

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 517/2018

Date of Institution ... 10.04.2018
Date of Decision ... 14.09.2021

Imtiaz Ahmad Ex-Patwari, Tehsil & District Mardan.

... (Appellant)

VERSUS

Commissioner Mardan, District Mardan and one another.

... (Respondents)

Amjad Ali,
Advocate

... For appellant.

Usman Ghani,
District Attorney

... For respondents.

AHMAD SULTAN TAREEN
ROZINA REHMAN

... CHAIRMAN
... MEMBER (J)

JUDGMENT

AHMAD SULTAN TAREEN, CHAIRMAN:-The appellant named above invoked the jurisdiction of this Tribunal through service appeal described above in the heading challenging thereby the penalty imposed upon him in pursuance to the disciplinary proceedings under E&D Rules, purporting the same being against the facts and law on the subject.

2. The facts as gathered from the memorandum of appeal and the record reveal that the appellant while serving as Patwari in the Revenue Department, District Mardan was charge sheeted on a complaint with the charges as enumerated below:



- i. That the Assistant Commissioner, Takht Bhai vide letter No.951/AC T.Bhai dated 16.10.2017 reported that the court of AAC Takht Bhai passed an Ex-Parte decree against AminulHaq in the case titled Muhammad Ibraheem V/S AminulHaq on 30.05.2017, followed by an ejectment order dated 19.06.2017. On 22.06.2017, Girdawar Circle alongwith PatwariHalqa (you) and Police contingent visited the ejectment spot and submitted report that possession of Khasra No.749/1 (5 Kanal and 01 Marla) was in possession of Muzaffar Shah S/O Muhammad Shah instead of AminulHaq, therefore, the ejectment procedure could not be carried out as the degree-debtor was AminulHaq, not Muzaffar Shah.
- ii. That as per KhasraGirdawri record dated 06.12.2016 of PatwariHalqa Seri Behlol, land in Khasra No.749/1 has been shown in the tenancy of AminulHaq, which was duly endorsed by you in your statement during the course of proceedings on 19.05.2017.
- iii. That the Addl Assistant Commissioner, Takht Bhai himself perused the register of KhasraGirdawri and compared it with the record produced in the court case file, it was found that the revenue record of Khasra No.749/1 measuring 05 Kanal 01 Marla was tampered with and changes were made.
- iv. That the abovementioned report proved you guilty of tampering with the revenue record, which warrants disciplinary action against you under the E&D Rules.



He was directed to submit his written defense within 7 days of receipt of charge sheet to the inquiry officer. In the statement of allegations, issued in continuation of the disciplinary action, the charges as enumerated above, were reiterated in the said statement and Mr. Jawad, Additional Assistant Commissioner-IV, Mardan was appointed as Inquiry Officer. The departmental representative Aziz urRehman D.K and the accused appellant were directed to join the proceedings on the date, time and place fixed by the Inquiry Officer. According to the letter copy whereof is annexed with the appeal, the said letter No.951/A.C T Bhai of even date addressed to the Deputy Commissioner.

3. It was concluded in light of the above facts by the A.C Takh Bhai that Mr. Imtiaz Ahmad PatwariHalqa Seri Behlol (Appellant) had made changes in the revenue record/KhasraGirdawri and recommended for proper investigation of the act of accused. The inquiry report dated 30.11.2017 reveals that the petitioner (Muhammad Ibraheem) submitted application requesting therein not to proceed further with the inquiry proceedings but it was observed by the Inquiry Officer that as the matter is with regard to tampering in the revenue record and was brought in notice of the competent authority, as such, petitioner had no concern to patch up the matter with the PatwariHalqa when the allegations of tampering were proved against the official concerned. With this view, the Inquiry Officer concluded that tampering in KhasraGirdawri had been proved against the PatwariHalqa, as such, he was held responsible for the same. It was recommended that he be proceeded against under E&D Rules,



2011 with major penalty. Show cause notice in pursuance to the inquiry report was given but it is nowhere mentioned in the said show cause notice that the disciplinary action against the appellant started from service of charge sheet and statement of allegations upon him by the Deputy Commissioner, Mardan and the inquiry report was also submitted to the said D.C. However, show cause notice in pursuance to the inquiry report was issued by Additional Deputy Commissioner, Mardan but the impugned order dated 07.01.2018 was passed by the Deputy Commissioner after an exercise noted in Paragraphe-03 of the impugned office order dated 09.01.2018 as to calling the appellant for personal hearing on 14.12.2017 and 02.01.2018. On the latter day, Mr. Taj Ali Girdawar Circle Takht Bhai, M/S. Ahmad Badshah Office Kanungo Takht Bhai, Shah Jehan existing Patwari Halqa Seri Behlol and Shahab Ex-Patwari Halqa Seri Behlol are shown to have recorded their statements. In the next paragraph of the said order, imposition of major penalty of removal of the appellant from service is recorded. Appellant challenged the said order through departmental appeal dated 15.01.2018 which was dismissed by the Commissioner, Mardan Division, Mardan vide his order dated 19.03.2018. Consequently, this appeal was filed on 10.04.2018 as matter of next remedy after rejection of the departmental appeal. On admission of appeal for regular hearing, respondents were notified and they attended the proceedings by filing their written reply/comments raising several factual and legal objections and asserted for dismissal of appeal with cost.



4. We have heard the arguments and perused the record.

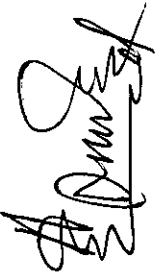
5. Learned counsel for appellant argued that on the basis of a complaint, the appellant was charge sheeted for the allegation of tampering of Khasra Girdawri with respect to Khasra No.749/1 measuring 05 Kanal 01 Marla but the appellant has not made any tampering in original record as the original record is exist with the same entries as it was and no one has pointed out any tampering in the same. Further submitted that the complainant later on requested for withdrawal of complaint as per application dated 08.11.2017 showing his satisfaction on the record. Learned counsel went on to argue that there is no tampering in Khasra Girdawri rather it was misunderstanding/misinterpretation of technical terms of patwar and that it was in hurry as per request of Reader of Court and ex-parte proceedings has endorsed in good faith. He concluded his arguments with the submission that appellant is innocent and was proceeded against on the basis of non-existent grounds; that the impugned order is against the facts and law in absence of proper inquiry as the appellant was neither associated with inquiry nor opportunity of cross-examination was afforded, as no statement was recorded in presence of appellant. Learned counsel prayed for setting aside of the impugned penalty on acceptance of appeal as prayed for.



6. Learned District Attorney argued on behalf of the respondents and submitted that the appellant was rightly removed from service as the he was involved in tampering of revenue record; and he submitted a fake/tampered Fard Girdawri in the Court. Further submitted that proper inquiry was conducted and the appellant had availed the opportunity of personal hearing twice. Lastly, he

submitted that the impugned order has been passed after fulfillment of all codal formalities and requested for dismissal of the instant service appeal with cost.

7. The departmental representative namely Hussain Akbar present at the time of hearing was in possession of original files containing record of the case file in the Revenue Court titled "**Muhammad Ibraheem Vs. AminulHaq**". There was a connected file inside the main case in which an objection petition filed by Muzaffar Shah and another against Muhammad Ibraheem and others was available. Accordingly, an objection was raised that the respondents getting benefit of wrong KhasraGirdawri had filed case against a dead person namely AminulHaq to deprive the petitioners from the land in their possession. The said objection petition was dismissed by the Revenue Court/Additional Assistant Commissioner Takht Bhai, Mardan vide order dated 23.06.2017. The copy of the objection petition and order as to its disposal have been obtained and placed on file of the above titled appeal. According to the findings in the said order after hearing of the parties, it was found by the Revenue Court that Muzaffar Shah who was tenant at will was in possession of the suit property bearing Khasra No.749/1 measuring 05 Kanal 01 Marla without any legal status, while the ownership of the said property was resolved in favor of AzmatUllah Khan, and AminulHaq was held as tenant. Consequently, the record produced on 22.06.2017 at the time of delivery of possession was found incompatible with the spot verification and revenue record and attested revenue record, available on file. It was further observed that counsel for the petitioners failed



to prove that AminulHaq against whom decree was passed, was dead or not and the objection petition was not accepted with the aforementioned findings. The objection petition of Muzaffar Shah was dismissed with liberty to the petitioner to establish his possession before the competent Civil Court. We could not be confronted with any appeal/revisonal order as to setting aside of the said order of the Revenue Court. Therefore, presumption is very much viable that the said order stands in filed. As far as factual position as discussed herein above is concerned, the whole proceedings against the appellant revolves around the allegation that he made tampering in the revenue record enabling passing of decree for delivery of possession on the spot, and the possession was found otherwise than the record produced before the Revenue Court by the appellant. The appellant in reply to the charge sheet specifically asserted as to correctness of the record produced by him before the Revenue Court and stated that the revenue officials who went to the spot, probably misunderstood the KhasraGirdawri and deemed the land under tenancy of Muzaffar Shah instead of AminulHaq; and they came back without any proceedings on pretext of the said excuse/surmises; and they submitted wrong report. The said reply of the appellant has been annexed with appeal available on file. The order of the Revenue Court on objection petition of Muzaffar Shah as discussed before, confirms the authenticity of written reply of the appellant to the charge sheet. However, the Inquiry Officer as well as the competent authority resorted to a hit and run the exercise, may be under influence of bureaucratic ego to prove the report of Mr. Aon Haider, Assistant Commission, Takht Bhai sent to the Deputy Commissioner vide his




office letter No.951/A.T Bhai dated 16.10.2017; and held the appellant guilty of charge just to satisfy the said ego by making him a scapegoat. Therefore, we are not inclined to maintain the penalty as imposed upon the appellant which obviously resulted from self-styled proceedings against him on allegation of an unfounded charge.

8. For what has gone above, the appeal at hand is accepted. Consequently, the impugned order of imposition of penalty with disciplinary proceedings wherefrom it resulted, are set aside; and the appellant is reinstated into service from the date of his removal from service with all back benefits. The concerned respondent, on receipt of the copy of this judgment, shall issue the order of appellant's reinstatement with all back benefits having accrued or accruable from the date of his removal from service. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.
14.09.2021


(ROZINAREHMAN)
MEMBER (J)


(AHMAD SULTAN TAREEN)
CHAIRMAN

Order

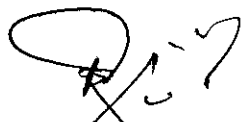
14.09.2021

Appellant present through counsel.

Usman Ghani learned District Attorney alongwith Hussain Akbar Assistant for respondents present. Arguments heard and record perused.

Vide our judgment of today of this Tribunal placed on file, the appeal at hand is accepted. Consequently, the impugned order of imposition of penalty with disciplinary proceedings wherefrom it resulted, are set aside; and the appellant is reinstated into service from the date of his removal from service with all back benefits. The concerned respondent, on receipt of the copy of this judgment, shall issue the order of appellant's reinstatement with all back benefits having accrued or accruable from the date of his removal from service. Parties are left to bear their own costs. File be consigned to the record room.

Announced.
14.09.2021


(ROZINA REHMAN)
MEMBER (J)


(AHMAD SULTAN TAREEN)
CHAIRMAN

Imtiaz

01.07.2021

Mr. Amjid Ali, Advocate, for the appellant present.

Mr. Usman Ghani, District Attorney alongwith Mr. Junaid, Assistant for the respondents present.


2. Arguments on the formulated points heard. There is not an iota of cavil with the first proposition relating to necessity of the Cabinet's approval in the matters of rule making business of the government, but in particular context of the Notification of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011; the proposition so advanced is to be view in overall statutory scope within meaning of enabling provision i.e section 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973. Sub-section (1) of the section 26 ibid confers rules making powers upon the Governor or any person authorized by the Governor in this behalf. In the book titled "Manual of Services Laws" (1st Edition) published by Insaf Law House, Rawalpindi, there is foot note relevant to section 26 ibid that the Governor Khyber Pakhtunkhwa, vide Notification No. SOR1 (S&GAD)1-206/74/VOL-V dated 18.04.1989 has authorized the Chief Minister to make rules within purview of said section. Accordingly, Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 have been made by the Chief Minister under delegated powers under the said notification issued under the scheme of section 26 of the Civil Servants Act, 1973. Therefore, the question of incompetency of Chief Minister for making such rules will not arise. However, it is a rebuttable fact whether rules have been got approved from the Cabinet or not. If approval of Cabinet was necessary, it is safe to presume in absence of rebuttal that the said rules were got

approved from the Cabinet. Learned counsel for the appellant all the way got force for his arguments from the judgment of august Supreme Court of Pakistan in the case titled "Messrs Mustafa Impex, Karachi and others" (PLD 2016 SC 808). However, we with the given account of proposition, deem it appropriate to avoid indulgence in technical issues, without evidence of violation of rules of business in making the aforementioned Efficiency & Discipline Rules, 2011.

3. It was also argued on behalf of the appellant that the Khyber Pakhtunkhwa Removal from Service (Special Powers) (Repeal) Act, 2011 was passed by Provincial Assembly and was promulgated as an Act of the Provincial legislature after approval by the Governor. He contended that disciplinary action taken against the appellant was required to be regulated under Khyber Pakhtunkhwa Efficiency & Discipline Rules, 1973 by virtue of section 2(2) & (3) of the Repealing Act, 2011 instead of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, which were made by the Chief Minister under delegated powers. Certainly, the action as impugned before us relates to the occurrence in 2017 and accordingly, it does not fall within the ambit of the said provision i.e section 2 (2) and (3) as argued before us vis-à-vis Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. We with simple reliance upon rule 23 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 are constrained not to agree with the proposition advanced before us. This is because, the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 1973 have been repealed by Rule 23 *ibid*.

4. As far as second question is concerned, it would be appropriate to substitute the same with another question i.e whether the office of Deputy Commissioner is any entity in the Scheme of Khyber Pakhtunkhwa Board of Revenue obviously an attached department of Revenue and Estate Department of the government under the Khyber Pakhtunkhwa Rules of Business, 1985. Needless to say that the services of Patwari being a Revenue Officer are supposed to be controlled by Board of Revenue through its district-wise formations, if in place.

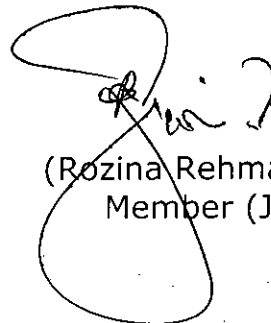
5. With the discussion having so far gone, we refer this case back to the D.B for disposal in ordinary course. To come up for arguments before the D.B on 14.09.2021.




(Salah-ud-Din)
Member (J)



Chairman



(Rozina Rehman)
Member (J)



(Atiq-ur-Rehman Wazir)
Member (E)

30.06.2021

Appellant in person present.

Mr. Asif Masood, Deputy District Attorney for respondents present.

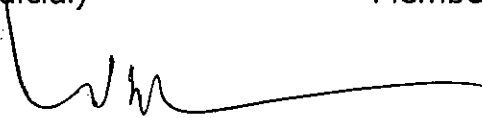
The Worthy Chairman is on leave, therefore, the case is adjourned to 01.07.2021 for arguments before Larger Bench.



(Rozina Rehman)
Member (Judicial)



(Salah Ud Din)
Member (Judicial)



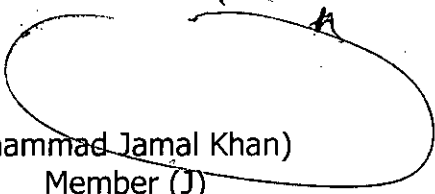
(Attiq Ur Rehman Wazir)
Member(Executive)

09.02.2021


Learned counsel for the appellant and Addl. AG alongwith Hussain Akbar Assistant for respondents present.


Learned Addl. AG states that instant appeal was entrusted to Muhammad Riaz Khan Paindakhel learned Assistant Advocate General. He, however, could not reach to appear before the Tribunal due to some personal engagement, therefore, requested for adjournment.

Adjourned to 09.03.2021 for arguments.


(Muhammad Jamal Khan)
Member (J)


Chairman


(Atiq-ur-Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

(Mian Muhammad)
Member (E)

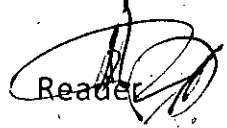
09.03.2021

Due to incomplete Bench, the case is adjourned to 30.06.2021 for the same.


READER

20.8.2020

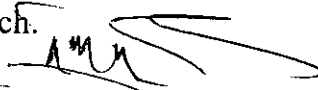
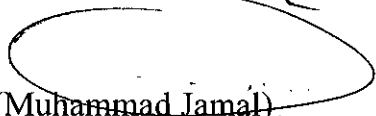
Due to COVID19, the case is adjourned to
10/11/2020 for the same as before.


Reader 


09.11.2020


Appellant in person present. Mr. Usman Ghani,
District Attorney for respondents present.

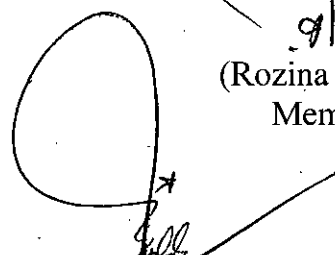
The Bar is observing general strike, therefore, the
matter is adjourned to 09.02.2021 for hearing before the
Larger Bench.



(Muhammad Jamal)
Member (J)


Chairman


(Atiq-ur-Rehman)
Member(E)


(Rozina Rehman)
Member(J)


(Mian Muhammad)
Member(E)

[Redacted]

Learned Counsel for the appellant and Addl. AG also present
[Redacted] Assistant for respondents present

[Redacted] Addl. AG states that instant appeal was brought by
Muhammad Riaz Khan Paindakhet. Learned Assistant Advocate
General, he, however, could not reach to appear before the
Tribunal due to some personal engagement. [Redacted]
Requested for adjournment.

