

Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	20.02.2019	<p align="center"><b><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u></b></p> <p align="center">Appeal No. 1096/2018</p> <p>Date of Institution ... 04.09.2018 Date of Decision ... 20.02.2019</p> <p>Usman Zaman Ex- Naib Qasid, Office of DLR, Peshawar. <b>Appellant</b></p> <p>1. The Senior Member Board of Revenue, KPK Peshawar. 2. The Director land Record KPK , Peshawar. <b>Respondent</b></p> <p>Mr. Taimur Ali Khan Advocate ... For Appellant</p> <p>Mr. Kabir Ullah Khattak Addl: Advocate General ... For Respondents</p> <p>Mr. Hamid Farooq Durrani ... Chairman Mr. Muhammad Hamid Mughal ... Member(J)</p> <p align="center"><b><u>JUDGMENT</u></b></p> <p><b><u>MUHAMMAD HAMID MUGHAL, MEMBER:</u></b> - Appellant, learned counsel for the appellant and Mr. Kabirullah Khattak Learned Additional Advocate General for the respondents present.</p> <p>1. The appellant (Ex- Naib Qasid) has filed the present service appeal against the order dated 29.06.2018 whereby he was awarded penalty of removal from service. The appellant has also challenged the order dated 10.08.2018 through which his departmental appeal was rejected.</p>

2. Learned counsel for the appellant argued that disciplinary action was initiated against the appellant vide charge sheet dated 25.04.2018, on the ground of absence from duty; that the inquiry officer conducted inquiry however, the appellant was removed from service without issuance of Show Cause notice. Learned counsel for the appellant argued that in the charge sheet dated 25.04.2018, it was alleged that the appellant remained absent from 19.04.2018 to 25.04.2018 i.e. for six days as such the punishment of removal from service awarded to appellant is harsh and excessive. Further argued that legal requirement of issuance of Show Cause Notice was not observed hence the impugned orders are not tenable.

3. As against that learned Additional Advocate General argued that the appellant was a ghost employee and habitual absentee; that departmental action was taken against the appellant in the year 2017 on the ground of absence from duty and to this effect inquiry was conducted and the inquiry officer submitted his inquiry report dated 20.11.2017; that Show Cause Notice dated 21.02.2018 was also issued, however the competent authority gave one month to the appellant to mend his ways and to be careful. Next contended that the appellant did not mend his ways and again absented himself from his duty. Resultantly the departmental action was again initiated against the appellant by issuing charge sheet dated 25.04.2018; that the inquiry officer conducted the inquiry and submitted his report; that the inquiry officer held the appellant guilty of misconduct. Consequently the appellant was removed

from service vide order dated 29.06.2018. He further argued that the department had already taken lenient view in the earlier departmental action against the appellant initiated in the year 2017 by affording opportunity to appellant to mend his way, however, the appellant failed to do so and showed no interest in the performance of his duty. As such having no other option the department awarded the punishment to the appellant.

4. Arguments heard. File perused.

5. In the year 2017, departmental proceeding was initiated against the appellant for having remained absent from official duty besides being habitual late comer and leaving the office before closing hours and to this effect the inquiry officer submitted his report dated 20.11.2017 followed by Show Cause Notice dated 21.02.2018, however the departmental authority did not issue formal order to conclude the departmental proceeding and for that omission the departmental authority owes an explanation.

6. Subsequently another departmental action was initiated against the appellant vide charge sheet dated 25.04.2018, wherein it was alleged that the appellant remained absent from official duty w.e.f 19.04.2018 till 25.04.2018 and that he is habitual late comer and leave the office before closing hours. Mr. Murad Ali Assistant of the office of the Director Land Records Khyber Pakhtunkhwa conducted inquiry and submitted his report wherein he recommended that the appellant showed lack of interest in discharging of his official duties/willful leaves and this act comes

under the purview of misconduct.

7. Inquiry report of Mr. Murad Ali was not served upon the appellant moreover the departmental authority without issuing any Show Cause Notice to the appellant awarded penalty of removal from service vide order dated 29.06.2018.

8. Due to non-observance of legal requirements to issue and serve Show Cause Notice upon the appellant along with inquiry report prepared by Mr. Murad Ali, the impugned orders have lost its sanctity in the eyes of law and as such could not withstand. Hence in the given circumstances without touching the merits of the case the impugned orders are set aside. The appellant is reinstated in service for the purpose of inquiry. The departmental proceeding against the appellant shall be deemed pending and the respondent department is directed to conclude the same by observing all the legal requirements and codal formalities. The present service appeal is accepted in the above terms. Parties are left to bear their own costs. File be consigned to the record room.



(Hamid Farooq Durrani)  
Chairman



(Muhammad Hamid Mughal)  
Member

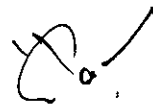
ANNOUNCED  
20.02.2019

20.02.2019

Appellant with counsel and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Vide separate judgment of today of this Tribunal placed on file, due to non-observance of legal requirements to issue and serve Show Cause Notice upon the appellant along with inquiry report prepared by Mr. Murad Ali, the impugned orders have lost its sanctity in the eyes of law and as such could not withstand. Hence in the given circumstances without touching the merits of the case the impugned orders are set aside. The appellant is reinstated in service for the purpose of inquiry. The departmental proceeding against the appellant shall be deemed pending and the respondent department is directed to conclude the same by observing all the legal requirements and codal formalities. The present service appeal is accepted in the above terms. Parties are left to bear their own costs. File be consigned to the record room.



(Hamid Farooq Durrani)  
Chairman



(Muhammad Hamid Mughal)  
Member

ANNOUNCED

20.02.2019

18.09.2018

Counsel for the appellant present. Preliminary arguments heard and case file perused. Disciplinary proceedings were initiated on account of absence from duty and after culmination major penalty of removal from service was imposed on him vide impugned order dated 29.06.2018 followed by departmental appeal on 04.07.2018 which was rejected on 10.08.2018, hence, the instant service appeal. Enquiry in the matter was conducted in a slipshod manner and proper opportunity of defense was denied to the appellant, as such he was condemned unheard.

Appellant Deposited  
Security & Process Fee

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 08.11.2018 before S.B.

(AHMAD HASSAN)  
MEMBER

08.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 26.12.2018. Written reply not received.

READER

26.12.2018

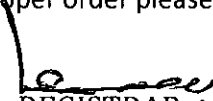

Appellant with counsel and Mr. Kabirullah Khattak alongwith Javid Iqbal Assistant present. Representative of the respondent department submitted written reply. Adjourn. To come up for rejoinder/arguments on 20.02.2019 before D.B.//

Member

Form- A  
FORM OF ORDER SHEET

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

Case No. 1096/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	04/09/2018  5-9-18	The appeal of Mr. Usman Zaman presented today by Mr. Taimur Ali Khan Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.   REGISTRAR 4/9/18
2-		This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>18-9-2018</u>   MEMBER

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. 1096/2018

Usman zaman

V/S



Revenue Deptt:

**INDEX**

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7.	Copy of charge sheet	E	11
8.	Copy of inquiry report	F	12-13
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APPELLANT

THROUGH:

  
(TAIMUR ALLI KHAN)  
ADVOCATE HIGH COURT,  
&   
(ASAD MAHMOOD)  
ADVOCATE HIGH COURT

Room No. Fr-8, 4<sup>th</sup> Floor,  
Bilour Plaza, Peshawar Cantt:  
Contact No. 03339103240



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**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. 1096 /2018

Khyber Pakhtukhwa  
Service Tribunal

Diary No. 1390

Dated 04-9-2018

Usman zaman Ex- Naib Qasid,  
Office of DLR, Peshawar.

(APPELLANT)

VERSUS

1. The Senior Member Board of Revenue, KPK, Peshawar.
2. The Director Land Record KPK, Peshawar.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 10.08.2018, WHEREBY THE DEPARTMENT APPEAL OF THE APPELLANT HAS BEEN REJECTED AGAINST THE ORDER DATED 29.06.2018 WHEREIN THE APPELLANT WAS REMOVED FROM SERVICE FOR NO GROUNDS.

