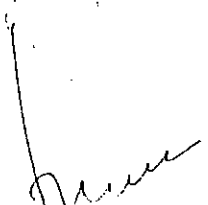
Memorandum.

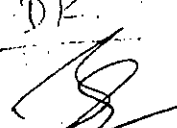
Please refer to your office order No. 803/1/5/DK dated

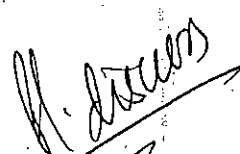
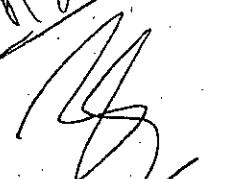
2/7/2013.

Inquiry conducted against the above named Patwari is  
submitted herewith as desired please.

Encl: (10 Sheets)

  
ASSISTANT COMMISSIONER,  
BABUZAI.

  
DK  
DCCS  
24-7-13

  
H. Juss  
  
21/7/2013

  
Muhammad Zahir Khan

  
Muhammad Zahir Khan

Mohammad Zahir Khan  
(Advocate)

High Court Peshawar.  
Distt: Courts Gulkada Swat.

21

167

Title: Enquiry against Mr. Usman Shah, Patwari Ex Moza Shoar, Tehsil Sabojni, Matta, Swat.

Date of Commencement of Enquiry: 19 April 2013.

Place: Office of the Assistant Commissioner (Babuzai), Swat

Enquiry Officer: Farrukh Atique Khan

Falling in line with the order of DC Swat vide letter No. 433/1/5/DK Dated 19 Apr 2013, I the undersigned on the date and place mentioned above inquired into the allegation against Mr. Usman Shah.

Mr. Usman Shah was performing his duties as Halqa Patwari in the Moza Shoar in the year 2012. He has been charged with the Guilty of Act/ Omissions under rule-3 of Khyber Pakhtunkhwa Govt. Servants. (Efficiency and Discipline) rules, 2011 and details of allegations as per DC office charge sheet dated 22/03/13 are as under:-

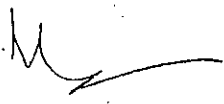
1. According to section 42 of the Land Revenue Act, collecting of fee and putting/fixing thumb impression/signatures on mutation is the responsibility of revenue officer, but you have collected fee and put signatures/thumb impressions on the above mutations in violation of the above rules which were rejected by the Revenue Officer on 14-11-2012. Similarly Mutations No. 3945, 3954, 3956, & 3958 were rejected on 26-11-2012 for the same reason.
2. You have recorded report of Ahle Commission on Mutations No. 3942, 3949, 3955 dated 12-09-2012 but have left blank space for the name of Ahle Commission i.e it is not known that who is Ahle Commission and who appointed them.
3. You have entered the following tabulated mutations on the basis of sale deeds and collected total fee worth Rs. 1458300/- and put signatures/thumb impressions from the concerned parties without

Attested.



Mohammad Zahir Khan  
(Advocate)

High Court Peshawar.  
Distt: Courts Gulkada Swat.



competency which were rejected by the Revenue Officer for the reason stated above and thus causing a loss of Rs.583320/- to Government Exchequer in shape of Rs.291660/- as stamp duty and Rs.291660/- as District Council Fee.

Findings:

The statements of various officials and persons involved in various mutations and documents used for the purpose of inquiry are given below:-

- 1. Mr. Usman Shah, Patwari Moza Shoar - Anx A
- 2. Mohd. Ilyas Naib Tahsilad , Sabojni, Matta - Anx B
- 3. Mohd. Zubair, Girdawar , Sabojni, Matta - Anx C
- 4. Mr. Attaullah, Present Patwari, Moza Shoar - Anx D
- 5. Mr. Nawab Ali, Registration Moharar - Anx E
- 6. Mr. Sher Akbar s/o Sher Afzal (Buyer in case of mutation no 3938) and Haji Momin s/o Shahjahan (As witness in M.no 3938) - Anx F
- 7. Mr. Bunaaray s/o Izzat Nawab (Father of buyer in case of mutation no 3940) and Mr. Mian Gul Ambar s/o Lajbar (As witness in same mutation) - Anx G
- 8. Mr. Rahman Wali Khan s/o Fazl (Buyer's Son, in case of Mutation no 3942) - Anx H
- 9. Mr. Jawahir Shah s/o Main Said Hashim ( Witness of buyer in case of mutation no 3950) - Anx I
- 10. Bacha Zada s/o Khan Zada ( Gift Giver in Mutation no 3953) and Shams-ur-Rahman (Witness in same case) - Anx J
- 11. Pahalwan s/o Lashkar (In case of M.No 3941(Gift))- Anx K
- 12. Mr Faramosh Khan's statement and copy of receipts (Contractor who collects 2% Fees of District Counselr) - Anx L
- 13. Statement by Registration Moharir about 2 % District council tax (Sabojni) - Anx M
- 14. Copy of Mutation fee Register of Patwari Usman Shah - Anx N

*Attested.*

*Mohammad Zahir Khan*

**Mohammad Zahir Khan**  
(Advocate)  
High Court Peshawar.  
Distt: Courts Gulkada Swat.

*M*

(23)



ASSISTANT COMMISSIONER,  
BABUZAI AT GULKADA.

# 0946-9240341  
# 0946-9240342

No. 306/15/AC(B)

Dated the 19/07/2013.

To,

The Naib Tehsildar,  
Sibujni Matta, Swat.

Subject:-

PROVISION OF BANK STATEMENT OF ACCOUNT  
NO. 21603- HBL Matta SWAT.

Memorandum.

Detailed statement of the subject account should be  
submitted to this office by 22/7/2013 till 01.00 PM.

*th*

ASSISTANT COMMISSIONER, BABUZAI/  
ENQUIRY OFFICER.

*M*

*Attested.*

*Mohammad Zahir Khan*

**Mohammad Zahir Khan**  
(Advocate)  
High Court Peshawar.  
Distt: Courts Gulkada Swat.

YOUR ACCOUNT STATEMENT  
FOR THE PERIOD ENDING: JAN01, 2011 TO JUL21, 2013

ACCOUNT NO : 1942-79000216-03 OF  
MATIA-NEW COLLEGE CH BRANCH

MUHAMMAD ILYAS S/O SHAH NASIM KHAN  
KHATAK KHEL VILLAGE HAZARA  
POST OFFICE HAZARA  
TEHSIL AND DISTRICT SWAT

ACCOUNT TYPE : CURRENT A/C  
CURRENCY : Pakistan Rupee  
PRINTING DATE : 22-07-13  
FREQUENCY : INTERIM / DUPLICATE  
PAGE NO : 1  
USER : EH3601

DATE	VALUE	PARTICULARS	DEBIT	CREDIT	BALANCE
		BRUGHT FORWARD			.00
11JAN12		Cash Deposit			
19JAN12		Chq Book Issue c		1,000.00	1,000.00
30JAN12		Cash Deposit	300.00		700.00
30JAN12		Cash Deposit		71,050.00	71,750.00
30JAN12		Cash Deposit		316,600.00	388,350.00
07FEB12		Cash Deposit		9,600.00	397,950.00
07FEB12		Cash Deposit		5,150.00	403,100.00
08FEB12		Cash Deposit		154,100.00	557,200.00
08FEB12		Cash Deposit		58,050.00	615,250.00
14FEB12		Cash Deposit		40,300.00	655,550.00
23FEB12		Cash Deposit		85,600.00	741,150.00
23FEB12		Cash Deposit		6,700.00	747,850.00
29FEB12		Cash Deposit		42,100.00	789,950.00
01MAR12		Cash Deposit		45,300.00	835,250.00
06MAR12		Cash Deposit 1077691		135,000.00	970,250.00
06MAR12		Cash Deposit		19,800.00	990,050.00
09MAR12		Cash Withdrawl by 09681351	304,000.00	63,250.00	1,053,300.00
12MAR12		Cash Deposit		64,660.00	749,300.00
12MAR12		Cash Deposit		175,600.00	813,960.00
14MAR12		Cash Deposit		146,400.00	989,560.00
20MAR12		Cash Deposit		70,200.00	1,135,960.00
20MAR12		Cash Withdrawl by 09681352	1,176,660.00	12,500.00	1,206,160.00
27MAR12	10FEB12	Reversal Credit			1,218,660.00
27MAR12		Reversal Credit ENTRY REVERSED		4,000.00	42,000.00
28MAR12		Cash Deposit		608,000.00	46,000.00
29MAR12		Cash Deposit 648741		30,100.00	4,000.00
29MAR12		Cash Deposit 767015		46,300.00	684,100.00
02APR12		Cash Deposit		2,560.00	730,400.00
02APR12		Cash Withdrawl by 09681353	146,000.00	3,000.00	732,960.00
03APR12		Cash Deposit			735,960.00
03APR12		Cash Deposit		14,500.00	589,960.00
				26,600.00	604,460.00
					631,060.00

Continue on next page

Attended

*Signature*

Mohammad Zahir Khan  
(Advocate)

High Court Peshawar.  
Distt: Courts Gulakada Swat.

Habit Bank Limited  
Near College Chowk  
Matta

25

27

YOUR ACCOUNT STATEMENT  
FOR THE PERIOD ENDING: JAN01, 2011 TO JUL21, 2013

MHAMMAD ILYAS S/O SHAH NASIM KHAN  
KHATAK KHEL VILLAGE HAZARA  
POST OFFICE HAZARA  
TEHSIL AND DISTRICT SWAT

ACCOUNT NO : 1942-79000216-03 OF  
MATTIA-NEW COLLEGE CH BRANCH

ACCOUNT TYPE : CURRENT A/C  
CURRENCY : Pakistan Rupee  
PRINTING DATE : 22-07-13  
FREQUENCY : INTERIM / DUPLICATE  
PAGE NO : 2  
USER : EH3601

DATE	VALUE	PARTICULARS	DEBIT	CREDIT	BALANCE
04APR12		FRUGHT FORWARD			
04APR12		Cash Deposit			631,060.00
04APR12		Cash Deposit			894,060.00
04APR12		Transfer by Cheq 09681354		263,000.00	894,060.00
05APR12		Csh Withdrawl by 09681355	263,000.00	310,800.00	1,204,860.00
06APR12		Cash Deposit	516,820.00		941,860.00
16APR12		Cash Deposit			425,040.00
24APR12		Csh Withdrawl by 09681357		50,750.00	475,790.00
27APR12		Csh Withdrawl by 09681358	8,350.00	152,300.00	678,090.00
02MAY12		Cash Deposit	619,000.00		619,740.00
02MAY12		Cash Deposit			740.00
03MAY12		Cash Deposit		81,240.00	81,980.00
03MAY12		Csh Withdrawl by 09681359		81,140.00	163,120.00
09MAY12		Transfer - Debit	81,140.00	56,200.00	219,320.00
01JUN12		Csh Withdrawl by 09681360	20.00		138,180.00
11JUN12		Transfer - Debit	137,540.00		138,160.00
25JUN12		Online Credit	20.00		620.00
26JUN12		Csh Withdrawl by 09681361			600.00
03JUL12	30JUN12	Acct Service Cha	100,000.00	100,000.00	100,600.00
01AUG12	31JUL12	Acct Service Cha	50.00		600.00
01SEP12	31AUG12	Acct Service Cha	50.00		550.00
01OCT12	29SEP12	Acct Service Cha	50.00		500.00
01NOV12	31OCT12	Acct Service Cha	50.00		450.00
01DEC12	30NOV12	Acct Service Cha	50.00		400.00
02JAN13	31DEC12	Acct Service Cha	50.00		350.00
01FEB13	31JAN13	Acct Service Cha	50.00		300.00
01MAR	28FEB13	Acct Service Cha	50.00		250.00
01APR13	30MAR13	Acct Service Cha	50.00		200.00
02MAY13	30APR13	Acct Service Cha	50.00		150.00
01JUN13	31MAY13	Acct Service Cha	50.00		100.00
			50.00		50.00

Opening balance  
Total Debit Transactions  
Total Amount Debited  
Total Credit Transactions  
Total Amount Credited  
Closing Balance

FOR HABIT BANK LTD.  
25 NEAR COLLEGE CHOWK  
MATTIA DISTT: SWAT.  
MANAGER

Attested.