Ms

[Redacted]

[Redacted]

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(Number 1)

[Redacted]

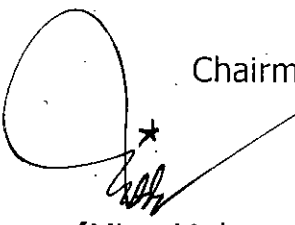
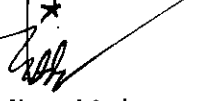
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11.06.2020

Counsel for the appellant and Mr. Kabirullah Khattak Addl. AG
for the respondents present.

Due to incomplete Bench, the matter is adjourned to
20.08.2020 for arguments before the Larger Bench.


(M. Amin Khan Kundi)
Member



Chairman

(Mian Muhammad)
Member

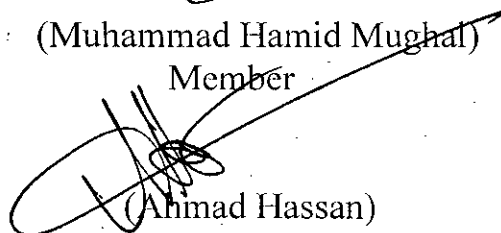
13.01.2020

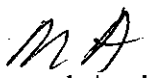
Nemo for the appellant. Mr. Muhammad Jan learned Deputy District Attorney for respondents present.


Due to general strike on the call of Khyber Pakhtunkhwa Bar Council, instant matter is adjourned to 12.03.2020 for arguments before Larger Bench.


(Chairman)


(Muhammad Hamid Mughal)
Member


(Ahmad Hassan)
Member

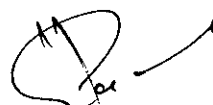

(Muhammad Amin Kundi)
Member


(Hussain Shah)
Member

12.03.2020

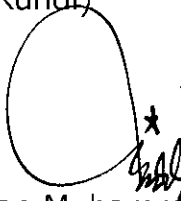
Counsel for the appellant and Mr. Muhammad Jan, DDA for the respondents present.

The Worthy Chairman is on leave, therefore, the bench is incomplete. The matter is adjourned to 11.06.2020 for arguments before the Larger Bench.


(Muhammad Hamid Mughal)
Member



(M. Amin Khan Kundi)
Member


(Hussain Shah)
Member



(Mian Muhammad)
Member

29.08.2019

Learned counsel for the appellant present. Mr. Usman Ghani learned District Attorney alongwith Mr. Hussain Akbar Assistant for the respondents present. Mr. Muhammad Amin Khan Kundi Member of this Tribunal is on tour to Camp Court D.I Khan, therefore, the instant matter is adjourned to 14.11.2019 for arguments before Larger Bench.


(Muhammad Hamid Mughal)
Member


Chairman


(Hussain Shah)
Member


(Ahmed Hassan)
Member

14.11.2019

Counsel for the appellant and Addl. AG alongwith Hussain Akbar, Assistant for the respondents present.

Due to paucity of time, the matter is adjourned to 13.01.2020 for arguments before the Larger Bench.


(M. Hamid Mughal)
Member


Chairman


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member



(Hussain Shah)
Member

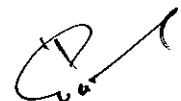
517/2018


14.06.2019

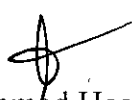
Appellant in person and Mr. Usman Ghani, District Attorney for the respondents present.

Due to general strike on the call of Khyber Pakhtunkhwa Bar Council, the matter is adjourned to 05.07.2019 for arguments before the Larger Bench. Application of respondents for transfer of appeal to Division Bench shall also be heard on the date fixed.


Chairman

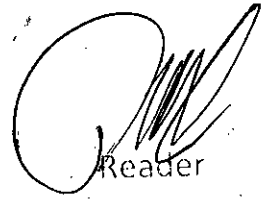

(M. Hamid Mughal)
Member


(M. Amin Khan Kundi)
Member


(Ahmad Hassan)
Member

005/07/2019

Due to incomplete bench, the case is adjourned. To come up on 29/08/2019.


Reader

22.04.2019

Learned counsel for the appellant and Mr. Usman Ghani learned District Attorney alongwith Mr. Hussain Akbar Assistant for the respondents present.

The questions essentially involved in the matter in hand are:-

- i. Whether after promulgation of Constitution of (Eighteenth amendment) Act, 2010 a Chief Minister of the Province could make rules for allocation and transaction of business of the Government or it falls within the powers of the relevant Cabinet?
- ii. Whether under the provisions contained in Section 16 of Khyber Pakhtunkhwa Local Government Act, 2013 and the first schedule thereof the Disciplinary powers regarding the officials of Revenue & Estate Department would not fall within the jurisdiction/ambit of Nazim District Council?

The proposition agitated requires consideration by a larger Bench because it may have far reaching effects upon many cases pending before this Tribunal as well as ongoing proceeding in similar cases. Instant Matter, therefore, shall be fixed for hearing on 14.06.2019 before a larger bench comprising the Chairman and all the learned Members.


Member


Chairman

22.02.2019

Junior to counsel for the appellant and Mr. Addl. AG for the respondents present.

Request for adjournment is made on account of engagement of learned senior counsel for the appellant before the Honourable High Court today. Adjourned to 14.03.2019 before the D.B.


Member


Chairman

14.03.2019

Appellant alongwith Amjad Ali Advocate and Mr. Ziaullah, DDA alongwith Hussain Akbar Assistant for the respondents present. Mr. Rizwanullah Advocate has also submitted Wakalatnama on behalf of appellant.

Learned DDA has provided copies of statements recorded during departmental proceedings.

Learned counsel for the appellant, in order to further prepare the brief in view of grounds R & S contained in the memorandum of appeal, needs further time.


Adjourned to 22.04.2019 before the D.B.


Member


Chairman

18.10.2018

Appellant with counsel present. Mr. Waheed Ur Rehman, Junior Clerk alongwith Mr. Kabirullah Khattak, Additional Advocate General for respondents present. During the course of arguments when learned counsel for the appellant was confronted whether statements were recorded by the enquiry officer, he stated that statements were not recorded in presence of appellant. On the other hand learned Addl: AG clarified that statements of concerned officer were recorded and opportunity of cross examination was also afforded to the appellant. Respondents are directed to produce complete record of enquiry proceedings alongwith original/disputed ^HAsra Gerdawri for perusal of this Tribunal on the next date of hearing. Case to come up for arguments on 21.11.2018 before D.B.


(Hussain Shah)
Member


(Ahmad Hassan)
Member

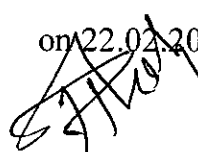
21.11.2018


Since 21.11.2018 has been declared as public holiday on account of 12th Rabi-ul-Awal. Therefore, the case is adjourn. To come on 11.01.2019 before D.B.


Reader

11.01.2019

Appellant in person and Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Appellant requested for adjournment as his counsel is not in attendance Adjourned. To come up for arguments on 22.02.2019 before D.B.


Member


Member


07.2018

Appellant in person and Mr. Muhammad Jan, DDA alongwith Mr. Ali Akbar, AADK for the respondents present. Written reply submitted. To come up for rejoinder and arguments on 16.08.2018 before D.B.


Member

16.08.2018

Learned counsel for the appellant and Mr. Usman Ghani learned District Attorney present. Learned counsel for the appellant submitted rejoinder which is placed on file and seeks adjournment. Adjourned. To come up for on 23.10.2018 before D.B.

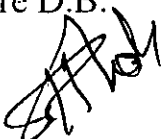

(Muhammad Amin Kundi)
Member



(Muhammad Hamid Mughal)
Member

Note:- On the application of appellant, 15
date is fixed on 03-10-2018
10.9.2018

03.10.2018



Appellant in person and Mr. Zia Ullah learned Deputy District Attorney present. Appellant seeks adjournment as his counsel is not in attendance. Adjourned. To come up for arguments on 26.11.2018 before D.B.


(Hussain Shah)
Member


(Muhammad Hamid Mughal)
Member

Form-A
FORM OF ORDERSHEET

Court of _____
Case No. 517/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	12/04/2018	<p>The appeal of Mr. Imtiaz Ahmad resubmitted today by Mr. Amjid Ali Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR 12/14/18</p>
2-	12/04/18.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>17/04/18.</u></p> <p style="text-align: right;"> MEMBER</p>

17.04.2018

Counsel for the appellant Imtiaz Ahmed present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Revenue Department as Patwari and during service he was imposed major penalty of removal from service vide order dated 09.01.2018 on the allegation of tempering in Khasara Girdawar record. It was further contended that the appellant filed departmental appeal on 15.01.2018 which was rejected on 19.03.2018 thereafter the appellant filed the present service appeal on 10.04.2018. Learned counsel for the appellant contended that neither proper inquiry was conducted nor opportunity of personal hearing and defence was provided to the appellant nor any witness has been examined by the inquiry officer in the presence of the appellant therefore, the impugned order is illegal and liable to be set-aside.

The contention raised by the learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to deposit of security and process fee within 10 days, thereafter, notice be issued to the respondents for written reply/comments for 09.05.2018 before S.B.

Appellant Deposited
Process Fee

MA
(Muhammad Amin Khan Kundi)
Member

09.05.2018

The Tribunal is non functional due to retirement of the Honorable Chairman. Therefore, the case is adjourned. To come up for the same on 02.07.2018 before S.B.


S
Reader

The appeal of Mr. Imtiaz Ahmad Ex-Patwari Tehsil and distt. Mardan received today by i.e. on 10.04.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of impugned removal order mentioned in the memo of appeal is not attached with the appeal which may be placed on it.

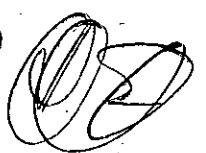
No. 739 /S.T,

Dt. 11/04 /2018


REGISTRAR 11/4/18
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Amjid Ali Adv. Mardan.

Resubmitted after completion

*Amjad Ali
Adv
Mardan* 

13-4-2018

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. 517 /2018

Imtiaz Ahmad Ex-Patwari,Appellant

VERSUS

Commissioner Mardan, District Mardan and another

...Respondents

I N D E X

S.No.	Description of documents.	Annexure	Page No.
1.	Memo of appeal with affidavit.		1-7
2.	Copy of charge sheet/ compliant/ statement of allegations/ reply	A	8-12
3.	Copy of Khasra Gridawari in original book	B	13
4.	Copy of Suspension order	C	14
5.	copy of application dated 08.11.2017 for withdrawal	D	15-17
6.	Copy of Khasra Girdawari signed by Shahab Patwari	E	18
7.	Khasra Girdawari signed by appellant	F	19-31
8.	Copy of report of AC	G	32-35
9.	Copy of appeal dated 15.01.2018, comments of DC alongwith Appellate order dated 19.03.2018	H- H/1	36-41 41A
10.	Copy of show cause notice	I	42
11.	Wakalatnama		43

Appellant

Through

Amjad Ali (Mardan)
Advocate

Supreme Court of Pakistan
Cell: 0321-9882434

Dated: 9/4/2018

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. 517 /2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 519

Dated 10-4-2018

Imtiaz Ahmad Ex-Patwari,
Tehsil & District Mardan.....Appellant

VERSUS

1. Commissioner Mardan, District Mardan.

2. Deputy Commissioner District Mardan.

.....Respondents

**SERVICE APPEAL U/S 4 OF SERVICE
TRIBUNAL ACT, 1974. AGAINST
ORDER DATED 19.03.2018 PASSED
BY RESPONDENT NO.1 ON
DEPARTMENTAL APPEAL DATED
15.01.2018 AND ORDER DATED
09.01.2018 PASSED BY RESPONDENT
NO.2, WHEREBY APPELLANT WAS
REMOVED FROM SERVICE, WHICH IS
ILLEGAL, AGAINST LAW AND FACTS**

Filed to-day

Registrar

10/4/18

PRAYER

On acceptance of this appeal, the impugned Appellate Order dated 19.03.2018 of respondent No.1 and order dated 09.01.2018, passed by respondent No.2 may please be set-aside and appellant may please be

(2)

reinstated in service with all back benefits, and the E&D Rules, 2011 may please be declared as ultra-vires

Respectfully Sheweth:-

Appellant humbly submits as under

- 1) That appellant was charge sheeted as per complaint of Muhammad Ibrahim Khan, which was properly replied. **(Copy of charge sheet/ compliant/ statement of allegations/ reply is Annex "A")**
- 2) That the allegation is tampering of Khasra Girdawari with respect ^{to} of Khasra No.749/1 measuring 5 Kanal 1 Marla as its tenant in original record.
- 3) That the appellant has not made any tampering in original record as the original record is exactly the same as it was and no one has pointed out any tampering in the same. **(Copy of Khasra Gridawari in original book is Annex "B")**
- 4) That complainant requested for withdrawal of complaint as per application dated 08.11.2017 after charge sheet dated 02.11.2017, suspension order dated 02.11.2017. **(Copy of Suspension order is Annex "C", copy of application dated 08.11.2017 for withdrawal is Annex "D")**
- 5) That appellant has merely endorsed in court the Khasra Girdawari presented by the appellant

alongwith ejection application by predecessor of appellant Shahab Patwari in ex-parte proceedings. (3)

(Copy of Khasra Girdawari signed by Shahab Patwari is Annex "E", and Khasra Girdawari signed by appellant is Annex "F")

- 6) That there is ^{no} tampering in Khasra Girdawari merely understanding/ interpretation of technical terms of Patwar?
- 7) That appellant in hurry as per request of reader of Court in ex-parte proceedings has endorsed in good faith, the Khasra Girdawari issued by predecessor of appellant i.e. Shahab Patwari involved.
- 8) That there is no regular inquiry in the instant case after charge sheet and merely undated report of AC is considered as a regular inquiry, which is illegal. **(Copy of report of AC is Annex "G")**
- 9) That appellant filed departmental appeal dated 15.01.2018, which is dismissed vide order dated 19.03.2018 after comments, which is illegal against law and facts. **(Copy of appeal dated 15.01.2018, comments of DC alongwith Appellate order dated 19.03.2018 are Annex "H")**
- 10) That the impugned order dated 19.03.2018 passed by respondent No.1 and order dated 09.01.2018 passed by respondent No.2 are illegal, against law and facts on the following:-

Copy of order as Annex H/1

GROUNDS.

(4)

- A. Because appellant has not made any tempering in original record as the original record is exactly the same as it was and no one has pointed out any tampering in the same.
- B. Because complainant requested for withdrawal of complaint as per application dated 08.11.2017 after charge sheet dated 02.11.2017, suspension order dated 02.11.2017.
- C. Because appellant has merely endorsed in Court the Khasra Girdwari presented by the appellant alongwith ejectment application by predecessor of appellant i.e. Shahab Patwari in ex-parte proceedings.
- D. Because there is no tampering in Khasra Girdawari, merely understanding/ interpretation of technical terms of Patwari.
- E. Because appellant in hurry as per request of recorder of Court in ex-parte proceedings has endorsed in good faith, the Khasra Girdawari issued by predecessor of appellant i.e. Shahab Patwari.
- F. Because there is no regular inquiry in the instant case after charge sheet and merely undated report of A.C is considered as regular inquiry which is illegal.

- G. Because the show cause notice has been issued by an incompetent authority i.e. ADC and not DC. **(Copy of show cause notice is Annex "I")**
- H. Because appellant is innocent and falsely charged.
- I. Because there is nothing on record that appellant has changed/ tampered the record.
- J. Because in fact the elucidation/ elaboration of word "بیشتر صاحب / غیر در مقابلان" whether for landlord or tenant is disputed.
- K. Because appellant has adopted elucidation of his predecessor Shahab who has been let free and appellant is discriminated.
- L. Because for mere, elaboration such harsh punishment where complainant too request for withdrawal of complaint after his satisfaction without regular inquiry is not warranted in facts and circumstances of the case.
- M. Because appellant is not associated with any inquiry, nor any statement recorded in presence of appellant, nor ~~opportunity~~ ^{opportunity} of cross-examination given.
- N. Because the inquiry is not permissible in question answer form.
- O. Because the interpretation of appellant is correct as in original Khasra Girdawari in column of

(6)

cultivation Aminul Haq is tenant in Khasra No.749/1 in column of cultivation and column No.9 is subservient the same.

P. Because the wordings are as under:-

حریف کاشت محمد عمر جان وغیرہ ہیں ان عہدہ داران اللہ جان منڈکر
حصہ داران معرفت مظفر شاہ وغیرہ عہدہ داران
" برہنہ "

which speaks that "عہدہ داران برہنہ" means tenant (عہدہ داران) i.e. remain as they were. So Aminul Haq will remain as tenant.

Q. Because appellant is jobless and didn't retain office of profit.

R. Because E&D Rules, 2011 are ultra-vires as not passed by the Govt. as defined in Article 129 of the Constitution of Pakistan.

S. Because as per cessation/ repeal of Removal from Service Ordinance by the legislature original E&D Rules, 1973 are restored then issuing of E&D Rules, 2011 by Chief Minister as an executive authority is against the said Legislative Act.

It is therefore, humbly prayed that, on acceptance of this appeal, the impugned Appellate Order dated 19.03.2018 of respondent No.1 and order dated 09.01.2018, passed by respondent

No.2 may please be set-aside and appellant may please be reinstated in service with all back benefits, and the E&D Rules, 2011 may please be declared as ultra-vires

(7)

Any other relief which this hon'ble court deems appropriate in the circumstances of the case though not specifically asked for may kindly also be granted.