Filed to-day

Registrar

4/9/18 . PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 10.08.2018 AND 29.06.2018 MAY KINDLY BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED INTO SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT, MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

**RESPECTFULLY SHEWTH:**

**FACTS:**

1. That the appellant was appointed as Naib Qasid in the respondent department on 22.10.2012 and performed his duty with great devotion and honesty whatever so ever assigned to him.
2. That charge sheet along with statement of allegations were served to the appellant on the following charges:
  - i. That you habitual of enjoying French and privilege leaves without obtaining prior permission / approval of the competent authority.
  - ii. That despite repeated verbal as well as written explanations/warning/Show cause, you are not taking interest in official work. You also remained absent from official duty w.e.f 20.10.2017 to 07.11.201, 12.07.2016 and 08.11.2017 without any prior permission of the Competent Authority,
  - iii. That you are habitual late comer and leave the office before closing.

The appellant submitted reply to charge sheet and gave reason for his absence; however he did not keep the copy of reply with himself which may be requisite from the department. **(Copies of charge sheet and statement of allegations area attached as Annexure-A&B)**

3. That on the basis of above allegations, inquiry was conduct against the appellant in which the inquiry officer mentioned in his inquiry report that written statement was submitted by the appellant in which the appellant stated that he his parents has died and there is no one in his house to look after his sisters and he was sick on 20.11.2017 and submitted an application to the competent authority for leave which was approved. After that he remained sick and could not attend the office and in recommendation of inquiry report the inquiry officer recommended that it is proposed he may be awarded a minor penalty of deduction of 05 five days to be careful in future. **(Copy of inquiry report is attached as Annexure-C)**
4. That the show cause noticed was issued to the appellant which was duly replied by the appellant however the appellant did not keep the copy of reply to show cause notice which may be requisite from the department, however the respondent department did not take any action on that inquiry report. **(Copy of show cause notice is attached as Annexure-D)**

5. That another charge sheet was issued to the appellant on the following charges:
- i. That you habitual of enjoying French and privilege leaves without obtaining prior permission / approval of the competent authority.
  - ii. That despite repeated verbal as well as written explanations/warning/Show cause, you are not taking interest in official work. You also remained absent from official duty on 19.04.2018 and 25.04.2018 without any prior permission of the Competent Authority, while you have already promised that in future you will take interest in official duty and not enjoy French leaves in the earlier inquiry conducted against you.
  - iii. That you are habitual late comer and leave the office before closing.

The appellant submitted reply to charge sheet and gave reason for his absence, however he did not keep the copy of that which may be requisite from the department. **(Copy of charge sheet is attached as Annexure-E)**

6. That the inquiry was conducted against the appellant for two days absence on 19.04.2018 and 25.04.2018 in which no proper opportunity of defense was provided to the appellant, but despite that was held responsible by the inquiry officer. **(Copy of inquiry is attached as Annexure-F)**
7. That without serving show cause to the appellant, the respondent No. 2 passed the order on 29.06.2018 whereby the appellant was removed from service, against which the appellant filed departmental appeal on 04.07.2018 which was also rejected on 10.08.2018 for no grounds. **(Copies of order dated 29.06.2018, departmental appeal on 04.07.2018 & rejection order dated 10.08.2018 are attached as Annexure-G, H & I)**
8. That now the appellant come to this august tribunal on the following grounds amongst others.

#### **GROUND:**

- A) That the impugned orders dated 10.08.2018 and 29.06.2018 are against the law, facts, norms of justice and material on record, therefore not tenable and liable to be set aside.

- B) That no action was taken by the respondents department against the appellant on the first inquiry report and kept mum and after long period of time action was taken against the appellant on the second inquiry report which was conducted for two days absences and in the impugned order of removal from service the previous absence was also counted, which shows that the appellant was punished for his previous omission, which is violation of law, rules and superior courts judgments.
- C) That inquiry was not conducted according to the prescribed procedure as no proper opportunity of proper defence was provided to the appellant as neither statements were recorded in the presence of the appellant nor providing opportunity of cross examination of the witnesses, but despite that the appellant was held responsible by the inquiry officer.
- D) That no show cause notice was issued to the appellant on the second inquiry report before passing the impugned order which is violation of law and rules.
- E) That in first charge sheet, the correct absence period of the appellant was not specified and from inquiry report, 5 days can be calculated as absence period of the appellant as the inquiry officer gave in his recommendation that 5 days salary may be deducted from the appellant and that 5 days was also made based for removal from service which can be observed from the removal order of the appellant.
- F) That penalty of removal from service was imposed upon the appellant for just two days absence, which is too harsh, and such is not permissible under the law and rules and therefore liable to be set aside.
- G) That the appellant was not intentionally absent from his duty but due to domestic problems he was compelled to remain absent from his duty and that domestic problems was also mentioned by the inquiry officer in his report.
- H) That the appellant has been condemned unheard and has not been treated according to law and rules.

I) That the appellãnt seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore most humbly prayed that the appeal of the appellãnt may be accepted as prayed for.



**APPELLANT**  
**Usman Zaman**

THROUGH:



**(TAIMUR ALI KHAN)**  
**ADVOCATE HIGH COURT,**  
**&**  
**(ASAD MAHMOOD)**  
**ADVOCATE HIGH COURT**

**CHARGE SHEET**

I, Muhammad Asif, Director Land Records Khyber Pakhtunkhwa, as competent authority hereby charge you, Usman Zaman Naib Qasid in the office of Director Land Record, as follows:-  
That you while posted as Naib Qasid in the office of Director Land Records committed the following irregularities:-

- i. That you are habitual of enjoying French and privilege leaves without obtaining prior permission/approval of the Competent Authority.
- ii. That despite repeated verbal as well as written explanations/warning/Show cause, you are not taking interest in official work. You also remained absent from official duty w.e.f 20.10.2017 to 07/11/201, 12/07/2016 and 08/11/2017 without any prior permission of the Competent Authority.
- iii. That you are habitual late comer and leave the office before closing.

2. By reason of the above, you appear to be guilty of habitually absenting yourself from duty without prior approval of leave under rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in rule 4 of the rules ibid.

3. You are, therefore, required to submit your written defence within 07 days of the receipt of this charge sheet to the inquiry officer/inquiry committee.

4. Your written defence, if any, should reach the inquiry officer/inquiry committee 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.

5. Intimate whether you desire to be heard in person.

6. A statement of allegations is enclosed.

  
Director Land Record  
Khyber Pakhtunkhwa

Usman Zaman Naib Qasid  
in the office of Director Land Record.

**ATTESTED**  


B (7)

**DISCIPLINARY ACTION**

I, Muhammad Asif, Director Land Records, Khyber Pakhtunkhwa, as Competent Authority am of the opinion that Mr. Usman Zaman, Naib Qasid, Director Land Records has rendered himself liable to be proceeded against, as he committed the following acts/omission, within the meaning of Rules-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.


**STATEMENT OF ALLEGATIONS**

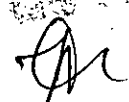
- i. That you are habitual of enjoying French and privilege leaves without obtaining prior permission/approval of the Competent Authority.
- ii. That despite repeated verbal as well as written explanations/warning/Show cause, you are not taking interest in official work. You also remained absent from official duty w.e.f 20.10.2017 to 07/11/201,12/07/2016 and 08/11/2017 without any prior permission of the Competent Authority.
- iii. That you are habitual late comer and leave the office before closing hours.

2. For the purpose of inquiry against the said accused with reference to the above allegations, Mr. Khanzada Wazir, Assistant Secretary (Admn:), Board of Revenue Khyber Pakhtunkhwa is appointed as Inquiry Officer under Rule-10 (1) (a) of the said Rules.

3. The Enquiry Officer shall, in accordance with the provision of the rules ibid, provide reasonable opportunity of hearing to the accused, record its findings and made, within fifteen days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

4. The accused and a representative of this office shall join the proceedings on the date, time and place fixed by the Enquiry Officer.

  
Director Land Records  
Khyber Pakhtunkhwa

REGISTERED  




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GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVNUE  
REVENUE & ESTATE DEPARTMENT

SUBJECT: DEPARTMENTAL INQUIRY PROCEEDINGS AGAINST  
MR. USMAN ZAMAN, NAIB QASID, OFFICE OF THE  
DIRECTOR LAND RECORD, KHYBER PAKHTUNKHWA.