Mohammad Zahir Khan  
(Advocate)

High Court Peshawar.  
Distt: Courts Gulkada Swat.

26

			Decree		inquiry officer	inquiry officer
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The following facts rose from the recorded statements, questions asked and the documentary record produced.

Facts of the Case:-

1. There is no question about the fact that Patwari Usman shah has been collecting the fee from parties directly and the statement of the Contractor Mr. Faramosh is sufficient to prove that (Anx L), in which he clearly states that the said amount has been deposited to him by the Patwari concerned.
2. The allegations of overcharging by the Patwari, as per the statements of the various parties in various mutation cases makes the conduct of the Patwari concerned doubtful. In cases of Mutation number 3938, 3940, 3941, 3942, 3950, 3953 and 3954 (Statements at Anx F, G, K, H, I, J and P respectively) the vendor or vendee in their statements before the inquiry officer stated that the Patwari concerned had been overcharging from them. In other mutation cases the statements of the stakeholders could not be obtained.
3. In many mutations accused has submitted 2 % district council tax, though these mutations couldn't be completed subsequently. He has also collected the 2% stamp duty fee and mutation fee in all the cases. In case of mutation number 3938, 3940, 3941, 3942, 3945 the taxes have been deposited in Govt. Treasury or with Girdawar (Anx N), whereas in case of mutation number 3949, 3950, 3953, 3954, 3954, 3956 and 3958 as per question asked from the Patwari concerned he has given the money (Rs. 105,400/-) back to the original vendee or venders, which couldn't be confirmed.
4. Fake commission entries in mutation number 3942, 3949 and 3953 couldn't be justified by the Patwari, Girdawar or Tehsildar. Tehsildar concerned totally denies that the entries are made by him, which is also valid because no signatures are put on it.
5. Violation of sec 42 of Land Revenue Act did take place in the said case as the Patwari concerned exceeded his limits.

Attested.

Mohammad Zahir Khan

Mohammad Zahir Khan  
(Advocate)

High Court Peshawar.  
Distt: Courts Gulkada Swat.

6. Mutation number 3945 and 3954 are interesting to observe. Mutation no 3945 took place on the basis of the registry no 34 dated 6/6/2007, whereas mutation number 3954 took place on the basis of registry deed no 52 dated 4/9/07, (Copy attached as Anx O) the original record of which from office record could not be obtained as the record of Matta sub division was burnt during the militancy. Registration Moharir has stated (Anx M) that he has personally seen the original registries which were brought to him by accused Patwari. The inquiry officer carried out an exercise and checked the record of the DRA for the year 2007 to check the authenticity of these Registries. The record of these registries was not found in DRA office as well.
7. The Patwari concerned had been collecting the amount in violation of section 42 of Land Revenue Act but the Tehsildar concerned reported this only once he has developed bad taste with the accused Patwari as the same thing was practiced since January 2012, when the said tehsildar was posted in Sabojni but the same was not reported earlier.
8. In case of mutation number 3954 in which 6 Kanal land was to be mutated in the name of Mr. Nawab (Statement of Mr. Nawab at Anx P); Patwari Usman Shah has given the Fard of said land to Mr. Nawab (Anx Q), which he is not authorized to do as the said piece of land was still not mutated in the name of Mr. Nawab. Mr. Usman also didn't bother to enter the words (Fard Zair-e-Tajweez) on the Fard, which makes it clear that the mutation of concerned piece of land is still under process.
9. Tehsildar concerned has given dates of his field visits on the mutations in the month of August, September and November. Interestingly on checking the monthly report of pendency in mutation cases, submitted by tehsildar concerned to the collector office, he didn't mention the pending mutations. As per his report no mutations are pending in the month of July, August and September ( Anx P ), which either means that he has not made the field visits ( In which case the entries made by tehsildar on mutations were done in office) or he has submitted fake reports to the higher offices.
10. On inquiry of the fee register of stamp duty , it was also revealed that the accused Patwari was submitting the stamp duty plus mutation fees in the personal bank

Attested.

*Mus*

Mohammad Zahir Khan  
(Advocate)

High Court Peshawar.  
Distt; Courts Gulkada Swat,

*M*



account of Tehsildar Sabojni (Account no. 21603 HBL, Current Account) instead of directly submitting it in concerned head of account. This practice was carried out in the months of Jan, Feb, Mar and Apr 2012. The Tehsildar concerned was directed by the inquiry officer to submit a detailed bank statement of the said account which is attached as Anx R and the months in which Govt. money was deposited in his personal account have been highlighted.

Opinion:

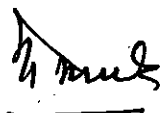
After going through all the available record, statements of various officials and affected masses, questioning the accused and other officials, undersigned is of the opinion that the charges leveled against the accused Patwari are on merit. The said Patwari was not only violating the provisions of section 42 LRA but it is likely that he was also carrying out corrupt practices. His revenue record is not very clear and he was not following the given procedures, in which he has been directly collecting the money from the vendor and vendees, which subsequently became main cause of cancellation of those mutations thereby causing loss to Govt. exchequer (Loss of 4 % tax).

From the record it's clear that he has been collecting Govt. fees directly from the parties in mutation cases. He has been submitting that money directly to the contractor of District Council for collecting 2% District Council tax. He has also been submitting the Mutation fee plus stamp duty in a personal account of Tehsildar Sabojni.

From the mutations and statements given by various venders, vendees and witnesses, it is clear that the thumb impressions / signatures obtained on mutations were not done during the field visits of Tehsildar. Patwari concerned had been promising the parties in mutation cases that their mutation will be completed or has been completed. In one such case (Mutation No 3954), he even provided the Fard of said piece of land (Anx Q) to the vendee, which gave assurance to vendee that the mutation process has been completed.

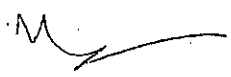
The role of Tehsildar concerned is also objectionable in this case. It seems that only after getting into some dispute with the concerned Patwari he lodged a complaint against him, though the practices of Patwari concerned were the same even before. For

*Attested.*



**Mohammad Zahir Khan**  
(Advocate)

High Court Peshawar.  
Distt: Courts Gulkada Swat,



example the same procedure for carrying out mutations and collecting Govt Taxes was practiced by the said Patwari when the Tehsildar concerned got posted in Sabojni in January 2012 but the Tehsildar didn't bother to report the same earlier and complained by the end of year 2012.

Tehsildar concerned in the monthly reports and returns of the months of July, August and September didn't bother to mention the pendency of Mutations, whereas same was not only reported by the Patwari but as per the signatures of Tehsildar on rejected mutations, it is clear that he has been visiting the area in the months under discussion, which either means that the entries of field visit made by him on the mutations are not done in the field and carried out in office at a later date after developing dispute with the Patwari or it means that he has been submitting wrong reports to DC office and deceiving about his performance.

He also asked the Patwari concerned to submit the Stamp duty in his personal account, which was done by the Patwari in the months of Jan, Feb, Mar and Apr 2012 (Bank Statement attached as Anx R). Though the said account is a current account but still such negligence is not expected out of a Revenue Officer.

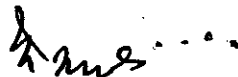
#### Recommendations:

Being an inquiry officer under section 10 (a) of the Khyber Pakhtunkhwa Govt. Servants (Efficiency and Discipline) rules, 2011. After going through the available documents, questioning the accused and related officials in detail and providing ample opportunity to the accused to clarify his position, two sort of recommendations are given below, one covering the general aspects to improve upon the system and the other are penal measures under section 14 of the Khyber Pakhtunkhwa Govt. Servants (Efficiency and Discipline) rules, 2011, please:-

#### General Recommendations

1. DRA should devise a format to get monthly report from all the sub registrars which should give such necessary details that even if original registry is destroyed, the data can be used to trace back any registry. Such format is

Attested.



Mohammad Zahir Khan  
(Judge)

High Court Peshawar.  
Distt: Courts Guikada Swat.

already used by sub registrar Babuzai, which may be extended in whole district.

2. As the above mentioned 12 mutations have been cancelled but money on account of taxes have been collected, therefore a commission is required to be appointed under the supervision of concerned Assistant Commissioner to return the money collected by the Patwari and either deposited in Govt. treasury (in case of 2% district council tax) or with the accused. The accused should hand over an amount of Rs.105,400/- to such commission so that it could be returned to the right holders as accused cannot be trusted in person to return the said amount.
3. A separate inquiry should also be initiated against the Tehsildar Sabojni on the basis of facts aroused during the conduct of this inquiry and Tehsildar Sabojni should be suspended till the outcome of the inquiry proposed.
4. All cancelled mutations need to be reviewed / attested within 1 month.
5. AC Matta to personally look into the case of Mutation Number 3945 and 3954 and only after due authentication about the genuineness of the registries, the mutation should be done.

Penal Recommendations

6. "Penalty under Sec 4(A)(ii) Unfit for further promotion" of the Khyber Pakhtunkwa Govt. Servants (Efficiency and Discipline) rules, 2011.
7. Unfit for field duty.

*[Signature]*

(Farrukh Attique Khan)

Enquiry Officer

Assistant Commissioner (Babuzai) , Saidu Sharif, Swat

*Attested*

*[Signature]*

Mohammad Zahir Khan  
(Advocate)

High Court Peshawar.  
Distt; Courts Gulkada Swat.

*[Signature]*

ANX (E)

(31)



OFFICE OF THE  
DEPUTY COMMISSIONER  
SWAT.

No. 901 /1/4/DK

Dated 31-07 /2013.

ORDER.

The suspension order issued in respect of Mr. Usman Shah, Patwari Halqa Shawar (now Khwazakhela), Swat vide this office order No. 204/1/4/DK, dated 22-03-2013 is hereby recalled and he is re-instated in service with immediate effect.

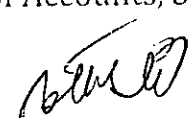
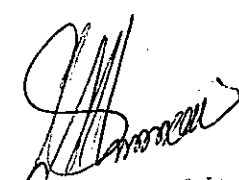
Subsequently, the official is hereby posted in the Land Acquisition Branch of this office.

902-040  
No. \_\_\_\_\_ /1/4/DK

  
DEPUTY COMMISSIONER, SWAT.

Copy forwarded to the:-

- 1- Assistant Commissioner, Khwazakhela, Swat.
- 2- District Comptroller of Accounts, Swat.
- 3- Official concerned.

  
  
DISTRICT COMMISSIONER  
SWAT. 19  
14

  
DEPUTY COMMISSIONER, SWAT.



OFFICE OF THE  
DEPUTY COMMISSIONER  
SWAT.

No. 905 /1/5/DK

Dated the 31/7 /2013.

ORDER.


WHEREAS, Mr. Usman Shah, Patwari Halqa Shawar (now Khwazakhela), was proceeded against under the Khyber Pakhtunkhwa Efficiency & Discipline Rules, 2011 for the charges mentioned in the charge sheet.

2- AND WHEREAS, Mr. Farrukh Atique Khan, Assistant Commissioner, Babuzai, Swat was appointed as inquiry officer to conduct inquiry against the accused official.

3- AND WHEREAS, the inquiry officer has examined the charges, evidence on record, the explanation of the accused official submitted report.


4- NOW THEREFORE, the undersigned being competent authority having considered the charges, evidence on record, explanation of the accused official and giving a chance for personal hearing on 31-07-2013 to Mr. Usman Shah, Patwari, exercising the power under Section-4(a) (ii) of the Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules, 2011 is imposed the minor penalty of "UNFIT FOR FURTHER PROMOTION" on the accused official (Usman Shah, Patwari, Halqa Shawar).

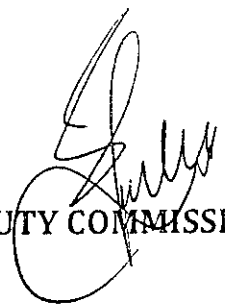
No. 906-08 /1/5/DK  
/10/DC/Estt:

  
DEPUTY COMMISSIONER, SWAT.