Appellant

Through

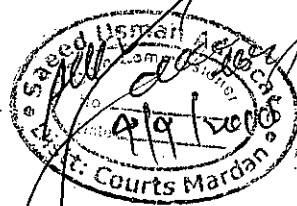
Amjad Ali (Mardan)
Advocate Supreme Court

9.4. 2018

AFFIDAVIT

I, do hereby affirm and declare on oath that the contents of the appeal are true and correct to the best of my knowledge and belief and nothing material has been concealed from this hon'ble Tribunal.

Deponent





OFFICE OF
DEPUTY COMMISSIONER
MARDAN
No. 1258-60 / 06-DK/RA
Dated Mardan the 22/11/2017

(8)
Aux-A

1. I, The Deputy Commissioner, Mardan, as competent authority, hereby charge you Mr. Imtiaz Ahmad, Patwari Halqa Seri Behlol as follows:

- i. That the Assistant Commissioner, Takht Bhal vide letter No. 951/AC T.Bhal, dated 16.10.2017 reported that the court of AAC Takht Bhal passed an Ex Parte decree against Aminul Haq in the case titled Muhammad Ibrahim V/S Aminul Haq on 30.05.2017, followed by an ejectment order dated 19.06.2017. On 22.06.2017, Girdawar Circle alongwith Patwari Halqa (you) and police contingent visited the ejectment spot and submitted report that possession of Khasra No. 749/1 (5 Kanal and 01 Marla) was in possession of Muzaffar Shah S/O Muhammad Shah instead of Aminul Haq, therefore, the ejectment procedure could not be carried out as the degree-debtor was Aminul Haq, not Muzaffar Shah.
 - ii. That as per Khasra Girdawri record dated 06.12.2016 of Patwari Halqa Seri Behlol, land in Khasra No. 749/1 has been shown in the tenancy of Aminul Haq, which was duly endorsed by you in your statement during the course of proceedings on 19.05.2017.
 - iii. That the Addl. Assistant Commissioner, Takht Bhal himself perused the register of Khasra Girdawri and compared it with the record produced in the court case file, it was found that the revenue record of Khasra No. 749/1, measuring 05 Kanal-01 Marla was tampered with and changes were made.
 - iv. That the abovementioned report proved you guilty of tampering with the revenue record, which warrants disciplinary action against you under the E & D rules.
2. By reason of the above, you have appeared to be guilty of misconduct under the Khyber Pakhtunkhwa Govt Servants (E&D) 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 seven days of the receipt of this Charge Sheet to the Inquiry Officer.
 4. Your written defence, if any, should reach to the Inquiry Officer within the specified period, failing which it shall be presumed that you have no defence to put in and that ex-parte action shall be taken against you.
 5. Intimate whether you desire to be heard in person.
 6. Statement of allegations is enclosed.

M. Iqbal
Deputy Commissioner
Mardan

ADMITTED



No & Date Even:

Cc:

1. Assistant Commissioner, Takht Bhal.
2. The Addl Assistant Commissioner-IV, Mardan.
3. Mr. Imtiaz Ahmad Patwari Halqa Seri Behlol with the direction to submit written defence within 7 days of the receipt of this charge sheet to the Inquiry Officer Mardan Division Mardan

M. Iqbal
Deputy Commissioner
Mardan

DISCIPLINARY ACTION:

1. I, The Deputy Commissioner, Mardan, as competent authority, am of the opinion that Mr. Imtiaz Ahmad, Patwari Halqa Seri Behlol has rendered himself liable to be proceeded against, as he has committed the following acts/omission, within the meaning of rule 3 of the Khyber Pakhtunkhwa Govt Servants Efficiency & Discipline Rules, 2011.

9

STATEMENT OF ALLEGATIONS

- i. That the Assistant Commissioner, Takht Bhai vide letter No. 951/ACT, Bhai, dated 16.10.2017 reported that the court of AAC Takht Bhai passed an Ex. Parte decree against Aminul Haq in the case titled Muhammad Ibrahim V/S Aminul Haq, on 30.05.2017, followed by an ejectment order dated 19.06.2017. On 22.06.2017, Girdawar Circle alongwith Patwari Halqa and police contingent visited the ejectment spot and submitted report that possession of Khasra No. 749/1 (5 Kanal and 01 Marla) was in possession of Muzaffar Shah S/O Muhammad Shah instead of Aminul Haq, therefore, the ejectment procedure could not be carried out as the judgment-debtor was Aminul Haq, not Muzaffar Shah.
 - ii. That as per Khasra Girdawri record dated 06.12.2016 of Patwari Halqa Seri Behlol, land in Khasra No. 749/1 has been shown in the tenancy of Aminul Haq, which was duly endorsed by Mr. Imtiaz Ahmad, Patwari Halqa in his statement during the course of proceedings on 19.05.2017.
 - iii. That the Addl Assistant Commissioner Takht Bhai himself perused the register of Khasra Girdawri and compared it with the record produced in the court case file, it was found that the revenue record of Khasra No. 749/1, measuring 05 Kanal 01 Marla was tampered with and changes were made.
 - iv. That the abovementioned report proved the Patwari Halqa Seri Behlol, Mr. Imtiaz Ahmad, guilty of tampering with the revenue record, which warrants disciplinary action against him under the E & D rules.
2. For the purpose of inquiry against the said accused with reference to the above allegations, an Inquiry Officer, is hereby appointed under rules 10(1)(a) of the ibid rules as:
- Mr. Jawad, Addl Assistant Commissioner-IV, Mardan.
3. The Inquiry Officer shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record his findings and report, within 15 days of the receipt of this order, recommendations as to punishments or other appropriate action against the accused.
4. The accused Patwari shall join the proceedings on the date, time and place fixed by the Inquiry Officer.
5. Mr. Aziz-Ur-Rehman DK, representative of the department, shall defend the interests of the govt before the inquiry officer.

ATTESTED

Executive Officer to
Court
Mardan



Deputy Commissioner
Mardan

حکومت صواب A.C. مہرب وقت تعالیٰ

(10)

دعوات سمیٹ سائیل محمد ابراہیم خان ولد عقیق اللہ خان ساکن
پلو سواری ٹاؤن سہارہ بہراد گڑے قانونی کارروائی برصغیر
پٹواری خلیفہ موضع سری بہلولی

صواب تعالیٰ: درخواست حسب ذیل مرصع

1. یہ کہ جس سائیل موضع سری بہلولی سے کافی زرعی اراضیات کا مالک ہے جس میں
زیادہ تر اراضیات بہت ہی مزارعین ہیں۔

2. یہ کہ سائیل نے برصغیر مزارعین لحدت مال دمی بہراد و بہد علی دائرہ میں جو کہ زیر توجہ ہے۔

3. یہ کہ سائیل کو صواب A.C. مہرب وقت تعالیٰ نے ایک مقدمہ سوان محمد ابراہیم خان مینتر نام

اسی الحق سے پٹواری دی تھی جس میں سائیل نے کارروائی اہواہ برصغیر مدیون دائرہ کیا تھا۔

لحد عدالت A.C. صواب نے مورخہ 22/17/22 کی وارنٹ دخل جاری کیا تھا لیکن صواب سائیل نے

پولیس، گروڈلر سندھیل و پٹواری خلیفہ موقع پر گئے۔ تو مذکورہ پٹواری خلیفہ نے ایک دیگر شخص

کے ساتھ زیادہ تر کے اندراج رسید ضلع گوردوارہ میں مورخہ 7/49 کا اندراج اسی اور

مظروف نامی شخص کے نام پر کیا تھا۔ لہذا سائیل کو اسے ملو کہ اسے اسی کا متبع

نہ سہل سہارہ خاندان کے روز دخل سے توجہاً ایک جمعیت میں مذکورہ پٹواری خلیفہ نے مذکورہ

مذکورہ میں بیان کیا تھا لہذا ضلع گوردوارہ کو بھیجی گیا تھا جس میں مورخہ 7/49 کا

درست اندراج مینام اسی الحق (مدیون) مد 9 تھا۔

4. یہ کہ پٹواری خلیفہ کے اس مذکورہ میں سے سائیل کو ناقابل ندرت لفظ رسید پر کیا

لہذا سائیل اسے مہتمم حقوق کا تحفظ کرتے ہی نا کام رہے

5. یہ کہ مذکورہ پٹواری خلیفہ کے خلاف قانونی کارروائی کی جاسکتا کہ آئندہ کیلئے کوئی ایسی شخص

ریورنڈ لگا کر اسے منطقی تبدیل نہ کر سکیں۔

استدعا ہے کہ منظورہ دعوات صواب پٹواری خلیفہ محمد ابراہیم خان

میں سے سائیل کے خلاف قانونی کارروائی کے قرار واقعی سہلولی کا

مورخہ 22/17

محمد ابراہیم خان (سائیل)

Examiner / Reader to
Commissioner
Mardan Division Mardan

P.A.

Call the applicant



یہ تعین حکم جو اب جاری شدہ نمبر 60 - 1258 صرف 11/2/17

موضوع: زمین

خدا علی

مخبر: ... بدست ہے۔ ... عدالت عالیہ میں ...
A. ...
... عدالت عالیہ میں ...
... عدالت عالیہ میں ...

موضوع: ... عدالت عالیہ میں ...

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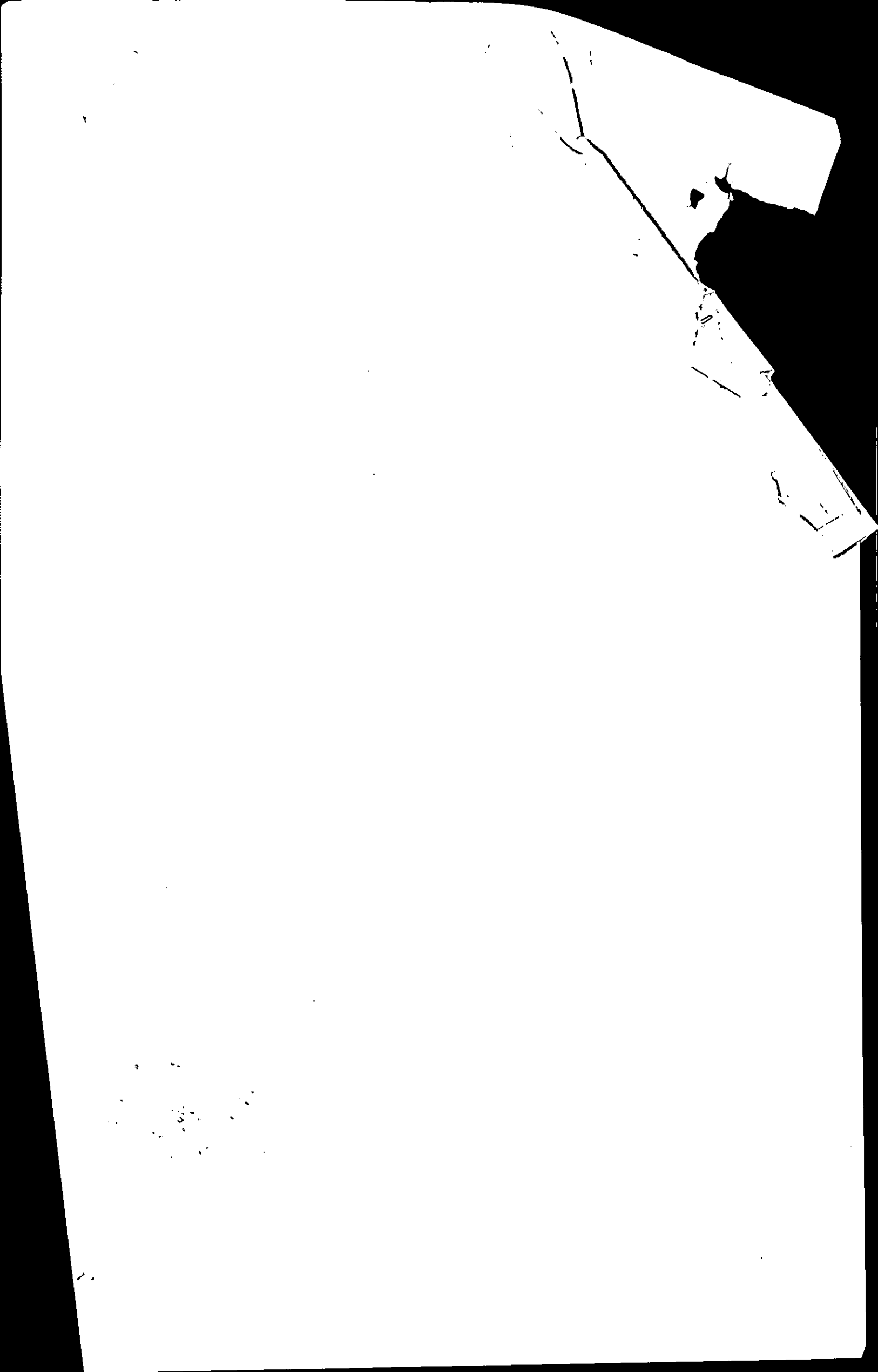
صفحہ

Place on file

P-7-0

Handwritten signature and date

Amjad Ali
ADVOCATE
SUPREME COURT





(12)

مذکورہ

۱۔ یہ درست ہے کہ میں نے نقل خسرہ گوردی میں آرمین رکنی خریدنے اور انڈیا کے باشندے

جو کہ درست ہے۔ اور ان کے ساتھ ہی آرمین رکنی خریدنے اور انڈیا کے باشندے

۲۔ یہ درست ہے کہ میں نے ۶۶ نمبر کی آرمین رکنی خریدنے اور انڈیا کے باشندے

اور اس میں کوئی رد نہیں ہے۔

۳۔ یہ درست ہے کہ میں نے نقل خسرہ گوردی میں آرمین رکنی خریدنے اور انڈیا کے باشندے

جو کہ کسی بھی انداز میں ایسا ممکن ہے۔ نقل خسرہ گوردی میں آرمین رکنی

پہرہ قابل ہے۔

۴۔ میں نے کوئی غلط کام نہیں کیا ہے۔ اور نہ ہی ان کے ساتھ کوئی رد نہیں کیا ہے۔

اور نہ ہی کر سکتا ہوں، نقل خسرہ گوردی میں آرمین رکنی خریدنے اور انڈیا کے باشندے

پہرہ قابل ہے۔ میں وہ جس کے قصور ہیں، مجھے اس الزام سے

بری الزام قرار دیا جا کر شکور فرما رہی ہوں۔

Handwritten signature and number 1511117

Advocate
SUPREME COURT

Ann. B

(13)

①	100-100	/	/	/	/	/	/	/	749
②	100-100	/	/	/	/	/	/	/	749
③	100-100	/	/	/	/	/	/	/	749
④	100-100	/	/	/	/	/	/	/	749
⑤	100-100	/	/	/	/	/	/	/	749
⑥	100-100	/	/	/	/	/	/	/	749
⑦	100-100	/	/	/	/	/	/	/	749
⑧	100-100	/	/	/	/	/	/	/	749

ATTACHED



Examiner / Reader to
 Commissioner Court
 Mardan Division Mardan



OFFICE OF THE
DEPUTY COMMISSIONER
MARDAN

No. ~~1249-57~~ / 6-DK/RA
Dated Mardan the 22/10/2017

Ang - c

(14)

OFFICE ORDER

Whereas, the Assistant Commissioner, Takht Bhai vide letter No. 951/AC.T.Bhai, dated 16.10.2017 reported that the court of AAC Takht Bhai passed an Ex-Parte decree against Aminul Haq in the case titled Muhammad Ibrahim V/S Aminul Haq on 30.05.2017; followed by an ejectment order dated 19.06.2017. On 22.06.2017, Girdawar Circle alongwith Patwari Halqa and police contingent visited the ejectment spot and submitted report that possession of Khasra No. 749/1 (5 Kanal and 01 Marla) was in possession of Mr. Muzaffar Shah S/O Muhammad Shah instead of Aminul Haq, therefore, the ejectment procedure could not be carried out as the judgment-debtor was Aminul Haq not Muzaffar Shah; and

Whereas, as per Khasra Girdawri record dated 06.12.2016 of Patwari Halqa Seri Behlol, land in Khasra No. 749/1 has been shown in the tenancy of Aminul Haq, which was duly endorsed by Mr. Imtiaz Ahmad Patwari Halqa in his statement during the course of proceedings on 19.05.2017; and

Whereas, the Addl Assistant Commissioner Takht Bhai himself perused the register of Khasra Girdawri and compared it with the record produced in the court case file, wherein it was found that the revenue record of Khasra No. 749/1, measuring 05 Kanal 01 Marla was tampered with and changes were made.

The abovementioned report proved the Patwari Halqa Seri Behlol, Mr. Imtiaz Ahmad, guilty of tampering with the revenue record, which amounts to amounts misconduct; therefore, he is hereby suspended from Govt. service forthwith.

The official is allowed to draw his subsistence allowances as per rules.

M. Ishaq
Deputy Commissioner
Mardan
11/17

No. & date even.

Copies forwarded to:

1. The Addl Deputy Commissioner Mardan for information please.
2. The District Comptroller of Accounts Mardan for necessary action.
3. The Assistant Commissioner T. Bhai to give charge of Seri Behlol to an adjacent Patwari Halqa.
4. The Addl Assistant Commissioner-IV for inquiry within 15 days.
5. The Accounts Officer Deputy Commissioner Office Mardan for necessary action.
6. The Tehsildar Takht Bhai for necessary action.
7. The officials concerned for compliance.

M. Ishaq
Deputy Commissioner
Mardan
11/17

ATTESTED

[Signature]

Examiner / Reader to
Commissioner Court
Mardan Division Mardan



حضرت ڈیپٹی کمشنر صاحب مردان - Annex-D

15

درخواست صفات مسائل عباد و ایسی درخواست
انکوائری بر خلاف بیٹواری ملکہ موضع سری بھول

DC OFFICE MARDAN
Diary No.
A.D.C.
D.O.