The worthy Director Land Record, Khyber Pakhtunkhwa was pleased to appoint the undersigned as an Inquiry Officer under Rule-10(1)(a) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules-2011, which was conveyed vide letter No. LR-IV/Estt b/DLR/Vol-II/57-58, dated 13/11/2017 (Annex-A) with the mandate to inquire into the following allegations leveled against Mr. Usman Zaman Naib Qasid, Director Land Record Office, Khyber Pakhtunkhwa as reflected in charge sheet and statement of allegations:

- I. That you are habitual of enjoying french and privilege leaves without obtaining prior permission/approval of the competent Authority.
- II. That despite repeated verbal as well as written explanations/warning/Show cause, you are not taking interest in official work. You also remained absent from official duty w.e.f 20.10.2017 to 07/11/2015, 12/07/2016 and 08/11/2017 without any prior permission of the competent Authority.
- III. That you are habitual late comer and leave the office before closing hours.

In pursuance of the directions contained in Para-3 of the charge sheet, the accused official Mr. Usman Zaman Naib Qasid submitted his written defense (Annex-B). The accused official was also summoned to appear before the undersigned on 15.11.2017 at 09:00 AM for inquiry proceedings (Annex-C). Mr. Zabitullah Junior Clerk, office of Director Land Records also attended the proceedings as Departmental representative (Annex-D).

❖ FACTS

1. While going through the written statement of Mr. Usman Zaman Naib Qasid that his parents had died and there is no one in his house to look after his Sisters. He was sick on 20/10/2017 and submitted an application to the Competent Authority for leave which was approved. After that, he remained sick and could not attend the office as well as could not inform the office. He further stated that he will be careful in future and will take interest in official duty (Annex-B).
2. While going through the written statement of Mr. Zabitullah, Junior Clerk, office of the Director Land Records, that Mr. Usman Zaman Naib Qasid was posted with PA to Director Land Records, and often remained absent from his official duty. many complaints against Mr. Usman Zaman were received regarding his absences. The official concerned time and again directed him verbally as well through written explanations to ensure presence and observe official timing but in vain. Later on, the official concerned was posted with Project Director (Phase-I) Computerization of Land Records who also reported that he remained absent from duty for 2/3 days in a week as such explanation was issued to him. Whereafter Mr. Hayat Khan Software Engineer PMU also reported that the official concerned had been warned several times

ATTACHED  
[Signature]

but despite that he is irregular in his duty and remains absent-from duty once or twice per week. In this regard another explanation was issued to him by Software Engineer. Now the Accounts Officer Director Land Record office has reported that the said official remained absent from duty since 20.10.2017 to 07.11.2017 without any application / information and he is habitual of availing French leave and furlough at his own will. It is brought into your kind notice that several written and verbal explanations / directions were issued to Mr. Usman Zaman to be careful in his duties in future, but he does not take interest in his official duties (Annex-D).

❖ FINDINGS

That the concerned Naib Qasid Mr. Usman Zaman has no interest in official duty despite repeated explanations, show cause notices. The accused has stated that his parents have died and there is no one in his house to look after his younger Sisters. Now, he has promised that in future he will take interest in official duty and will not enjoy french leaves.

❖ CONCLUSION:

The said Naib Qasid has no interest in the official duty. Explanation, show causes have been issued time and again to him but in vain. The accused official has stated that his parents have died and there is no one in his house to look after his younger Sisters. Now, he has promised that in future, he will take interest in official duty and/will not enjoy French leaves.

❖ RECOMMEDATION

Mr. Usman Zaman Naib Qasid DLR office has no interest in official duty. Time and again explanations, show causes have been issued to him but in vain. His parents have died and there is no one in his house to look after his younger Sisters. Now he has promised that he will take interest in official duty and will not enjoy French leaves. It is proposed that he may be awarded a minor penalty of deduction of 05 days salary to be careful in future.

As under Section 11(7) of Khyber Pakhtunkhwa (Efficiency and Discipline) Rule, 2011, the inquiry officer is restricted to submit his report to the Competent Authority, therefore, the same is submitted for perusal / orders of the Competent Authority please.

20/11/17

(Khanzadu Wazir)  
Assistant Secretary (Admin)  
Inquiry Officer

ATTESTED  
Ar

SHOW CAUSE NOTICE

D (10)

I, Muhammad Asif, Director Land Record Khyber Pakhtunkhwa, as competent authority, under Khyber Pakhtunkhwa Government Servants (Efficiency and Disciplinary) Rules, 2011, do hereby serve you Mr. Usman Zaman Naib Qasid in the office of Director Land Record Khyber Pakhtunkhwa, as follow:-

1. (i) that consequent upon the completion of inquiry conducted against you by the inquiry officer for which you were given opportunity of hearing vide communication dated 16.01.2018; and
- (ii) on, going through the findings and recommendations of the inquiry officer, the material on record and other connected papers including your defence before the inquiry officer.

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

(d). Habitually absenting.

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of \_\_\_\_\_ under Rule-4 of the said Rules.

3. You are, thereof, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimated whether you desire to be heard in person.

4. If no reply to this notice is received within seven (07) days or not more than fifteen (15) days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.


5. A copy of the findings of the inquiry officer is enclosed.

(Muhammad Asif)

Inspector General of Registration  
Khyber Pakhtunkhwa

Usman Zaman,  
Naib Qasid of Director Land Record,  
Office.

Dated: 21.02.2018

ATTESTED  


GOVERNMENT OF KHYBER PAKHTUNKHWA  
DIRECTOR LAND RECORDS  
REVENUE AND ESTATE DEPARTMENT

No.LR-IV/Esttb:/DLR/Vol-II 2741

Peshawar dated the 25/04/2018.

**CHARGE SHEET**

I, Muhammad Asif, Director Land Records Khyber Pakhtunkhwa, as competent authority hereby charge you, Usman Zaman Naib Qasid in the office of Director Land Record, as follows:-

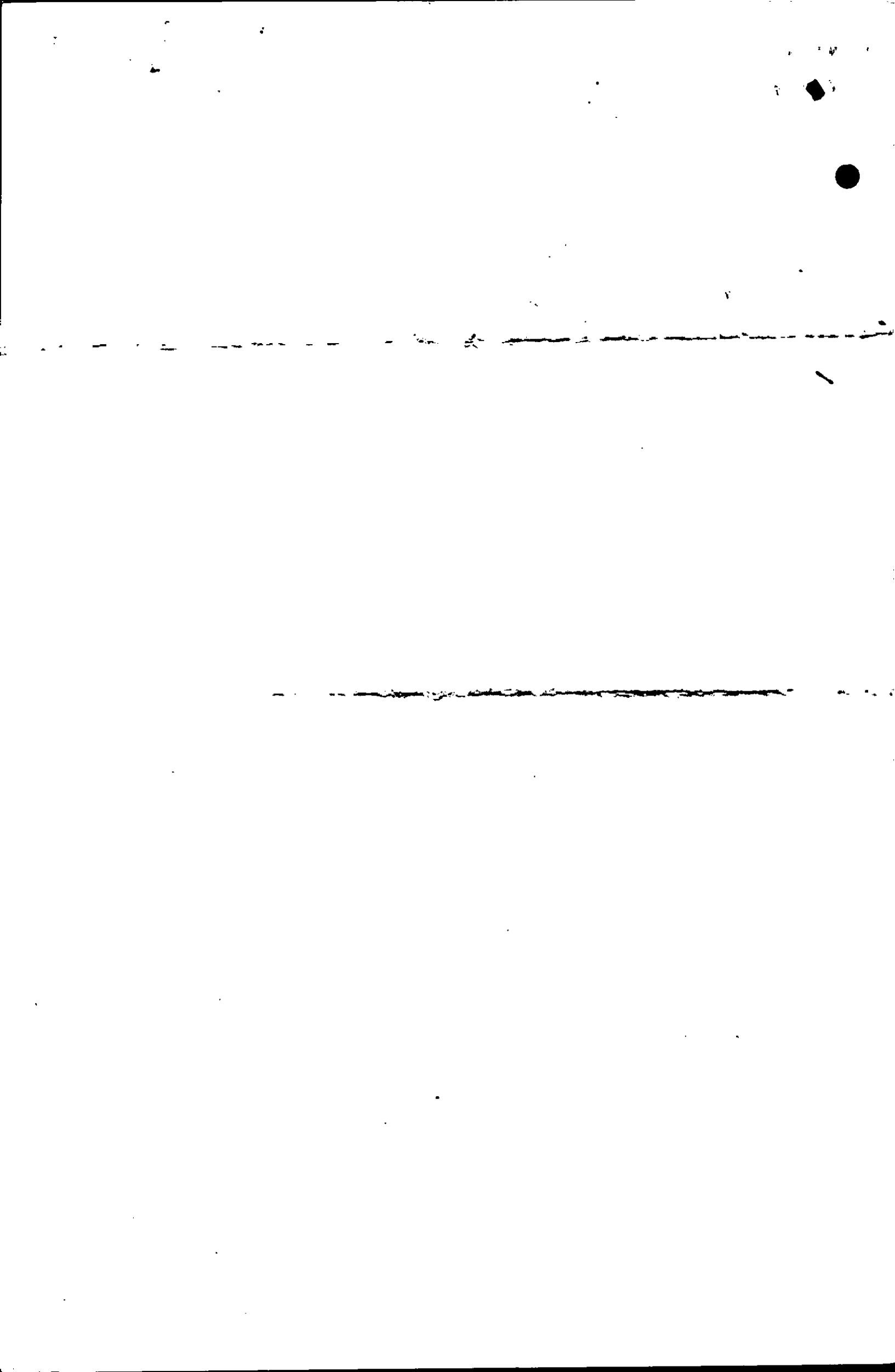
That you while posted as Naib Qasid in the office of Director Land Records committed the following irregularities:-