Copy forwarded to:-

- 1- The Assistant Commissioner, Babuzai, Swat/Inquiry Officer.
- 2- The District Comptroller of Accounts, Swat.
- 3- Official concerned.

  
DISTRICT KANUNGO  
SWAT.  
19/2/2014

  
DEPUTY COMMISSIONER, SWAT.

**BEFORE THE COMMISSIONER MALAKAND DIVISION SAIDU SHARIF**Appeal No. 98 /2013

Usman Shah S/O Amanullah Khan Resident of Khawzakhela District Swat. Halqa Patwari Shawar Tehsil Matta (Sibujni) presently Land Acquisition Branch Deputy Commissioner Office Swat. .... **Appellant**

**VERSUS**

1. Deputy Commissioner Swat.
2. Assistant Commissioner Swat.
3. Naib Tehsildar Matta (Sibujni) Swat.
4. District Qanungu Swat..... **Respondents**

Departmental appeal against the order of Deputy Commissioner, Swat (Respondent No.1) Bearing No.905/1/5/DK, Dated:31-07-2013 whereby minor penalty of unfit for further promotion has been awarded to the appellant.

**PRAYER**

On acceptance of this appeal impugned order Dated:31-07-2013 may graciously be declared as null and void and be cancelled and the appellant exonerated from the charges / allegations.

Sir,

The Appellant submits as under:

1. The appellant is serving in Revenue Department Swat as Patwari since 1982.
2. That on 22-03-2013 The DC Swat (Respondent No.1) served a charge Sheet upon the appellant bearing No.209/1//4/DK to the effect that while posted as Halqa Patwari Shawar, the Appellant has put/obtained signatures and thumb impressions of vendors and vendees on the mutations and collected the amount of taxes on account of these mutations and thus acceded his powers which was the sole responsibility of the Revenue Officer concerned. The AC, Swat (Respondent No.2) was

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Reader to Commissioner,  
Malakand Division,  
Saidu Sharif Swat.

appointed as Enquiry Officer to probe into the matter and submit his report with a period of one month. **(Copy enclosed as annexure A)**

3. Appellant submitted written reply to the allegations before the enquiry Officer on 28-3-2013 and categorically denied the same. It is mandatory that the basic duty of the Patwari is entry of mutations in the register and putting thumb impressions / signatures of the parties on the same is the basic function and duty of the Revenue Officer. The appellant has not violated the rules / law on the subject. **(Copy enclosed as Annexure B)**
4. That the Enquiry Officer(Respondent No.2) submitted his report to the authority (Respondent No.1) on the basis of which the impugned order was passed. It is worth mentioning that the appellant applied for the copy of report of the inquiry officer to(Respondent No.1) by submitting application in black & white as well as verbal request through counsel but inspite of hectic efforts copy of which has not been provided so for.
5. That the impugned order is illegal with out jurisdiction, void abinitio and liable to setaside / cancelled on the following grounds.

**Grounds:**

1. The Respondent No.1 (DC Swat) has unfitted the appellant for further promotion under section 4(a)(II) of KPK E&D rules 2011, without mentioning the period. In this respect the ingredients of section 4(a)(II) of KPK E&D rules 2011 are reproduced below.  
4 (Penalties).

“With holding, for a specific period, promotion or increment subject to a maximum of three years, otherwise than for unfitness for promotion or financial advancement, in accordance with the rules or orders pertaining to the service or post.”

2. That the appellant has a shining service record of 31-years and no complaint whatsoever has previously lodged against him. The appellant is on the top of seniority list of Patwaries of 2013 District Swat and his promotion as Girdawar is expected in the coming DPC for which working papers is being prepared and processed. In case the penalty aforesaid is imposed upon the appellant, he shall sustain irreparable loss in this old age of 52-years which will be injustics to him. The appellant cannot be treated as condemned for promotion till the expiry of service period / retirement as per provision of the enactment coated above. Justice demand that the order of respondent No.1 be set aside being not based on fact and law.

Attested to be true Copy

Reader to Commissioner,  
Muzakand Division,  
Saidu Sharif Swat.

3. The appellant has performed his basic assignment as Patwari and entered the mutation in the register duly verified by the Girdawar Circle within time, but the Revenue Officer who is head of Revenue Administration of the Tehsil and controller of the revenue work done by the revenue Staff is duty bound for hearing of the parties at time of attestation of mutation, putting the signatures /thumb impressions on the mutations and collection of Taxes but he has miserably failed to perform his assignment in letter and spirit as enshrined in Land Revenue Act and Land Record Manual but instead the dirt and dust has been thrown on the shoulders of the appellant being a low paid employee. The mutations in questions were lying in his personal custody for along period of 6/7 months without any orders regarding accepting or rejecting the same. He was legally bound to dispose of the same one way or the other within a period of 03-months. Besides he was also bound to check the mutation register and passed orders deem appropriate on daily basis or the tour programmes.
4. As already stated the appellant has obtained no signature / thumb impression of the parties on the faces of mutations or received the amounts of taxes on behalf of the Revenue Officer. The Respondents No.1 & 2 should have associated the Revenue Officer with the enquiry proceedings to explain his position for this willful negligence / blunder and illegal acts on his part being the main accused for the concoction and fabrication of the hole game. In this context two mutations bearing No.3937 and 3942, Moza.Shawar are worth perusal. In these mutations two persons namely Ramat Ali Khan S/O Syed Gul and Riaz Khan S/O Qalandar are parties. The Mutations were presented before the Revenue Officer on 14-11-2012, wherein Mutation No.3937 was accepted by the Revenue Officer declaring these persons as present while mutation No.3942 was rejected declaring these two persons as absent in spite of the fact that both were present before him. It shows that the Revenue Officer is not interested in Performing his duty according to Rules / Law, but dealt with the things as per as own wims and wishes. **(Photocopies of Mutations as attached as Annexure C & D).**
5. The Enquiry Officer (Respondent No.2) has given no opportunity of personal hearing to the appellant nor a chance of cross examining the other witnesses / persons. Even their statements were recorded in the absence of the appellant.
6. The Enquiry Officer (Respondent No.2) was directed by the DC, Swat / Respondent No.1 to submit his report within a period of One month but he submitted the same within a period of Four months due to which the appellant remained suspended unnecessarily for a period of more than

Arrested to be tried Sep,

Reader of Commissioner,  
Mafakand Division,  
Saibu Sharif Swat.



**BEFORE THE COMMISSIONER MALAKAND DIVISION SAIDU SHARIF**

Appeal No. \_\_\_\_\_/2013

Usman Shah S/O Amanullah Khan Resident of Khawzakhela District Swat. Halqa Patwari Shawar Tehsil Matta (Sibujni) presently Land Acquisition Branch Deputy Commissioner Office Swat. .... **Appellant**

**VERSUS**

- 1. Deputy Commissioner Swat.
- 2. Assistant Commissioner Swat.
- 3. Naib Tehsildar Matta (Sibujni) Swat.
- 4. District Qanungu Swat..... **Respondents**

Departmental appeal against the order of Deputy Commissioner, Swat (Respondent No.1) Bearing No.905/1/5/DK, Dated:31-07-2013 whereby minor penalty of unfit for further promotion has been awarded to the appellant.

Application for suspension of the impugned order dated:31-07-2013 passed by the DC Swat (Respondent No.1) till the disposal of the case.

The appellant submits as under:-

- 1. That the subject appeal is being listed in this honorable court.
- 2. That the appellant has a good prima facie case in his favour and it is hoped that the case will be decided in his favour.
- 3. That the DPC for the Promotion of Girdawar is being held in near future and the appellant name is on the top of the seniority list of the Patwaries of Swat District and the appellant will be definitely promoted in case the DPC is held.
- 4. The impugned order is hindrance in the way of promotion and in case the appellant's name is dropped from the DPC, it will be an irresponsible loss for him.

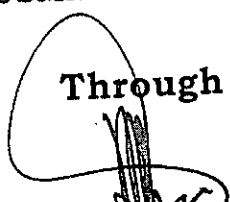
In view of the above, the operation of impugned order may kindly be suspended till the disposal of the appeal.



**APPELLANT  
USMAN SHAH PATWARI**

Attested to be true Copy

Reader to Commissioner,  
Malakand Division,  
Saidu Sharif Swat.



**Through  
AMIR HASSAN ADVOCATE**

**BEFORE THE COMMISSIONER, MALAKAND DIVISION  
AT SAIDU SHARIF SWAT.**

Case No.98/CMD

Date of Institution: 29/8/2013

USMAN SHAH S/O AMANULLAH KHAN R/O KHAWZAKHELA  
DISTRICT SWAT. HALQA PATWARI SHAWAR TEHSIL MATTA  
(SIBUJNI) PRESENTLY LAND ACQUISITION BRANCH DEPUTY  
COMMISSIONER OFFICE SWAT .....APPELLANT

VERSUS

1. DEPUTY COMMISSIONER SWAT.
2. ASSISTANT COMMISSIONER SWAT.
3. NAIB TEHSILDAR MATTA (SIBUJNI) SWAT.DISTRICT KANUNGO  
SWAT .....RESPONDENTS

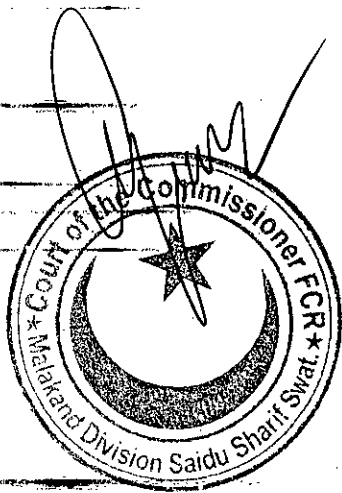
**DEPARTMENTAL APPEAL AGAINST THE ORDER OF DEPUTY  
COMMISSIONER, SWAT BEARING NO. 905/1/5/DK, DATED  
31.07.2013, WHEREBY MINOR PENALTY OF "UNFIT FOR  
FURTHER PROMOTION" HAS BEEN AWARDED TO THE  
APPELLANT.**

**ORDER**  
**16.01.2014**

This order shall dispose of the appeal, filed by the appellant Usman Shah, (ex) Patwari Halqa Shawar against the order dated 31.07.2013 of Respondent No. 1 viz the Deputy Commissioner Swat whereby minor penalty of "UNFIT FOR FURTHER PROMOTION" has been awarded to him.

Comments of Respondent No.1 (the Deputy Commissioner Swat) on the appeal were obtained alongwith the case file and thoroughly examined. Perusal of record reveals that the competent authority preceded against the appellant under provisions of Khyber Pakhtunkhwa, Government Servant (E&D) Rules 2011. A Charge sheet was served upon the appellant and inquiry conducted through a competent officer who collected evidence, recorded statements of the witnesses and submitted a comprehensive report. Opportunity of personal hearing was also provided to the appellant to vindicate his position. The competent authority i.e Deputy Commissioner Swat, in light of the recommendation of the inquiry officer, imposed minor penalty of "UNFIT FOR FURTHER PROMOTION" on the appellant.

After going through the record of the case and hearing arguments, I have arrived at the conclusion that the proceedings have been conducted well in line with the provision of the rules ibid and no irregularity whatsoever has been committed by the Respondent No.1.



**Witnessed to be true Copy**

Reader of Commissioner,  
Malakand Division,  
Saidu Sharif Swat.

It is pertinent to mention that the Revenue officers/officials are duty bound to collect revenue and provide relief to the masses. But in the instant case the concerned revenue officer/official have acted oppositely, they have grinded their own axes instead collection of revenue for the Government exchequer and have created hurdles instead of providing relief to the general masses. The Deputy Commissioner, Swat being competent authority is directed to appoint a commission headed by the Additional Deputy Commissioner, Swat and the concerned Assistant Commissioner Being it's member. The Commission will review all the cancelled mutations under the law and will also evaluate genuineness of the registered deeds in case of Mutation No. 3945 and 3954. Government Taxes in regard of aforementioned mutations may be collected from the concerned Revenue Officer and the Patwari i.e. the appellant already realized by them from the vendees and lying in their personal custody till now and be deposited in the Government exchequer immediately. The Commission will submit compliance report to this court within one month after the receipt of this order without fail.