1- یہاں سے مسائل ذیل عرض کیے
بھول تحصیل تحت جہاں ضلع مردان کی زرعی اراضیات
کی ضرورت گراوی میں لے کر بیٹواری کے خلاف بیٹواری
ملکہ درخواست دائر کی گئی تھی۔

2- یہاں سے اب سے مسائل کی تسلی دینے اور لیکچر کے بیٹواری
ملکہ کے لیے یہ کہ اس نے ضرورت گراوی میں کوئی
داد و بدل نہیں کی ہے بلکہ اب بھی برستور سابق
مزارع امین الحق کے نام پر درج ہے۔ لیکن
مال کی تکنیکی الفاظ کی نا سمجھی کی وجہ سے اندراج
ضرورت گراوی کا صحیح مطلب افزائش کیا گیا ہے۔

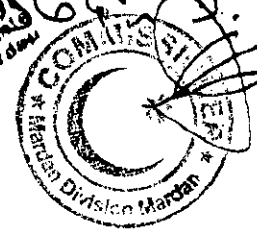
3- یہاں سے اب سے مسائل کی بھی تسلی ہو چکی ہے کہ سابق
بھول سے آمد در کاغذات مال در ضرورت گراوی
درست ہے جسکی تفصیل بیٹواری ملکہ کے مسائل کو
پتھر ہایا سجھایا ہے۔ بریں وہ من مسائل کی درخواست
انکوائری کی Prosecution میں مزید لپیٹی نہیں ہے۔

لینڈ انڈیا سے کہ غلطی در درخواست
یہاں امتیاز بیٹواری ملکہ کے خلاف
درخواست انکوائری بلا منہر کاروائی
لے کر دست برداری داخل دفتر فرمائی
جائے۔
تحریر 08-11-2017

بیان ملکہ
ملکہ بیان کرتا
یہاں کہ ملکہ مراتب
درخواست تاخذ
علم و یقین میرے
کہ درست اور صحیح
تحریر 08-11-2017

محمد ابراہیم خان ولد ڈاکٹر عظمت
انڈیا سے مسائل اور وہاں یونیورسٹی
پتھر ہاں

Oath Commissioner
Fazal Chaudhry
Advocate
Dist. Chitral Mardan





کمنوار - مدرس - برطان

درخواست ضابطہ نمبر ۱ پر ذکورہ نام کا تعلق بہ درخواست اٹوٹاری ڈائریکٹریس کے لیے ہر طرف اعتبار بخوری حلقہ موضع لہری بہاول کھنٹی تک معائنہ - خط لاری

- ۱ - ضابطہ نمبر ۱ کے ضمیمہ نمبر ۱ کے تحت درخواست آرائشی تعلقہ قریب سوہان پور کے بارے میں ڈیپٹی کمشنر لہری کو درخواست لہری کی تھی۔
 - ۲ - پندرہ ماہ سے درخواست گزار Complaint کی تہ کی گئی ہے۔ کہہ رہے ہیں کہ جاگیردار کی فریاد لہری میں کوئی تعلقہ تبدیل نہیں کیا گیا ہے۔ اور آدرش میں مسائل کی تہ لاری پر دستور اپنی التھی کے نام پر درخواست گزار معائنہ کیا ہے۔
 - ۳ - پندرہ ماہ سے درخواست گزار کی دائری میں کسی بھی طرح کی درخواست اٹوٹاری کے لیے ہر طرف بہت سی حلقہ میں لاری کی جیسی نہیں کرتا
- استعمال سے نہ ہونے کی وجہ سے درخواست گزار درخواست اٹوٹاری لہری لہری کے لیے درخواست لہری کی ہے۔
- ۰۸/۱۱

خواجہ صاحب خان درزی کے تحت درخواست اٹوٹاری کے لیے درخواست گزار کی ہے۔

مہاراجہ علی
 ملک میان گروا لہری کے لیے
 سائب درخواست گزار
 ریفٹ سب سے لہری لہری
 دیوچ سے لہری لہری
 مہاراجہ صاحب خان لہری



شعبہ لہری
 ۱۷/۱۱/۱۷



Examiner / Reader to
Commissioner Court
Warden Division Warden



OFFICE OF THE
DEPUTY COMMISSIONER
MARDAN
No. 1371-72 / 06-DK/RA
Dated Mardan the 17/11/2017

(17)

To
The Addl Assistant Commissioner-IV,
Mardan.

Subject: **INQUIRY**

Memo:

Please refer
ATC - (B.C.S)
17/11/17

Reference to this office order No. 1249-57/6-DK/RA, dated 02.11.2017 vide which an inquiry was entrusted to you.

An application has been received into the matter from Mr. Muhammad Ibrahim S/O Dr. Azmat R/O Turo, Mardan which is hereby enclosed for putting it on the inquiry file.

[Signature]
Addl Deputy Commissioner
Mardan

No & Date Even:
Cc:

1. The Deputy Commissioner, Mardan for information please.

[Signature]
Addl Deputy Commissioner
Mardan



ATTESTED

[Signature]
Examiner / Reader to
Commissioner Court
Mardan Division Mardan

Ann - E

(18)

ADVOCATE
SUPREME COURT

درجہ اولیٰ درجہ دوم درجہ اولیٰ درجہ دوم درجہ اولیٰ درجہ دوم درجہ اولیٰ درجہ دوم درجہ اولیٰ درجہ دوم

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1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
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8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26
9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27
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(T)

7/4/16

19

Ann-F

ورق نمبر

کتاب نمبر

صفحہ

تحصیل

محل سکون

کی موضع

۱۹	۱۵	۱۲	۱۳	۱۲	۱۱	۱۰	۱	۷	۶	۵	۴	۳
تبدیلی حقوق کا شتا بقدر وگان سدا جمال وٹل خارج	فصل	فصل	تبدیلی حقوق کا شتا بقدر وگان سدا جمال وٹل خارج	فصل	فصل	تبدیلی حقوق کا شتا بقدر وگان سدا جمال وٹل خارج	فصل	تبدیلی حقوق کا شتا بقدر وگان سدا جمال وٹل خارج	فصل	فصل	رقبہ	اکاشت کار نمبر
	ریف	ریف		ریف	ریف		ریف	ریف	ریف	ریف		

Engineer / Reader to
the
Divisional Court
The
Divisional Engineer

ATTESTED



۱۹-۱۵-۱۷

مجلس محترم حقداران زمین موضع

تعمیر و ترمیم و شلغ و سول

انتخاب مشل بند و بست قانونی (20)

2009 ع

2010 ع

کثرت کھتونی	تعداد	نمبر مشل	رقبہ	سنگ	کیست
1	20	17888			
42		مشل 1			
67		مشل 2			
68		مشل 3			
		مشل 4			
		مشل 5			
		مشل 6			
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		مشل 19			
		مشل 20			

مجلس محترم حقداران زمین موضع
 تعمیر و ترمیم و شلغ و سول
 13/10/16

19.5.17

ATTESTED
 C.D. T. BHAI

(21)

پہلے شریک کار کا نام AOK کے تحت لکھا گیا ہے۔

PW-2
19-5-17

پر مقرر کیا گیا ہے کہ وہیں ٹیکس پر درآمد کیا گیا ہے اور اس کے ساتھ ساتھ
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شریک کار
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19-5-17

ATTESTED
G.B. Jha
19-5-17

2001
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بیسویں سال
پندرہواں مہینہ
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دسواں دن
پندرہواں مہینہ
دسواں دن

(2)

17/5/17
A.O.R

نمبر	تاریخ	مبلغ	مبلغ	مبلغ	مبلغ	مبلغ	مبلغ	مبلغ	مبلغ	مبلغ	مبلغ
18621	1935/1	37	37	716	79	795	1272	1225	5-1	2	2
37982		37	37	689	76	765	1225				

17/5/17
A.O.R

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37982 =
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94932 =

ATTESTED
C.D.T.B.M.

گوشواره ملکیت کسی برپیشی از ویسب 2016 تا ویسب 2017 مجموع هر یک به جدول گفته شده است

ردیف	ربیع 2016		ربیع 2017		ردیف	مبلغ	نام مالک بجه ولایت
	بهار	تابستان	بهار	تابستان			
1	40	13	40	13	813	17888	ساده اسلامی عظمت بیوه عظمت الله خان
2	40	13	40	13	2841	17888	محمد ابراهیم خان و دل عظمت الله خان
3	40	13	40	13	2841	17888	محمد عرفان و دل عظمت الله خان
4	8	8	8	8	8	17888	عبدالقیوم و دل حاجی مختیار
5	4	4	4	4	44	17888	خان بابا و دل دل شیر
6	12	12	12	12	12	17888	جماعت تبریب و دل لعل قرمک
7	18	18	18	18	18	17888	قرمک میر و دل نور قرمک
8	19	19	19	19	19	17888	میر عالم خان و دل نور قرمک
9	10	10	10	10	10	17888	میر تقی خان و دل شیر ران
10	10	10	10	10	10	17888	اجمل خان و دل شیر ران
11	5	5	5	5	56	17888	عبدالقیوم و دل نور قرمک
12	45	45	45	45	45	17888	1 مختیار خان و دل ناز خان
13	57	57	57	57	57	17888	اجمل خان و دل نور
14	6	6	6	6	6	17888	عبدالمجید و دل گل زلفان
15	20	20	20	20	20	17888	ساده از ویسب 2016 تا ویسب 2017
16	25	25	25	25	25	17888	دین الله و دل نور یاس
17	52	52	52	52	52	17888	علیم خان و دل زلفان
18	20	20	20	20	20	17888	عبدالمجید و دل زلفان
19	10	10	10	10	10	17888	شاهنواز خان و دل نور قرمک
20	10	10	10	10	10	17888	امیر نور خان و دل نور قرمک
21	10	10	10	10	10	17888	امیر نور خان و دل نور قرمک
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98	10	10	10	10	10	17888	ساده از ویسب 2016 تا ویسب 2017
99	10	10	10	10	10	17888	ساده از ویسب 2016 تا ویسب 2017
100	10	10	10	10	10	17888	ساده از ویسب 2016 تا ویسب 2017

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Large handwritten scribbles or signatures in the middle of the table.

Handwritten signature and date at the bottom right: 12/1/18

کتاب		تاریخ		محل		ملاحظات		تعداد	قیمت	نام کتابدار
-	۱-۵	-	۱-۵	-	۱-۵	-	۱-۵	۲۰	۱۷۸۸۸	سید ...
-	۱-۵	-	۱-۵	-	۱-۵	-	۱-۵	۲۰	۱۷۸۸۸	ظفر علی ...
-	۱۳۵	-	۱۳۵	-	۱۳۵	-	۱۳-۵	۲۶۵	۱۷۸۸۸	...
-	-	-	-	-	-	-	-	-	-	عبدالحق ...
-	۱-۷	-	۱-۷	-	۱-۷	-	۱-۷	۲۷	۱۷۸۸۸	محمد صنف ...
-	۴-۷	-	۴-۷	-	۴-۷	-	۴-۷	۸۷	۱۷۸۸۸	ظاهر ...
-	۲-۸	-	۲-۸	-	۲-۸	-	۲-۸	۴۸	۱۷۸۸۸	...
-	۵-۷	-	۵-۷	-	۵-۷	-	۵-۷	۱۲	۱۷۸۸۸	...
-	۵-۳	-	۵-۳	-	۵-۳	-	۵-۳	۱۳	۱۷۸۸۸	...
-	۵-۴	-	۵-۴	-	۵-۴	-	۵-۴	۱۴	۱۷۸۸۸	...
-	۲-۵	-	۲-۵	-	۲-۵	-	۲-۵	۴۰	۱۷۸۸۸	...
-	۱-۵	-	۱-۵	-	۱-۵	-	۱-۵	۲۰	۱۷۸۸۸	...
-	۵-۷۰	-	۵-۷۰	-	۵-۷۰	-	۵-۷۰	۶۰	۱۷۸۸۸	...
-	۵-۷۰	-	۵-۷۰	-	۵-۷۰	-	۵-۷۰	۱۰	۱۷۸۸۸	...
-	۳-۲	-	۳-۲	-	۳-۲	-	۳-۲	۱۲	۱۷۸۸۸	...
-	۱-۷	-	۱-۷	-	۱-۷	-	۱-۷	۲۷	۱۷۸۸۸	...
-	۴-۷	-	۴-۷	-	۴-۷	-	۴-۷	۹۱	۱۷۸۸۸	...
-	۴-۷	-	۴-۷	-	۴-۷	-	۴-۷	۹۱	۱۷۸۸۸	...
-	۴-۷	-	۴-۷	-	۴-۷	-	۴-۷	۹۱	۱۷۸۸۸	...
-	۴-۷	-	۴-۷	-	۴-۷	-	۴-۷	۹۱	۱۷۸۸۸	...
-	۵-۳	-	۵-۳	-	۵-۳	-	۵-۳	۳	۱۷۸۸۸	...
-	۱۲۹-۸	-	۱۲۹-۸	-	۱۲۹-۸	-	۱۲۹-۸	۲۴۸۶	۱۷۸۸۸	...
-	۱۷۶-۷	-	۱۷۶-۷	-	۱۷۶-۷	-	۱۷۶-۷	۱۷۶	۱۷۸۸۸	...

۱۲/۵/۱۷

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کتابخانه عمومی شهرداری تهران

2018		2018		2018		ردیف	مقدار	مجموعه	توضیحات	ردیف
مقدار	ردیف	مقدار	ردیف	مقدار	ردیف					
-	15	-	15	-	15	15	17888	25	کتابخانه عمومی شهرداری تهران	25
-	63-5	-	63-5	-	63-5	30-4	17888	68-4	کتابخانه عمومی شهرداری تهران	30-4
-	20	-	20	-	20	20	17888	40	کتابخانه عمومی شهرداری تهران	40
-	33-303	-	33-303	-	33-303	3-73	17888	63	کتابخانه عمومی شهرداری تهران	3-73
-	24	-	24	-	24	24	17888	44	کتابخانه عمومی شهرداری تهران	24
-	0-6	-	0-6	-	0-6	0-6	17888	6	کتابخانه عمومی شهرداری تهران	0-6
-	20	-	20	-	20	20	17888	40	کتابخانه عمومی شهرداری تهران	20
-	10	-	10	-	10	10	17888	20	کتابخانه عمومی شهرداری تهران	10
-	170	-	170	-	170	170	17888	30	کتابخانه عمومی شهرداری تهران	170
-	10	-	10	-	10	10	17888	20	کتابخانه عمومی شهرداری تهران	10
-	10	-	10	-	10	10	17888	20	کتابخانه عمومی شهرداری تهران	10
-	170	-	170	-	170	170	17888	30	کتابخانه عمومی شهرداری تهران	170
-	0-70	-	0-70	-	0-70	0-70	17888	10	کتابخانه عمومی شهرداری تهران	0-70
-	0-75	-	0-75	-	0-75	0-75	17888	15	کتابخانه عمومی شهرداری تهران	0-75
-	0-5	-	0-5	-	0-5	0-5	17888	5	کتابخانه عمومی شهرداری تهران	0-5
-	0-70	-	0-70	-	0-70	0-70	17888	10	کتابخانه عمومی شهرداری تهران	0-70
-	0-71	-	0-71	-	0-71	0-71	17888	11	کتابخانه عمومی شهرداری تهران	0-71

1395/11/17

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G. D. T. H. A. N.
17

گورنور کے دفتر

(86)

نام لکھ کر
مقررہ
محل پر

ربیع الثانی 2017		ربیع الثانی 2016		ربیع الثانی 2016		رقبہ	رقبہ	رقبہ	رقبہ	رقبہ	رقبہ	رقبہ
مستطابق	مستطابق	مستطابق	مستطابق	مستطابق	مستطابق	مستطابق	مستطابق	مستطابق	مستطابق	مستطابق	مستطابق	مستطابق
مستطابق	مستطابق	مستطابق	مستطابق	مستطابق	مستطابق	مستطابق	مستطابق	مستطابق	مستطابق	مستطابق	مستطابق	مستطابق
10	10	10	10	10	10	10	10	10	10	10	10	10
17888	17888	17888	17888	17888	17888	17888	17888	17888	17888	17888	17888	17888
8	8	8	8	8	8	8	8	8	8	8	8	8
17888	17888	17888	17888	17888	17888	17888	17888	17888	17888	17888	17888	17888
9	9	9	9	9	9	9	9	9	9	9	9	9
17888	17888	17888	17888	17888	17888	17888	17888	17888	17888	17888	17888	17888
16	16	16	16	16	16	16	16	16	16	16	16	16
17888	17888	17888	17888	17888	17888	17888	17888	17888	17888	17888	17888	17888
6	6	6	6	6	6	6	6	6	6	6	6	6
17888	17888	17888	17888	17888	17888	17888	17888	17888	17888	17888	17888	17888
8	8	8	8	8	8	8	8	8	8	8	8	8
17888	17888	17888	17888	17888	17888	17888	17888	17888	17888	17888	17888	17888
33	33	33	33	33	33	33	33	33	33	33	33	33
17888	17888	17888	17888	17888	17888	17888	17888	17888	17888	17888	17888	17888
40	40	40	40	40	40	40	40	40	40	40	40	40
17888	17888	17888	17888	17888	17888	17888	17888	17888	17888	17888	17888	17888
25	25	25	25	25	25	25	25	25	25	25	25	25
17888	17888	17888	17888	17888	17888	17888	17888	17888	17888	17888	17888	17888
16	16	16	16	16	16	16	16	16	16	16	16	16
17888	17888	17888	17888	17888	17888	17888	17888	17888	17888	17888	17888	17888
16	16	16	16	16	16	16	16	16	16	16	16	16
17888	17888	17888	17888	17888	17888	17888	17888	17888	17888	17888	17888	17888
9-7/2	9-7/2	9-7/2	9-7/2	9-7/2	9-7/2	9-7/2	9-7/2	9-7/2	9-7/2	9-7/2	9-7/2	9-7/2
13-0	13-0	13-0	13-0	13-0	13-0	13-0	13-0	13-0	13-0	13-0	13-0	13-0
18-10	18-10	18-10	18-10	18-10	18-10	18-10	18-10	18-10	18-10	18-10	18-10	18-10
18-10	18-10	18-10	18-10	18-10	18-10	18-10	18-10	18-10	18-10	18-10	18-10	18-10
4-10	4-10	4-10	4-10	4-10	4-10	4-10	4-10	4-10	4-10	4-10	4-10	4-10
5-0	5-0	5-0	5-0	5-0	5-0	5-0	5-0	5-0	5-0	5-0	5-0	5-0
21-0	21-0	21-0	21-0	21-0	21-0	21-0	21-0	21-0	21-0	21-0	21-0	21-0
9-0	9-0	9-0	9-0	9-0	9-0	9-0	9-0	9-0	9-0	9-0	9-0	9-0
6-7	6-7	6-7	6-7	6-7	6-7	6-7	6-7	6-7	6-7	6-7	6-7	6-7
6-0	6-0	6-0	6-0	6-0	6-0	6-0	6-0	6-0	6-0	6-0	6-0	6-0
7-0	7-0	7-0	7-0	7-0	7-0	7-0	7-0	7-0	7-0	7-0	7-0	7-0
13-0	13-0	13-0	13-0	13-0	13-0	13-0	13-0	13-0	13-0	13-0	13-0	13-0
11-0	11-0	11-0	11-0	11-0	11-0	11-0	11-0	11-0	11-0	11-0	11-0	11-0
6-0	6-0	6-0	6-0	6-0	6-0	6-0	6-0	6-0	6-0	6-0	6-0	6-0