- i. That you are habitual of enjoying French and privilege leaves without obtaining prior permission/approval of the Competent Authority.
  - ii. That despite repeated verbal as well as written explanations/warning/Show cause, you are not taking interest in official work. You also remained absent from official duty on 19.04.2018 and 25.04.2018 without any prior permission of the Competent Authority, while you have already promised that in future you will take interest in official duty and not enjoy french leaves in the earlier inquiry conducted against you..
  - iii. That you are habitual late comer and leave the office before closing hours.
2. By reason of the above, you appear to be guilty of habitually absenting yourself from duty without prior approval of leave under rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in rule 4 of the rules ibid.
3. You are, therefore, required to submit your written defence within 07 days of the receipt of this charge sheet to the inquiry officer/inquiry committee.
4. Your written defence, if any, should reach the inquiry officer/inquiry committee 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.
5. Intimate whether you desire to be heard in person.
6. A statement of allegations is enclosed.

Director Land Record 25/4  
Khyber Pakhtunkhwa

Usman Zamn Naib Qasid  
in the office of Director Land Record.

ATTESTED  

F-12

ENQUIRY REPORT REGARDING DISCIPLINARY ACTION AGAINST MR. USMAN ZAMAN,  
NAIB QASID OFFICE OF THE DIRECTOR LAND RECORDS, KHYBER PAKHTUNKHWA.

FACTS IN BRIEF.


The Director Land Records, Khyber Pakhtunkhwa, Peshawar being Competent Authority has been pleased to approve initiation of disciplinary proceedings against Mr. Usman Zaman, Naib Qasid office of the Director Land Records against under Khyber Pakhtunkhwa, Government Civil Servants (Efficiency & Discipline) Rules, 2011, as such the undersigned has been appointed as Enquiry Officer vide No. LR-IV/Estb:/DLR/Vol:II/2740, dated 25/04/2018 to investigate the following charges in light of the charge sheet/statement of allegations dated 25/04/2018. The accused has also been placed under suspension vide order No.LR-IV/D.L.R/Estab:/2736-39 dated 25/04/2018:-

- i) That he is habitual of enjoying French and privilege leaves without obtaining prior permission/approval of the Competent Authority;
- ii) That despite repeated verbal as well as written explanations/warning/show cause Notices, he is not taking interest in official work. He also remained absent from official duty on 19.04.2018 and 25.04.2018 without any prior permission of the Competent Authority, while he has already promised that in future he will take interest in official duty and will not enjoy French leaves in the earlier inquiry conducted against him; and
- iii) That he is habitual late comer and leave the office before closing hours.

PROCEEDINGS OF ENQUIRY.

On receipt of enquiry, the accused official was summoned and provided adequate opportunity to submit his written statement and details of other evidence in his defence, if any. Written statement of accused Usman Zaman is annexed as Annexure-A. The accused was also heard in person in detailed and was provided the opportunity of cross examination as well. The accused was also confronted with record and corresponding statements were heard duly considered.

The representative of the Department/Office disclosed that numerous complaints against accused about his willful absence were pouring since long. Similarly at his

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opportunities were given to ensure his presence and observe official timing/duty, but in vain. Before this proceedings, in two enquiries conducted by Secretary-II and Assistant Secretary (Admn:), Board of Revenue, the accused was held responsible for the same charges as such was awarded penalties. He was time and again warned to be careful, but still remains absent once or twice in a week.

To elaborate the charges, statements of Mr. Ghulam Naib, Superintendent, Iftikhar Hussain & Afsar Jan, Assistants, Muhammad Wisal, Computer Operator, Gohar Zaman, Senior Clerk and Amjad Javed Tanoli, Junior Clerk were recorded, which are annexed as Annexure, B, C, D, E, F, & G respectively. According to their statements, the accused is a Ghost official.

#### FINDINGS.

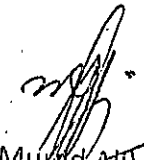
Repeated explanations, warnings (both verbal & written), charge sheets, show cause notices, commitments and statements of the officers/officials reveals/shows that since he backed out his commitments/promise, therefore charges stands proved against the accused official.


#### CONCLUSION.

Although the accused once again promised to be careful in future as he is an orphan and there is no one for the looking after of his younger sisters and also is suffering from uninvestigated illness as such he burst into tears. However, he is a good sailor when there is no storm in the sea. A lie has no legs to stand upon. In nut shall "Rod is the logic of fools."

#### RECOMMENDATION.

The accused Usman Zaman shows lack of interest in discharging of his official duties/willful leaves and his this act come under the purview of misconduct and makes him liable/tantamount to be proceeded against under Khyber Pakhtunkhwa, Government of Civil Servants (Efficiency & Discipline) Rules, 2011.

  
(Muzed Ali)  
Enquiry Officer

**ATTESTED**  




GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT

Facebook ID: www.facebook.com/landrecord.kpk Witter ID: @Landrecordkpk

Email: [landrecord.kpk@gmail.com](mailto:landrecord.kpk@gmail.com)

Peshawar dated the 28/06/2018.

**NOTIFICATION**

No. LR-IV/P.F/Usman Zaman/N.Q/ 3487 WHEREAS, Mr. Usaman Zaman, Naib Qasid office of the Director Land Records Khyber Pakhtunkhwa, was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 for charges mentioned in the Show Cause Notice dated 21.02.2018.

AND WHEREAS; Mr. Khanzada Wazir, Assistant Secretary (Admn:) Board of Revenue, was appointed as Inquiry Officer to probe into the charges levelled against the said official and to submit findings/recommendations.

AND WHEREAS; Mr. Murad Ali, Assistant of the office of Director Land Records Khyber Pakhtunkhwa, was also appointed as Inquiry Officer to probe into the charges levelled against the said official and to submit findings/recommendations.

AND WHEREAS; the Inquiry Officers, after having examined the charges and evidence produced before them and statement of accused official, submitted their findings/reports, whereby the charges levelled against the accused official stand proved.

AND WHEREAS; the accused was given opportunity for a month to be careful being low paid official (Naib Qasid) but he did not mend his ways.

AND WHEREAS; I, Muhammad Asif, Director Land Record Khyber Pakhtunkhwa after having examined the charges, evidence produced, statement of accused official, findings of Inquiry Officers / concur with the findings and recommendations of the Inquiry Officers.

NOW THEREFORE, I, as Competent Authority in exercise of powers under Rules-14(5)(ii) read with 4(b) (iv) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules-2011, impose penalty of removal from service on Mr. Usaman Zaman Naib Qasid of the office of Director Land Record Khyber Pakhtunkhwa.

Director Land Record  
Khyber Pakhtunkhwa

End: No. LR-IV/P.F/Usman Zaman/N.Q/ 3488-3505

Copy of the above is forward to the:-

1. Accountant General, Khyber Pakhtunkhwa.
2. Private Secretary to Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
3. Superintendent Land Records Khyber Pakhtunkhwa.
4. P.A to Director Land Record Khyber Pakhtunkhwa.
5. LR-II/Shah Khalid Accountant, Director Land Record office for necessary action.
6. Accused concerned.
7. Personal file.