Thus I found no weight in the appeal and maintain the impugned order of the Deputy Commissioner Swat dated 31.07.2013 with slight modification that the appellant will stand "UNFIT FOR FURTHER PROMOTION" for a period of two (02) years only.

A copy of this order alongwith record of the case be sent to Deputy Commissioner Swat (respondent No.1) for compliance.

**Announced**  
16.01.2014

Attested to be true Copy

Reader to Commissioner,  
Malakand Division,  
Saïdu Sharif Swat

  
Commissioner Malakand Division

Certified that this order consists of 02 pages and that each page is signed by the undersigned.

**OFFICE OF THE COMMISSIONER FCR  
MALAKAND DIVISION.**

Date of application for Copies... 16-1-014  
Date of Preparation of Copies... 27-1-014  
Date of delivery of Copies... 27-1-014

  
Commissioner Malakand Division

40

Fax 9240329  
# 9240336

**OFFICE OF THE  
DEPUTY COMMISSIONER,  
SWAT.**

No. 1379-853/1/4/DK

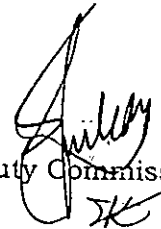
Dated 03/07/2014

To,

All Assistant Commissioners  
in District Swat.

Subject: **FINAL SENIORITY LIST OF PATWARIS.**

Enclosed please find herewith final seniORITY list of Patwaris and  
Tehsil Accountants of District Swat as stood on 31-12-2013 for circulation  
among the concerned officials.

  
Deputy Commissioner Swat.

*Attested.*



**Mohammad Zahir Khan**  
(Advocate)

High Court Peshawar.  
Distt; Courts Gulkada Swat,

37	Fazal Ali	04-01-1962	do	---	do
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41

FINAL SENIORITY LIST OF PATWARIS/TRAs AS STOOD ON 31-12-2013

S.No	Name of Patwari	Date of birth	appointment as patwari	Date of promotion	Remarks
1.	Miangul Hilal	03-05-1962	06-04-1981	13-10-2009	Promoted as Kanaungo on acting charge basis
2.	Jehan Mulk	13-11-1958	do	do	Tehsil Acctt:
3	Muhammad Shah Room	01-12-1954	do	do	do
4	Khaista Muhammad	14-04-1957	05-04-1981	do	do
5	<del>Usman Shah</del>	<del>01-04-1962</del>	<del>09-07-1982</del>	---	Patwari
6	Sharafuddin	15-02-1961	16-12-1982	27-05-2011	Tehsil Acctt:
7	Ashraf Ali	04-11-1962	do	---	Patwari
8	Muhabat Khan	12-02-1956	do	---	do
9	Sohrab Khan	09-02-1962	do	---	do
10	Mehmood Shah	12-01-1957	do	---	do
11	Syed Ahmad Jan	01-05-1961	do	---	do
12	Muhammad Ihsan	25-04-1963	do	---	do
13	Muhammad Nawaz	02-02-1959	do	---	do
14	Muhammad Iqbal	01-12-1958	do	---	do
15	Badiuzaman	06-01-1960	do	---	do
16	Mir Afzal	01-05-1962	do	---	do
17	Khaista Muhammad	03-03-1962	do	---	do
18	Mumtaz Ahmad	25-12-1963	do	---	do
19	Hamayoon	04-09-1963	do	---	do
20	Fazal Javed	02-03-1964	do	---	do
21	Masal Khan	08-12-1964	do	---	do
22	Ehsanullah	01-01-1965	22-12-1985	---	do
23	Abdul Nasar	15-12-1966	do	---	do
24	Muhammad Salim	27-12-1966	do	---	do
25	Seraj Ahmad	12-01-1964	do	---	do
26	Abdur Rahim	15-01-1965	do	---	do
27	Akbar Hussain	17-09-1964	do	---	do
28	Hussain Ahmad	13-04-1965	do	---	do
29	Fazal Akbar	24-09-1963	do	---	do
30	Abdul Jabbar	20-04-1962	do	---	do
31	Muhammad Khan	01-01-1963	do	---	do
32	Sher Akbar	12-12-1965	do	---	do
33	Muhammad Karim	08-01-1965	do	---	do
34	Talimand	20-11-1960	do	---	do
35	Habibullah Khan	04-12-1961	do	---	do
36	Shamsul Huda	04-12-1962	do	---	do
37	Fazal Ali	04-01-1962	do	---	do

Attested.



Mohammad Zahir Khan  
(Advocate)

High Court Peshawar.  
Distt: Courts Gulakada Swat.


38	Sharif Khan	07-01-1964	do		Tehsil Acctt:
39	Ahmad Khan	06-06-1959	do	---	Patwari
40	Hazrat Shser	15-05-1962	do	---	do
41	Fazal Ghaffar	13-06-1962	do	---	do
42	Said Ali	03-05-1962	do	---	do
43	Gul Nazar	04-10-1967	do	---	do
44	Bacha Said	02-11-1965	07-09-1987	---	do
45	Syed Fazal Hakim	02-01-1966	23-12-1987	---	do
46	Fasihullah	04-04-1966	27-12-1987	---	do
47	Rahimullah Khan	03-01-1964	11-05-1990	---	do
48	Abdul Kamal	20-12-1964	15-05-1991		Tehsil Acctt:
49	Muhammad Tahir	01-04-1971	15-07-2002	---	Patwari
50	Habib Ahmad	04-01-1967	17-04-2003	---	do
51	Sher Badshah	11-11-1959	04-12-2003	---	do
52	Muhammad Shser	14-02-1965	17-04-2003	---	do
53	Zakirullah	21-05-1969	03-08-2004	---	do
54	Fazal Hadi	05-04-1978	09-07-2006	---	do
55	Shah Nawaz	26-04-1983	do	---	do
56	Suliman	14-02-1982	do	---	do
57	Syed Hakim Jan	07-01-1969	do	---	do
58	Shah Waliullah	06-01-1977	do	---	do
59	Anwarullah	30-04-1986	28-07-2007	---	do
60	Tajdar Ali	04-10-1982	do	---	do
61	Shahid Ali Khan	05-03-1987	do	---	do
62	Muhammad Shahid Khan	26-12-1984	do	---	do
63	Sawar Khan	04-01-1984	do	---	do
64	Rizwanullah	15-04-1985	26-01-2008	---	do
65	Said Badshah	04-01-1986	do	---	do
66	Shah Faisal	26-03-1982	06-09-2008	---	do
67	Muhammad Israr	03-01-1984	do	---	do
68	Iftikhar Ali	01-01-1983	13-10-2009	---	do
69	Imtiaz Ali	02-01-1983	do	---	do
70	Riaz Ali	13-03-1982	do	---	do
71	Imtizul Haq	03-01-1987	do	---	do
72	Hazrat Ali	05-12-1985	do	---	do
73	Nisarul Haq	03-07-1987	do	---	do
74	Ihsan Ahmad	04-01-1983	do	---	do
75	Ziaullah Khan	03-05-1985	do	---	do
76	Fazal Haq	17-03-1986	do	---	do

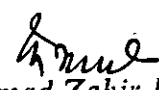
Attested.

*(Signature)*

Mohammad Zahid

77	Fahim Bacha	29-03-1987	do	---	do
78	Muhammad Ayaz	04-04-1983	do	---	do
79	Zameer Khan	26-11-1980	do	---	do
80	Nizam Ali	03-03-1986	do	---	do
81	Ajmal Khan	15-03-1985	do	---	do
82	Asad Khan	15-06-1989	do	---	do
83	Jawad	15-04-1988	do	---	do
84	Rahmat Ali	02-12-1990	do	---	do
85	Muhammad Hanif	29-03-1986	do	---	do
86	Khalid Khan	20-02-1985	do	---	do
87	Khalil Ahmad	12-12-1984	do	---	do
88	Abdul Ghafoor	27-04-1986	do	---	do
89	Hidayatullah	04-11-1984	do	---	do
90	Syed Kamal Shah	31-05-1982	do	---	do
91	Asadullah	17-01-1985	do	---	do
92	Syed Nasar Shah	24-04-1983	do	---	do
93	Kamran	02-01-1990	23-04-2010	---	do
94	Rashid Ali	02-03-1985	do	---	do
95	Fazal Haq-II	19-09-1984	do	---	do
96	Irfan Khan	01-11-1982	22-01-2011	---	do
97	Ikramullah	05-02-1986	do	---	do
98	Farhan	23-04-1988	do	---	do
99	Faisal Khan	09-03-1988	do	---	do
100	Shah Dawran	01-01-1971	27-05-2011	---	do
101	Arifullah	08-02-1985	03-02-2012	---	do
102	Miangul Wahid	24-07-1987	do	---	do
103	Attaullah	03-03-1990	do	---	do
104	Syed Naveed Inayat	01-10-1986	do	---	do
105	Syed Sohail Ahmad	01-03-1991	do	---	do
106	Amir Bahadar	04-01-1978	do	---	do
107	Syed Asif Shah	03-03-1984	do	---	do
108	Azmat Ali	11-02-1986	do	---	do
109	Jamal Ahmad	09-05-1985	do	---	do
110	Naser Khan	10-04-1983	do	---	do
111	Khog Bacha	01-03-1989	do	---	do

  
 Deputy Commissioner Swat.

*Attested*  
  
**Mohammed Zahir Khan**  
 (Advocate)  
 High Court Peshawar.  
 Distt; Courts Gulakada Swat,

نمبر شمارہ	ذاتی طور پر	نوع	سائز	حاجت	میزان	مستند	نمبر	نمبر	نمبر	نمبر	نمبر
1	مضامین	بیمہ	-	22	22	22	-	-	-	-	-
2	پرائیویٹ	دورانیہ	-	9	9	9	-	-	-	-	-
3	گھنٹہ	ارٹھ	-	3	3	3	-	-	-	-	-
4	فہرستیں	پہنچانہ	-	5	5	5	-	-	-	-	-
5	انٹرنیٹ	رغل	-	3	3	3	-	-	-	-	-
6	اصول	جسٹس	-	1	1	1	-	-	-	-	-
		ریٹنگ	-	5	5	5	-	-	-	-	-
		دوسرا	-	6	6	6	-	-	-	-	-
7	عشاق	شور	-	-	-	-	-	-	-	-	-
8	ذرائع	کچھ	-	5	5	5	-	-	-	-	-
		ریٹنگ	-	5	5	5	-	-	-	-	-
		بیا	-	2	2	2	-	-	-	-	-
9	بیموں	ارٹھ	-	-	-	-	-	-	-	-	-
		شماروں	-	-	-	-	-	-	-	-	-
10	مضامین	جدہ	-	2	2	2	-	-	-	-	-
		گورنر	-	5	5	5	-	-	-	-	-
11	فہرستیں	بیمہ	-	-	-	-	-	-	-	-	-
		بیمہ	-	8	8	8	-	-	-	-	-
		شکر	-	4	4	4	-	-	-	-	-
			-	86	86	86	-	-	-	-	-

نائب قیادت ایجنسی

872  
932  
952  
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2012/2/20



45



OFFICE OF THE  
DEPUTY COMMISSIONER  
SWAT.

No. 433 /1/5/DK

Dated 19-04- /2013.

ORDER.


An inquiry has been ordered to be conducted against Mr. Usman Shali, Halqa Patwari Khwazakhela, Swat to whom charge sheet and statement of allegations has already been issued under Efficiency & Discipline Rules, 2011 wherein Syed Saif-Ul-Islam Shah, Additional Assistant Commissioner (Revenue), Swat has been appointed as inquiry officer. Now as per application dated 11-04-2013 of the accused official request for change of the present inquiry officer. The undersigned being competent authority hereby replaces the inquiry officer and appoints Mr. Farrukh Atique Khan, Assistant Commissioner, Babuzai, Swat to conduct the said inquiry under Efficiency & Discipline Rules, 2011 and submit report in the stipulated period to this office.

  
DEPUTY COMMISSIONER, SWAT.