11/2/5/117

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گوشوارہ علیہ مدللہ

(27)

ایسیہ 17 نومبر 1972		ایسیہ 16 نومبر 1972		ایسیہ 16 نومبر 1972		رقبہ	محلہ	نام ملک بلکہ واریت
ایسیہ	رقبہ	ایسیہ	رقبہ	ایسیہ	رقبہ	محلہ	رقبہ	
3-2	-	3-2	-	3-2	-	3-2	-	سید محمد خلیل (سید) گڑھی
31-19	-	31-19	-	31-19	-	31-19	-	ہارث خان زکریا صاحب
2-14	-	2-14	-	2-14	-	2-14	-	اعجاز خان و دیگر تازہ خان
9-0	-	9-0	-	9-0	-	9-0	-	اعجاز خان و دیگر تازہ خان
18-15	-	18-15	-	18-15	-	18-15	-	سید محمد علیہ و دیگر صاحبان گڑھی
19-13	-	19-13	-	19-13	-	19-13	-	شیر محمد و دیگر گڑھی
6-0	-	6-0	-	6-0	-	6-0	-	احمد علی و دیگر گڑھی
6-0	-	6-0	-	6-0	-	6-0	-	سید محمد علیہ
3-0	-	3-0	-	3-0	-	3-0	-	محمد عزیز و دیگر گڑھی
2-14	-	2-14	-	2-14	-	2-14	-	عقیدہ و دیگر گڑھی
4-0	-	4-0	-	4-0	-	4-0	-	سید محمد علیہ گڑھی
4-0	-	4-0	-	4-0	-	4-0	-	محمد علیہ گڑھی
15-0	-	15-0	-	15-0	-	15-0	-	محمد علیہ گڑھی
2-0	-	2-0	-	2-0	-	2-0	-	سید محمد علیہ گڑھی
2-0	-	2-0	-	2-0	-	2-0	-	سید محمد علیہ گڑھی
1-0	-	1-0	-	1-0	-	1-0	-	سید محمد علیہ گڑھی
3-16	-	3-16	-	3-16	-	3-16	-	خان محمد علیہ گڑھی
2-0	-	2-0	-	2-0	-	2-0	-	سید محمد علیہ گڑھی

172-13 = 172-13 = 172-13 = 172-13 = 172-13 = 172-13 =

- ① کو میوزن فرم گڑھی : 312-0
- ② کو میوزن گڑھی : 582-7
- کو میوزن گڑھی : 894-7

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[Signature]

(28)

۱۔ محمد ابراہیم خان ۲۔ محمد عرفان خان ۳۔ حماد علی غلط پورہ غلط اللہ خان مانتوں
A-10 رولڈ روٹری ٹرافی لیٹاؤڈ - - - غلط لیٹاؤڈ -

-: بنیاد :-

۱۔ امین الحق ولد محمد اسحاق ساکن قندلم روٹری تحت مہمانی تحصیل تحت مہمانی قندلم روٹری مدعا

۱۔ دعوت دلا پانچ پیدوار بیٹے (باوجود بیٹا) نسبت آدنی قدری

۵۱ - ۵۵ نمبر فرہ 749/1 کمانہ 20 - 25 - 2010 - 2009

۶۳ تا ۶۷
۲۔ ترقیہ صوبہ سرما بیٹوں تحصیل تحت مہمانی - غلط مردان برائے غلطت ریسورس وریف ماحول
شہر مہمانی بدھ لہقن - قابل کوٹ خسی ڈگری قمار بیٹوں کی صورت میں کوٹ
نسب لہد میں پوری کی جائیگی

ب۔ - دعوت انزادی لگان شہر بیٹے 30000/- نسبہ فی جبریں سالانہ رقم
مالیہ دیا بیاتہ بوجہ اعنائہ معتق اجناسی و کم بیونہ قدر پائنتانی کرنسی۔

ج۔ - دعوت بہہ غنی مدعا علیہ از آدنی مدعا علیہ -

د۔ - دعوت عدوی حکم اتقاعی بدیں طور کہ مدعا علیہ بقدر فرضی مدعیان کے
آدنی مدعا علیہ سے درحقان کاٹنے دے جانے و فروخت کرتے سے
رہتی نکالنے و فروخت کرنے سے باز دینے و بیٹے

جہاں دعوت دون قسمیت و مہمانی کے
دینا کے قضاوت عمرہ حد یوم سے
از انکار مدعا علیہ انڈر طور
اختیار سلامت مدالت مال تحت
مہمانی پیدوار سے

والہیت بقدر فرضی کوٹ خسی - مالیت بقدر فرضی انڈر
2000/- 2000/-

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17/1/18

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جناب عالی - دعوتے درعیان حسب ذیل عرض ہے -

۱- پتہ ادرافی مدعو علیہ ندرجہ بعد عنوان امر لقیہ دعوتے درعیان کی عہد داری ملکیت سے نقل فرما دینا ہے۔

۲- پتہ درعیان نے مردان تعلقات مدعو علیہ ادرافی مدعو علیہ تحت درعیان بشرح منجائی یہ حصہ لفظی کاشت کر کے دوسرے پیداوار خود برداشت کی ہے۔ اور ما درعیان کو حصہ مالکانہ ادا نہیں کیا ہے۔ حکم لقیہ فی الوقت لغزاف کوٹ پٹی سٹیج / 25000 سے لگا پانچا ہے۔ لیکن دعوتے درعیان اس قدر رقم کے لئے ہے۔ جو بیرونی تخمینہ پیداوار سرکاری شرح منجائی بہ حصہ لفظی ثابت ہو۔ زائد رقم کی ڈگری مفاد بیرونہ کی صورت میں کمی کوٹ پٹی میں پوری کی جائیگی۔

۳- آئیہ خسہ ندر داری میں اندراج شرح اجارہ درج ہے۔ لیکن یہ شرح اجارہ کافی پرانی ہے۔ اور حقیقت مدعا علیہ ادرافی مدعو علیہ تحت درعیان شرح بیوٹیائی حصہ لفظی کاشت کرتے ہیں۔

۴- پتہ اگر مدعا علیہ ادرافی مدعو علیہ شرح منجائی بہ حصہ لفظی کاشت کرنے سے انکار کر دے تو اس صورت میں درعیان ڈگری انزادگی لگان شرح / 30000 دے فی سیریب سالہ مدعا علیہ ذرا بیانہ دیکھ کر سرکاری محمولات پوجہ ذیل حقداران میں۔

۱- پتہ آج کل شرح منجائی ادرافی مدعو علیہ کھاد و غیر انجمن کشی ادرافیات کی وجہ سے ادرافیات کی پیداوار اجناس میں اضافہ ہوا ہے۔

۲- پتہ اجناس کے پیداوار کے علاوہ اس کے قیمتوں میں بھی بہت زیادہ اضافہ ہو چکا ہے۔

۳- پتہ ادرافی مدعو علیہ تحت منجائی بازار سے ایک کلو میٹر کے فاصلے پر ہے۔ جس کے پیداوار سبز باج و غیرہ مارکیٹ میں پہنچانے پر ٹرانسپورٹیشن کا خرچہ بھی کم از کم ہے۔

۴- پتہ ادرافی مدعو علیہ کافی زرعیں - شاہ نہری ادرافیات ہے۔ احد ہر قسم کے فصلات مثلاً - گنا - گندم - جوار - تمباکو - حقنڈر - مچھلا اور دھنیاں اور ہر قسم کے سبزیات اگائے جاسکتے ہیں۔

۵- پتہ چیتہ سالوں یا کتنا فی کرسی کی قیمت میں کافی کمی ہوئی ہے۔

۶- پتہ ادرافی مدعو علیہ کے ادراس پڑوس میں ادرافیات کا اجارہ / 30000 دے سے بھی زیادہ ہے۔

۷- پتہ خسہ ندر داری کے اندراج میں شرح اجارہ ۱ نے میں غلطی کے برابر ہے۔ اس صورت پوجہ مدعا علیہ اگر شرح منجائی بہ حصہ لفظی سے انکار کر دے۔ تو اس صورت

میں ما درعیان بروئے ڈگری انزادگی لگان تعلقات مدعو علیہ کا اجارہ شرح

30000 دے فی سیریب مدعا علیہ ذرا بیانہ دیکھ کر سرکاری محمولات پوجہ ذیل حقداران میں

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G.D. BHAI

5- یہ کہ دروغیہ اور کذب سے متوجہ ہو کر حقیقت سے دور ہو جائے۔

30

1- یہ کہ دروغیہ اور کذب سے متوجہ ہو کر حقیقت سے دور ہو جائے اور دروغیہ کے فضولت سے متوجہ ہو کر حقیقت سے دور ہو جائے۔

2- یہ کہ دروغیہ اور کذب سے متوجہ ہو کر حقیقت سے دور ہو جائے اور دروغیہ کے فضولت سے متوجہ ہو کر حقیقت سے دور ہو جائے۔

3- یہ کہ دروغیہ اور کذب سے متوجہ ہو کر حقیقت سے دور ہو جائے اور دروغیہ کے فضولت سے متوجہ ہو کر حقیقت سے دور ہو جائے۔

4- یہ کہ دروغیہ اور کذب سے متوجہ ہو کر حقیقت سے دور ہو جائے اور دروغیہ کے فضولت سے متوجہ ہو کر حقیقت سے دور ہو جائے۔

5- یہ کہ دروغیہ اور کذب سے متوجہ ہو کر حقیقت سے دور ہو جائے اور دروغیہ کے فضولت سے متوجہ ہو کر حقیقت سے دور ہو جائے۔

متوجہ ہو کر حقیقت سے دور ہو جائے۔

6- یہ کہ دروغیہ اور کذب سے متوجہ ہو کر حقیقت سے دور ہو جائے اور دروغیہ کے فضولت سے متوجہ ہو کر حقیقت سے دور ہو جائے۔

7- یہ کہ دروغیہ اور کذب سے متوجہ ہو کر حقیقت سے دور ہو جائے اور دروغیہ کے فضولت سے متوجہ ہو کر حقیقت سے دور ہو جائے۔

8- یہ کہ دروغیہ اور کذب سے متوجہ ہو کر حقیقت سے دور ہو جائے اور دروغیہ کے فضولت سے متوجہ ہو کر حقیقت سے دور ہو جائے۔

9- یہ کہ دروغیہ اور کذب سے متوجہ ہو کر حقیقت سے دور ہو جائے اور دروغیہ کے فضولت سے متوجہ ہو کر حقیقت سے دور ہو جائے۔

10- یہ کہ دروغیہ اور کذب سے متوجہ ہو کر حقیقت سے دور ہو جائے اور دروغیہ کے فضولت سے متوجہ ہو کر حقیقت سے دور ہو جائے۔

11- یہ کہ دروغیہ اور کذب سے متوجہ ہو کر حقیقت سے دور ہو جائے اور دروغیہ کے فضولت سے متوجہ ہو کر حقیقت سے دور ہو جائے۔

12- یہ کہ دروغیہ اور کذب سے متوجہ ہو کر حقیقت سے دور ہو جائے اور دروغیہ کے فضولت سے متوجہ ہو کر حقیقت سے دور ہو جائے۔

13- یہ کہ دروغیہ اور کذب سے متوجہ ہو کر حقیقت سے دور ہو جائے اور دروغیہ کے فضولت سے متوجہ ہو کر حقیقت سے دور ہو جائے۔

14- یہ کہ دروغیہ اور کذب سے متوجہ ہو کر حقیقت سے دور ہو جائے اور دروغیہ کے فضولت سے متوجہ ہو کر حقیقت سے دور ہو جائے۔

15- یہ کہ دروغیہ اور کذب سے متوجہ ہو کر حقیقت سے دور ہو جائے اور دروغیہ کے فضولت سے متوجہ ہو کر حقیقت سے دور ہو جائے۔

16- یہ کہ دروغیہ اور کذب سے متوجہ ہو کر حقیقت سے دور ہو جائے اور دروغیہ کے فضولت سے متوجہ ہو کر حقیقت سے دور ہو جائے۔

17- یہ کہ دروغیہ اور کذب سے متوجہ ہو کر حقیقت سے دور ہو جائے اور دروغیہ کے فضولت سے متوجہ ہو کر حقیقت سے دور ہو جائے۔

نوٹ فرمائیے

دست خط

نہایت

مخلصانہ

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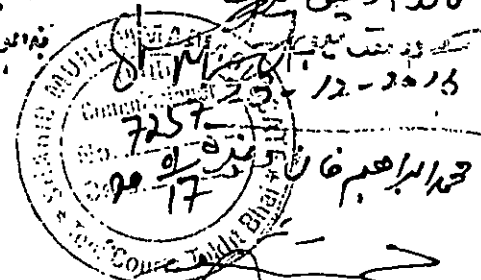
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صاحب عالیہ مدعیان کی ایک دوسری وارثانہ وفاقاً مال سے

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محمد البرہم خان دہلوی درمیان - بنیاد حسن الحق - مدعا علیہ

دفعہ اول حکم قضائی

حضانہ عالی - دفعہ اول ضابطہ درمیان برادر عاری فرمانے حکم قضائی عاری
برضد مدعا علیہ میں برادر کہ مدعا علیہ آدرسی قد علیہ سے دقتان کاٹنے و
خروفت کرنے اور مدعی لگانے و خروفت کرنے سے باز دینے سے۔

1- یہ کہ مقدمہ مندرجہ عنوان بالا لجاہ التعلیٰ بطور انور دائر کی جا رہی ہے۔

2- یہ کہ مقدمہ عنوان بالا مضبوط اور قوی و موافق کی بنیاد و شریکی عاری ہے
جس کے کابلی کے قوی امکانات موجود ہیں

3- یہ کہ مدعا علیہ آدرسی قد علیہ سے بغیر برہمی درمیان کے دقتان کاٹنے دے جانے
اور خروفت کرنے اور آدرسی قد علیہ سے بھی لگانے اور خروفت کرنے کے درجے میں
اور اگر وہ اپنے مندرجہ قواعد دارالاول میں کاپیا ب یوٹے۔ تو اس سے حاکم درمیان کی
نکاحی تفریق تعینان کا وندیشہ ہے

4- یہ کہ تو ذرا سبوت مقدم بھی درمیان کے حق میں ہے

5- یہ کہ دیگر رجوعت برات صوری حکم قضائی بوقت بحث بہ اجازت عدالت حضور پیش کی جا سکتی
کر کے 12/23

محمد البرہم خان - محمد عرفان لیون - حاکم سلمیٰ عظمت بیوہ عظمت اللہ خان
ساتھ 10-A پارک نور روٹو روٹو ٹاؤن لٹاؤ - ساٹھان

بیان صلح

ملکایا نہ کرتے ہیں

کہ جملہ برائیاں لایا گیا ہے

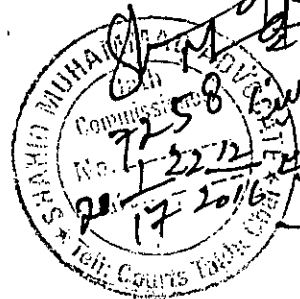
تا صریح لفظیں پورے ہیں

دست دیکھ میں

پہانہ صلی سند آفر ہے

یوگت اس پر سلطان صافی اپنا دیکھ ڈرنگ ٹورس ہو

Attest by



محمد البرہم خان دہلوی

ATTESTED
G.D. BHAI

Handwritten signature and date 17/2/16



OFFICE OF THE ASSISTANT COMMISSIONER
TAKHT BHAI, MARDAN
Phone: 0937-553303, Email-actakhtbhai@gmail.com

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Anx - G

No. 937/AC.T.Bhai

Dated. 16/10/2017

To

✓ The Deputy Commissioner
Mardan.

Subject: TEMPERING IN REVENUE RECORD (KHASRA GIRDAWARI) BY PATWARI HALQA SERI BEHLOL, TAKHT BHAI.

Respected Sir!