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De



جناب سینئر ممبر صاحب، بورڈ آف ریونیو صوبہ خیبر پختونخوا پشاور۔  
عنوان:- محکمانہ اپیل ریزٹیشن برخلاف ڈی۔ ایل۔ آر صاحب حکمانہ

برخواستگی نوکری مورخہ 29.06.2018

4422  
11/7/18

نہایت ادب کے ساتھ عرض ہے کہ سائل مورخہ 22.10.2012 کو ڈائریکٹر لینڈ ریکارڈز آفس میں بحیثیت نائب قاصد بھرتی ہوا تھا۔ تب سے سائل اپنی ڈیوٹی بخوبی سرانجام دے رہا تھا اور اپنی ڈیوٹی نبھانے میں کوئی کسر اٹھانہ رکھی تھی۔

سائل ایک یتیم دیسیر اور بہت کم تنخواہ لینے والا اہلکار ہے جبکہ نہ ماں باپ ہیں اور نہ ہی بھائی بہن، جسکی وجہ سے سائل کو بہت سی مشکلات کا سامنا اٹھانا پڑ رہا ہے۔ کیونکہ سائل اپنے کپڑے خود دھوتا ہے، کھانا پکانا اور ناشتہ وغیرہ خود ہی تیار کرتا ہے۔ بہر حال ان مشکلات کے باوجود سائل اپنی ڈیوٹی بخوبی انجام دے رہا تھا۔ مذید سارے آفسران و اہلکاران مجھ سے خوش ہیں۔

ہم ڈو نائب قاصدان یعنی سائل اور قیصر عباس برانچ میں ڈیوٹی کرتے تھے۔ قیصر عباس سپرنٹنڈنٹ کے ساتھ برانچ میں ڈیوٹی کر رہا تھا جبکہ سائل کے ذمہ ڈاک تقسیم کا کام تھا جو سائل بخوبی انجام دے رہا تھا۔ سائل اکثر ڈاک تقسیم کے سلسلے میں برانچ سے باہر رہتا تھا اور ساتھ ساتھ دفتر کے بہت سارے اہلکاروں کا ذاتی کام بھی کرتا تھا۔ جسکی وجہ سے دفتر کے اہلکاروں کو اکثر سائل کی موجودگی کے بارے پتہ نہ چل سکتا تھا، اور اس طرح سائل کے خلاف رپورٹس ارسال ہو گئی۔ اور بعد ازاں نوکری سے برخاست کر دیا گیا، جو سراسر نا انسانی، بدینتی اور سائل کی ساکھ خراب کرنے پر مبنی ہے۔ بہر حال، کم تنخواہ لینے والا یہ سائل اپنی غلطی (اگر سرزد ہوئی ہو) پر نالاں ہے اور آئندہ کے لئے اپنی ڈیوٹی اور بھی صحیح طریقے سے انجام دیگا۔

مندرجہ بالا حقائق کی روشنی میں، سائل نہایت ادب و مودبانہ التجا کرتا ہے کہ سائل کے اپیل پر ہمدردانہ غور کر کے حکم نامہ نمبری LR-IV/P.F/Usman Zaman/N.Q/3498-3505 مورخہ 29.06.2018 منسوخ کرنے کے احکامات جاری فرمائی جا کر مشکور فرمائیں۔ سائل آئندہ کے لئے محتاط رہیگا اور عمر بھر آپ کی عمر درازی، خوشحالی، ترقی و عزت کے لئے دُعا گو رہیگا۔

فقط آپکا تابعدار عثمان زمان ولد خان زمان سکنہ محلہ عبدالخالق،  
سواتی گیت تحصیل ضلع پشاور۔ (محکمانہ اپیل ریزٹیشن برخلاف ڈی۔ ایل۔ آر آفس پشاور)

مورخہ 04.07.2018

11/7/18

Reader

25/7/18  
11/7/18

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT

No. Reader / SMBR/Peshawar/ 30003

Peshawar dated the 10 /08/2018.

To

Mr. Usman Zaman.  
Ex-Naib Qasid,  
Office of the Director Land Records, Peshawar.

SUBJECT: DEPARTMENTAL APPEAL FOR CANCELLATION OF THE  
ORDER DATED 29.06.2018

Your Departmental appeal dated 04.07.2018 has been examined  
and rejected by the Appellate Authority.

*11/1/18*  
*[Signature]*  
Reader to SMBR

*[Signature]*  
16.8.18

**VAKALAT NAMA**

NO. \_\_\_\_\_/2018

IN THE COURT OF Service Tribunal Peshawar

Usman Zaman

(Appellant)  
(Petitioner)  
(Plaintiff)

VERSUS

Revenue Deptt:

(Respondent)  
(Defendant)

I/We Usman Zaman

Do hereby appoint and constitute **Taimur Ali Khan, Advocate High Court Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated \_\_\_\_\_/2018



(CLIENT)

ACCEPTED



TAIMUR ALI KHAN  
Advocate High Court



Asad Mahmood  
Advocate

**OFFICE:**

Room # FR-8, 4<sup>th</sup> Floor,  
Bilour Plaza, Peshawar,  
Cantt: Peshawar  
Cell: (0333-9390916)

## Before the Khyber Pakhtunkhwa Service Tribunal, Peshawar.

Service Appeal No.1096 of 2018

Usman Zaman, Ex-Naib Qasid office of the Director Land Records, Khyber Pakhtunkhwa..... Appellant

Versus

- 1) Senior Member, Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
- 2) Director Land Records, Khyber Pakhtunkhwa, Peshawar..... Respondents

### **Preliminary objections.**

- a. The appellant has no cause of action.
- b. The appellant has not come in this Honourable Tribunal with clean hand.
- c. The appellant has got no locus standi to bring the present appeal.
- d. The appellant is stopped by his own conduct to bring the present appeal.
- e. The appellant has no legal grounds in support of his appeal.
- f. The appellant has concealed material facts and had tried to misguide this Honourable court.
- g. The appeal is bad on account of mis-joinder and non-joinder of necessary parties.

### **Para-wise comments on behalf of Respondent No.1 & 2 are as under:-**

1. The appellant was appointed as Naib Qasid in the Respondent Department. However, since his appointment the appellant was not taking interest in discharging his official duties and always remained absent from office without any information/approval of the competent authority.
2. Correct to the extent that in order to conduct regular enquiry under E&D Rules, charge sheet and statement of allegations were issued to appellant, who was given the opportunity of cross examination, submitting of written reply as well as personal hearing. All the materials are against the appellant, therefore, Show Cause Notice was issued.
3. Incorrect and misleading. The appellant did not understand the extract of the enquiry report as it is not the recommendation of the Inquiry Officer but only endorsed the statement of the accused in his report.
4. The appellant was issued Show Cause Notice after fulfillment codal formalities; however, it the fault of appellant not to keep the office copy of his written statement and on provision of the said enquiry report, action was initiated against the appellant.
5. This para is the repetition of the preceding paras, hence in-correct & misleading. Two enquiries were conducted against the appellant as such two separate statement of allegations & charge sheets were issued and it is the fault of appellant not to keep the record of his proceedings.
6. In-correct. The appellant was given proper opportunity to defend his case regarding his willful absence by admitting these facts in his appeal.

7. In-correct and misleading. Proper Show Cause Notice was issued to the appellant as admitted by him in Para-4 of his appeal.
8. The appellant is stopped to file this appeal.