No. 434-36 /1/5/DK

Copy forwarded to the:-

- 1- Additional Assistant Commissioner (Revenue), Swat with the remarks to send the relevant case file to Assistant Commissioner, Babuzai, Swat for further proceedings.
- 2- Assistant Commissioner, Babuzai, Swat for necessary action under the relevant rules.
- 3- Official concerned to appear before the Assistant Commissioner, Babuzai/ Inquiry Officer on the date, time and place fixed by him for the purpose of inquiry proceedings.

  
DEPUTY COMMISSIONER, SWAT.

*Attested*

*[Signature]*

Mohammad Zahir Khan  
(Advocate)  
High Court Peshawar.  
Distt: Courts Gulikada Swat.

(46)

(166)

**OFFICE OF THE DEPUTY COMMISSIONER SWAT**

No. 487 /1/5/DK. Dated. 27-05-2013.

To,

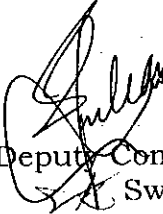
The Assistant Commissioner,  
Babuzai, Swat.

Subject: **INQUIRY AGAINST MR.USMAN SHAH PATWARI.**

Memo:

Reference this office Memo:No.434-36/1/5/DK,  
dated 19-04-2013 on the above noted subject.

The subject inquiry report is still awaited from  
your end. Please send the same immediately for further action by the  
undersigned.

  
Deputy Commissioner  
Swat.

*Attested*



**Mohammad Zahir Khan**  
(Advocate)

High Court Peshawar.  
Distt; Courts Gulkada Swat.

47

167

**OFFICE OF THE DEPUTY COMMISSIONER SWAT**

No. 567 /1/5/DK. Dated. 17-06-2013.

To,

The Assistant Commissioner,  
Babuzai, Swat.


Subject: **INQUIRY AGAINST MR.USMAN SHAH PATWARI**

Memo:

Reference this office Memo:No.434-36/1/5/DK, dated 19-04-2013, followed by reminder bearing No.487/1/5/DK, dated 27-05-2013 on the above noted subject.

The subject inquiry report is still awaited from your end. Please send the same immediately for further action by the undersigned.

17/6-13

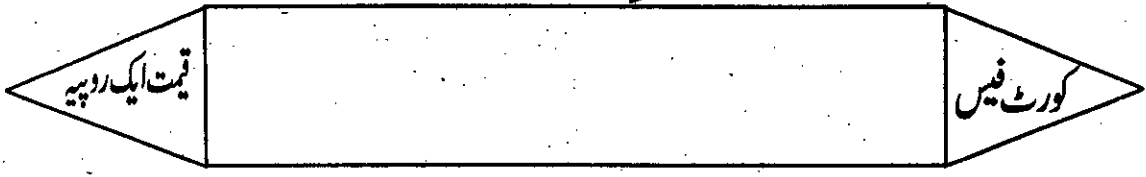
  
Deputy Commissioner  
Swat.

Attested.



Mohammad Zahir Khan  
(Advocate)  
High Court Peshawar.  
Distt; Courts Gulkada Swat.

# بعدالت ضب سرس ٹریبونل ماٹیا پاور



موردہ  
 مقدمہ عثمان شاہ ولد امان اللہ خان  
 دعویٰ سندہ خواجہ صلیب سورت  
 جرم  
 ۱۹ فروری ۲۰۱۱ء منجانب سرس ٹریبونل  
 صاحب ملک لندہ درشن  
 مطہر  
 سرس ٹریبونل

## باعث خرید آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی وجواب دہی وکل کاروائی متعلقہ آن مقام سٹیاور ایکٹ ملکہ میپ کورٹ سورت کے لیے محمد طاہر خان ایرونی مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے جواب دی اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زرا اور اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری ایک طرف یا اپیل کی برآمد ہوگی اور منسوخ مذکور کے نسل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقررہ شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اس کا ساختہ برواختہ منظور و قبول ہوگا۔ اور دوران مقدمہ میں جو خرچہ و ہرجانہ التوا ایے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ ہر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا ک سند رہے

المقوم  
 عثمان شاہ  
 واہ شدہ العبد

Attested & accepted  
 محمد طاہر خان ایرونی کے لئے منظور ہے  
 محمد طاہر خان ایرونی  
 Advocate  
 High Court, Peshwar.  
 Distt: Lower Dir, Ferozabad Swat.

اعمالیہ

میں محمد الیاس نائب تحصیلدار سیو جی مٹہ ہر ٹی عقل دھوئیں و عواض یہ قرار دینے لگے۔  
 ہوں کہ بسلسلہ انکوٹری بابت خارج شدہ انتقالات موضع شور محلہ مٹہ ذیل عرض ہے:  
 - کہ مذکورہ انتقالات کافی عرصہ ہواری عثمان شاہ کے پاس موجود تھے اور میرے سامنے  
 پیش نہیں کیے۔

- م یہ کہ جب دورہ ہر انتقالات سے آرتا تو فریقین کو حاضر نہیں کرتا تھا۔ اور میں  
 اگلے دورے ہر پیش کرنے کا حکم کرتا۔

- یہ کہ جب انتقالات پیش کیے تو ان پر انگلٹ ہائے دستخط ہلے سے ثبت شدہ  
 تھے۔ جو کہ ہواری کی ذمہ داری / اختیار نہیں ہے۔

- چونکہ انتقالات پر انگلٹ ہائے دستخط ہلے سے ثبت شدہ تھے اور فریقین بار بار  
 بلاتے ہر پیش نہ ہوتے لہذا انتقالات خارج کر دیے گئے۔ چونکہ بھائی

پیش کردہ ~~پیش کردہ~~ لینڈ ریونیو انگلٹ یہ روٹیوں اور سرکاری ذمہ داری ہے نہ کہ ہواری کی۔  
 5- یہ کہ جہاں ڈگریوں پر درج شدہ انتقالات کے خارج ہونے کا مسئلہ تو ان میں  
 یا تو ڈگری کی نقد نقدہ نقل مہیا نہیں کی گئی اور یا ڈگری اور انتقال کے اندراجات  
 میں فرق تھا۔ جو کہ بار بار اطلاق عیابی کے باوجود مہیا نہیں کیے گئے۔

6- یہ کہ تاخیر کی وجہ ہواری مذکور کے طرف سے مقدمہ بازی ہر خلاف زیر دستخط،  
 جناب DoR صاحب اور جناب DCO صاحب اور خارج حوالہ کرنے میں ٹال مٹول  
 کرنے سے ہوئی۔

7- یہ کہ اس کے باوجود میں نے انتقالات کے فریقین کو موقع دیا کہ وہ آئے اور زیر  
 دستخط کی تسلی حسب قانون کریں تو ان کے انتقالات منظور کر دیے جائینگے۔

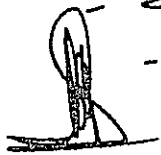
8- یہ کہ جو بھی فریقین حاضر ہوئے اور میری تسلی کر دی ان کے انتقالات حسب  
 منافع منظور ہوئے۔ اور جو فریقین اس کے باوجود پیش نہ ہوئے ان کے  
 انتقالات خارج ہوئے۔

9- یہ کہ جو بھی فریقین دوبارہ آکر اپنا انتقال درج کرانا چاہتے ہیں وہ آکر کر سکتے

خود ثبت کیے جس کے نیچے کسی قسم کا دستخط یا تاریخ درج نہ ہے۔ اس بنا پر مذکورہ انتقال جائز کیے گئے۔

- 13- یہ کہ مذکورہ بیواری نے ماہ اگست میں حکم عدولگی کی جس پر افسران بالا کو تحریری طور پر رپورٹ بھیجی گئی۔ اس رپورٹ کے بنا پر مذکورہ بیواری کا تبادلہ دفتر D.O. صاحب سوات کیا گیا۔ مذکورہ بیواری نے جائز حوالہ کرنے میں ٹال مٹول اختیار کیا اور اس دوران اس نے عدالت سول جج کیس زیر دستخطی، D.O.R. صاحب اور D.C.O. صاحب کے خلاف کیس دائر کیا۔ بعد میں اس نے 22-10-2012 پر اپنا کیس واپس لے لیا اور مورخہ 23-10-2012 پر ہم نے اس کے گھر سے کاٹا لے لیا اور ریکارڈ قبضہ میں لے لیا اور گرواؤ سرکل کو بحفاظت گواہان تاحکم تاقی حوالہ کیا۔ اس دوران مذکورہ بیواری اپنا اثرو رسوخ استعمال کرتا رہا لیکن وہ D.O. صاحب کے آغوش میں ہی تعینات رہا۔ اس سارے عرصے میں پورا ریکارڈ اس کے قبضے میں رہا اور وہ انتقال، باوجود جمع کرنے کے درج کرتا رہا۔ جو کہ ان انتقال کے فیصلوں میں تاخیر کا سبب بنا۔ (نقوات آرڈرز اور سرکاری چھپان لف بیان ہذا ہے)۔
- 14- یہ کہ ایک دو مشترکان بعد میں زیر دستخطی کے پاس آئے اور اپنا بیان ریکارڈ کروایا جس سے صاف ظاہر ہوتا ہے کہ مذکورہ بیواری نے ان سے کہتے ہیں لیے اور ایک انتقال میں بیع کی قیمت 3200000/- روپے لاکھ کے بجائے 2800000/- روپے لاکھ درج کی ہے جو کہ سرکاری ٹیکس کی کھوئی چوری ہے۔ (بیانات کے نقوات لف بیان ہذا ہے)۔

- 15- یہ کہ جو کچھ میں نے اوپر بیان کیا یہ حکم کے مطابق درست ہے اور کوئی بھی دہرایا نہیں ہے کہ جو چھپائی گئی ہے۔ یہی صبر بیان ہے۔  
- ونیز نقوات پورٹ پور منقول شدہ و خارج شدہ انتقال لف ہے۔



میں محمد امجد علی دکنی کی حلفاً بیان کرتا ہوں کہ بسلسلہ انداز میں عثمان شاہ پور سے

صفحہ 16<sup>08</sup>  
2012

دیوار کی طرف سے۔ مد عثمان شاہ پور سے شہر لہر تعینات تھا۔

کو اس نے دیوینو اشتر کے معنی نامہ مانا ہے جس پر دیوینو اشتر نے اس پر دیوار کی طرف

صفحہ 13<sup>09</sup> اور اسکا شمار سوا۔ مقرر ملا شہر لہر سے اور پور کے نام اور پور میں ہے

اور ملا فاک راجو تھا۔ صفحہ 18<sup>09</sup> اور کھدیا کے معنی مجھے مذکورہ اور ذکر ہے تھا

کہ آج مذکورہ پور سے خارج ہے۔ میں پور کے مذکورہ کے پاس تھا۔ مگر

اس نے خارج شدہ وقت بعد اپنے نام دے دیا۔ اور جابر عدالت دیوانے میں

مقدمہ پر خلاف اسرار بااثر دیا۔ صفحہ 22<sup>10</sup> و مذکورہ مقدمہ داپس لے لیا

صفحہ 23<sup>10</sup> و حکیم علی کھدیا کے معنی خارج ہے بلکہ ظہر ہے کھدیا کے معنی

صاحب کے معنی لکھا۔ صفحہ 31<sup>10</sup> و عثمان و اللہ پور کے نام اور مذکورہ ملا کو پور