Reference to the above cited subject:

It is submitted that Mr. Taj Ali, Girdawar circle, Takht Bhai on 22-06-2017, reported in writing that the possession of Khasra No.749/1 measuring 5 Kanal 1 Marla is in possession of Mr. Muzafar Shah s/o Abdullah Jan, where as degree of produce and ejection has been decided against Amin-ul-Haq s/o Muhammad Ishaq therefore, under the law he cannot handover the possession of Khasra No.749/1 to the degree holder and they may approach civil court for it.(report of the Girdawar Circle is attached

When the matter was reported to the Additional Assistant Commissioner Takht Bhai, following his court orders of ex-parte degree against Amin-ul-Haq s/o Muhammad Ishaq but the possession of Khasra No.749/1 is shown with Mr. Muzafar Shah, a third person. Additional Assistant Commissioner asked the concerned Girdawar Circle and patwari halqa Seri Behlol alongwith the ejection report. When Additional Assistant Commissioner Takht Bhai perused the register of Khasra Girdawari and compared it with the record presented in the court case file, it was found that the revenue record of Khasra No.749/1 measuring 5 Kanal 1 marla is tempered and changes have been made in it. The same was also verbally communicated to the worthy Deputy Commissioner Mardan on 26-06-2017 by Assistant Commissioner Takht Bhai.



ATTESTED

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Examiner / Reader to
Commissioner's Office
Mardan Division

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A.C.T. Bhai

BRIEF FACTS OF THE CASE.

- I. That Ex-parte degree was announced against Amin- ul -Haq on 30-5-2017(F/A)
- II. That order of ejectment was given on 19 - 06 -2017 (F/B) ✓
- III. That Patwari halqa Seri Behlol furnished his report on 20 - 06 -2017 and requested for police assistance (F/C)
- IV. That on 22-06-2017 in the presence of huge police contingent, Girdawari circle along with patwari halqa visited the ejectment spot in court case titled as Muhammad Ibrahim e.t.c v/s Amin-ul- Haq and submitted report that the possession of Khasra No 749/1 , (5 Kanal and 1 Marla) is with Muzaffar Shah s/o Muhammad Shah and not Amin-ul-Haq therefore , ejectment procedure cannot be completed because degree has been awarded against Amin-ul-Haq not Muzaffar shah (F/D) ✓
- V. According to Khasara Girdawari record dated 06/12/2016 of patwari halqa Sari Behlol , Takht Bhai , in Khasra No 749/1 , Land lord is shown as Azmat Ullah Khan and tenant is Amin-ul- Haq, which has also been endorsed by Mr. Imtiaz Patwari Halqa Seri Behlol in his statement (F/E) and the Khasra Girdawari record submitted during court proceeding on 19/05/2017 (F/F) ✓

In light of above facts/observation it is crystal clear that Mr. Imtiaz Khan Patwari halqa Seri Behlol has made changes in the revenue record/Khasra Girdawari. This act of him may properly be investigated please.

Submitted for information and necessary action please.

Aun Haider
(Aun Haider Gondal)
Assistant Commissioner
Takht Bhai, Mardan

(page 2 of 2)

ACT Bhan

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[Signature]

Examiner / Reader to
Commissioner Court
Mardan Division Mardan



OFFICE
No. 1631-30/11/17

OFFICE OF THE ADDITIONAL ASSISTANT COMMISSIONER-IV/INQUIRY
OFFICER MARDAN

(34)

No. 109 AAC-IV/Inquiry Officer

Dated: 30/11/2017

Issue of ESD

SUBJECT: APPLICATION SUBMITTED BY MUHAMMAD IBRAHIM AGASINT
IMTIAZ AHMAD PATWARI HALQA SARI BEHLOL FOR LEGAL
ACTION WITH REGARD TO TAMPRING IN KHASRA GIRDAWARI.

*Sec. 14 of ESD
him for personal
hearing on
12.00 noon in
my office. Convey major
penalties in
show-cause.*

INQUIRY REPORT

Reference your memo No. 1258-60/06-DK/RA dated 2-11-2017,
whereby the undersigned was appointed as Inquiry Officer to inquire into the
subject matter and submit report.

After the relevant papers were received the petitioner and official
concerned were summoned to record their statements, however they
submitted statements in writing which were placed on file. The official
concerned denied the allegations level against him. However in his
supplementary statement he replied in positive to questions put to him.

The petitioner while submitting his statement not supported his
application and further stated that he does not want to peruse his application
and requested to file the same.

After evidence of the parties was closed opportunity of personal
hearing was provided to the official concerned.

I have gone through the statements so recorded and relevant
documents available on case file.

Perusal of relevant documents revealed that a decree for produce
and ejectment was passed by the Revenue Court in favour the petitioner
followed by ejectment proceedings, however, at the time of ejectment
proceedings it transpired that the judgment debtor namely Amin-ul Haq was
not in possession of land, as such, possession could not be delivered to the
decree holder, keeping in view that entries in Khasra Girdawri were tampered
and the name of Aminul Haq was replaced by Muzafar Shah, as is evident from
Khasra Girdawri copy available on case file as flag "A". This fact is fully
supported by the Girdawar Circle in his statement recorded in daily diary on

*PU draft as
connected
immediately*

*RFA
FA*

Muzafar Shah
Muzafar Shah
ADVOCATE
SUPREME COURT

22-6-2017, according to his report ejection decree was passed against Aminul Haq while Muzafar Shah was in possession of the suit land on spot. At flag "B".

Later on the petitioner submitted application requested therein, that he settled the matter with Patwari Halqa and does not want to proceed further with the inquiry proceedings. As the matter is with regard to tampering in the revenue record and was brought in the notice of the competent authority, as such, the petitioner has no concern to patch up the matter with the Patwari Halqa, when the allegations of tampering have been proved against official concerned.

In view of whatever discussed above it is crystal clear that tampering in Khasra Girdawri has been proved against the Patwari Halqa, as such, he is held responsible for the same.

Recommendations:

As the Patwari Halqa is guilty of tampering in the revenue record, as such, it is recommended that he be proceeded against under E&D Rules with Major Penalty.

Submitted please

(Jawad Ali)
Additional Asstt. Commissioner-IV/
Inquiry Officer Mardan.

DC Mardan

per

ADVOCATE
SUPREME COURT

Aux-H

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BEFORE THE COMMISSIONER MARDAN DIVISION

Imtiaz Ahmad Ex Patwari Tehsil and Distt Mardan:Appellant

Versus

Deputy Commissioner MardanRespondent

Subject **DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 09-01-2018 PASSED BY DEPUTY COMMISSIONER MARDAN WHEREBY APPELLANT HAS BEEN REMOVED FROM SERVICE WHICH IS ILLEGAL, AGAINST LAW AND FACTS**

PRAYER. *On acceptance of this appeal order dated 09-01-2018 Passed By Deputy Commissioner Mardan may please be set aside and appellant may please be reinstated in service with all back benefits. Any Other relief demand fit may also be graciously Granted.*

Respected Sir,
Appellant humbly submits as under:-

1. That appellant was charge sheeted as per complaint of Muhammad Ibrahim Khan which was properly replied.

(Copy of Charge sheeted/ Complaint/Statement of allegation/ reply is Annexure A)

2. That the allegation is tampering of khasra Girdawari with respect to khasra No 749/1 measuring 5 kanal 1 marla as its tenant in original record.

That appellant has not made any tampering in original record as the original record is exactly the same as it was and no one has pointed out any tampering in the same. (Copy of khasra Girdawari in original book is Annexure B)

4. That complainant requested for withdrawal of complaint as per application dated 08-11-2017 after charge sheet dated 02-11-2017, suspension order dated 02-11-2017. (Copy of Suspension order is Annexure C, Copy of application dated 08-11-2017 for withdrawal is Annexure D)

That appellant has merely endorsed in court the khasra Girdawari presented by the Petitioner along with ejectment application by predecessor of appellant i.e shahab patwari in Ex parte Proceedings (Copy of Khasra Girdawari signed



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Signature of Reader to Commissioner Court Mardan Division



by Shahab Patwari is Annexure E, and khasra Girdawari signed by appellant is Annexure F)

6. That there is no tampering is khasra Girdawari merely understanding/interpretation of technical terms of Patwari.
7. That appellant in hurry as per request of reader of court in Ex Parte Proceedings has endorsed in good faith, the khasra Girdawari issued by predecessor of appellant i-e Shahab Patwari involved.
8. That there is no regular inquiry in the instant case after charge sheet and merely undated report of A.C is considered as a regular inquiry which is illegal. (Copy of A.C Report is Annexure G).
9. That dismissed order dated 09-01-2018 is illegal against law and facts on following grounds.

GROUND.

- A. Because appellant has not made any tampering in original record as the original record is exactly the same as it was and no one has pointed out any tampering in the same.
- B. Because Complainant requested for withdrawal of complaint as per application dated 08-11-2017 after charge sheet dated 02-11-2017, suspension order dated 02-11-2017.
- C. Because appellant has merely endorsed in court the khasra Girdawari presented by the Petitioner along with ejection application by predecessor of appellant i.e shahab patwari in Ex parte Proceeding.
- D. Because there is no tampering is khasra Girdawari merely understanding/interpretation of technical terms of Patwari.
- E. Because appellant in hurry as per request of reorder of court in Ex Parte Proceedings has endorsed in good faith, the khasra Girdawari issued by predecessor of appellant i-e Shahab Patwari.
- F. Because there is no regular inquiry in the instant case after charge sheet and merely undated report of A.C is considered as a regular inquiry which is illegal.



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[Signature]

Examiner / Reader to
Commissioner Court
Mardan Division Mardan

- G. Because the Show cause notice has been issued by an incompetent authority i.e ADC and not D.C. (Copy of Show cause notice is Annexure H / reply is Annexure I).
- H. Because appellant is innocent and falsely charged.
- I. Because there is nothing on record that appellant has changed/ tampered the record.
- J. That in fact the elucidation/ elaboration of word " *sub 23* "whether for land lord or tenant is disputed.
- K. That appellant has adopted elucidation of his predecessor Shahab who has been let free and appellant is discriminated.
- L. That for mere, elaboration such harsh punishment where Complainant too request for withdrawal of complaint after his satisfaction without regular inquiry is not warranted in facts and circumstances of case.
- M. Because appellant is not associated with any inquiry, nor any statement recorded in presence of appellant, nor apparently of cross – examination give.
- N. Because the inquiry is not permissible in question answer from.

It is therefore humbly requested prayers that on acceptance of this appeal order dated 09-01-2018 Passed By Deputy Commissioner Mardan may please be set aside and appellant may please be reinstated in service with all back benefits.

Any Other relief demand fit may also be graciously granted.

Date: 15-01-2018

(Appellant)

Through

[Signature]

Amjad Ali Advocate
Supreme Court at
Distt: courts Mardan.



ATTESTED

[Signature]

Examiner / Reader to
Commissioner Court
Mardan Division Mardan

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(39)

BEFORE THE COURT OF COMMISSIONER MARDAN DIVISION MARDAN

Imtiaz Ahmad, Ex. Patwari Tehsil & Distt Mardan.....Appellant

VERSUS

Deputy Commissioner, Mardan.....Respondent

SUBJECT: DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 09.01.2018 PASSED BY THE DEPUTY COMMISSIONER MARDAN WHEREBY THE APPELLANT HAS BEEN REMOVED FROM SERVICE WHICH IS ILLEGAL AGAINST LAW AND FACTS

Respected Sir.

Preliminary Objections:

1. The appellant has got no cause of action.
2. The appellant has not come to the court with clean hands.
3. The appellant has no locus Standi to file the appeal.
4. The appeal is bad for non-joinder and mis-joinder of necessary parties.
5. This Hon^{ble} court has got no jurisdiction.

PARA WISE COMMENTS

Reply on Facts:

1. Reply of the appellant to the charge Sheet was not convincing.
2. Facts are that the Assistant Commissioner, Takht Bhai vide letter No. 951/AC/T Bhai, dated 16.10.2017 reported that the court of AAC Takht Bhai passed an Ex. Parte decree against Aminul Haq in the case titled Muhammad Ibrahim V/S Aminul Haq, on 30.05.2017, followed by an ejectment order dated 19.06.2017. On 22.06.2017, Girdawar Circle alongwith Patwari Halqa and police contingent visited the ejectment spot and submitted report that possession of Khasra No. 749/1 (5 Kanal and 01 Marla) was in possession of Muzaffar Shah S/O Muhammad Shah instead of Aminul Haq (against whom decree was passed), therefore, the ejectment procedure could not be carried out as the judgment-debtor was Aminul Haq, not Muzaffar Shah.

As per Khasra Girdawri record dated 06.12.2016 of Patwari Halqa Seri Behlol, land in Khasra No. 749/1 has been shown in the tenancy of Aminul Haq, which was duly endorsed by Mr. Imtiaz Ahmad Patwari Halqa in his statement during the course of proceedings on 19.05.2017.

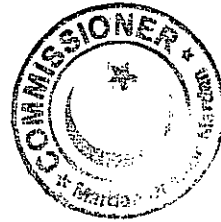
The Addl Assistant Commissioner Takht Bhai himself perused the register of Khasra Girdawri and compared it with the record produced in the court case file, it was found that the revenue record of Khasra No. 749/1, measuring 05 Kanal 01 Maria was tampered with and changes were made. As such the abovementioned report proved the Patwari Halqa Seri Behlol, Mr. Imtiaz Ahmad, guilty of tampering with the revenue record, which warrants disciplinary action against him under the E & D rules. Later on by perusing the court file and Khasra Girdawri register, during his personal hearing it came to fore that the appellant had submitted fake Fard Girdawri in the court, and tried to mislead the court.

(Copy of the report of AC Takht Bhai is Annex-A)

3. He misled the court in the case titled Muhammad Ibrahim V/S Aminul Haq by exhibiting a wrong document.
4. No matter whether the complainant wanted to pursue his application or not, this office had to take the culprit to task as allegation was producing fake evidence/document before the court.

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**Examiner / Reader to
Commissioner Court
Mardan Division Mardan**



5. Incorrect. The appellant was supposed to bring before the Court genuine position of Khasra Girdawri rather than to blindly imitating incorrect documents, and it was the document produced by the appellant upon which the ejection order was passed against Aminul Haq.
6. Incorrect. He has produced maneuvered and fake Fard Girdawri in the court.
7. As replied in Para No. 05 above.
8. Incorrect after the abovementioned report by the AC Takht Bhai the matter was entrusted to AAC-IV, Mardan for proper inquiry who submitted his finding vide No. 109/AAC-IV/ Inquiry Officer, dated 30.11.2017. Besides, he was given proper opportunity of hearing twice i.e. on 14-12-2017, wherein he failed in rebutting the allegations leveled against him. Another opportunity of personal hearing was given to him on 02.01.2018, in which Mr. Taj Ali Girdawar Circle Takht Bhai, Mr. Amir Badshah Office Kanungo Takht Bhai and Mr. Shah Jehan, the Existing Patwari Halqa Seri Behlol also recorded their statements; and subsequently on 09.01.2018 statement of Mr. Shahab, the Ex- Patwari Halqa Seri Behlol has been taken, and finally the charges leveled against the appellant stood proved.
(Copy of the Inquiry report is by AAC-IV is Annex-B)
9. Incorrect. The removal from service order was passed after fulfilling all codal formalities, as such it is legal.

REPLY ON GROUNDS

- A. Incorrect, he has submitted fake/tampered Fard Girdawri in the court.
- B. As replied in Para No.04 of reply on facts.
- C. As replied in Para No.05 of reply on facts.
- D. As replied in reply on grounds in Para-A, above.
- E. As replied in reply on grounds in Para-C, above.
- F. As replied in Para No.08 of reply on facts above.
- G. Incorrect, the said notice has been issued by order of the competent authority.
- H. Incorrect.
- I. As replied in reply to Para No. A of grounds.
- J. Incorrect. Nothing is disputed; his guilt is clear.
- K. Incorrect. He has committed gross misconduct by exhibiting fake Fard Girdawri before the court.
- L. Incorrect, the appellant proved guilty of producing fake record in the court and misled the court.
- M. Incorrect. Proper Inquiry has been conducted as mentioned above in Para No. 08 of reply on facts. Besides he has been given opportunity of personal hearing twice.

In view of the above, the appeals appeared baseless; therefore, it is requested to be dismissed in limine.

M. A. S.
Deputy Commissioner
Mardan (Respondent)



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[Signature]
Examiner / Reader to
Commissioner Court
Mardan Division Mardan

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IN THE COURT OF COMMISSIONER MARDAN DIVISION, MARDAN.

Imtiaz Ahmad Patwari

Appellant

Versus

Deputy Commissioner Mardan etc.

Respondents

Case No.....

Date of institution: 22/01/2018

Date of Decision: 19/03/2018

Subject: DEPARTMENTAL APPEAL AGAINST THE ORDERS DATED 09/01/2018 WHEREBY THE APPELLANT IS REMOVED FROM SERVICE.

ORDER:

Through this appeal, the appellant has challenged the impugned office orders dated 09/01/2018 passed by the Worthy Deputy Commissioner Mardan whereby the appellant is removed from service.

Brief facts of the case are that the appellant Imtiaz Ahmad ex-patwari was terminated by the respondent (Deputy Commissioner Mardan) on the allegation of AC, Takht Bhai that the a court passed ex- party degree against Amin Ul Haq in the title case Muhammad Ibrahim vs Amin ul Haq on 30-5-2017., followed by an ejection order dated 19-6-2017. While when the concerned officials went to the spot, the girdawari was found in the name of Muzaffar Shah s/o Muhammad Shah instead of Amin ul Haq (against whom degree was passed). The ejection proceeding could not be carried out as the degree debtor was amin ul haq not muzaffar shah due to the tempering and change in the girdawari before ejection proceedings and after passing of degree.