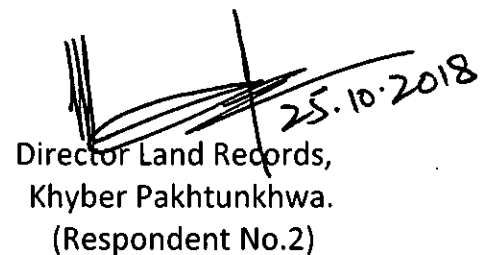
**G R O U N D S.**

- A) In-correct. All the codal formalities as required under the Rules were fulfilled in issuing the orders.
- B) In-correct and misleading. Show Cause Notice was issued on the basis of earlier Enquiry Report, however, an opportunity to mind his way, was given, but since he did not mind his way and was habitual for enjoying willful leave without any approval of the competent authority, therefore, another enquiry against the appellant, hence, after fulfillment codal formalities, the appellant was awarded penalty as per E&D Rules.
- C) In-correct. Proper opportunity for cross examination as well as personal hearing has been availed by the appellant as mentioned in both the enquiry reports.
- D) In-correct and misleading. As per Para-7 of the facts.
- E) In-correct. Although in the earlier Enquiry Report, the Enquiry Officer recommended awarding penalty for stoppage of salary for a period of five (5) days, but since there is no provision in the Rules for stoppage of salary, therefore, opportunity to mind his way was given on humanitarian grounds. Besides, a lot of similar opportunities were given to the appellant just for mending his way, but since the appellant did not take any advantage of these opportunities, therefore, another enquiry against the appellant was conducted and at last awarded penalty as required under E&D Rules.
- F) In-correct. The appellant was proceeded in accordance with the provisions of Law/Rules and no legal right of the appellant was violated in the enquiry proceedings.
- G) As replied above.
- H) In-correct. As per Para-E of the grounds.
- I) The respondents also seek permission to raise additional grounds at the time of arguments..

The appeal being baseless and having no force of law may very kindly be dismissed please.



Senior Member,  
Board of Revenue, Khyber Pakhtunkhwa  
(Respondent No.1)



Director Land Records,  
Khyber Pakhtunkhwa.  
(Respondent No.2)

23

**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
**BOARD OF REVNUUE**  
**REVENUE & ESTATE DEPARTMENT**

**SUBJECT: DEPARTMENTAL INQUIRY PROCEEDINGS AGAINST MR. USMAN ZAMAN, NAIB QASID, OFFICE OF THE DIRECTOR LAND RECORD, KHYBER PAKHTUNKHWA.**

The worthy Director Land Record, Khyber Pakhtunkhwa was pleased to appoint the undersigned as an Inquiry Officer under Rule-10(1)(a) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules-2011, which was conveyed vide letter No. LR-IV/Estt b/DLR/Vol-II/57-58, dated 13/11/2017 (Annex-A) with the mandate to inquire into the following allegations leveled against Mr. Usman Zaman Naib Qasid, Director Land Record Office, Khyber Pakhtunkhwa as reflected in charge sheet and statement of allegations:

- I. That you are habitual of enjoying french and privilege leaves without obtaining prior permission/approval of the competent Authority.
- II. That despite repeated verbal as well as written explanations/warning/Show cause, you are not taking interest in official work. You also remained absent from official duty w.e.f 20.10.2017 to 07/11/2015, 12/07/2016 and 08/11/2017 without any prior permission of the competent Authority.
- III. That you are habitual late comer and leave the office before closing hours.

In pursuance of the directions contained in Para-3 of the charge sheet, the accused official Mr. Usman Zaman Naib Qasid submitted his written defense (Annex-B). The accused official was also summoned to appear before the undersigned on 15.11.2017 at 09:00 AM for inquiry proceedings (Annex-C). Mr. Zabitullah Junior Clerk, office of Director Land Records also attended the proceedings as Departmental representative (Annex-D).

❖ **FACTS**

1. While going through the written statement of Mr. Usman Zaman Naib Qasid that his parents had died and there is no one in his house to look after his Sisters. He was sick on 20/10/2017 and submitted an application to the Competent Authority for leave which was approved. After that, he remained sick and could not attend the office as well as could not inform the office. He further stated that he will be careful in future and will take interest in official duty (Annex-B).
2. While going through the written statement of Mr. Zabitullah, Junior Clerk, office of the Director Land Records, that Mr. Usman Zaman Naib Qasid was posted with PA to Director Land Records, and often remained absent from his official duty, many complaints against Mr. Usman Zaman were received regarding his absentees. The official concerned time and again directed him verbally as well through written explanations to ensure presence and observe official timing but in vain. Later on, the official concerned was posted with Project Director (Phase-I) Computerization of Land Records who also reported that he remained absent from duty for 2/3 days in a week as such explanation was issued to him. Whereafter Mr. Hayat Khan Software Engineer PMU also reported that the official concerned had been warned several times

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but despite that he is irregular in his duty and remains absent from duty once or twice per week. In this regard another explanation was issued to him by Software Engineer. Now the Accounts Officer Director Land Record office has reported that the said official remained absent from duty since 20.10.2017 to 07.11.2017 without any application / information and he is habitual of availing French leave and furlough at his own will. It is brought into your kind notice that several written and verbal explanations / directions were issued to Mr. Usman Zaman to be careful in his duties in future, but he does not take interest in his official duties (Annex-D).

#### FINDINGS

That the concerned Naib Qasid Mr. Usman Zaman has no interest in official duty despite repeated explanations, show cause notices. The accused has stated that his parents have died and there is no one in his house to look after his younger Sisters. Now, he has promised that in future he will take interest in official duty and will not enjoy french leaves.

#### CONCLUSION:

The said Naib Qasid has no interest in the official duty. Explanation, show causes have been issued time and again to him but in vain. The accused official has stated that his parents have died and there is no one in his house to look after his younger Sisters. Now, he has promised that in future, he will take interest in official duty and will not enjoy French leaves.

#### RECOMMEDATION

Mr. Usman Zaman Naib Qasid DLR office has no interest in official duty. Time and again explanations, show causes have been issued to him but in vain. His parents have died and there is no one in his house to look after his younger Sisters. Now he has promised that he will take interest in official duty and will not enjoy French leaves. It is proposed that he may be awarded a minor penalty of deduction of 05 days salary to be careful in future.

As under Section 11(7) of Khyber Pakhtunkhwa (Efficiency and Discipline) Rule, 2011, the inquiry officer is restricted to submit his report to the Competent Authority, therefore, the same is submitted for perusal / orders of the Competent Authority please.

20/11/17

(Khazada Wazir)  
Assistant Secretary (Admn)  
Inquiry Officer

ENQUIRY REPORT REGARDING DISCIPLINARY ACTION AGAINST MR. USMAN ZAMAN,  
NAIB QASID OFFICE OF THE DIRECTOR LAND RECORDS, KHYBER PAKHTUNKHWA.

FACTS IN BRIEF.

The Director Land Records, Khyber Pakhtunkhwa, Peshawar being Competent Authority has been pleased to approve initiation of disciplinary proceedings against Mr. Usman Zaman, Naib Qasid office of the Director Land Records against under Khyber Pakhtunkhwa, Government Civil Servants (Efficiency & Discipline) Rules, 2011, as such the undersigned has been appointed as Enquiry Officer vide No. LR-IV/Estb:/DLR/Vol:II/2740, dated 25/04/2018 to investigate the following charges in light of the charge sheet/statement of allegations dated 25/04/2018. The accused has also been placed under suspension vide order No.LR-IV/D.L.R/Estab:/2736-39, dated 25/04/2018:-

- i) That he is habitual of enjoying French and privilege leaves without obtaining prior permission/approval of the Competent Authority;
- ii) ~~That~~ despite repeated verbal as well as written explanations/warning/show cause Notices, he is not taking interest in official work. He also remained absent from official duty on 19.04.2018 and 25.04.2018 without any prior permission of the Competent Authority, while he has already promised that in future he will take interest in official duty and will not enjoy French leaves in the earlier inquiry conducted against him; and
- iii) That he is habitual late comer and leave the office before closing hours.

PROCEEDINGS OF ENQUIRY.

On receipt of enquiry, the accused official was summoned and provided adequate opportunity to submit his written statement and details of other evidence in his defence, if any. Written statement of accused Usman Zaman is annexed as Annexure-A. The accused was also heard in person in detailed and was provided the opportunity of cross examination as well. The accused was also confronted with record and corresponding statements were heard duly considered.

The representative of the Department/Office disclosed that numerous complaints against accused about his willful absence were pouring since long. Similarly, all his officers i.e. PA to DLR, Superintendent Land Records, Establishment Assistants, Software Engineer and Project Directors have also lodged frequent complaints against the accused about his willful absence. And being an orphan and low paid official, several



opportunities were given to ensure his presence and observe official timing/duty, but in vain. Before this proceedings, in two enquiries conducted by Secretary-II and Assistant Secretary (Admn.), Board of Revenue, the accused was held responsible for the same charges as such was awarded penalties. He was time and again warned to be careful, but still remains absent once or twice in a week.