میں نے باقاعدہ خارج 11<sup>11</sup> و عثمان و اللہ پور کے نام لکھا۔

بہتر ہے یہ بیان ہے۔

بہتر ہے یہ دورانی ملازمت کثرت کردار کی

01-04-2013

مد سیبوی کی حلفاً بیان کرتا ہوں کہ

تک و سبب شہرت نہیں تھا۔ اور نہ کثرت نہیں تھا۔

صفحہ 39<sup>32</sup>

پرقت شاہد اشعارات، دستاویزات پر 3932-3933

3940-3941-3942-3946-3949-3950

3953-3955- پر اشعارات یا دستاویزات پر

سے باطن، شناختہ کنندہ ان شہرت تھیں۔

صفحہ 39<sup>32</sup>

09-04-2013

بیان ذابلی جبکہ فیروز کھیل نہ / سیو جینی

حلفاً بیان کیا کہ جبکہ فیروز کھیل نہ اندوہی بد خلاف <sup>شاہ</sup> <sup>خان</sup> <sup>پوری</sup>  
شروع ہو گیا۔ وہاں رہی رہا گیا کے فتوحات جبکہ اصل رہی <sup>شاہ</sup> <sup>خان</sup> <sup>پوری</sup>  
نے خود لایا ہے اور میں فتوحات رہی <sup>شاہ</sup> <sup>خان</sup> <sup>پوری</sup> کے مذکورہ پوری فوراً <sup>شاہ</sup> <sup>خان</sup> <sup>پوری</sup>  
اور رہی <sup>شاہ</sup> <sup>خان</sup> <sup>پوری</sup> مجھے دکھایا تھا۔ کہ وہاں کے بعد میں <sup>شاہ</sup> <sup>خان</sup> <sup>پوری</sup> کو <sup>شاہ</sup> <sup>خان</sup> <sup>پوری</sup>  
سامنے حوالہ کیا ہے۔ یہاں <sup>شاہ</sup> <sup>خان</sup> <sup>پوری</sup> کے رہا کر رہا کرتے ہیں

ذابلی جبکہ فیروز کھیل نہ / سیو جینی مطلع شدت  
11-4-013

Attest  
Dist. Karoonjo  
(Swat)  
11/04/13

Attest  
S. S. (Rev)  
Swat  
11/04/13

ذابلی  
11/04/13  
3955



مخبر 8-15 کو مبلغ 228000/- روپے کے لئے ارضی فراہوش نیشن  
 کو بطور گوثوارہ منتقلات حوالہ کی - اور بعد میں بھی فراہوش نیشن  
 نے مذکورہ گوثوارہ منتقلات صحیح دے دی - اور میں نے  
 رسیدات طرہ ایڈیا اور 13 ٹیکسٹ میں کاپی دی -  
 اور مذکورہ رسیدات بطور گوثوارہ مذکورہ صلحہ پٹیوں  
 عثمان شاہ کو حوالہ کی -  
 یہ میرا بیان ہے -

District Kamourgo  
 (Swat)

ذرائع اعلیٰ پرنسپل  
 تحصیل سوات

12-4-13

Attested  
 4ACC (Rev)  
 12/04/13

11/11/12

12/1/13

BEFORE THE SERVICES TRIBUNAL  
KHYBER PAKHTUNKHWA PESHAWAR  
CAMP COURT AT SWAT

C.M No. .... M of 2014

Service appeal No 275-M of 2014

Usman Shah .....Appellant

VERSUS

Commissioner Malakand Division and others...Respondents

APPLICATION FOR INTERIM RELIEF (STATUS  
QUO) UP TO THE EXTENT OF NOT  
RECOMMENDING DPC AND PROMOTION OF  
GIRDAWAR TILL THE FINAL DISPOSAL OF  
THE ABOVE TITLED APPEAL

Respectfully Sheweth:-

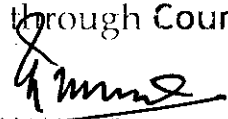
*The petitioner / appellant submits as under:-*

1. That the above titled appeal is pending adjudication before this Hon'ble Court, in which next date of hearing is 14/10/2014.
2. That the balance of convenience also lies in the favour of applicant / appellant.
3. That the appellant has good prima facie case in his favour and it is hoped that the case will be decided in his favour.

4. That the DPC for the Promotion of Girdawat is being held in near future and the appellant name is on the top of the seniority list of the Patwaries of Swat District and the appellant will be definitely promoted in case the DPC is held.
5. That the impugned order is hindrance in the way of promotion and in case the appellant's name is dropped from the DPC, it will be an irreparable loss to the appellant / applicant and the instant appeal is anfractuious.
6. That the contents of this instant applicant be deemed as the integral part of the appeal.

It is, therefore humbly prayed, that on acceptance of this application the interim relief is stated above may kindly be granted.

Applicant / appellant through Counsel

  
Muhammad Zahir KHAN Advocate High Court

AFFIDAVIT


I, Usman Shah S/o Amanullah Khan R/o Khawaza Khela, District Swat, do hereby solemnly affirm and declare that the contents of the above titled application are true and correct to the best of my knowledge and belief and nothing has been kept secret of this honorable Court.

  
DEPONENT

Identified by

  
MUHAMMAD ZAHIR KHAN

Advocate, High Court

ATTESTED  
  
Sajid Ali Advocate  
OATH COMMISSIONER  
District Courts Swat  
No. 214 Date 01-05-2024

**BEFORE THE SERVICE TRIBUNAL**  
**KHYBER PAKHTUNKHWA PESHAWAR**  
**CAMP COURT SWAT.**

Service appeal No. 275-M of 2014

USMAN SHAH.....APPELLANT  
VERSUS  
COMMISSIONER, MALAKAND DIVISION AND OTHER.  
.....RESPONDENTS

APPLICATION FOR INTERIM RELIEF

*Reply to the application on behalf of respondents*


Respectfully Shewith:-

I. PRELIMINARY OBJECTION:

- a. The petitioner has got no cause of action to file the present petition.
- b. The petition is bad in its present form.
- c. The balance of convenience is also not in favour of petitioner.
- d. The irreparable loss is not available to the petitioner when the interim relief is not granted.

II. FACTUAL GROUNDS:-

1. Para No.1 is correct.
2. Para No.2 is incorrect. The balance of convenience is also not in favour of the petitioner/appellant.
3. Para No.3 is also incorrect. The appellant has got no case at all, therefore, it is wrong that the appeal will be decided in his favour.
4. Para-4 it is stated that a meeting of DPC was scheduled and held on 15-10-2014, wherein the name of the appellant appearing at S.No. 5 of the seniority list was included in the working paper and placed before the DPC for consideration. However the same was deferred. An official next senior most was recommended for appointment on acting charge basis. Further more a post of

  
Senior Government Pleader  
Swat & Gulakada.

Kanungo will also be vacated due to retirement of one of the Kanungos on superannuation on 01-12-2014. Therefore, promotion of the appellant will be considered as directed by this Honorable Tribunal.


5. Para No. 5 is incorrect. The Appellant/Petitioner can claim promotion through the court after the decision of the appeal if the same is in favour of petitioner. Therefore no irreparable loss is available.
6. No Comments.

It is therefore, humbly prayed that on acceptance of the reply, the petition for interim relief may very kindly be dismissed with costs.

Thanks.

**RESPONDENTS.**

**Through**

  
**SENIOR GOVT. PLEADER**  
**SWAT**  
**Senior Government Pleader**  
**Swat at Gulkada.**

Affidavit:

It is stated on oath that all the contents of this application are true and correct to the best of my knowledge and belief.

  
1. Deputy Commissioner  
Swat.

  
2. Commissioner  
Malakand Division

## بعدالت جناب چیرمین سروس ٹریبونل صوبہ خیبر پختونخواہ کمپ کورٹ سوات

عثمان شاہ بنام ڈپٹی کمشنر وغیرہ

عنوان: درخواست بمراد منسوخی یکطرفہ کارروائی برخلاف مدعا علیہم نمبر 1 سے 5۔ محررہ 05-05-2014

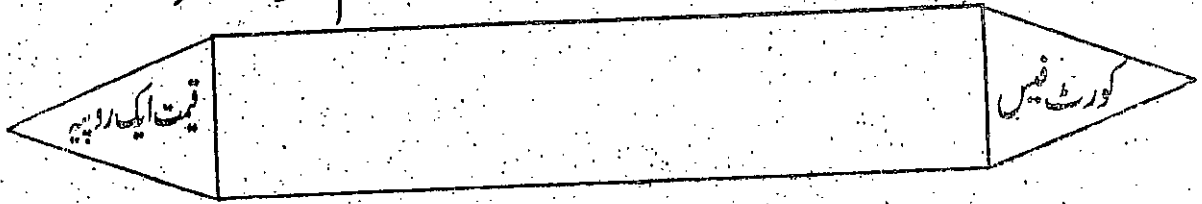
جناب عالی! ذیل عرض ہے۔

- ۱۔ یہ کہ مقدمہ عنوان بالا عدالت حضور میں زیر سماعت ہے۔ جس میں آج تاریخ پیشی مقرر ہے۔
  - ۲۔ یہ کہ بمورخہ 05-05-2014 کورسپانڈنٹس نمبر 1 تا 5 کے طرف سے یکطرفہ کارروائی عمل میں لائی گئی ہے۔
  - ۳۔ یہ کہ مقدمہ عنوان بالا سے رسپانڈنٹس کے قیمتی مفادات وابستہ ہیں۔ بدیں وجہ یکطرفہ ختم کرنا قرین انصاف ہے۔
  - ۴۔ یہ کہ از روئے قانون و انصاف ضروری ہے کہ مقدمہ ہذا کا فیصلہ "Merit" پر ہو جائے۔
- لہذا استدعا ہے کہ بمنظوری درخواست ہذا حکم متدعیہ صادر فرمایا جائے۔ دادرسی ہوگی۔

عریضہ

ڈپٹی کمشنر سوات

بعدالت سروس ٹریبونل چیئر مین کو خواہ مقام لہ ماور (جسب کورٹ پبلک سروس)



مورخہ 17 نومبر 2014ء منجانب عثمان شاہ - اپیلانٹ  
 مقدمہ عثمان شاہ بنام کمشنر ملاکنڈ ڈویژن و غیرہ  
 دعویٰ سروس اپیل  
 جرم

## باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ آن مقام لہ ماور پبلک سروس کیلئے مسعود الرحمن ایڈورکیٹ ہ مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے جواب دی اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زرا اور اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری ایک طرف یا اپیل کی برآمد ہوگی اور منسوخ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقررہ شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اس کا ساختہ برواختہ منظور و قبول ہوگا۔ اور دوران مقدمہ میں جو خرچہ و ہر جانہ التوا یہ مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ ہر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا کہ سند رہے

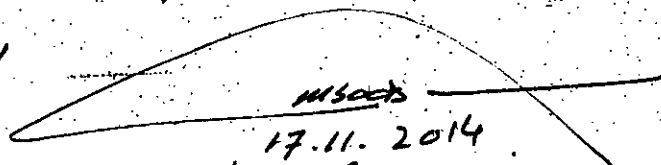
المرقوم 17 ماہ 2014ء

محمد گواہ شاہ العبد

Attested  
 and accepted کے لئے منظور ہے

بمقام لہ ماور پبلک سروس

by



17.11.2014

Masood-u-Rahman  
 Advocate Swat

15602-8123071-3

عثمان شاہ و لہ ماور پبلک سروس - اپیلانٹ

No. 170-74 /ST

Dated 11 / 2 /2015

To

1. Commissioner Malakand division at Saidu Sharif Swat.
2. Deputy Commissioner Swat at Gulkada.
3. Assistant commissioner Babuzai Swat at Gulkada.
4. Naib Tehsildar Muhammad Ilyas Matta (Sibujni) Swat Presently Naib Tehsildar Tehsil Charbagh.
5. Shafi Ur Rahman Ex- District Kanungo Swat R/O Tahir Abad, Mingora, Swat.

Subject: - SERVICE APPEAL NO. 260/2014 USMAN SHAH VS COMMISSIONER MALAKAND DIVISION AT SAIDU SHARIF SWAT AND OTHERS.

I am directed to forward herewith a certified copy of order dated 2.2.2015 passed by this Tribunal on the above execution petition for strict compliance.

OK

REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.



BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

SERVICE APPEAL NO. 260 M OF 2014.

Usman Shah S/O Amanullah Khan Resident of Khwazakhela District Swat Halqa  
Patwari Sharwar Tehsil Matta(Sibujni) Presently Land Acquisition Branch of the  
Deputy Commissioner Swat at  
Gulkada.....Appellant

**VERSUS**

- 1- The Commissioner Malakand Division at Saidu Sharif Swat.
- 2- Deputy Commissioner Swat.
- 3- Assistant Commissioner Babuzai Swat at Gulkada.
- 4- Naib Tehsildar Muhammad Ilyas Matta (Sebujni) Swat presently  
Naib Tehsildar Tehsil Charbagh.
- 5- District Kanungo Swat. .... Respondents.