After charge sheeting the applicant the Deputy Commissioner appointed an enquiry officer AAC-IV Mardan to enquire into the matter and submit report. The enquiry officer after conducting the detail enquiry, as per charge sheet and submitted the detail report with the opinion that Imtiaz Ahmad is guilty of the allegation and recommended drastic action against him and on the same patwari was removed from service resultantly.

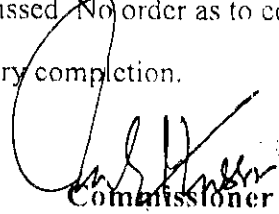
Arguments heard and case file perused. No substantial procedural short coming has been pointed out with regard to the inquiry proceedings. The tempering of record is a serious issue as patwari being the custodian of all revenue record and his responsibility is awesome as far as the trust and rights of the title holders and others are concerned.

The appellant has not only failed to fulfill his responsibility but has also breached the trust of the title holders and others. The charge has been substantially established in the enquiry and from record. Even appellant has accepted the same in his personal hearing.

In light of the above the appeal is hereby dismissed. No order as to cost.

File be consigned to record room after necessary completion.

Announced.
19/03/2018


Commissioner

Mardan Division, Mardan



ATTESTED



**Examiner / Reader to
Commissioner Court
Mardan Division Mardan**





OFFICE OF THE
DEPUTY COMMISSIONER
MARDAN

No. 1466-67 / 06-DK/RA
Dated Mardan the 07/10 / 2017

(A2)
Ann - 1

To

Mr. Imtaiz Ahmad,
Patwari Halqa Seri Behlol,
Takht Bhai.

Through Tehsildar Takht Bhai.

Subject: **SHOW CAUSE NOTICE**

Memo:

The Assistant Commissioner, Takht Bhai vide letter No. 951/AC.T.Bhai, dated 16.10.2017 reported that the court of AAC Takht Bhai passed an Ex. Parte decree against Aminul Haq in the case titled Muhammad Ibrahim V/S Aminul Haq on 30.05.2017, followed by an ejectment order dated 19.06.2017. On 22.06.2017, Girdawar Circle alongwith Patwari Halqa (you) and police contingent visited the ejectment spot and submitted report that possession of Khasra No. 749/1 (5 Kanal and 01 Marla) was in possession of Muzaffar Shah S/O Muhammad Shah instead of Aminul Haq, therefore, the ejectment procedure could not be carried out as the degree-debtor was Aminul Haq, not Muzaffar Shah.

As per Khasra Girdawri record dated 06.12.2016 of Patwari Halqa Seri Behlol, land in Khasra No. 749/1 has been shown in the tenancy of Aminul Haq, which was duly endorsed by you in your statement during the course of proceedings on 19.05.2017. The Addl Assistant Commissioner, Takht Bhai himself perused the register of Khasra Girdawri and compared it with the record produced in the court case file, it was found that the revenue record of Khasra No. 749/1, measuring 05 Kanal 01 Marla was tampered with and changes were made.

Vide this office order No. 1249-57/06-DK/RA, dated 02.11.2017, an inquiry was entrusted to the Addl Assistant Commissioner-IV, Mardan, who has submitted his report vide No. 109/AAC-IV/Inquiry Officer, dated 30.11.2017, and confirmed that tampering has been proved against you and recommended for major penalty under the E&D rules.

As a result thereof, you are hereby directed to explain as to why any of the major penalty under Section 4(b) of the E&D rules may not be imposed upon you, which are:

1. Reduction to Lower post or Pay scale.
2. Compulsory retirement.
3. Removal from Service &
4. Dismissal from service.

Your reply should reach this office **within 07 days** after issuing of this notice, failing which it shall be presumed that you have nothing to offer in your defence, and ex-parte action will be taken against you.

No & Date Even:

Cc:

1. The Deputy Commissioner, Mardan.

Addl Deputy Commissioner
Mardan



Addl Deputy Commissioner
Mardan

ATTESTED

Examiner / Reader to
Commissioner Court
Mardan Division Mardan

23/6/21

فریقین مکلفہ و کلاء حاضر ہیں۔ بحث ہم درخواست عذر داری زیر
آرڈر 101، رول 97 تا 102، ضابطہ دیوانی 1908ء سے متعلق ہے۔

Place on file

دلیل عذر داری بحث کرنے سے ہوئے کیا کہ اراضی متدعوینہ علم حسہ 749/1

14/9/2021

تعمیرات نمبر 20/68 تا 42۔ تصدی سال 2009/10ء رقبہ تعدادی نمبر 1-5 کنال
بیشمول دیگر اراضیات سائبران منجانب تقاضا پتہ اللہ خان کاشت اور
برداشت کرنے سے ہیں اور سال 2018ء تک اجارہ ادا کیا ہے۔

رہنما نڈنٹان نے غلط کاغذات مال اور غلط خسروہ گروہ داری سے
فائرہ اٹھاتے ہوئے ایک متوفی شخص امین الحق ولد محمد اسحاق
کے خلاف ایک غلط دعویٰ دائر کیا ہے تاکہ سائبران کو مقبوضہ رقبہ
سے غلط طریقے سے محروم کیا جائے۔

یہ کہ مذکورہ رقبہ 70/80 سال سے مورت سائبران اور بعد میں سائبران
کے قبضے میں چلی آ رہی ہے۔ عدالت کو یہاں موقع ملا ہے کہ پہلے اہل کمیشن
مقرر کریں تاکہ معلوم ہو سکے کہ اراضی متدعوینہ کتنے سالوں سے سائبران
کے قبضے میں ہے۔ قانون کے مطابق ڈگری صرف اسی شخص کے خلاف
(Execute) ہوگی جس کے خلاف ڈگری ہوئی ہو اور مدعوین دعویٰ دائر کرنے سے
کئی سال پہلے فوت ہو چکا ہے اور نہ ہی مدعوین کے پاس کوئی قصبہ موقع پر موجود تھا۔
رہنما نڈنٹان / مدعیان کو اس کے وارث کا واضح طور پر علم تھا لیکن جن میں اپنا مقدمہ
پورا کرنے کی خاطر ایک فوت شدہ شخص کے خلاف دعویٰ دائر کیا جس کا قانونی
کوئی حیشہ نہیں ہے۔

مزید یہ کہ تا لحد عذر داری، کارروائی اجراء / وارنٹ داخل ہر رقبہ متدعوینہ
کے نسبت حکم امتناعی عارضی جاری کرتا مطلوب ہے تاکہ اصل صورت حال
کافی پتہ چل سکے۔ بعد از اس دعا ہے کہ درخواست عذر داری منظور فرمائی جائے۔

ڈائریکٹر مشورہ / مدعیان نے بحث کر کے سوئے ہیں کہ امین الحق ولد محمد اسحاق ایک دیگر شخص ہے جبکہ اسپانڈنٹان ڈائریکٹر نورالبحر ڈائریکٹر طارق ڈائریکٹر حبیب الحق پسران محمد اسحاق سالن تحت بھائی اور ٹوٹ ہیں۔ جو کہ صحافی جائیداد ہیں اور کھاتہ نمبر 85 میں کافی جائیداد سے مالکان ہیں۔ اتفاقاً اسپانڈنٹان 4 تا 7 اور مدیون امین الحق کے والد کا نام ایک ہی ہے اسپانڈنٹان سے پوچھا جائے کہ ان کا امین الحق نامی بھائی ہے تو وہ نفی میں جواب دینگے۔ امین الحق مدیون زندہ ہے اور دیوالیہ ہو کر تریک سکونٹ نامہ کمر چکا ہے اور اب اسکی غیر موجودگی میں عذر داران ناجائز خاندانہ اٹھاکم اراچی مندرجہ پیر اسپانڈنٹان 1 تا 3 کی ملکیتی قفسہ خود بتلا چلا رہے ہیں۔

14/9/2021

ارافی مندرجہ پیر اسپانڈنٹان 1 تا 3 کا حصہ داری ملکیت ہے جبکہ مدیون امین الحق اسی پیر مزارع چلا آ رہا ہے جو کہ خسرو گہر داوری / ریکارڈ مال سے صحافی ظاہر ہے یہ تو ملکیت آسمان طریقہ ہے کہ جب کسی قافلہ غیر دخلکار کے خلاف ڈگری بدخوا صادر ہو جاتی ہے تو اس کا کوئی دوست یا عقارب آکر ڈگری شدہ اراچی پیر کھڑا ہو کر اعلان کرے کہ یہ اس کی مقبوضہ اراچی ہے۔

لہذا استدعا ہے کہ درخواست عذر داری اور درخواست حلیہ امتناعی خارج کی جائے تاکہ ڈیگر بیدار / مدعیان کو اپنا قانونی حق مل جائے۔

بحث بہر درخواست / مثل ملا علی گہر نے اور تمام ریکارڈ مال کی پیر تال سے یہ بات واضح ہوتی ہے کہ ڈیگر بیدار مالک اور امین الحق مزارع ہے جو کہ خسرو گہر داوری اور ٹواری حلقہ کے بیان سے واضح ہے۔ اسی طرح وکیل عذر دار، مظفر شاہ کی موجودہ حیثیت بحیثیت مزارع قانوناً ثابت کرنے میں ناکام رہا ہے چونکہ خسرو گہر داوری کے مطابق مزارع امین الحق ہے تاکہ مظفر شاہ اور اگر ہے بھی تو کس قانون کے تحت مظفر شاہ مزارع بنا ہے اور کس نے اجازت دی ہے۔

وکیل مدعیان/مسول علیہم نے سخت کمر سے ہوئے کیا کہ عزردار نے ناجائز قبضہ کیا ہے اور سپانڈنٹان 1 تا 3 کی ملیں اراضیات پر قابض ہے غیر قانونی ہے۔

14/9/2017
وکیل عزردار نے PLD 1962، سیریم کورٹ، صفحہ 66 کا حوالہ دیا کہ "مردے یا Dead Person کے خلاف دعویٰ یا ڈیگری ہمارے ہیں کی حاسنات اور ڈیگری داران نے حقیقت پوشی کی ہے جو کہ غیر قانونی ہے لہذا PLR 2001، سیریم کورٹ، صفحہ 377 اور PLD 2001، سیریم کورٹ، صفحہ 131 کے مطابق اجراء جائز ہیں۔ مزید یہ کہ سپانڈنٹان نے عزردار کے قانونی وارثان کو مقدمہ کا حق نہیں بنایا لہذا مقدمہ ڈیگری اور اجراء دونوں قابل از اجراء ہے۔

بحث کو آگے بڑھاتے ہوئے وکیل مسول علیہم/مدعیان نے کیا کہ قانون کا مسلما اصول ہے (Presumption of truth is attached to Khasra Girdawri)۔ اسی طرح Section-5: لینڈ ریکورڈ ایکٹ 1967 کے تحت اجراء کا اعتراف مال کو فوقیت دیتا ہے۔

اسی طرح وکیل مدعیان/مسول علیہم نے اس اعتراف کا جواب دیتے ہوئے کیا کہ موقع پر کیے گئے بیڑتال کو خسرو گرداوری کے ریکارڈ پر فوقیت حاصل ہے اور خسرو گرداوری ایک Rebutible چیز ہے جس کی واضح دلیل سیریم کورٹ نے اپنے 2017ء کے ایک فیصلے SCM 2017، صفحہ 934 میں دی ہے جس کے مطابق خسرو گرداوری "Spot Verification" یا موقع کی بیڑتال پر فوقیت حاصل ہے۔
میں کو مزید تقویت 2017 MLD، صفحہ 1304، (19) ہے۔

4
ی مریخ وکیل مدعیان / مسؤل علیہم نے MLD 2001ء سے 1306

کا حق حوالہ دیا جو کہ موجودہ اجراء / ڈیگری / عزرداری کے حوالے سے ایک مکمل فیصلہ ہے جس میں ڈیگری دار / مسؤل علیہم کو اس کا قانونی حق بذریعہ سٹریٹیم کورٹ اور ماتحت عدالت دیا گیا ہے۔

وکیل عزرداری کے نقطہ اعتراض کہ مسؤل علیہم نے ایک مزیدہ شخص کے خلاف دعویٰ دائری ہے جو کہ غیر قانونی ہے پیر وکیل ریسپانڈنٹان نمبر 1 تا 3 نے یہاں کہ بیلف کی رپورٹ کے مطابق (جو کہ قابل پیر موجود ہے) امین الحق کے گھر پر جب نوٹس کی اطلاع دی گئی تو وہاں سے اس کے اہل خانہ نے غیر حاضر یا موجود نہ رہنے کی اطلاع دی اور کسی نے بھی اس کے انتقال کی خبر نہ دی جس سے وکیل عزرداری کی یہ بات بھی غلط ثابت ہوئی کہ جس امین الحق کو ہم نے مقدمہ ڈیگری میں فریق بنا یا ہے وہ مر چکا ہے اور اسی کے کسی نہ کے خلاف یہ مقدمہ اور نہ ڈیگری دیا جا سکتا ہے۔

دولوں و علاء کا ماتحت ٹینڈے کے بعد اور مقدمہ کی از تہ پیروی / ملاحظہ کے بعد یہ بات بالکل عیاں ہے کہ مظفر شاہ جو کہ غیر دخلکار ہے بفر کسی قانونی حیثیت کے اراضی متدعوہ خسرو نمبر 1/749، کھاتہ نمبر 20/68 تا 42 رقبہ تعدادی نمبر 1-5 کنیال، قصبہ دی سال 2009/10ء پیر قالین ہے جو کہ 23/12/2016 کے پیش اور تصدیق کردہ فرد قصبہ دی اور بعد از 19/5/2017 کے خسرو گرداوری کے ریکارڈ اور یواری کے تصدیق شدہ بیان کی روشنی میں مستحق عظمت اللہ خان مالک اور امین الحق من اراغ ہے لہذا ہر موقع دخل مورخہ 22/6/2017 اور Spot Verification پر پیش کردہ کاغذات مال جو کہ مثل پیر موجود تصدیق شدہ ریکارڈ کے بالکل برعکس ہے غلط اور قبہم ہے جس کی پڑتال اور از سر نو تصدیق ناگزیر ہے۔

نیز دلیل عزرداران پر بات بھی ثابت کرنے میں ناکام رہا ہے کہ
 امین الحق جس کے خلاف ڈیگنری ہوئی ہے کیا واقعی فوت ہو چکا ہے
 یا نہیں جس کی واضح دلیل بیلف رپورٹ (جو فائل پر موجود ہے) جس
 میں امین الحق کے اہل خانہ نے اس کی غیر موجودگی کی اطلاع دی ہے
 کہ فوتگی کی۔ لہذا دلیل عزرداران کا یہ دعویٰ کے مقدمہ کا
 ڈیگنری مردے یا Dead person کے خلاف ہوئی ہے بالکل بے معنی
 اور کمزور دلیل ہے۔

14/9/2021

ان تمام حقائق کی روشنی میں یہ عدالت مظفر شاہ ولد عبدالحمید
 کی عزرداری اور درخواست نمٹا دے اور حکم امتناعی عارفی کے لئے وارنٹ
 دخل / کارروائی اجراء خارج کرتی ہے۔ عزردار کو اگر ہم بھی
 کوئی عزردار قبضہ / Possession والیس لینا مطلوب ہو تو
 وہ ضابطہ دیوانی کی آرڈر 21، رول 100 کے تحت
 متعلقہ عدالت سے بنزریہ درخواست رجوع کر سکتے ہیں
 حکم سنایا گیا۔

M. Ahmad

ادیشنل سٹنٹ کلرک
 عدالت عظمیٰ، مردان

For arguments
reply on application by
defendants and orders

لعدالت مال تحت کفائی

on 23/6/2017

~~Mohd~~
22/6/2017

Reader

محمد ابراهیم خان - محمد عرفان لہران - عصاہ علیہ غفلت بیوہ علیہ اللہ خان

سکائن 10-A پارک روڈ کوئٹہ روڈ لیٹوا - ڈاکٹر نواز البیر - ڈاکٹر
حارث - صیب الحق لہران محمد اسحاق ساکن تحت مجاہد ضلع جردان - ریسنڈنٹ

مذکورہ ذرا زمرہ دفعہ آرڈر 21 جول 97 102 صدر ذیل ہے

1- اراضی در مقدمہ نمبر 749 کھانہ نمبر 20، لکھنؤ سال 2008ء
68042

رضیہ لعداوی 5-5 کے لئے شامل دیگر اراضیات ماسٹران منافع
کفایت اللہ خان کاشت و برداشت کر رہے ہیں اور انکے سال 2018ء
تک اجارہ بھی ادا کیا گیا ہے

2- ریسنڈنٹ ساکن نے غلہ کا غذات مال / غلہ صندھ جردان سے فائدہ
انکھانے بیوہ ایک متوفی شخص احمد الحق ولد محمد اسحاق کے خلاف
اید ملکہ اور بے بنیاد دعوے دائر کیے ہیں تاکہ ماسٹران کو اپنے مقصود

بے سے رقم کے لئے عام از 100 سال سے حوت سالانہ
سال 2017ء میں ان کے لئے آدھ

جیو ڈی ڈی کے ماسٹران کا مقبوضہ رقبہ ایک عرصہ *void ab initio* ڈیڑھ کی تقویت پر ماسٹران سے ڈیڑھ آرن کی نامیام کوئی ہو
تک ہوئے ہیں

4۔ یہاں عدالت کے حوالے سے ایسے کسی بااقتدار شخص کو ایسے کسی شخص یا طور پر
کبھی سنتے ہیں یا علوم ہو سکتے ہیں سالوں سے مزورہ رقبہ ماسٹران
کا قبضہ ہے اور مزورہ اندرانہ جسکی تقویت پر عدالت نے دعویٰ
دائرہ کے خلاف ہے یا نہیں کیونکہ قانون کے مطابق ضمیرہ رد اور یا کو
presumption of truth حاصل نہیں ہے