To elaborate the charges, statements of Mr. Ghulam Naib, Superintendent, Iftikhar Hussain & Afsar Jan, Assistants, Muhammad Wisal, Computer Operator, Gohar Zaman, Senior Clerk and Amjad Javed Tanoli, Junior Clerk were recorded, which are annexed as Annexure, B, C, D, E, F, & G respectively. According to their statements, the accused is a Ghost official.

### FINDINGS.

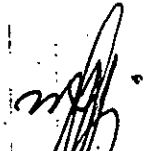
Repeated explanations, warnings (both verbal & written), charge sheets, show cause notices, commitments and statements of the officers/officials reveals/shows that since he backed out his commitments/promise, therefore charges stands proved against the accused official.

### CONCLUSION.

Although the accused once again promised to be careful in future as he is an orphan and there is no one for the looking after of his younger sisters and also is suffering from uninvestigated illness as such he burst into tears. However, he is a good sailor when there is no storm in the sea. A lie has no legs to stand upon. In nut shall "God is the logic of fools".

### RECOMMENDATION.

The accused Usman Zaman shows lack of interest in discharging of his official duties/willful leaves and his this act come under the purview of misconduct and makes him liable/tantamount to be proceeded against under Khyber Pakhtunkhwa, Government of Civil Servants (Efficiency & Discipline) Rules, 2011.

  
(Murad Ali)  
Enquiry Officer  
4/5/18

(18)

GOVERNMENT OF KHYBER PAKHTUNKHWA  
DIRECTORATE OF LAND RECORDS  
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 16 /02/2017

**SHOW CAUSE NOTICE**

I, Saqib Raza Aslam, Director Land Records Khyber Pakhtunkhwa, being Competent Authority, under Khyber Pakhtunkhwa Civil Servant (Efficiency & Disciplinary) Rules 2011 do hereby serve Show Cause Notice on you Mr. Usman Zaman Naib Qasid as follow:-

- a. That on Tuesday and Wednesday dated 07,08 & 10/2/2017 you remained absent from duty without any approval/permission of the Competent Authority which is against the office discipline and rules.
- b. That you are habitual late comer and enjoying leave without approval. You were called several explanations and repeatedly verbally directed to be careful in future but fruitless, which shows lack of interest in official duty.
- c. This practice is contrary to the office discipline and tantamount to misconduct and liable to be proceeded under E&D Rules, 2011.

2. By reason of the above, you appear to be guilty of misconduct under Rule-5 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 require penal as specified in Rule-4 of the rule ibid.

Resultantly, I, Director Land Records Khyber Pakhtunkhwa of the view that penalty of stoppage of one month salary as defined under Section 4 (a) of the Rules ibid be imposed upon you.

You are, therefore, required to explain as to why the aforesaid penalty should not be imposed upon you and also whether you desire to be heard in person.

If no reply to this notice is received within 07 days of its delivery in the normal course of circumstances it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.

  
DIRECTOR LAND RECORDS  
BOARD OF REVENUE

Mr. Usman Zaman  
Naib Qasid office of the  
Director Land Records.

No. DUR Estt: / Vol-II of 8464-65

Dated: 16.2.2017

25/2/17  
18

Usman Zaman (9)

Mr. Usman Zaman (9)  
Naib Qasid (5)

بیان عثمان زمان، نائب قاصد، DLR افس صوبہ خیبر پختونخوا ایشاور۔

س: ۱۔ افسر مجاز نے تم پر الزام عائد کیا ہے کہ تم بغیر منظوری کے چھٹیاں کرتے رہتے ہو۔ اس بارے میں تمہیں کئی بار سڈرنے کے مواقع دئے، لیکن سب بے سود؟ اور تم بغیر کسی منظوری کے من پسند چھٹیاں کرتے رہتے ہو؟ اس بارے میں تم کیا کہنا چاہتے ہو؟

ج: ۱۔ یاں یہ درست ہے کہ میں نے افسر مجاز کی منظوری کے بغیر چھٹیاں لی ہیں۔ تیسرے یہ بھی نام کام رہا۔  
درست ہے کہ مجھے کئی مواقع سڈرنے ملے، لیکن کچھ مجبور ہوں گی وہاں سے حکم جاری نہیں

س: ۲۔ تم کب بھرتی ہوئے ہو؟ نیز یہ درست کہ تمہارے تعیناتی حکم نامہ پر تمہارے آفسر مجاز یعنی DLR کے دستخط نہیں ہیں؟  
ج: میں سررخصہ  $22 \frac{10}{2012}$  میں تختیت نائب ماہر بھرتی ہوا۔ جہاں تک تعیناتی ہے دستخط کا ذکر ہے اس بارے میں لاعلم ہوں۔

س: ۳۔ کیا یہ درست ہے کہ ڈی۔ ایل۔ ارنے حال ہی میں تم سے اقرار نامہ Agreement لیا ہے جس میں تم نے وعدہ کیا ہے کہ آئندہ ڈیوٹی صحیح طریقے سے کرو گے؟

ج: یہ درست ہے کہ حال ہی میں DLR سے باقاعدہ خدمات انجام دینے کے سلسلے میں Agreement سوا ہے۔

س: ۴۔ کیا یہ درست ہے کہ تمہیں کئی بار دفتر والوں نے تادیبی کارروائی سے بچایا ہے۔ اس شرط پر کہ تم آئندہ کے لئے ٹھیک ڈیوٹی کرو گے؟

ج: یہ درست ہے کہ دفتر والوں نے مجھے کئی بار تادیبی کارروائی کرنے سے بچایا ہے۔

س: ۵۔ کیا یہ درست ہے کہ تم اپنے وعدوں کے باوجود بغیر منظوری کے چھٹیاں کرتے ہو؟

ج: ہاں یہ درست ہے کہ مذکورہ بالا وعدوں کے باوجود میں نے بغیر منظوری افسر مجاز کئی چھٹیاں لی ہیں۔ عرض ہے کہ میں یہاں کی بیماری میں مبتلا ہوں جس کی وجہ سے کبھی کبھار چھٹیاں لینے پر مجبور ہو جاتا ہوں۔

30/9/18

۶۵ کیا یہ درست ہے تمہارے کچھ رشتہ دار محکمہ مال میں بااثر سیٹوں پر تعینات ہیں جو تمہارے لیے سفارش کرتے رہتے ہیں۔ جس کہ وجہ سے تم اپنے افسر مجاز کا پرادہ کئے بغیر من پسند چھٹیاں کرتے رہتے ہو؟

ج۔ ہاں یہ درست ہے کہ میرا کاموں محکمہ مال میں ڈپوٹی ایجنٹ دے رہا ہے جس سے ساری نوکریاں کے دوران ایک ہی بار میرے افسر مجاز کی تادیبی کارروائی نہ کرنے کی سفارش کی تھی۔ البتہ یہ تاثر غلط ہے کہ میں افسر مجاز کی پروا نہ کیے بغیر من پسند چھٹیاں کرتا رہتا ہوں۔

۷ کیا تمہیں معلوم ہے کہ افسر مجاز نے گھر سے ٹیلی فون پر چھٹیاں لینے پر پابندی عائد کی ہے؟ کیا یہ درست ہے کہ تم بغیر کسی ضرورت کے گھر سے فون پر اطلاع کر کے چھٹیاں کرتے ہو؟

ج۔ ہاں یہ میرے علم میں ہے کہ ALR سے ٹیلی فون پر چھٹیاں لینے پر پابندی عائد کی ہے ہاں یہ بھی درست ہے کہ میں نے صرف دو چھٹیوں کے سلسلے میں گھر سے فون پر اطلاع دی تھی۔ لیکن ان دنوں میں بیمار تھا (پلوکٹری سنس لف ہے)

۸ کیا یہ درست ہے کہ افسر مجاز نے تم سے کئی بار جواب و وضاحتی طلب کی ہے لیکن اپنے افسر مجاز کو مطمئن نہیں کر سکے؟

ج۔ ہاں یہ درست ہے کہ افسر مجاز نے کئی بار جواب و وضاحتی طلب کی ہے۔ اس سلسلے میں دو انٹرو انٹرواں بھی کی گئی ہیں لیکن افسر مجاز میرے جوابات سے مطمئن نہیں۔ اس لیے پتہ چلا کہ انٹرو انٹرواں کا حکم دیا ہے۔