PARA-WISE COMMENTS/REPLY OF RESPONDENTS NO.1 TO 5.

Preliminary Objections.

- 1- The appellant is estopped by his conduct to file the present  
petition.
- 2- The appeal is time barred and is not maintainable.

Facts:

- 1- Correct.
- 2- Correct.
- 3- The contents of para-4 are incorrect and therefore denied. In fact  
the appellant has violated section 42 of the Land Revenue Act,  
and has put signatures/thumb impressions of the parties on  
mutations due to which the mutation were rejected by the  
respondent No. 4 and a proper inquiry was conducted against the  
appellant and on the findings/ recommendation of the inquiry  
officer a minor penalty i.e unfit for further promotion and unfit  
for field duty was imposed on the appellant.
- 4- Correct.
- 5- Correct to the extent that the appellant submitted his reply to the  
charge sheet on 28-03-2013.
- 6- Correct to the extent that the Inquiry officer submitted his  
finding to the authority.
- 7- Correct.
- 8- Correct.
- 9- Incorrect the order passed by appellate authority is in accordance  
with law and rules on the subject

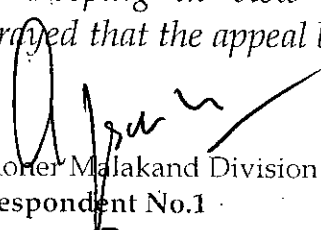
09  
02/03/11


## GROUND:

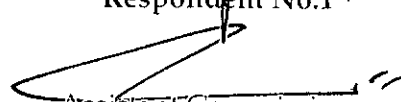
- I- Incorrect.
- II- Incorrect. The allegation against the appellant is fully established and proved. Hence awarded minor penalty.
- III- Incorrect.
- IV- Incorrect, the official is at S.No.5 of the seniority list.(Annexure "A")
- V- Incorrect.
- VI- Incorrect.
- VII- In this para the appellant has admitted that he has received the amounts of taxis on behalf of the Revenue Officer. The Appellant has violated Section 42 of the Land Revenue Act 1967 which was/is the main cause of departmental inquiry and punishment to the appellant.
- VIII- Incorrect and denied, every opportunity was given to the appellant.
- IX- On the recommendation of inquiry officer for proper completion of inquiry the suspension period of the appellant was extended for a period of one month which was with accordance with rules.
- X- Incorrect. As explained para-3 of facts.
- XI- Correct. This was a clerical mistake.
- XII- Incorrect. All rejected mutations including Mutation No. 3956 were shown in the table of mutation
- XIII- Incorrect. The appellant could not present concerned parties to the mutation before the Revenue officer, therefore, the mutation were rejected.
- XIV- Incorrect. No over writing has been made in the mutations.
- XV- Incorrect. No mutations were pending.
- XVI- The respondents will also present arguments if necessary.


## PRAYER


Keeping in view the above facts and grounds, it is, therefore, prayed that the appeal be dismissed with cost.

  
Commissioner Malakand Division  
Respondent No.1

  
Deputy Commissioner Swat  
Respondent No.2

  
Assistant Commissioner  
Babuzai Swat  
Respondent No.3

  
Naib Tehsil Matta (Sebujni)  
Respondent No.4

  
District Kanungo Swat  
Respondent No.5

*Verified.*  
*Subhan*  
*Sr. G.P.*

$$\begin{array}{r} 12 \\ 2 \overline{) 14} \end{array}$$

**BEFORE THE HONORABLE SERVICE TRIBUNAL  
K.P.K, CAMP COURT AT SAIDU SHARIF SWAT.**

Service appeal No 260 -M/2014

Usman Shah.....Appellant.

**Versus**

Commissioner Malakand and others.....Respondents.

**Service Appeal**

**Application for impleadment of applicant as necessary  
party in the panel of respondents.**

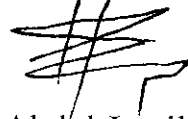
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- (1) That the above titled Case is fixed for today, in this Honorable Tribunal/ Court.
- (2) That the applicants are the most senior Officials (Patwaris) in the annexed seniority list with memorandum of appeal on serial No 2 and 3.
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- (4) That the Competent authority/ D.C Swat is going to fixed the date for D.P.C for the purpose of eligible candidates to be promoted from Patwaris to Girdawar, but this Honorable Court Vide its Order dated 02-02-2015 stayed / suspended their promotion and ultimately the applicants will have to suffer irreparable loss.
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- (6) That if the petitioners have not been promoted due to the Honorable Tribunal/ Court Order already in the field stated above, the petitioners valuable rights will be violated and shall suffer irreparable loss.
- (7) That after filing the titled appeal by appellant, other persons have already been promoted prior to the stay/ suspension Order.

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It is therefore most humbly prayed that the applicants may kindly be impleaded in the panel of respondents.

**Applicants**



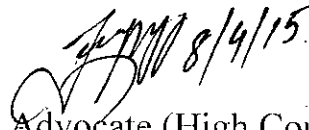
- (1) Sohrab S/O Abdul Jamil  
resident of Chalyar,  
khwazakhela District Swat  
NIC # 15602-0520038-3  
Mobile # 03469448766



- (2) Mohabat Khan<sup>S/O</sup> Sharif Khan  
Resident of Bangladesh,  
mingora, District Swat.  
NIC# 15602-05229657-5  
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Through

Counsel



**Tariq Aziz** Advocate (High Court)  
Mobile NO: 03469693740.  
Office Address : Room No C\_9 , 2<sup>nd</sup>  
floor, Azeem Khan plaza, Makaanbagh  
Mingora District Swat.

**BEFORE THE COURT OF SERVICES TRIBUNAL  
KHYBER PAKHTUNKHWA CAMP COURT AT SWAT**

P No \_\_\_\_\_ of 2013

Service Appeal No. 260 -M of 2014

Usman Shah

.....Appellant

VERSUS

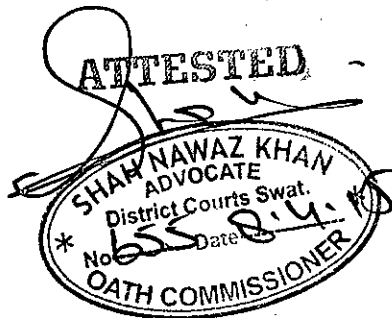
Commissioner Malakand Division and others

.....Respondents

AFFIDAVIT

We 1) Sohrab Khan son of Abdul Jamil R/o Chalyar, Khwaza Khela, 2) Mohabat Khan S/o Sharif Khan R/o Bangladesh, Mingora, District Swat, do hereby solemnly affirm and declare on oath that the contents of the above application are true and correct to the best of our knowledge and belief and nothing has been concealed from this Honorable Court.

DEPONENT



  
1) Sohrab Khan

  
2) Mohabat Khan

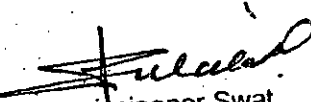
**SENIORITY LIST OF PATWARIS/TRAs AS STOOD ON 31-12-2014**

S.No	Name of Patwari	Date of birth	appointment as patwari	Date of promotion	Remarks
1	Usman Shah	01-04-1962	09-07-1982	---	Patwari
2	Muhabat Khan	02-12-1956	do	---	do
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4	Mehmood Shah	12-01-1957	do	---	do
5	Syed Ahmad Jan	01-05-1961	do	---	do
6	Muhammad Ihsan	25-04-1963	do	---	do
7	Muhammad Nawaz	02-02-1959	do	---	do
8	Muhammad Iqbal	01-12-1958	do	---	do
9	Badiuzzaman	06-01-1960	do	---	do
10	Mir Afzal	01-05-1962	do	---	do
11	Khaista Muhammad	03-03-1962	do	---	do
12	Mumtaz Ahmad	25-12-1963	do	---	do
13	Hamayoon	04-09-1963	do	---	do
14	Fazal Javed	02-03-1964	do	---	do
15	Masal Khan	08-12-1964	do	---	do
16	Ehsanullah	01-01-1965	22-12-1985	---	do
17	Abdul Nasar	15-12-1966	do	---	do
18	Muhammad Salim	27-12-1966	do	---	do
19	Seraj Ahmad	12-01-1964	do	---	do
20	Abdur Rahim	15-01-1965	do	---	do
21	Akbar Hussain	17-09-1964	do	---	do
22	Hussain Ahmad	13-04-1965	do	---	do
23	Fazal Akbar	24-01-1963	do	---	do
24	Abdul Jabbar	20-04-1962	do	---	do
25	Muhammad Khan	01-01-1963	do	---	do
26	Sher Akbar	12-12-1965	do	---	do
27	Muhammad Karim	08-01-1965	do	---	do
28	Talimand	20-11-1960	do	---	do
29	Habibullah Khan	04-12-1961	do	---	do
30	Shamsul Huda	04-12-1962	do	---	do
31	Fazal Ali	04-01-1962	do	---	do
32	Sharif Khan	07-01-1964		---	T.A
33	Ahmad Khan	06-06-1959	do	---	do
34	Hazrat Shser	15-05-1962	do	---	do
35	Fazal Ghaffar	13-06-1962	do	---	do
36	Said Ali	03-05-1962	do	---	do
37	Gul Nazar	04-10-1967	do	---	do

38	Bacha Said	02-11-1965	07-09-1987	---	do
39	Syed Fazal Hakim	02-01-1966	---	---	do
40	Fasihullah	04-04-1966	27-12-1987	---	do
41	Rahimullah Khan	03-01-1964	11-05-1990	---	do
42	Abdul Kamal	20-12-1964			T.A
43	Muhammad Tahir	01-04-1971	15-07-2002	---	do
44	Habib Ahmad	04-01-1967	17-04-2003	---	do
45	Sher Badshah	11-11-1959	04-12-2003	---	do
46	Muhammad Shser	14-02-1965	17-04-2003	---	do
47	Zakirullah	21-05-1969	03-08-2004	---	do
48	Fazal Hadi	05-04-1978	09-07-2006	---	do
49	Shah Nawaz	26-04-1983	do	---	do
50	Suliman	14-02-1982	do	---	do
51	Syed Hakim Jan	07-01-1969	do	---	do
52	Shah Waliullah	06-01-1977	do	---	do
53	Anwarullah	30-04-1986	28-07-2007	---	do
54	Tajdar Ali	04-10-1982	do	---	do
55	Shahid Ali Khan	05-03-1987	do	---	do
56	Muhammad Shahid Khan	26-12-1984	do	---	do
57	Sawat Khan	04-01-1984	do	---	do
58	Rizwanullah	15-04-1985	26-01-2008	---	do
59	Said Badshah	04-01-1986	do	---	do
60	Shah Faisal	26-03-1982	06-09-2008	---	do
61	Muhammad Israr	03-01-1984	do	---	do
62	Iftikhar Ali	01-01-1983	13-10-2009	---	do
63	Imtiaz Ali	02-01-1983	do	---	do
64	Riaz Ali	13-03-1982	do	---	do
65	Imtiazul Haq	03-01-1987	do	---	do
66	Hazrat Ali	05-12-1985	do	---	do
67	Nisarul Haq	03-07-1987	do	---	do
68	Ihsan Ahmad	04-01-1983	do	---	do
69	Ziaullah Khan	03-05-1985	do	---	do
70	Fazal Haq	17-03-1986	do	---	do
71	Fahim Bacha	29-03-1987	do	---	do
72	Muhammad Ayaz	04-04-1983	do	---	do
73	Zameer Khan	26-11-1980	do	---	do
74	Nizam Ali	03-03-1986	do	---	do
75	Ajmal Khan	15-03-1985	do	---	do



77	Jawad	15-04-1988	do	---	do
78	Rahmat Ali	02-12-1990	do	---	do
79	Muhammad Hanif	29-03-1986	do	---	do
80	Khalid Khan	20-02-1985	do	---	do
81	Khalil Ahmad	12-12-1984	do	---	do
82	Abdul Ghafoor	27-04-1986	do	---	do
83	Hidayatullah	04-11-1984	do	---	do
84	Syed Kamal Shah	31-05-1982	do	---	do
85	Asadullah	17-01-1985	do	---	do
86	Syed Nasar Shah	24-04-1983	do	---	do
87	Kamran	02-01-1990	23-04-2010	---	do
88	Rashid Ali	02-03-1985	do	---	do
89	Fazal Haq-II	19-09-1984	do	---	do
90	Irfan Khan	01-11-1982	22-01-2011	---	do
91	Ikramullah	05-02-1986	do	---	do
92	Farhan	23-04-1988	do	---	do
93	Faisal Khan	09-03-1988	do	---	do
94	Shah Dawran	01-01-1971	27-05-2011	---	do
95	Arifullah	08-02-1985	03-02-2012	---	do
96	Miangul Wahid	24-07-1987	do	---	do
97	Attallah	03-03-1990	do	---	do
98	Syed Naveed Inayat	01-10-1986	do	---	do
99	Syed Sohail Ahmad	01-03-1991	do	---	do
100	Amir Bahadar	04-01-1978	do	---	do
101	Syed Asif Shah	03-03-1984	do	---	do
102	Azmat Ali	11-02-1986	do	---	do
103	Jamal Ahmad	09-05-1985	do	---	do
104	Naser Khan	10-04-1983	do	---	do
105	Khog Bacha	01-03-1989	do	---	do

  
Deputy Commissioner Swat.