5۔ یہ قانون کا سلسلہ اہل ہے *Spot inspection have more evidentiary value as compare to Kharsa Girdawari*

6۔ یہ قانون کے مطابق ڈیڑھ صرف اس شخص کے خلاف *Execute*
ہوگی جسے خلاف ڈیڑھ ہوئی ہے اور عدویٰ دائرہ ہونے سے کسی
سے جس قوت ہو چکا ہے اور نہ ہی عدویٰ کے پاس قوت ہوئی
ہوگی اور اس پر نشان / عدویٰ کو اسکا درست طور پر پتہ اور
عم کی کسی کسی شخص *Short cut* گانے کی خاطر اور قوت
شدہ شخص کے خلاف ہے بین دعویٰ دائرہ کی جسکی قانون کی نظر میں
کوئی حقیقت نہیں ہے۔

7۔ یہ ناقصہ مقررہ کاری کا روٹی اور / وارنٹ دفعیہ مقررہ مقررہ کی
نسبت حکم امتناعی ہے اور نہ ہو سکتے ہیں تاہم اس کے
عدالت کے حوالے سے اس کے آئینہ ہو سکتے

رفعتہ مدد کو۔ ۱۔ ۵ مندرجہ مذکور کیا گیا ہے لیکن ایک تعلقہ کیا گیا اور یہ نشان درج ۲۰۱۶
کوٹہ کا کوئی تعلقہ نہیں ہے نہ اس تعلقہ میں راجہ اور نہ اس کے تعلقہ میں ہے

اس تعلقہ میں منگھوری در خواست کیا گیا ہے اور یہ تعلقہ مدد کو
تعلقہ مسوئے زمانہ جاگہ سلطان کو فریقہ مقدمہ (دان کر
ما سلطان کو اپنا فوقہ پیش کرتے گا اور اس موقع فریڈ ایم کو جان
اور ریدنگ ران مال کو پرامیہ بھی فرمایا جائے گا، ضلعہ درادریہ
میرکالیہ موقع در سند کرتے اور اس تعلقہ منگھوری کا وارنٹ
دخل کیا گیا اور اس کے بعد اس کے اس کے ساتھ بھی ہمارے زمانہ
کا ہے۔ فریقہ ۱۔ ۲۲/۰۶/۲۰۱۷

مظفر شاہ وغیرہ - سلطان

(Handwritten signature)

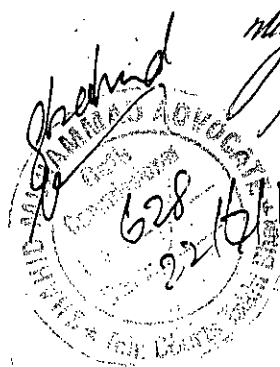
یا صلیبی

ملفوظات میں کیا گیا ہے اور اس کے ساتھ
میں اس میں کوئی تعلقہ نہیں ہے

مظفر شاہ وغیرہ سلطان فریڈ ایم کو جان

(Handwritten signature)

لوگات



مذکورہ میں آئی غلطی اور اس کے ساتھ

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لواءت عالی تفت عباسی

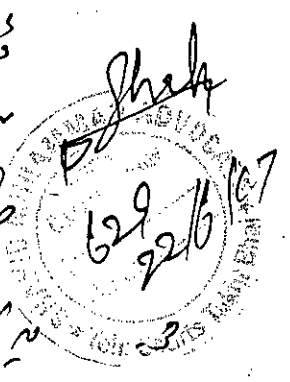
ملفوظات شاہ و شہید ابن تیمیہ محمد ابراہیم خان

غزورداری

جناب عالی! درخواست فرمادہ شد و حکم افسانہ جاری / suspend کرنا
وارنٹ دہش / کارروائی اجراء ہوئے محمد ابراہیم خان بنام محمد
امین الحق صاحب زلی و صاحب

1۔ مقدمہ مہمان بالا بہ کارروائی بعنوان محمد ابراہیم خان بنام امین
الحق صاحب غزورداری دائر کر کے جاری ہے جس کا عدالتی کارپس ۱۰۰۰ سے بھی جاری ہے
اور کمانچ موجود ہیں۔ لیکن اس میں تاحال کوئی کارروائی نہیں ہوئی ہے۔

2۔ حتمی عنوان بالا میں مذکور شخص کے خلاف دہش جاری دائر کر کے جاری ہے
قانونی طور حاصل کر کے ماسٹران کے قید و غیر قانونی طور پر حاصل کر کے کوئی شخص
ڈیڑھ ماہ ان کے ایک باران مال کیس میں عدالت کے غیر قانونی طور
پر ایک قانونی شخص کے خلاف دہش جاری دائر کر کے ڈیڑھ ماہ حاصل کر کے
جو اس میں بھی صورت قابل عمل نہیں ہے۔



3۔ جو تہہ رقبہ مذکورہ کا قید ماسٹران کے پاس ہے اور ماسٹران
کو قریبی قید دروازے میں بنا پاس ہے۔ اس لیے ڈیڑھ ماہ مذکورہ ماسٹران
کے خلاف Executable میں ہے۔

اس کے بعد... منگورہ درخواست تہہ وارنٹ دہش منسوخ کرنا / عدالتی
کر کے (مکالمات) جاری نہ کرے جائیں۔ قلمبر 27/06/2017

لغزورداری - ملفوظات شاہ و شہید ابن تیمیہ محمد ابراہیم خان
تہہ رقبہ مذکورہ کا قید ماسٹران کے پاس ہے اور ماسٹران
کو قریبی قید دروازے میں بنا پاس ہے۔ اس لیے ڈیڑھ ماہ مذکورہ ماسٹران
کے خلاف Executable میں ہے۔

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 517/2018

Imtiaz Ahmad, Ex. Patwari, Tehsil & District Mardan.....Appellant

VERSUS

1. Commissioner Mardan Division, Mardan.
2. Deputy Commissioner, Mardan.....Respondents

SUBJECT: SERVICE APPEAL U/S 4 OF SERVICE TRIBUNAL ACT,1974. AGAINST ORDER DATED 19.03.2018 PASSED BY RESPONDENT NO.1 ON DEPARTMENTAL APPEAL DATED 15.01.2018 PASSED BY RESPONDENT NO.2, WHEREBY APPELLANT WAS REMOVED FROM SERVICE, WHICH IS ILLEGAL AGAINST LAW & FACTS

Respected Sir,

Joint Para-wise comments on behalf of Respondent No.1 and Respondent No. 02 are as under:

Preliminary Objections:

1. The appellant has got no cause of action.
2. The appellant has not come to the court with clean hands.
3. The appellant has no locus Standi to file the appeal.
4. The appeal is bad for mis-joinder and non-joinder of necessary parties.
5. This Hon'able Tribunal has got no jurisdiction.
6. The appeal is time-barred.

Reply on Facts:

1. Reply of the appellant to the charge Sheet was not convincing.
2. Facts are that the Assistant Commissioner, Takht Bhai vide letter No. 951/AC.T. Bhai, dated 16.10.2017 reported that the court of AAC Takht Bhai passed an Ex. Parte decree against Aminul Haq in the case titled Muhammad Ibrahim V/S Aminul Haq, on 30.05.2017, followed by an ejection order dated 19.06.2017. On 22.06.2017, Girdawar Circle alongwith Patwari Halqa and police contingent visited the ejection spot and submitted report that possession of Khasra No. 749/1 (5 Kanal and 01 Marla) was in possession of Muzaffar Shah S/O Muhammad Shah instead of Aminul Haq (against whom decree was passed), therefore, the ejection procedure could not be carried out as the judgment-debtor was Aminul Haq, not Muzaffar Shah.

As per Khasra Girdawri record dated 06.12.2016 of Patwari Halqa Seri Behlol, land in Khasra No. 749/1 has been shown in the tenancy of Aminul Haq, which was duly endorsed by Mr. Imtiaz Ahmad Patwari Halqa in his statement during the course of proceedings on 19.05.2017. The Addl Assistant Commissioner Takht Bhai himself perused the register of Khasra Girdawri and compared it with the record produced

in the court case file, it was found that the revenue record of Khasra No. 749/1, measuring 05 Kanal 01 Marla was tampered with and changes were made. As such the abovementioned report proved the Ex-Patwari Halqa Seri Behlol, Mr. Imtiaz Ahmad, guilty of tampering with the revenue record, which warranted disciplinary action against him under the E & D rules. Later on by perusing the court file and Khasra Girdawri register, during his personal hearing it came to fore that the appellant had submitted fake Fard Girdawri in the court, and tried to mislead the court.

3. As above.
4. No matter whether the complainant wanted to pursue his application or not, this office had to take the culprit to task as allegation was exhibition of fake evidence/document before the court.
5. Incorrect. The appellant was supposed to bring before the Court genuine position of Khasra Girdawri rather than to blindly imitating incorrect documents, and it was the document produced by the appellant upon which the ejectment order was passed against Aminul Haq.
6. Incorrect. He has produced maneuvered and fake Fard Girdawri in the court.
7. As replied in Para No. 05 above.
8. Incorrect, after the report by the AC Takht Bhai referred to in instant para of appeal, the matter was entrusted to AAC-IV, Mardan for proper inquiry who submitted his finding vide No. 109/AAC-IV/ Inquiry Officer, dated 30.11.2017. Besides, he was given proper opportunity of hearing twice i.e. on 14-12-2017, wherein he failed in rebutting the allegations leveled against him. Another opportunity of personal hearing was given to him on 02.01.2018, in which Mr. Taj Ali Girdawar Circle Takht Bhai, Mr. Amir Badshah Office Kanungo Takht Bhai and Mr. Shah Jehan, the Existing Patwari Halqa Seri Behlol also recorded their statements; and subsequently on 09.01.2018 statement of Mr. Shahab, the Ex- Patwari Halqa Seri Behlol was taken, and finally the charges leveled against the appellant stood proved.

(Copy of the Inquiry report is by AAC-IV is Annex-B)

9. The appeal was dismissed on merit.
10. Incorrect. The orders referred to were passed after fulfilling all codal formalities, as such same were legal.


REPLY ON GROUNDS

- A. Incorrect, he has submitted fake/tampered Fard Girdawri in the Court.
- B. As replied in Para No.04 of reply on facts.
- C. As replied in Para No.05 of reply on facts.

- D. As replied in reply on grounds in Para-A, above.
- E. As replied in Para No.05 of reply on facts.
- F. As replied in Para No.08 of reply on facts above.
- G. Incorrect, the said notice has been issued by order of the competent authority.
- H. Incorrect. As replied above.
- I. As replied in reply to Para No. A of grounds.
- J. Incorrect. Nothing is disputed; his guilt is clear.
- K. Incorrect. He has committed gross misconduct by exhibiting fake Fard' Girdawri before the court.
- L. Incorrect, guilt of the appellant was proved, as such same justified disciplinary action against him.
- M. Incorrect. Proper Inquiry has been conducted as mentioned above in Para No. 08 of reply on facts. Besides he has been given opportunity of personal hearing twice.
- N. The inquiry has been conducted by observing all codal formalities.
- O. Incorrect. Already replied to in para No. 02 of reply on facts.
- P. Incorrect. In the original Khasra Girdawri register in the column No.10, the word "بشرح صدر", which mean that cultivators of Khasra No. 748 are same, whereas the Naql Girdawri submitted by appellant in the revenue court in column of cultivation Aminul Haq has been shown as cultivator, upon which ejectment order was passed against him, but on ground possession was found with Muzafar Shah.
- Q. Subject to proof.
- R. Incorrect & denied. The appellant was treated as per law.
- S. Incorrect, E & D rules are in vogue since 2011 and all the departments have practically adopted the same since its promulgation.

In view of the above, the appeal is baseless; therefore, it is requested to be dismissed in limine.


Deputy Commissioner
Mardan/ (Rspndnt No.2)


Commissioner
Mardan Division, Mardan
(Rspndnt No.1)

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNA PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Appeal No. 517/2018

Diary No. 2531

Imtiaz Ahmad -Vs- Commissioner Mardan

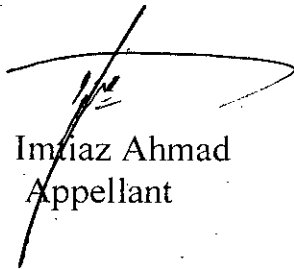
Dated 11-12-2018

APPLICATION FOR REQUISITIONING THE ABOVE MENTIONED APPEAL FOR
EARLY HEARING

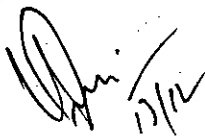
Respectfully Sheweth:-

1. That the above mentioned appeal is pending adjudication before this august Service Tribunal, in which 11.1.2019 is fixed for arguments.
2. That the appellant in this appeal has filed the appeal for reinstatement.
3. That as in the instant appeal the appellant wants reinstatement as his financial position is very bad, therefore, appellant has the desired to hear the instant appeal as early as possible.

It is therefore, humbly prayed that on acceptance of this application the above mentioned appeals may very kindly be fixed for arguments at an early date.


Imtiaz Ahmad
Appellant

The matter shall remain fixed on date already noted in the header's note dated 21/11/2018 as acceleration will require issuance of fresh notices which will not be practicable in the circumstances.


13/12

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR Khyber Pakhtunkhwa
Service Tribunal

Appeal No. 517/2018

Imtiaz Ahmad -Vs- Commissioner Mardan

Diary No. 2231

Dated 11-12-2018

APPLICATION FOR REQUISITIONING THE ABOVE MENTIONED APPEAL FOR
EARLY HEARING

Respectfully Sheweth:-

1. That the above mentioned appeal is pending adjudication before this august Service Tribunal, in which 11.1.2019 is fixed for arguments.
2. That the appellant in this appeal has filed the appeal for reinstatement.
3. That as in the instant appeal the appellant wants reinstatement as his financial position is very bad, therefore, appellant has the desired to hear the instant appeal as early as possible.

It is therefore, humbly prayed that on acceptance of this application the above mentioned appeals may very kindly be fixed for arguments at an early date.


Imtiaz Ahmad
Appellant

Appeal No. 517/2018

Diary No. 2231

Imtiaz Ahmad -Vs- Commissioner Mardan

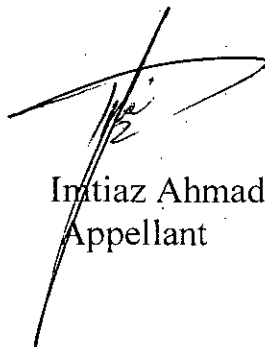
Dated 11-12-2018

APPLICATION FOR REQUISITIONING THE ABOVE MENTIONED APPEAL FOR
EARLY HEARING

Respectfully Sheweth:-

1. That the above mentioned appeal is pending adjudication before this august Service Tribunal, in which 11.1.2019 is fixed for arguments.
2. That the appellant in this appeal has filed the appeal for reinstatement.
3. That as in the instant appeal the appellant wants reinstatement as his financial position is very bad, therefore, appellant has the desired to hear the instant appeal as early as possible.

It is therefore, humbly prayed that on acceptance of this application the above mentioned appeals may very kindly be fixed for arguments at an early date.


Imtiaz Ahmad
Appellant

Before The KPK Service Tribunal Peshawar.

Khyber Pakhtunkhwa
Service Tribunal

Appeal NO. 517/2018

Diary No. 937

Date: 03/09/18

Imbraz Ahmad V/S Revenue Deptt.

Subject: Application for fixing an early date in the instant appeal instead of 23/10/2018

Respectfully Sheweth:

1. That the appellant was ~~dismissed~~ ^{Removed} from service on 9/1/2018 against which the appellant filed service appeal in this august Service Tribunal.
2. That the instant service appeal is in arguments stage and fixed on 23/10/2018 before this Honorable Service Tribunal.
3. That due to removal from service, the financial position of the appellant is hard and unbearable.
4. That it is in interest of justice to fix the appeal on any early date instead of 23/10/2018 to meet the ends of justice.

It is therefore, most humbly prayed that on acceptance of this application an early date may kindly be fixed in instant appeal instead of 23/10/2018 to meet the ends of justice.

Appellant Nigro,

through

Amjad Ali
A.S.C

AFFIDAVIT.

It is solemnly affirmed that the contents of
this application is true and correct

DEPONENT.

Nigro,

Attest: Be Ali
on 03-10-2018

10.9.2018

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

In re:

S.A.No.517/2018

Imtiaz Ahmad Ex-Patwari,Appellant

VERSUS

Commissioner Mardan, District Mardan and another
...Respondents

REJOINDER ON BEHALF OF THE APPELLANT

Sir,

PRELIMINARY OBJECTION

That all the preliminary objections are incorrect, misconceived, denied.

ON FACTS

1-10 That Para No.1 to 10 of the appeal are correct, hence denied. Moreover the Paras have not been replied as correct or incorrect or specific denial, so it can't be termed as reply.

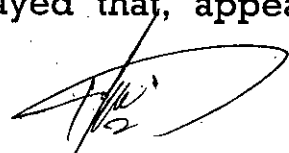
GROUND

All the grounds of the appeal are correct and those of reply are incorrect, hence denied. Moreover, the Khasa girdawari interpreted by and written by his predecessor patwari has been endorsed, there is no fake Girdawari submitted by appellant from the same.

Moreover, no justification for E&D Rules, 2011 except departmental practice which can't save it when in all provinces/ Federation E&D Rules, 1973 are applicable.

PRAYER

It is, therefore, humbly prayed that, appeal may please be accepted.


Appellant
Through


Amjid Ali (Mardan)
Advocate
Supreme Court of Pakistan

AFFIDAVIT

I, do hereby affirm and declare as per information furnished by my client that the contents of the accompanying **Rejoinder** are true and correct and nothing has been concealed from this Hon'ble Court.

Deponent