۹ چونکہ تم دفتر کے کاموں میں دلچسپی نہیں لیتے تو کیوں نہ تمہارے خلاف تادیبی کارروائی مل میں لائی جائے؟

ج۔ یہ تاثر غلط ہے کہ میں دفتر میں امور میں دلچسپی نہیں لیتا بلکہ باقاعدہ دلچسپی سے اپنی خدمات انجام دے رہا ہوں لہذا استدعا ہے کہ انٹرو انٹرواں داخل دفتر کی جائے اور آئندہ کا یہ اس سلسلے میں محتاط رہوں گا۔ اور آئندہ شکایت کا موقع نہیں دوں گا۔

۱۰ تم پر الزام ہے کہ تم عاداتاً دفتر لیٹ آتے ہو اور دفتر بند ہونے سے پہلے چھٹی کر کے غائب ہو جاتے ہو۔

ج۔ یہ تاثر غلط ہے کہ میں عاداتاً دفتر دیر سے آتا ہوں یاں البتہ کبھی کبھار طبیعت ناساز ہونے یا گھر میں ایمر جیسی کئی صورت میں دفتر سے چھٹی کر لی لڑتی ہے۔ جو کہ میں دفتر میں اطلاع دے کر دفتر سے جاتا ہوں۔

30/4/18

GOVERNMENT OF KHYBER PAKHTUNKHWA  
DIRECTOR LAND RECORDS  
REVENUE AND ESTATE DEPARTMENT

No.LR-IV/Esttb:/DLR/Vol-II 2741

Peshawar dated the 25/04/2018.

**CHARGE SHEET**

I, **Muhammad Asif, Director Land Records Khyber Pakhtunkhwa**, as competent authority hereby charge you, **Usman Zaman Naib Qasid** in the office of Director Land Record, as follows:-

That you while posted as Naib Qasid in the office of Director Land Records committed the following irregularities:-

- i. That you are habitual of enjoying French and privilege leaves without obtaining prior permission/approval of the Competent Authority.
- ii. That despite repeated verbal as well as written explanations/warning/Show cause, you are not taking interest in official work. You also remained absent from official duty on 19.04.2018 and 25.04.2018 without any prior permission of the Competent Authority, while you have already promised that in future you will take interest in official duty and not enjoy french leaves in the earlier inquiry conducted against you..
- iii. That you are habitual late comer and leave the office before closing hours.

2. By reason of the above, you appear to be guilty of habitually absenting yourself from duty without prior approval of leave under rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in rule 4 of the rules ibid.

3. You are, therefore, required to submit your written defence within 07 days of the receipt of this charge sheet to the inquiry officer/inquiry committee.

4. Your written defence, if any, should reach the inquiry officer/inquiry committee 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.

5. Intimate whether you desire to be heard in person.

6. A statement of allegations is enclosed.

Director Land Record 25/4  
Khyber Pakhtunkhwa

**Usman Zaman Naib Qasid**  
in the office of Director Land Record.



GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT  
Phone No. 091- 9210057  
FAX No. 0919213989

Email: [landrecord.kpk@gmail.com](mailto:landrecord.kpk@gmail.com)

No.LR-IV/DLR/Estt:/Vol-II.

2736-39

Peshawar dated the 25 / 04 / 2018.

**OFFICE ORDER.**

No.LR-IV/D.L.R/Estab.:

2736-39:

The services of Mr. Usman Zaman working as Naib Qasid in the office of Director Land Record Khyber Pakhtunkhwa are placed under suspension till further orders due to non compliance of the orders of the officers.

However, he shall draw subsistence allowances during the period of suspension.


  
Director Land Record  
Board of Revenue

End: No. No.LR-IV/D.L.R/Estab.:

2736-39:

Copy forwarded to the

1. Accountant General Khyber Pakhtunkhwa.
2. Mr. Murad Ali, Assistant in the office of Director Land Record (alongwith charge sheet and statement of allegation) with the request to conduct inquiry against the said official and submit report within 07 days positively.
3. Official concerned.
4. Office order file.

  
Director Land Record  
Board of Revenue.

GOVERNMENT OF KHYBER PAKHTUNKHWA  
DIRECTOR LAND RECORDS  
REVENUE AND ESTATE DEPARTMENT

Peshawar dated the 27/01/2016

SHEET

I, Kaneez Sughra, Director Land Records, Khyber Pakhtunkhwa, as Competent Authority hereby charge you ~~Mr. Usman Zaman Naib Qasid, Director Land Records~~ as follows:-  
That you while posted as Naib Qasid in the office of Director Land Records the following irregularities:-

That you are habitual of enjoying french and privilege leaves without obtaining prior permission/approval of the Competent Authority.

That despite repeated verbal as well as written explanations/warning, you are not taking interest in official work. You also remained absent from official duty on 18/01/2016 and 19/01/2016 without any prior permission of the Competent Authority.

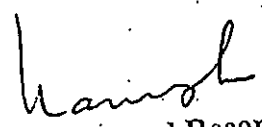
That you are habitual late comer and leave the office before closing.

By reason of the above you appeared to be guilty of misconduct under Rule-3 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 require specified in Rule-4 of the said Rules.

You are therefore required to submit your written reply in your defence within 15 days of the receipt of this charge sheet direct to the Enquiry Officer.

Your written defence if any should reach the Enquiry Officer, within the specified time failing which it shall be presumed that you have no defence to put in and in that case explanation shall be taken against you.

Intimate as to whether you desire to be heard in person or otherwise.  
Statement of allegations is enclosed.

  
Director Land Records  
Khyber Pakhtunkhwa

Usman Zaman,  
Naib Qasid, office of the,  
Director Land Records Khyber Pakhtunkhwa.

GOVERNMENT OF KHYBER PAKHTUNKHWA  
DIRECTORATE OF LAND RECORDS  
REVENUE AND ESTATE DEPARTMENT.

No.LR-IV/DLR/Estb:/ 6459

Peshawar dated the 23 /08/2016

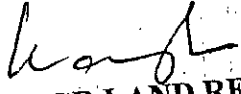
To

Mr. Usman Zaman, Naib Qasid,  
Office of the Director Land Records,  
Board of Revenue, Khyber Pakhtunkhwa.

SUBJECT: EXPLANATION.

The Competent Authority has taken serious notice about your willful absence from official duty without prior permission of the Competent Authority. The Project Director (Phase-I) reported that you remained absent from official duty from 11.7.2016 to 13.7.2016 and you are habitual enjoying french leaves 2/3 days in a week. You were repeatedly directed verbally and issued explanations but you failed to show punctuality in office duty, which tantamount to misconduct and contrary to the office discipline.

You are therefore called upon to explain your position within three days of the receipt of this explanation letter as to why. Show Cause Notice for removal of Service should not be served upon you as required under the relevant rules.

  
DIRECTOR LAND RECORDS  
KHYBER PAKHTUNKHWA





OFFICE OF THE PROJECT DIRECTOR  
COMPUTERIZATION OF LAND RECORDS  
BOARD OF REVENUE, KHYBER PAKHTUNKHWA  
Tel no:091-9223682, Fax: 091-9213989  
Email:computerization.phase2@gmail.com

No. staff/phase-II 9231  
Peshawar dated the: 02/04/2017.

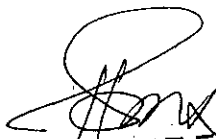
To

Mr. Usman Zaman, Naib Qasid,  
Office of the Director Land Records,  
Board of Revenue, Khyber Pakhtunkhwa.

SUBJECT: EXPLANATION.

The Competent Authority has taken serious notice about your wilful absence from official duty without prior permission of the Competent Authority. The staff reported that you remained absent from the official duty from 24<sup>th</sup> to 28<sup>th</sup> April, 2017 and you are habitual enjoying fringe leaves 2/3 days in a week. You were repeatedly directed verbally and issued explanations but you failed to show punctuality in office duty, which tantamount to misconduct and contrary to the office discipline. After the verbal warning you promised that you will be careful in future and your explanation was withheld but now once again you are absent from duties for the last four days without any notice.

You are therefore called upon to explain your position with-in three days of the receipt of this explanation letter as to why show-cause notice for removal of service should not be served upon you as required under the relevant rules.

  
SOFTWARE ENGINEER  
COMPUTERIZATION OF LAND RECORDS,  
KHYBER PAKHTUNKHWA.