بعدالت حناء معزز کمروں میں مولانا محمد رفیع صاحب کراچی



مورخہ ۸ اپریل ۱۹۶۰ء  
مقدمہ عسکر شاہ  
دعویٰ سرحدی ایڈووکیٹ بنام  
جرم عسکر شاہ

### باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی

متعلقہ آن مقام سرکاری طور پر سندس سرکار کے اصرار پر مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے جو اب وی اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زرا اور اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری ایک طرف یا اپیل کی برآمد ہوگی اور منسوخ مذکور کے نسل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقررہ شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اس کا ساختہ پرواختہ منظور و قبول ہوگا۔ اور دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ ہر ہوا یا حد سے باہر ہو تو وکیل صاحب یا بندہ ہونگے کی پیروی مقدمہ مذکور لہذا اوکالت نامہ لکھ دیا کہ سند رہے

المرقوم ۸ ماہ اپریل ۱۹۶۰ء  
واہ ائندہ العبد

محمد رفیع صاحب کراچی  
عسکر شاہ

مقام سوات کے لئے منظور ہے  
Attested & accepted

03469693740

BEFORE THE COURT OF SERVICES TRIBUNAL KHYBER  
PAKHTUNKHWA CAMP COURT AT SWAT

Usman Shah

.....Appellant

VERSUS

Commissioner Malakand Division and others

.....Respondents


**REPLICATION ON BEHALF OF APPELLANT**

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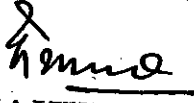
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3. Para No. 3 is correct to the extent that this honorable Court has stayed / suspended further promotion while the remaining para is incorrect.
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5. Para No. 5 is incorrect and against the facts of the case.
6. Para No. 6 is incorrect and against the facts of the case. Appellant is on the top of the seniority list and if the stay ~~was~~ vacated, there will <sup>be</sup> an irreparable loss to the appellant.

7. Para No. 7 is incorrect and against the facts of the case.
8. Para No. 8 is incorrect and against the facts of the case. Therefore denied. Appellants are not necessary party in the present appeal and their application is liable to be dismissed.

  
Appellant  
(Usman Shah)

Through Counsel

  
**MOHAMMAD ZAHIR KHAN**  
Advocate, High Court

Date: 08-04-2015

BEFORE THE COURT OF SERVICES TRIBUNAL KHYBER  
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.....Appellant

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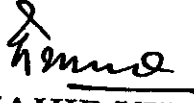
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(Usman Shah)

Through Counsel

  
**MOHAMMAD ZAHIR KHAN**  
Advocate, High Court

Date: 08-04-2015

**BEFORE THE HONORABLE SERVICE TRIBUNAL  
K.P.K, CAMP COURT AT SAIDU SHARIF SWAT.**

Service appeal No 260 -M/2014

Usman Shah.....Appellant.

**Versus**

Commissioner Malakand and others.....Respondents.

**Service Appeal**

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resident of Chalyar,  
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NIC # 15602-0520038-3  
Mobile # 03469448766

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KHYBER PAKHTUNKHWA CAMP COURT AT SWAT

P No \_\_\_\_\_ of 2013

Service Appeal No. 260 -M of 2014

Usman Shah .....Appellant

VERSUS

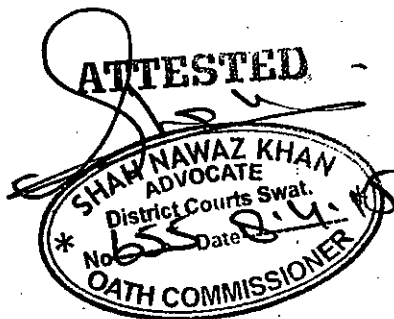
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1) Sohrab Khan

  
2) Mohabat Khan

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K.P.K, CAMP COURT AT SAIDU SHARIF SWAT:**

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**BEFORE THE COURT OF SERVICES TRIBUNAL  
KHYBER PAKHTUNKHWA CAMP COURT AT SWAT**

P No \_\_\_\_\_ of 2013

Service Appeal No. 260 -M of 2014

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.....Appellant

**VERSUS**

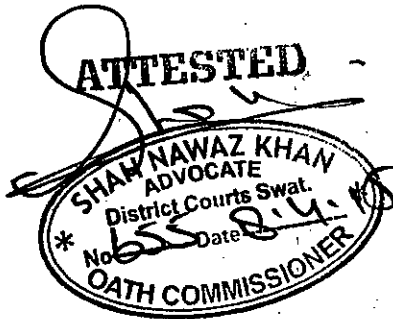
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PAKHTUNKHWA CAMP COURT AT SWAT

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VERSUS

Commissioner Malakand Division and others

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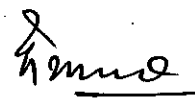
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Through Counsel

  
**MOHAMMAD ZAHIR KHAN**  
Advocate, High Court

Date: 08-04-2015

SENIORITY LIST OF PATWARIS/TRAs AS STOOD ON 31-12-2014

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8	Muhammad Iqbal	01-12-1958	do	---	do
9	Badiuzzaman	06-01-1960	do	---	do
10	Mir Afzal	01-05-1962	do	---	do
11	Khaista Muhammad	03-03-1962	do	---	do
12	Mumtaz Ahmad	25-12-1963	do	---	do
13	Hamayoon	04-09-1963	do	---	do
14	Fazal Javed	02-03-1964	do	---	do
15	Masal Khan	08-12-1964	do	---	do
16	Ehsanullah	01-01-1965	22-12-1985	---	do
17	Abdul Nasar	15-12-1966	do	---	do
18	Muhammad Salim	27-12-1966	do	---	do
19	Seraj Ahmad	12-01-1964	do	---	do
20	Abdur Rahim	15-01-1965	do	---	do
21	Akbar Hussain	17-09-1964	do	---	do
22	Hussain Ahmad	13-04-1965	do	---	do
23	Fazal Akbar	24-01-1963	do	---	do
24	Abdul Jabbar	20-04-1962	do	---	do
25	Muhammad Khan	01-01-1963	do	---	do
26	Sher Akbar	12-12-1965	do	---	do
27	Muhammad Karim	08-01-1965	do	---	do
28	Talimand	20-11-1960	do	---	do
29	Habibullah Khan	04-12-1961	do	---	do
30	Shamsul Huda	04-12-1962	do	---	do
31	Fazal Ali	04-01-1962	do	---	do
32	Sharif Khan	07-01-1964	do	---	T.A
33	Ahmad Khan	06-06-1959	do	---	do
34	Hazrat Shser	15-05-1962	do	---	do
35	Fazal Ghaffar	13-06-1962	do	---	do
36	Said Ali	03-05-1962	do	---	do
37	Gul Nazar	04-10-1967	do	---	do

38	Bacha Said	02-11-1965	07-09-1987	---	do
39	Syed Fazal Hakim	02-01-1966	---	---	do
40	Fasihullah	04-04-1966	27-12-1987	---	do
41	Rahimullah Khan	03-01-1964	11-05-1990	---	do
42	Abdul Karim	20-12-1964			T.A
43	Muhammad Tahir	01-04-1971	15-07-2002	---	do
44	Habib Ahmad	04-01-1967	17-04-2003	---	do
45	Sher Badshah	11-11-1959	04-12-2003	---	do
46	Muhammad Shser	14-02-1965	17-04-2003	---	do
47	Zakirullah	21-05-1969	03-08-2004	---	do
48	Fazal Hadi	05-04-1978	09-07-2006	---	do
49	Shah Nawaz	26-04-1983	do	---	do
50	Suliman	14-02-1982	do	---	do
51	Syed Hakim Jan	07-01-1969	do	---	do
52	Shah Waliullah	06-01-1977	do	---	do
53	Anwarullah	30-04-1986	28-07-2007	---	do
54	Tajdar Ali	04-10-1982	do	---	do
55	Shahid Ali Khan	05-03-1987	do	---	do
56	Muhammad Shahid Khan	26-12-1984	do	---	do
57	Sawar Khan	04-01-1984	do	---	do
58	Rizwanullah	15-04-1985	26-01-2008	---	do
59	Said Badshah	04-01-1986	do	---	do
60	Shah Faisal	26-03-1982	06-09-2008	---	do
61	Muhammad Israr	03-01-1984	do	---	do
62	Iftikhar Ali	01-01-1983	13-10-2009	---	do
63	Imtiaz Ali	02-01-1983	do	---	do
64	Riaz Ali	13-03-1982	do	---	do
65	Imtizul Haq	03-01-1987	do	---	do
66	Hazrat Ali	05-12-1985	do	---	do
67	Nisarul Haq	03-07-1987	do	---	do
68	Ihsan Ahmad	04-01-1983	do	---	do
69	Ziaullah Khan	03-05-1985	do	---	do
70	Fazal Haq	17-03-1986	do	---	do
71	Fahim Bacha	29-03-1987	do	---	do
72	Muhammad Ayaz	04-04-1983	do	---	do
73	Zameer Khan	26-11-1980	do	---	do
74	Nizam Ali	03-03-1986	do	---	do
75	Ajmal Khan	15-03-1985	do	---	do
76	Asad Khan	15-06-1989	do	---	do



77	Jawad	15-04-1988	do	---	do
78	Rahmat Ali	02-12-1990	do	---	do
79	Muhammad Hanif	29-03-1986	do	---	do
80	Khalid Khan	20-02-1985	do	---	do
81	Khalil Ahmad	12-12-1984	do	---	do
82	Abdul Ghafoor	27-04-1986	do	---	do
83	Hidayatullah	04-11-1984	do	---	do
84	Syed Kamal Shah	31-05-1982	do	---	do
85	Asadullah	17-01-1985	do	---	do
86	Syed Nasar Shah	24-04-1983	do	---	do
87	Kamran	02-01-1990	23-04-2010	---	do
88	Rashid Ali	02-03-1985	do	---	do
89	Fazal Haq-II	19-09-1984	do	---	do
90	Irfan Khan	01-11-1982	22-01-2011	---	do
91	Ikramullah	05-02-1986	do	---	do
92	Farhan	23-04-1988	do	---	do
93	Faisal Khan	09-03-1988	do	---	do
94	Shah Dawran	01-01-1971	27-05-2011	---	do
95	Arifullah	08-02-1985	03-02-2012	---	do
96	Miangul Wahid	24-07-1987	do	---	do
97	Attaullah	03-03-1990	do	---	do
98	Syed Naveed Inayat	01-10-1986	do	---	do
99	Syed Sohail Ahmad	01-03-1991	do	---	do
100	Amir Bahadar	04-01-1978	do	---	do
101	Syed Asif Shah	03-03-1984	do	---	do
102	Azmat Ali	11-02-1986	do	---	do
103	Jamal Ahmad	09-05-1985	do	---	do
104	Naser Khan	10-04-1983	do	---	do
105	Khog Bacha	01-03-1989	do	---	do

  
Deputy Commissioner Swat.